

REQUEST FOR PROPOSALS

FOR

LEGAL SERVICES



RFP#15-003-A

Issued: May 4, 2015

Due: May 26, 2015 @ 2:00 PM

Issued by: James Island Public Service District Commission

NOTE: The James Island Public Service District Commission will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Proposal.

PART I – INTRODUCTION

1.1 DEFINITIONS

For the purposes of this Request for Proposals, the following definitions shall apply:

The term “**DISTRICT**” means the James Island Public Service District.

The term “**RFP**” means this Request for Proposals.

The terms “**Offeror**”; “**Firm**”; “**Proposer**” mean the company(s), firm(s) or individual(s) from whom proposals are requested.

The term “**COMMISSION**” refers to the elected governing body of the James Island Public Service District.

1.2 OVERVIEW

The James Island Public Service District is a special purpose district created by Act No. 498 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Regular Session of 1961, for the purpose of providing wastewater, fire protection, street lighting and signage and solid waste services on James Island. The District comprises an area of approximately 84 square miles, including land and wetlands, located on James Island in Charleston County. The District serves a population of approximately 24,000 people.

The District is governed by a Board of Commissioners, consisting of seven members, elected at large by the residents of the James Island Public Service District. The District Manager serves as Chief Executive Officer, organizes and directs the overall operations in accordance with the policies of the James Island Public Service District Commission and under applicable State and Federal laws, rules and regulations.

PART II – STATEMENT OF WORK

2.1 SCOPE OF SERVICES

The James Island Public Service District requests proposals from qualified legal firms to provide legal services with experience in all legal matters. Other primary responsibilities include but are not limited to: providing legal direction and advising on matters of legal strategy; construction contracts; ethics issues; litigation; real property laws and codes; verifying property titles and ownership; contract negotiations; reviewing draft ordinances and resolutions; manage and coordinate matters referred to other counsel as needed.

Under the direction of the Commission, legal services shall include, but not be limited to:

- 1) Attendance and guidance during Commissioners meetings (regular or special) and other meetings as requested, and supervision, as to legality of the official minutes of the District.
- 2) Conferring with and advising the District Manager and members of the Commissioners on legal matters and issues when requested.
- 3) Drafting and/or review of legal documents, papers, contracts, agreements, certifications, resolutions, ordinances, bonds, waivers, and such other legal drafting as may be required.
- 4) Appearance for and representation of the District, in court, in all litigated matters except as herein otherwise provided.
- 5) Guidance to the District and staff regarding real estate procedures, as well as the completion of real estate transactions, including the review of utility easements.
- 6) Defense of the District during litigation arising out of the course of operations of the District.
- 7) Review of Federal and State guidelines and regulations and advise the District and staff to the consequence as necessary.
- 8) Approval of the legality of contracts and all payments thereunder.
- 9) Handling of all legal questions and matters arising under contracts of the District and rendering legal opinions on all matters submitted by the Commission and/or District Manager.
- 10) Review and approval of all documents pertaining to temporary and permanent financing.
- 11) Advising and representing the District with regard to issues and claims arising out of construction contracts.
- 12) The preparation of all documents relating to the issuance of obligations of the District as assistance rendered to special Bond Counsel in the issuance general bonds and/or securing loans through the SCB&CB State Revolving Fund.
- 13) Other legal services as may be requested by the Commissioners and/or District Manager.

NOTE: There is no guarantee expressed or implied to the number of hours that could result from these services.

2.2 FIRM QUALIFICATIONS

The description of respondent's qualifications and experience shall provide evidence or demonstrate that respondent possesses the following:

- Strong analytical and interpretive skills, as well communication expertise, particularly with regard to State and Local government matters; and experience in applying same.

- Skills, capabilities, capacity and work experience of a demonstrated level that would assure completion of the scope of work in a timely and satisfactory manner.
- All necessary and/or required licenses, registrations, and certifications.
- Certification that the firm/individual is not debarred, and has all necessary and/or required insurance coverage in effect.
- Ten or more years of experience representing a municipality, special purpose district, or any other government entity or its relative equivalent.

PART III – SPECIAL CONDITIONS

The successful firm will not be required to enter into a contract; rather, hourly rates apply when legal services are requested by the Commission and/or District Manager as needed.

PART IV – SUBMISSION REQUIREMENTS

4.1 GENERAL CONDITIONS

The RFP will be available at the Administrative Office of the James Island Public Service District, 1739 Signal Point Road, James Island, and available on the District website www.jipsd.org.

All addenda and responses to written questions will be published on the District website or available in hard copy if requested. It is the respondents' responsibility to check the District website for addenda changes and written question responses.

All proposals must conform to requirements outlined herein. The District reserves the option to require or to request additional information from selected candidates. There may be subsequent instructions, if any, issued to the selected candidates.

Any amendment or addenda may be issued prior to the opening of proposals for the purpose of changing or clarifying the intent of this RFP. All amendments or addenda shall be binding in the same way as if originally written in this RFP.

The Offeror shall identify any conflicts of interest which may arise if the Offeror serves as the District's counsel and shall describe how it proposes to avoid such conflicts. The contract will require the Offeror to notify the District immediately of any potential conflicts of interest and to undertake immediate action to eliminate the source of the potential conflict. The District will reserve the right to make the Offeror aware of situations which may present a conflict of interest and require the Offeror to promptly remedy the situation to the satisfaction of the District.

Offerors shall be responsible for informing themselves with respect to all conditions, which might in any way affect the cost or performance of any of the work. Failure to do so shall be at the sole risk of the Offeror and no relief shall be given for errors or omissions by the Offeror.

This RFP does not represent a commitment or offer by the District to enter into contract, or other agreement with proposer. The proposal and any information made a part of the proposal will become a part of the District's official files without any obligation on the District's part to return it to the individual proposer. This RFP and the selected firm's proposal will, by reference, become a part of any formal agreement between the firm and the District resulting from this solicitation.

The District reserves the right to waive any irregularities or formalities in any or all proposals. Failure to furnish all information requested may disqualify a proposer.

The U.S. Department of Agriculture (Rural Development), the State of South Carolina Budget and Control Board, Commission, and any duly authorized representatives of each, shall have access to, and the right to examine any and all pertinent books, records, documents, invoices, papers, and the like, of the firm, which shall relate to the performance of the services provided.

The Offeror shall not collude in any manner or engage in any practices with any other proposer(s), which may restrict or eliminate competition. Violations of this instruction will cause the proposal to be rejected. This prohibition is not intended to preclude joint ventures or subcontracts.

4.2 PROPOSAL REQUIREMENTS

The following is a description of the minimum information which must be supplied in your proposal. You may give supplementary facts or other materials that you consider may be of assistance in the evaluation.

A. Executive Summary

Provide a brief summary of your firm's approach to the work associated with the requested services, demonstrate an understanding of the scope of services required, and approaches to be utilized in performing these services, specifically related to the rules, regulations associated with special purpose districts or state governmental entities.

B. Experience

Describe how long the Attorney or Law Firm has been in business and current structure. Provide any other names under which the firm has done business and the dates it operated under each name and the locations at which it operated under each name. Describe the experience of the Offeror conducting comparable services during the most recent five-year period similar in scope to the services required by the District. Provide a list of companies or governmental agencies or organizations to which your firm is currently providing services. If this does not include at least three entities, then provide the names of the entities for which similar services have been provided.

For each client entity include:

- A brief description of the scope of work
- The name and contact information of the individual that administered your contract(s)
- Explain the roles performed by the proposer for the client entity

C. Qualifications

Provide the qualifications and experience the firm has in providing services outlined in Section 2.1 Scope of Services, including Board certifications held. Describe Offeror's experience with special purpose districts or state/local government legal issues. List all key members of the firm who will be committed to this contract. Indicate the level of effort and function of each member of the firm toward the execution of this contract. Prepare an organizational structure to show how the key members will be involved. Include resumes for these individuals.

D. Schedule of Performance/Timeliness/Deliverables

Each proposal shall include a description of how the firm intends to assume responsibility of existing legal matters and how soon the firm would be in a position to provide services. The description should also include the firm's availability for all future services outlined in Section 2.1 (i.e., court appearances, Commission meetings, etc.).

E. Cost

Provide hourly billing rates for services. Provide the structure of rates for partners, associates, paralegals, couriers, etc. Selected proposer must be capable of tracking and billing (invoicing) all work hours and materials (if reimbursable) by specific program or funding source as required by the District. Any proposer not capable or willing to comply with this requirement will be considered non-responsive. Preferred formatting will be agreed upon during contract negotiations.

F. Exclusions

Costs as described in the following section shall be underwritten by the District subject to the approval process described herein in addition to amounts bid on the basis of this specification:

All reasonable and necessary expenses paid out or incurred on behalf of the District in the provision of required services as described such as court costs, witness fees, recording fees, etc., but not including the Attorney's office or overhead expenses.

G. Insurance

The successful Offeror shall provide the District with evidence of all appropriate and applicable insurance coverage carried by the firm, including policy coverage periods. Offerors shall furnish the District with certificates of insurance, showing that the following insurance is in force and will insure all operations under this RFP.

- Professional Liability Insurance – The successful Offeror shall maintain a policy of professional liability insurance in the amount of at least \$2,000,000 per occurrence.
- Workers' Compensation in accordance with the State of South Carolina rules and regulations.
- General Liability Insurance with a single limit for bodily injury of \$1,000,000 per occurrence and property damage limit of no less than \$1,000,000 per occurrence.
- Automobile liability on owned and non-owned motor vehicles used on the site(s) or in connection herewith for a combined single limit of bodily injury and property damage of not less than \$1,000,000 per occurrence.

All insurance shall be carried with companies that are financially responsible and admitted to do business in the State of Carolina. Offeror shall not permit the insurance policies required to lapse during the period for which the Agreement is in effect. All certificates of insurance shall provide that no coverage may be cancelled or non-renewed by the insurance company until at least thirty days prior written notice.

PART V – PROPOSAL SELECTION

5.1 EVALUATION FACTORS

Selection of a successful Offeror will be the sole discretion of the Commission. The Ways and Means Committee will review Offeror responses to this RFP. Proposals will be evaluated using the following evaluation criteria. Offerors will be selected based on the highest cumulative score, as provided below. The Commissioner, however, reserves the right to reject any and all proposals and to waive any informality in proposals received for any reason whatsoever.

During proposal evaluation, the Commission reserves the right to call for supplementary information from Offerors and to meet with all or any one of them to clarify points of uncertainty or ambiguity.

If selected, candidates may be requested to attend an interview to discuss the proposed scope of work, including availability of equipment and staffing, accounting and payment procedures, schedules, qualification of subcontractors proposed for portions of the work, and such other items as are directly related to the proposal prior to being awarded the contract.

Interviews and negotiations may be conducted with contractors who have a reasonable chance of being selected for award. After evaluation of the proposal revisions, if any, the contract will be awarded to the responsible firm whose qualifications, price and other factors considered are advantageous to the District.

5.2 EVALUATION CRITERIA

Offeror's compliance with all specifications and/or other requirements contained in this RFP (excluding cost).

Government Law Relevant experience and qualifications with annexation and South Carolina Code of Laws and Federal rules relative to real property. (50 points)

General Counsel and Litigation Relevant experience and qualifications with construction contracts. (25 points)

General Counsel and Litigation Relevant experience and qualifications with public agency law including applicable State of South Carolina and Federal rules and regulations. (25 points)

5.2 SUBMISSION INSTRUCTIONS

Prospective Offerors desiring any explanation or interpretation of the solicitation must request it by May 12, 2015, at least fourteen (14) calendar days before the RFP due date. This will allow issuance of any necessary amendment to the RFP.

Any request for additional information must be addressed to Commissioner Hollingsworth, at the address stated below. Any information given to a prospective Offeror about this solicitation will be furnished to all other prospective Offerors as a written amendment to the solicitation. All communication for this RFP shall be in writing. Any verbal communication in regards to this RFP will be considered non-binding.

All responses to the RFP must be enclosed in a sealed envelope and labeled as follows:

LEGAL SERVICES RFP

The RFP response must be addressed to:

**Mailing Address: JPSD Commission
Attn: Chairman
PO Box 12140
James Island, SC 29422**

**Physical Address: JIPSD Commission
Attn: Chairman
1739 Signal Point Road
James Island, SC 29412**

All Proposals are due by 2:00 PM, EST, Tuesday, May 26, 2015.

Any proposal received after this deadline will not be considered.

- The District reserves the right to reject any or all proposals with or without cause.
- Offers by telegram, telephone, facsimile, e-mail, and handwritten proposals will not be accepted by the District.

One (1) original and seven (7) copies of the proposal must be submitted.

5.3 TIMETABLE

1. RFP Available	May 4, 2015
2. Deadline for Written Questions	May 12, 2015
3. Response to Written Questions Completed	May 19, 2015
4. Submittals Due	May 26, 2015
5. Selection of Shortlist Candidates	June 22, 2015
6. Interviews Completed	July 9, 2015
7. Approval by Commission	July 13, 2015

JAMES ISLAND PUBLIC SERVICE DISTRICT “LEGAL SERVICES”

PROPOSAL ACKNOWLEDGEMENT OF ADDENDA AND

RESPONSES TO WRITTEN QUESTIONS

Offeror acknowledges having checked the District website, www.jipsd.org, for all Addenda and responses to written questions through the end date for responses to written questions and addenda of May 19, 2015.

Noted addenda numbers are listed below with the date of receipt.

Date of Receipt

Addenda 1 _____

Addenda 2 _____

Addenda 3 _____