

Town of North Topsail Beach, North Carolina

Request for Proposal

Municipal Legal Services

The Town of North Topsail Beach, North Carolina, is requesting proposals from qualified attorneys and/or law firms to provide municipal legal services to the Board of Aldermen, and staff of the Town related to Town operations.

Proposals must be received by the Town of North Topsail Beach by 5:00 pm, August 28, 2024, either by US Mail to

Town of North Topsail Beach

Attn: Alice Derian, Town Manager

2008 Loggerhead Court

North Topsail Beach, NC 28460

or via email at

aderian@northtopsailbeachnc.gov

Introduction

The Town of North Topsail Beach operates under the Council/Manager form of government, with the Mayor and Board of Aldermen overseeing policy for the Town. The executive powers are vested with the Town Manager who in turn provides for day-to-day operations.

The Town's general legal services are currently provided by a contract attorney, or by specialist firms when needed.

The Town is seeking proposals from qualified legal service providers, licensed in the State of North Carolina, to represent the Town in a full range of legal affairs relevant to North Carolina municipalities.

General Requirements

The attorney/law firm submitting a proposal must be in good standing and licensed to practice law before all courts and administrative agencies in the State of North Carolina and before the United States District Court for the State of North Carolina.

The Town's legal services provider shall be the appointed Town Attorney by the Town Board of Aldermen, in accordance with the Town Charter, and shall perform the duties as described in the Charter, including, but not limited to, representing the Town in matters of litigation; advising Town officials with respect to the affairs of the Town; drafting legal documents relating to the affairs of the Town; reviewing agreements, contracts, franchises and other instruments concerning the Town; attending meetings of the Town Board of Aldermen and Town Board's and/or Committees as requested; performing other duties as required by law or as the Board may direct.

The Town's appointed Town Attorney shall advise and represent the Mayor, Board of Aldermen, Administrative Officers and staff, and all appointed boards and commissions of the Town with services including, but not limited to matters of legislation, code enforcement, zoning, land use, real estate, labor and employment, finance, taxation, environmental, economic development, law enforcement, Freedom of Information, legal defense of the Town and its Officers, records retention, risk management and State and Federal regulatory issues.

These services shall not include Worker's Compensation, or liability matters where insurance coverage exists.

The Town's contract with an attorney/firm will be for a three-year term, with extensions upon mutual consent, but may be terminated at any time by either party upon 60-day notice to the other party.

Scope of Services

The following are illustrative examples of the services to be provided to the Town of North Topsail Beach by its Town Attorney. This is not to be construed as a complete list of services.

1. Advise the Mayor, Board of Aldermen, Town Manager, and Department Heads upon any/all legal questions arising in the conduct of Town business.
2. Advise the Mayor, Board of Aldermen, Town staff, and all appointed boards and committees on municipal government matters related to official duties/capacities.
3. Prepare and/or review draft ordinances when requested by the Board of Aldermen or Town Manager.
4. Give opinions upon any municipal legal matter or question submitted by the Mayor, Board of Aldermen or Town Manager.
5. When requested, provide counsel to attend any Town Board of Aldermen or Town Committee meeting, said counsel to be the most knowledgeable member of the firm with respect to anticipated issues related to the meeting.
6. Prepare and/or review all contracts and agreements to which the Town is party when so requested by Board of Aldermen or Town Manager.
7. When authorized by the Board, prepare all charges and complaints against, and appear in the appropriate court in the prosecution of, every person charged with the violation of a Town ordinance. Under the direction of the Board, defend Town officials, Board and Committee members and employees in any action or claim against them in their official capacity. In those claims where the Town's insurance company has appointed legal counsel, the Town Attorney shall provide only those services requested by the Town Manager.
8. Immediately report to the Town Manager the filing of any litigation against the Town, as well as the final outcome of any such claim.

9. When requested by the Town Manager, collect unpaid taxes, fines and loans.
10. Prepare deeds, easements and contracts pertaining to real estate and render title opinions on property being acquired by the Town.
11. Additional services from time to time may be required, including counseling Department Heads, elected officials, instructing Board members and employees of the Town in the elements of public law and examining intergovernmental activities.
12. This scope of services does not include: answering inquiries from the general public or press. All such requests shall be forwarded to the Town Manager; providing legal counsel to individual members of the Board of Aldermen or other Town Committees.

Specific Requirements

1. The proposal must identify the principal attorneys within the firm who will be providing legal services to the Town. The proposal should demonstrate the qualifications, competence and capacity of the attorneys to represent the Town in each of the municipal legal service areas. Resumes shall be submitted for each lead attorney specifically assigned to provide services to the Town. The law firm making a proposal must describe the firm's expertise in providing municipal legal services, specifically identifying its expertise in dealing with the General Requirements and Scope of Services above.
2. A member of the law firm selected shall be required to be present at all Board of Aldermen meetings, Planning Board and Board of Adjustments when requested, as well as meetings of any Board subcommittees, when needed. Board of Aldermen and Planning Board meets monthly. The Board of Adjustment meets as necessary.
3. The Town of North Topsail Beach shall not be restricted from appointing specialized counsel as the need arises, or counsel when a conflict is evident.
4. Any firm selected by the Town will be prohibited from assigning, transferring, conveying, subcontracting or otherwise disposing of its responsibility for legal services with the Town or its rights, title, and interest therein, or its powers to

execute such agreement to any other person, company, partnership or corporation without the previous consent and approval in writing from the Board of Aldermen.

5. Firms selected to provide legal services for the Town will not be allowed to represent any person, corporate entity or Town employee in any action against the Town or before any Town board or committee in the regulatory process.
6. The law firm selected as a result of this proposal shall indemnify the Town of North Topsail Beach from all suits, actions or claims of any kind brought on account of any injuries or damages sustained by any person resulting from any act or omission by the firm or its employees which constitutes negligence or malpractice. The firm shall be required to carry professional liability insurance and the proposal must specify the carrier and the coverage limits, which can be no less than one million dollars. An insurance certificate to this effect shall be provided to the Town on an annual basis.
7. Each attorney/firm must agree to keep a complete record of all actions, suits, proceedings and other matters handled by the firm for the Town, including written opinions on legal matters, and to deliver such records to any successor Town Attorney, upon request of the Town Board of Aldermen.
8. Each attorney/firm must identify an address of the offices of the attorneys who would provide services to the Town and their proximity in miles and driving time to Town Hall, North Topsail Beach (2008 Loggerhead Court, North Topsail Beach, North Carolina). The applicant must indicate their availability to provide services in the daytime hours for the first Wednesday at 11:00am monthly (Board of Aldermen Meetings that are subject to change on an annual basis), evening hours between approximately 5:00 p.m. and 11:00 p.m. However, in rare circumstances (emergency situations) there may be times that legal representation is needed at other times including weekends and holidays. The Town reserves the right to request the services from the attorney and/or firm. The method of requesting services after 5 pm shall be established between the Town Manager and Town Attorney.

9. Final selection will be made by the Board of Aldermen, and the selected attorney/firm will operate under the supervision of the Town Manager.

Sealed Fee Statements

Each firm must submit, in a separate sealed envelope or document, the compensation, which will be required for the services of the firm.

The Town of North Topsail Beach will entertain proposals for payment on an hourly basis, flat fee or capped basis, or any combination thereof. Any variations in the hourly rate should be disclosed, along with a rate schedule for the members of the firm that will be assigned to this contract. Any additional billable costs for paralegal or other services should be noted in the proposal. Itemized bills including the date, time and description of service, attorney providing service and that attorney's hourly rate will be required to be submitted prior to payment. Such bills shall be submitted on a monthly basis.

Selection Process

The Town Attorney is a direct appointment of the Board of Aldermen. Proposals shall be reviewed by the Board and Town Manager.

The Town reserves the right to negotiate with any or all bidders, to seek modifications or re-submissions of portions or entire proposals and to accept or reject any and all bids received.

Contract for Services:

It is anticipated that the Town and the attorney or firm will enter into a three-year contract for services after appropriate negotiations, with options to extend the contract upon mutual consent. The contents of this RFP and the representations made in the proposal will become part of any contract awarded as well as any additional terms and provisions negotiated by the parties. In addition, the Town anticipates that the following provisions will become a part of that contract.

Form of the Proposal

Each attorney/firm submitting a proposal is encouraged to submit a proposal based on the following format:

- Outline of the size and experience of the firm
- Resumes of key personnel providing services to the Town, along with individual specialties
- Identify proposed Town Attorney, and how the firm will handle assignments when the Town Attorney is not available
- Proposed mechanism for requesting services after normal business hours
- Listing of municipal clients and references, with contact information

Proposal Form

In order to facilitate comparison of competing proposals, please complete and submit the form below. Please feel free to attach additional sheets where the information requested is more extensive than the space provided.

Contact Information

Name of proposing firm: _____

Mailing Address: _____

Physical Address: _____

Phone: _____

Name of lawyer proposed as Town Attorney: _____

Phone: _____ e-mail: _____

Professional Liability Insurance (certificate to be provided upon award of contract)

Insurance Carrier: _____

Limits: _____

Financial Considerations (to be attached separately in sealed envelope)

Proposed Cost per Hour:

Town Attorney: _____

Associate Attorney: _____

Paralegal: _____

Others: _____

Travel

How will your firm bill for travel time?

attorneys' travel rates: _____

mileage rate _____

Optional compensation proposal