



REQUEST FOR QUALIFICATIONS

TOWN ATTORNEY FOR THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA

A. PURPOSE

The Town of Kiawah Island ("the Town") is requesting proposals from qualified attorneys to serve as Town Attorney. While this is a solicitation specifically for an individual to serve as the Town Attorney, if the attorney is a member of a law firm, other attorneys in that firm may also provide legal services to the Town in connection with this engagement.

B. BACKGROUND

Kiawah Island is a sea island, located 20 miles southwest of Charleston. The Town comprises over 3500 residences, a resort hotel, 4 public golf courses with clubhouses and an upscale shopping center. Our current population is approximately 1700 permanent residents, which increases dramatically in the summer due to seasonal residences, vacationers, and visitors. The Town is run by an elected Mayor-Council form of government. Town Council appoints the Town Attorney.

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 Mayor or the Administrator, 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 Board of Zoning and Appeals meetings
- Reviewing and/or drafting ordinances, resolutions, and other documents as requested by the Mayor or Town Administrator
- Reviewing and interpreting local, state and federal laws, regulations and ordinances
- 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 council for specialized Town legal matters, when appropriate
- All other matters typically associated with municipal government operations
- Other services as may be directed by the Mayor or Administrator

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 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, 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 (5) 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 proposed general approach to serving as Town Attorney, including availability and responsiveness.

- g.** 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.
- h.** A description of the firm's professional liability insurance per-claim and annual aggregate limits. A copy of the malpractice policy declaration page.
- i.** Include your hourly rate as well as a fixed annual rate for services.
- j.** 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 Stephanie Monroe Tillerson by email at stillerson@kiawahisland.org by 2:00 p.m. on Thursday, August 15.

All questions will be posted, with answers, on the town's website www.kiawahisland.org by 2:00 on or before Monday, August 19, 2019, 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:
Stephanie Monroe Tillerson
Town Administrator
Town of Kiawah Island
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
Phone: (843) 768-9166
Email: stillerson@kiawahisland.org

All proposals must be received by 2:00 on Thursday, August 22, 2019

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.

TIME LINE (PROPOSED)

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| • Issue Request for Qualifications and Proposals | July 22, 2019 |
| • Receive Qualifications and Proposals by 2:00 PM | August 22, 2019 |
| • Review Proposals and Select Finalists | Week of Aug 26, 2019 |
| • Finalists Interviews with the Selection Committee | TBD |
| • Complete Contract Process | TBD |
| • Present Contract to Ways and Means for Approval | September 24, 2019 |
| • Present Finalist and Contract to Council for Final Approval | October 1, 2019 |

H. CONTRACT AWARD

The Contract will be awarded for a two-year period at a negotiated hourly or annually rate, and automatically renew January 1 of every year for additional one year periods unless terminated by either party. The individual will have annual evaluations by the Town Council.

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. If requested, office space could be provided at Town Hall for the individual. The attorneys are independent contractors responsible for their own benefits, office expenses, malpractice insurance, and staff.