



July 26, 2021

**REQUEST FOR PROPOSALS #210726-203
for
LEGAL SERVICES**

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

Travis Henley

Planning & Community Development Director

Pender County, North Carolina
805 S. Walker Street, Burgaw, NC
Tel: (910) 259-1202 • Fax: (910) 259-1295
www.pendercountync.gov
thenley@pendercountync.gov

I. GENERAL INFORMATION

A. **Purpose.** This request for proposal (RFP) is to contract for legal services to be provided to Pender County for the period from September 1, 2021 (subject to review and approval) through June 30, 2022. Legal services requested are primarily in the field of land use regulation and enforcement of related ordinances as well as grant administration.

B. **Who May Respond.** Only attorneys who are currently licensed to practice law in the State of North Carolina and maintain an office in North Carolina or law firms including such attorneys, may respond to this RFP.

C. Instructions on Proposal Submission.

1. **Closing Submission Date.** Proposals must be submitted no later than 4:30 pm on Friday, August 13, 2021.

2. **Inquiries.** Inquiries concerning this RFP should be mailed to:

Travis Henley, Planning and Community Development Director
Pender County, North Carolina
805 S. Walker Street
Burgaw, NC 28425

Or e-mailed to: thenley@pendercountync.gov, no later than 5:00 pm on Wednesday, August 4, 2021.

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by Pender County.

4. **Instructions to Prospective Contractors.** Your proposal should be addressed as follows:

Travis Henley, Planning and Community Development Director
Pender County, North Carolina
805 S. Walker Street
Burgaw, NC 28425

It is important that the Offeror's proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

SEALED PROPOSAL FOR LEGAL SERVICES, RFP # 210726-203

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Offeror to ensure that the proposal is received by Pender County, by the date and time specified above. Late proposals will not be considered.

5. **Right to Reject.** Pender County reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
6. **Small and/or Minority-Owned Businesses.** Efforts will be made by Pender County to utilize small businesses, women and/or minority owned businesses. Offeror qualifies as a small business firm if it meets the definition of "small business" as established by the Small Business Administration ([13 C.F.R. § 121.201](#)).
7. **Notification of Award.** It is expected that a decision selecting the successful Firm will be made within three (3) weeks of the closing date for the receipt of proposals. Upon conclusion of final negotiations with the successful Firm, all Offerors submitting proposals in response to this Request for Proposal will be informed, in writing, of the name of the successful applicant. It is expected that the contract shall be a one (1) fiscal year "as needed" contract (to end June 30, 2022) with option for renewal for up to an additional three (3) years.

8. **Description of Entity**

Pender County was founded in 1875, with the Town of Burgaw as its county seat. The County is home to numerous diverse landscapes, ranging from the rural western side, where agriculture is the dominant economic driver; to the rapidly urbanizing Hampstead area along US HWY 17; to Topsail Island and the beaches of Surf City and Topsail Beach. Pender County strives to provide excellent customer service and sustain the health, safety, and prosperity of all citizens while maintaining a focus on fiscal responsibility and transparency.

Pender County Planning & Community Development is responsible for ensuring the growth and development of the County occurs in an orderly manner in accordance with the County's goals and objectives. The Department is made up of three divisions: Inspections, Permitting, and Planning. The Inspections and Permitting Divisions are responsible for coordinating the issuance of building permits and inspections throughout the course of construction to ensure that the standards of the various North Carolina Building Codes are being followed. These divisions are made up primarily of Permit Technicians and Building Inspectors.

The Division of Planning is much broader in scope and offers services and expertise in the fields of site plan and subdivision review, long range planning, floodplain administration and hazard mitigation, and code enforcement. The work of this division is governed primarily by the Pender County Unified Development Ordinance.

II. SCOPE OF SERVICES. The Offeror shall be readily available to perform the following legal services, as requested by the Planning and Community Development Director and/or their designee(s), the County Manager and/or their designee(s), and Governing and applicable Advisory Boards:

1. Advise on governmental legal issues
2. Pursue court-ordered compliance, injunction and abatement, and institution of civil penalties as laid out in the Pender County Unified Development Ordinance.
3. Review personnel, fiscal and other policies, as well as organizational by-laws
4. Attend governing board and committee meetings as necessary
5. Advise on government grant and contract issues
6. Advise on responses to subpoenas, court orders, and requests for information from third parties
7. Defend lawsuits, administrative claims, or other legal claims
8. Conduct litigation as necessary
9. Other legal services as needed

Although it is preferable for an attorney or firm to submit a proposal covering all of the above areas, Pender County will consider proposals for subsets of these areas.

Offeror shall be prepared to submit detailed billing statements for all services billed at an hourly rate, if any, broken down into time increments of no more than a quarter hour. Offeror shall also include summaries of work performed and time spent on services performed.

III. PROPOSAL CONTENTS. The Offeror shall, as a minimum, include the following in its proposal;

A. **Legal Experience.** The Offeror should describe its legal experience, including the names, addresses, contact persons, and telephone numbers of at least three clients, preferably including clients similar to Pender County. Experience should include the categories identified in Section II, Scope of Services.

B. **Organization, Size, Structure, and Areas of Practice.** If the Offeror is a firm, it

should describe its organization, size, structure, areas of practice, and office location(s). Indicate, if appropriate, if the firm is a small or minority/owned business. Also include copy of Equal Opportunity/Affirmative Action Policy, if the firm has one.

1. **Attorney Qualifications.** The Offeror should have experience in the areas identified in Section II, Scope of Services. The Offeror should describe the qualifications of attorneys to be assigned to the representation. Descriptions should include the professional and educational background of each attorney.
 2. Overall supervision to be exercised (including Organizational Chart, as appropriate).
 3. Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.
- C. **Price.** The proposal should include information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. The proposal should include a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. Pender County reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

IV. PROPOSAL EVALUATION

- A. **Submission of Proposals.** All proposals shall include an original and 10 copies and reference RFP # 2107206-203 .
- B. **Evaluation Procedure and Criteria.** Pender County's County Manager, Planning and Community Development Director, and appropriate staff will review proposals and make recommendations to the Board of Commissioners for final approval. The Board of Commissioners may request a meeting with some qualified Offerors prior to final selection. Meetings may be conducted electronically. Proposals will be reviewed in accordance with the following criteria:
 1. Proposed approach to scope of work;
 2. Level of experience of the individual(s) identified to work on this matter;
 3. The Offeror's experience with similar clients and legal matters;
 4. Response from references;
 5. Cost; and

6. Interviews, if conducted.

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