

**REQUEST FOR PROPOSAL
TO PROVIDE
LEGAL SERVICES**

February 18, 2010



**BLACK MOUNTAIN
NORTH CAROLINA**
(pop. 8,597)

The Black Mountain Board of Aldermen is accepting applications from those interested in serving as Town Attorney. Licensed attorneys who wish to be considered for the post should submit an application to Town Manager, 160 Midland Avenue, Black Mountain, NC 28711.

The deadline for applications is Wednesday, March 31, 2010.

TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

828-419-9311

FAX: 828-669-4204

www.townofblackmountain.org

townmanager@townofblackmountain.org

TOWN ATTORNEY POSITION OVERVIEW

The Black Mountain Board of Aldermen is accepting applications from those interested in serving as Town Attorney. The Town of Black Mountain operates under the Council-Manager form of government, with 5 voting aldermen and a mayor, all elected at large for four-year staggered terms. Under this form of government, the Town Attorney is appointed directly by the Board of Aldermen. There is no specified term for the Town Attorney's service, however the terms of appointment are reviewed every two years, coincident with installation of the Board following each municipal election. Neither the Mayor nor Town Manager have appointing authority for the Town Attorney, but a close and cooperative working relationship among the Town Attorney, Town Manager, Board, Mayor, and Town staff is essential.

The Board of Aldermen has directed the Manager to solicit expressions of interest from those individuals interested in filling this position. The Town Attorney will provide general legal counsel to the Board, Mayor, Town Manager, and Town staff, and, if necessary, will provide legal counsel, and/or coordinate additional outside legal counsel to the Town 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 Town of Black Mountain 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 individual's or firm's capabilities to satisfy the requirements of the request for proposals.

Typical responsibilities of the Town Attorney will include:

- Attendance at monthly Board meetings (second Monday of the month at 6:00 PM)
- Attendance at monthly Agenda Workshop Meetings (currently second Monday of the month at 5:00 PM, with schedule subject to change)
- Attendance at special-called meetings as needed
- Legal advice and other legal services as requested by the Board, and/or Town Manager
- Attendance at and legal advice for other Town boards and commissions as requested by Board, and/or Town Manager
- Review of Town contracts

- Assisting in development and review of draft ordinances/amendments prepared by Town staff, prior to consideration by the Board
- Approval of all official bonds
- Review and approval of draft resolutions as requested
- Assistance with real estate transactions, including foreclosures, preparation of deeds and property descriptions, filing of liens, and sale or acquisition of property associated with Town projects and/or operations
- Assistance with development and review of deeds, contracts, offers and any other instruments relating to the business of the Town as requested
- Legal prosecution and defense for and against the Town, and for and against Town officials acting in their official capacity
- Advise the Mayor, Board and other Town officials, 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 local government law experience in service to a North Carolina city, town, village, county or related local government entity
- Accessibility and prompt response for the Mayor, Board, Town Manager and designated Town staff as needed

The Town of Black Mountain 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 Town. Proposed fees must be guaranteed for two (2) years from acceptance date of proposal, with review and negotiation of terms, every two years thereafter.

It is Black Mountain's intent that this RFP shall permit competition. It shall be the respondent's responsibility to advise the Town Manager in writing if any language, requirement, specification, or combination thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source. Such notification must be received by the Town Manager no later than ten (10) days prior to the date set for proposals to close.

All responses to this solicitation must be returned to the Town Manager by 5:00 p.m. on Wednesday, March 31, 2010. Responses will be accepted by electronic means or by physical delivery via the address and contact information shown above. All responses will be provided to the Board for review, consideration and disposition. Should you have questions or need further information, please do not hesitate to contact me.

Thank you.



Marcy Onieal

Town Manager

**BLACK MOUNTAIN, NORTH CAROLINA
TOWN ATTORNEY POSITION**

PROPOSAL INFORMATION

Applicants may present information in any format and may provide additional data or supporting documentation as desired, however, the following information is required, and applicants are encouraged to be brief and concise.

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 provide a brief description of your personal, educational and professional background. Educational background should include undergraduate and postgraduate degree(s), and any relevant information regarding licensure, certification, honors, and/or professional associations with which you are involved. You may include any other personal information you deem relevant and wish to share with the Board.
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. Provide a narrative of the history of your firm, including date of inception, experience with relevant North Carolina municipal, state and federal law and the firm's experience performing services to North Carolina local government entities.
5. Narrative of the qualifications of the person(s) proposed to work directly with the Town 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 Town.
7. Identify other resources the firm has to offer, including 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 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 are selected as Town Attorney, what fees will you charge and under what terms? (e.g. Will you require a monthly minimum or retainer?) Also, please provide a concise statement describing your philosophy for cost effectiveness in providing legal services to the Town.
14. How do you propose to meet the Town's legal needs when you are on vacation or are otherwise unavailable?
15. Please identify any conflicts, or potential conflicts of interest that your firm may have in representing the Town of Black Mountain, and your approach to avoiding conflicts of interest.
16. Describe your plan for transitioning service from the Town's current attorney and how you plan to handle any existing lawsuits or legal matters. Include estimated time needed for the transition and what type of relationship you anticipate with the current attorney.
17. Please provide a list of client references with whom we may confer.
18. Please share any other information you feel would be useful to the Board as they consider proposals for legal services.

Please be advised that the Board of Aldermen may request candidate interviews prior to rendering a decision.