

REQUEST FOR PROPOSALS (RFP)

For the Provision of Professional Legal Services as the Isothermal Planning and Development Commission Attorney

Background

The Isothermal Planning and Development Commission (the Commission) operates as a Planning and Economic Development Commission, whereby the Board of Directors (the Board) is responsible for policy decisions and appoints the Executive Director to administer the overall Commission organization.

The Board may appoint legal counsel to advise the Commission and its staff. The Commission Attorney must develop an effective working relationship with the Commission Executive Director and other Commission staff.

Scope of Services, Duties, and Responsibilities

Pursuant to N.C.G.S. §153A, Article 19, the Board of Directors may adopt By-Laws that arrange the management of the Commission. Article VII Section 6 of the Isothermal Planning and Development Commission By-Laws calls for the appointment of officers, agents, and/or employees of the Commission. The Commission Attorney serves at the pleasure of the Board and, as such, shall perform all legal services assigned by the Board. The Commission Attorney will also work closely with the Commission Executive Director to provide legal services requested by the Executive Director and Senior Staff. The Board expects that the Commission Attorney will give priority to the work assigned on behalf of the Commission and that she/he will perform all work in a timely manner. If the Board selects a firm to provide legal services, the Board reserves the right to select which attorney from the firm will represent the Commission 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 Commission Attorney:

- Consult with individual Board members, to the extent authorized by the Board;
- Consult with the Executive Director and Senior Staff, upon request;

- Draft and/or review Commission contracts, ordinances, resolutions, special legislation, bylaws, forms, policies, and procedures;
- Handle or provide oversight of all litigation on behalf of the Commission;
- 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 and or County law and administrative experience. Candidates must also have exceptional knowledge of constitutional, federal, and state laws affecting NC Councils of Government. 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 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 Commissions 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 Commission 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 Commission 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 Commission, and that counsel may even be asked to represent parties whose interest are in direct conflict with the Commission. Only the Board 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 Commission in any pending or future matter.

Submittal Information

Respondents should submit three (3) copies of the requested information to:

Physical Address:

Isothermal Regional Commission
Legal Services RFP
111 West Court Street
Rutherfordton, NC 28139

Mailing Address:

Isothermal Regional Commission
Legal Services RFP
P.O. Box 841
Rutherfordton, NC 28139

The Commission will only consider complete submittals received by the Commission Executive Director no later than 5:00 p.m. on Thursday, September 25, 2020.

Questions regarding submittals should be submitted in writing to Scott Dadson, Executive Director, (828)-351-2365 or email sdadson@regionc.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 Isothermal Planning and Development Commission reserves the right to accept or reject any or all proposals. The Commission reserves the right to waive any irregularity, informality, or technicality in proposals received.