



TOWN OF ERWIN

P.O. Box 459 • Erwin, NC 28339
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www.erwin-nc.org

Mayor
Patsy M. Carson
Mayor Pro Tem
Randy L. Baker
Commissioners
William R. Turnage
Thurman E. Whitman
Alvester L. McKoy
Ricky W. Blackmon
Frankie Ballard

REQUEST FOR PROPOSALS (RFP)

For the Provision of Professional Legal Services as the Town of Erwin Town Attorney

Background

The Town of Erwin (estimated population 4,500) operates under a Council-Manager form of government, whereby the Board of Commissioners is responsible for policy decisions and appoints the Town Manager to administer the overall Town organization.

The Board of Commissioners is responsible for the appointment of the Town Attorney. The Town Attorney must develop an effective working relationship with the Town Manager and other town staff. The Town's overall budget totals \$3,352,793.00, and departments include Administration, Finance, Planning, Recreation, Police, Public Works and a Library (water and sewer is through Harnett County).

Scope of Services, Duties, and Responsibilities

Pursuant to N.C.G.S. §160A-173, the Board of Commissioners shall appoint a Town Attorney to serve as its legal adviser. The Town Attorney serves at the pleasure of the Board and, as such, shall perform all legal services assigned by the Board. The Town Attorney will also work closely with the Town Manager to provide legal services requested by the Town Manager and Department Heads. The Board of Commissioners expects that the Town Attorney will give priority to the work assigned on behalf of the Town of Erwin and that she/he will perform all work in a timely manner. If the Board of Commissioners selects a firm to provide legal services, the Board reserves the right to select which attorney from the firm will represent the Town on a routine basis, and requires advance approval of any changes in assignments.

The following is a representative, but non-exhaustive, list of the services typically provided by the Town Attorney:

- Attend regular meetings of the Board, currently scheduled for the first Thursday of each month beginning at 7:00 p.m. and assist with procedural questions;
- Consult with individual Board members, to the extent authorized by the Board;
- Consult with the Town Manager and Department Heads, upon request;

- Draft and/or review Town contracts, ordinances, resolutions, special legislation, bylaws, forms, policies, and procedures;
- Handle or provide oversight of all litigation on behalf of the Town of Erwin;
- Advise on zoning, land development, code enforcement, and related issues;
- Handle real property transactions, including title searches, opinions, and closings; and
- Advise as to compliance with North Carolina General Statutes and local ordinances.

Minimum Qualifications

Qualified candidates must be a member in good standing and licensed with the NC State Bar with at least 5 years progressively responsible experience and/or training in the practice of law, including municipal law and administrative experience. Candidates must also have exceptional knowledge of constitutional, federal and state laws affecting NC municipalities. A working knowledge of governing board procedures, open meetings laws, public records law, economic development incentives, financing and contracts are a plus. Successful candidates should possess excellent communications skills and be able to communicate effectively with public officials and the general public. Successful candidates should also have the ability to analyze and apply legal principles and precedents to local government challenges; draft ordinances and regulations.

Requested Information

Individual/Firm Information

In response to this RFP, each interested individual/firm must provide a Statement of Interest with the following information:

- Full Name/Firm Name (if practicing within a firm);
- Address, telephone number, email address, and website address (if applicable);
- A listing of all post high school education;
- Date of licensure in the State of North Carolina;
- Years in practice;
- Individual (and firm's) legal specialties or emphases of practice (the name of each attorney and number of years of relevant experience in the specified areas of practice);
- The number of attorneys employed (if a professional firm) and/or affiliated with the firm;
- A listing of all current and previous public sector entities for which the individual/firm has provided legal representation, including dates of service and position(s) held;
- The relevant legal experience that qualifies the individual/firm for the position of Town Attorney;
- Any other relevant legal or work experience the respondent would like the Board of Commissioners to consider in evaluating qualifications for the position;
- Details regarding any conflict of interest or potential conflict of interest;

- Identify any disciplinary action by the North Carolina State Bar Association with respect to the applicant or any member of the firm;
- List all government professional associations to which the applicant or the firm belongs.
- The name, address, email address, and telephone number of three client references (preferably from public entities) that can be contacted by the Town.

Fee Information

In response to this RFP, each interested individual/firm must provide the following information:

- Hourly rates and/or retainer to be charged to the Town; and
- Rates and manner in which travel time and any other applicable expenses will be billed; and
- What the retainer will cover.

Respondents may include alternatives to hourly billing, including fixed price representation.

Confidentiality of Proposal

Respondents specifically and categorically agree that, as a condition for the opening and review of their responsive submittals, the information relating to fees and fee structure submitted by every other respondent is confidential and proprietary information in so far as such respondent is concerned. Respondents are further advised that all the terms and conditions, including fees and fee structures, forming part of any agreement entered into shall become, upon such agreement being executed, a public record of the city and subject to full disclosure, and each respondent waives any right to object to any such disclosure.

Conflict of Interest

The Board expects its counsel to notify the Town Manager immediately if counsel becomes aware of an actual or potential conflict. The Board recognizes that on occasion contract counsel will be asked to represent clients whose interests are inconsistent with the Town's, and that counsel may even be asked to represent parties whose interest are in direct conflict with the Town. Only the Board of Commissioners can grant a waiver of conflict. Whenever the Board waives a conflict, the waiver will be conditioned on written agreement from the other client that it will not object to counsel representing the Town in any pending or future matter.

Insurance Requirements

The selected attorney/firm must provide evidence of insurance against claims for injuries to persons or damages to property (including legal malpractice) that may arise out of or in connection with the performance of the contract for legal services, to the extent of the coverage described below. The insurance must name the Town of Erwin as an additional insured and carriers must be acceptable to the Town in order to enter into a contract. These insurance requirements are minimum requirements and in no way limit the

indemnity covenants that will be contained in any contracts entered into by the Town and any particular firm or attorney. The Town in no way warrants that the minimum limits identified are sufficient to protect the selected attorney/firm from liabilities that might arise out of the services provided.

Minimum Coverage Requirements:

Worker’s Compensation	Statutory
Employer’s Liability	\$1,000,000
Comprehensive General Liability	\$1,000,000 per occurrence/\$2,000,000 aggregate
Business Auto Liability	\$1,000,000 combined single limit
Professional Liability	\$2,000,000 per claim and in the aggregate

The Town reserves the right to adjust the insurance requirements for sole practitioners. Any self-insured retentions must be declared to and approved by the Town. If not approved, the Town may require that the insurer reduce or eliminate such self-insured retentions with respect to the Town, its officers, agents, employees, and volunteers.

Submittal Information

Respondents should submit seven (7) copies of the requested information to:

Physical Address:

Town of Erwin
Legal Services RFP // Town Attorney
100 West F Street
Erwin, NC 28339

Mailing Address:

Town of Erwin
Legal Services RFP // Town Attorney
P.O. Box 459
Erwin, NC 28339

The Board of Commissioners will only consider complete submittals received by the Town Manager no later than 5:00 p.m. on Thursday, November 30th, 2017.

Questions regarding submittals should be submitted in writing to Snow Bowden, Town Manager, (910)-591-4200 or email townmanager@erwin-nc.org .

This RFP is not an offer, obligation, or agreement to award work to any respondent. No contractual relationship is created by responding to this RFP. The Town of Erwin reserves the right to accept or reject any or all proposals. The Town reserves the right to waive any irregularity, informality, or technicality in proposals received.