



**REQUEST FOR QUALIFICATIONS 2022-09
TOWN ATTORNEY FOR THE TOWN OF Edisto Beach, SOUTH
CAROLINA**

A. PURPOSE

The Town of Edisto Beach (“the Town”) is requesting proposals from qualified attorneys to serve as Town Attorney. This is a solicitation specifically for an individual to serve as the Town Attorney; however, if the attorney is a member of a law firm, the attorneys in that firm may also provide legal services to the Town in connection with this engagement.

B. BACKGROUND

Edisto Beach is located approximately 40 miles south of Charleston, South Carolina. The Town has approximately 2,500 residences, condominiums, a public golf course, and limited commercial development. Our current population is approximately 1,033 permanent residents. Due to the large number of vacationers and visitors during the summer months, there are many individuals who enjoy Edisto Beach. The Town is governed by an elected Council form of government. Town Council appoints the Town Attorney.

Council regularly meets on the second Thursday of each month at 6:00 pm and holds a work session the Tuesday prior at 10:00 am.

C. SCOPE OF SERVICE

The Town Attorney is required to provide legal advice and counsel to the Town on a variety of matters pertaining to municipal government operations. Advice and legal support may also be provided to various Town departments, boards, and commissions. The delivery of legal services is coordinated through the Town Administrator and Council and may only be requested by the same or with approval of the same.

The legal services to be provided include, but are not limited to:

- Providing a variety of proactive, high-quality, and timely legal opinions to the Town Council and Town Staff
- Attending regular meetings of the Town Council, and occasional special-called meetings
- Attending Planning Commission meetings, if requested by the Administrator
- Reviewing and/or drafting ordinances, resolutions, and other documents as requested by the Town Administrator or Council
- Reviewing and interpreting local, state, and federal laws, regulations, and ordinances

- Drafting, negotiating and administering contracts, as well as assisting with contract disputes
- Maintaining an appropriate relationship with professional organizations in the field of municipal legal services
- Representing the Town against legal claims
- Recommending and helping select outside counsel for specialized Town legal matters, when appropriate
- All other matters typically associated with municipal government operations
- Other services as may be directed by the Administrator or Council

D. REQUIRED SUBMISSIONS

Please organize and present your responses in the order listed below, and thoroughly address each issue:

- a. A letter of transmittal indicating the firm’s interest in providing the services and any other information that would assist the Town in making a selection. This letter must be signed by a person legally authorized to bind the firm to a contract.
- b. A background and qualifications statement stating the name and address(es) of the firm or individual attorney and describing your capabilities and the history of your firm and the servicing office. If the respondent is a law firm, identify the proposed Town Attorney.
- c. List of attorneys to be assigned to this representation, including the proposed Town Attorney and others who are expected to perform material services, identifying their areas of expertise. Please provide resumes for each of these attorneys, their roles in representation of other municipalities, if any, including municipal litigation experience, and the anticipated chain of command.
- d. Information that explains your firm’s ability to perform, implement, and administer these services, to emphasize experience with other similar municipalities. Summarize all areas of relevant expertise and experience, including the types of services supplied to past and present clients. This information should include areas of specialization, background, and experience in such matters as general municipal law, employment, real estate, planning and zoning, FOIA, and contracts.
- e. A list of not less than three municipal client references (cities or towns) for which services similar to those outlined herein have been provided within the past five years or are currently being provided. This list should include the following information:
 1. Name of the city/town
 2. Timeframe of legal services
 3. Legal services provided by the firm and, more particularly, by the proposed Town Attorney and other attorneys who would be assigned to the Town

4. Name, email address, and telephone number of the principal contact of the city/town

The Town reserves the right to contact these organizations regarding the services performed by the firm.

- f. A description of your approach to communicating with the town regarding recommendations, status of opinions, etc.
- g. A description of your understanding of the scope of work serving as Town Attorney, including availability and responsiveness.
- h. A description of any grievances or claims of ethical misconduct or malpractice asserted against the law firm or individual attorneys that resulted in adverse administrative or judicial findings within the past five (5) years.
- i. List any clients you currently represent that could cause a conflict of interest with your responsibilities as Town Attorney for Edisto Beach and describe how you would be willing to resolve these or any future conflicts of interest.
- j. A description of the firm's professional liability insurance per-claim and annual aggregate limits. A copy of the malpractice policy declaration page.
- k. Include your hourly rate as well as a fixed annual retainer fee for services. The Town attorney will be required to attend all council meetings and work sessions and other meetings as requested. The town prefers that these meetings be included in any retainer fee arrangement proposed.
- l. Please provide your proposed monthly retainer fee for basic services and define what type of work you would consider to be extra or specialized which would be billed in addition to basic services.
- m. The Town uses Microsoft Office suite including Microsoft Word and Excel. Compatibility with Word and Excel is required. Internet services are also required so mail and files can be transmitted electronically.
- n. A concluding statement as to why the respondent is best qualified to meet the needs of the Town, including any other information you deem relevant to your proposal.

Any written questions regarding this Request for Qualifications should be directed to Iris Hill, Town Administrator by email at ihill@townofedistobeach.com by 2:00 p.m. on October 4, 2022.

All questions will be posted, with answers, on the town's website www.townofedistobeach.com by 2:00 on or before September 27, 2022, under RFQ Town Attorney

E. SUBMISSION OF PROPOSALS

Proposals must be signed by an authorized member of the firm, and the name, address, email address, and telephone number of a representative qualified to answer questions during the review process must be included.

Please submit four hard copies of the proposal or email a pdf copy to:

Iris Hill, Town Administrator
Town of Edisto Beach
2414 Murray Street
Edisto Beach, SC 29438
Telephone: (843) 869-2505
Email: ihill@townofedistobeach.com

All proposals must be received by October 4, 2022

The Town reserves the right to: accept or reject any and/or all proposals, for any reason or no reason; request further information or clarifications; and negotiate with any, all or none of the respondents to this Invitation.

F. EVALUATION CRITERIA

The Town reserves the right to accept or reject any and all submissions in the best interest of the Town. In connection with the evaluation, the Town may invite one or more applicants to make an oral presentation to the Town Attorney Selection Committee at a time and location to be announced and may require the submission of supplemental material intended to substantiate or clarify information previously submitted.

The following information will be taken into consideration during the evaluation process:

- Meets qualifications identified in the RFQ
- Proposals included complete and clear responses to items
- Familiarity with laws and regulations governing South Carolina local government and operating procedures relative to conduct of Town business
- Demonstration of workload and a level of experience commensurate with the level of service required by the Town
- The professional reputation for providing high-quality services, ability to work cooperatively with Town Council, Town Administrator, Town staff and demonstrates sound judgment, integrity, and reliability as determined by the references provided

G. EVALUATION PROCESS

The Town Attorney Selection Committee will review the submitted proposals. After review, they will select finalists for interviews. After completing negotiations and contract process, Town Council will appoint a Town Attorney and award a contract. The Town Attorney serves at the pleasure of Town Council and may be removed at any time by a majority vote of the Council.

TIMELINE (PROPOSED)

- Issue Request for Qualifications and Proposals August 31, 2022

- Receive Qualifications and Proposals by 2:00 PM October 4, 2022
- Review Proposals and Select Finalists October 6, 2022
- Finalists Interviews with the Selection Committee TBD
- Complete Contract Process November 3, 2022
- Present Finalist and Contract to Council for Final Approval November 10, 2022

H. CONTRACT AWARD

The Contract will be awarded for a two-year period at a negotiated hourly or annual rate, and automatically renew on the anniversary date of every year for additional one-year periods unless terminated by either party.

All costs, directly or indirectly, related to the preparation of a response to this RFQ or any oral presentation required to supplement and/or clarify the RFQ which may be required shall be the sole responsibility of and shall be borne by the applicant.

The individual or law firm that represents the Town shall not be an employee of the Town; and shall not receive any Town benefits. The attorneys are independent contractors responsible for their own benefits, office expenses, malpractice insurance, and staff.