

# REQUEST FOR PROPOSAL

TO PROVIDE

LEGAL SERVICES

January 27, 2010



**VILLAGE OF MARVIN**

**NORTH CAROLINA**

The Village Council of the Village of Marvin is accepting applications from those interested in serving as Village Attorney. Licensed attorneys who wish to be considered for the post should submit an application to Mary Jo Gollnitz, Village Administrator, Village of Marvin, 10004 New Town Rd., Marvin, NC 28173. The deadline for applications is Thursday, April 1, 2010.

# Village of Marvin

10004 New Town Road  
MARVIN, NC 28173  
www.marvinnc.org  
704-843-1680  
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## VILLAGE OF MARVIN, NORTH CAROLINA VILLAGE ATTORNEY POSITION

### OVERVIEW

The Village Council of the Village of Marvin is accepting applications from those interested in serving as Village Attorney. The Village of Marvin operates under the Mayor-Council form of government. Under this form of government, the Village Attorney is appointed directly by the Council. There is no specified term for the Village Attorney's service to the Village. The Mayor and Village Administrator have no appointing authority for the Village Attorney, but a cooperative working relationship among the Village Attorney, Council, Mayor, Village Administrator, and Village staff is essential.

The Village Council has directed the Administrator to solicit expressions of interest from those individuals interested in filling this position. The Village Attorney will provide general legal counsel to the Council, Mayor, Village Administrator, and Village staff, and, if necessary, will provide legal counsel to the Village as plaintiff or defendant.

The purpose of all submitted proposals is to demonstrate the qualifications, competence, depth and capability of the firms seeking to provide legal services to the Village of Marvin in conformity with the requirements of this request for proposals. The proposal should address all the points outlined in the request for proposals. The proposal should be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the request for proposals.

Typical responsibilities of the Village Attorney will include:

- Attendance at the monthly Village meeting (second Tuesday of the month)
- Attendance at monthly Committee Meetings (work sessions) as needed
- Attendance at special-called meetings as needed
- Legal advice and other legal services as requested by the Council, Mayor, and/or Village Administrator
- Review of official Village contracts
- Assist in development and review of draft ordinances/amendments prepared by Village staff, prior to consideration by the Council
- Approve all official bonds
- Review and approve draft resolutions as to form as requested

- Assistance with real estate transactions, including tax foreclosures, associated with Village projects and/or operations
- Assist in development and review draft or approve deeds, contracts and any other instruments relating to the business of the Village
- Prosecute and defend suits for and against the Village and for and against Village officers acting in their official capacity
- Advise the Mayor, Council and other Village officers, as to the legality and legal consequences of proposed courses of action

Desired Qualifications of the sole practitioner and/or firm

- A thorough understanding of the legal framework of municipal government in North Carolina
- Diverse legal experience, particularly in the areas of municipal liability, regulation of new development, public employment law, construction and professional service contracts, and real estate law.
- Prior municipal law experience in service to a North Carolina city, village, or county.
- Accessibility for the Mayor, Council, Village Administrator and designated village staff as needed.

The Village of Marvin reserves the right to reject all or any part of any or all proposals, to waive technical or legal deficiencies and to accept any proposal that it deems to be in the best interest of the Village. Proposed fees must be firm for one (1) year from acceptance date of proposals with an escalating scale for the next three (3) years.

It is Marvin's intent that this RFP shall permit competition. It shall be the respondent's responsibility to advise the Village Administrator in writing if any language, requirement, specification, etc., or any combination thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source. Such notification must be received by the Village Administrator not later than ten (10) days prior to the date set for proposals to close.

All responses to this solicitation must be returned to Marvin Village Hall no later than 2:30 p.m. Thursday, April 1, 2010. The address above may be used by those wishing to mail responses. These will then be turned over to the Mayor and Council for their review and consideration. Should you have questions or need further information, please do not hesitate to contact our office.

Thank you.

Mary Jo Gollnitz  
Village Administrator

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VILLAGE ATTORNEY POSITION**

**PROPOSAL INFORMATION**

While additional data may be presented, the following subjects and questions must be addressed.

1. Name, address, telephone number, fax number and email address of firm. Include contact person and telephone number for purposes of following up on proposal.
2. Please tell us about your educational background. This should include undergraduate degrees, law degrees and any other degrees which you hold. This might include general information about you, where you grew up and any other information you may wish to share with the Council.
3. State the size of the firm, the firm's municipal law staff, the location of the office from which the work on this position is to be performed and the number and nature of the professional staff to be employed in this appointment.
4. Narrative about the history of the firm, including date of inception, experience with relevant North Carolina municipal, state and federal law and their experience performing services to North Carolina municipalities.
5. Narrative of the qualifications of the person(s) proposed to work directly with the Village to include:
  - a. Legal training, years of practice, area of specialization; include date of admittance to North Carolina Bar;
  - b. Years of municipal, county or state government law practice;
  - c. Litigation experience and demonstration of a satisfactory court track record;
  - d. Identify any professional affiliations/detail experience in representing North Carolina municipalities.
6. Identify the accessibility of the proposed designated lead Attorney, and the response time that the individual offers to the Village.
7. Narrative about the resources of the firm, to include clerical and support staff, library and research capabilities, and other relevant information.
8. Describe the level of coverage for malpractice insurance your firm carries. Is the coverage on a per client basis, or is the dollar figure applied to the firm as a whole? Provide documentation of the malpractice insurance coverage.
9. Within the last five years has your organization, its officers, partners, employees, shareholders or principals been a party in any litigation or other legal proceedings as a defendant relating to the services provided by your entity? If so, provide an explanation and indicate the current status or disposition of any such situation.

10. State whether the firm, its officers, partners, principals, agents, or employees, that are expected to perform services under this RFP, have been disciplined, admonished, warned, or had any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.
11. Has the firm been in bankruptcy, reorganization or receivership in the last five years? If so please explain current status
12. Has the firm been disqualified or terminated by any municipal, county, state government or other public agency? If so please explain under what circumstances this disqualification or termination occurred.
13. If you were selected as Village Attorney, what fees would you charge? Would there be a minimum? Would there be a retainer? Also, please provide a concise statement explaining the sole practitioner/firm's approach and ideas for controlling/limiting the Village's legal expenses.
14. The position of Village Attorney is often contacted by the Village Administrator, Village Clerk, Senior Planner, and other staff members and elected officials regarding legal matters. In addition, the Village Attorney attends meetings of the Village Council and other Village meetings as needed. If you were to be on vacation or out for any reason, how would you propose that Marvin's legal business be handled?
15. Please provide a statement identifying the sole practitioner/firm's current clients doing business in and around the Village of Marvin area that have the potential to present a conflict of interest, and the sole practitioner/firm's approach to avoid potential conflicts of interest. Identify any conflicts of interest that your firm may have in representing the Village of Marvin.
16. Please provide a list of references for the Village to contact.
17. Please share any other information you feel would be helpful to the Council as they make the decision on the Village Attorney.
18. Describe your plan for transitioning from the Village's current attorney services and how you plan to handle existing lawsuits. Include your estimated time needed for the transition and what type of relationship you anticipate with the current attorney.
19. The Council may require interviews with firms at their discretion.