

**SPECIAL PERSONNEL COMMITTEE MEETING**

4:30 p.m., Monday, October 8, 2018

Council Chambers

1207 Palm Boulevard, Isle of Palms, South Carolina

**AGENDA**

1. Call to order and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.
  
2. Purpose  
Review of the RFP for City Attorney and the RFP for the Assistant City Attorney
  
3. Adjournment

**City of Isle of Palms, South Carolina  
Request for Proposals (RFP 2018- 03)  
City of Isle of Palms City Attorney**

In compliance with the City's Procurement Ordinance, the City of Isle of Palms, South Carolina is soliciting proposals from qualified attorneys with experience advising and representing South Carolina municipalities for the appointment of the City Attorney. To be qualified, attorneys must be licensed to practice law in South Carolina and must have at least five (5) years of civil practice experience in commercial law, contracts, real estate, torts, municipal law, or other related areas. The goal of this RFP is to solicit proposals from various candidates, conduct a fair evaluation based on criteria listed herein, and select the candidate who can best meet the needs of the City. The request will be awarded pursuant to the City's procurement ordinance.

**City Government**

The City of Isle of Palms was incorporated in 1953. The City operates under a Council form of government and has a nine-member City Council comprised of a Mayor and eight Council members who serve four-year staggered terms with elections in odd- numbered years. The Mayor and Council are responsible for the efficient operation of the city government through policies and ordinances that are carried out by the Council-appointed City Administrator.

The City Council appoints the City Attorney to represent the City in court, to advise City officials and employees and to do the legal work for the City as may be required from time to time. The City Attorney is expected to coordinate operational activities and priorities with the City Administrator to carry out the City Council's policy directives. The City Attorney must adhere to the highest ethical standards.

The City Council meets on the fourth Tuesday of each month at 6:00 p.m. Occasional work sessions and special meetings may be held at the request of the Mayor and City Council.

**Scope of Work**

The City Attorney shall be admitted to practice law in the State and shall be a member of the Bar in good standing. The City Attorney shall be legal counsel to the City and shall perform such other duties as may be required by law or ordinance. The term of office for the City Attorney shall begin on January 1 and end on December 31 of each year. The appointment for each year will be announced by the Mayor at a special City Council meeting to be held on the first Tuesday of January.

The City Attorney shall have authority to retain, appoint or hire as independent contractors such additional attorneys or co-counsel as may be required to provide adequate and effective legal representation for the City, subject to the approval of City Council. Any such additional attorneys or co-counsel shall be admitted to practice law in the State, shall be members of the Bar in good standing, and shall perform their functions under the direction of the City Attorney. An assistant attorney shall have authority to act as the City Attorney when the City Attorney is unavailable or unable to serve.

The City Attorney's duties include, but are not limited to the following:

- a. Provide clear and concise legal guidance and direction, legal opinions, advice, assistance and consultation to the Mayor, City Council, and City Administrator regarding City-related legal issues in a timely manner.
- b. Attend City Council meetings and be prepared to advise Council on matters on the agenda, serve as parliamentarian, as well as provide advice on procedural and substantive issues that arise during the meeting. Attendance at boards and commissions or standing committee meetings may be requested from time to time.
- c. Review and/or prepare ordinances, resolutions, contracts, memoranda, reports, deeds, leases and other legal documents required by the City.
- d. Represent the City in civil litigation as needed. Oversee litigation being handled by outside counsel, including counsel on behalf of City insurance carriers. Keep the City Administrator, Mayor and City Council informed of the status of all litigation.
- e. Review and verify Freedom of Information Act (FOIA) requests.
- f. Assist Building, Planning and Zoning Director with City zoning and land use issues.
- g. Perform such other legal duties as may be required to complete the performance of the functions mentioned above

### **Qualifications**

The City Attorney must be licensed, an active member of the South Carolina State Bar, and have five or more years of legal experience. It is desirable for the City Attorney to hold experience in the following areas:

- a. Designing and drafting Municipal Code sections and regulations.
- b. Providing support to staff, Planning Commission and Council during land use and other appeals to Council; and in code enforcement actions.
- c. Experience with and knowledge of the law governing cities related to public land use and planning, environmental law redevelopment law, code enforcements and other related areas of law, administrative law, labor relations/personnel law, and other areas of municipal law.
- d. Preference is given to respondents who have provided service as a City Attorney in a South Carolina municipality.
- e. The City Attorney should have litigation experience or experience monitoring or supervising litigation.
- f. The City Attorney must demonstrate abilities to speak clearly and effectively in public.
- g. The City Attorney must have the ability to relate easily and effectively with all members of City Council, staff and the public.

### **Submittal Requirements**

Interested respondents shall submit the following documents with the proposal:

- a. Resumé.

- b. Cover letter explaining qualifications, employment history, legal training, years of practice, municipal or other local public sector experience, litigation experience and track record, knowledge and practice of law relating to land use and planning, real estate, environmental issues, general liability, and any other information the bidder wishes to submit.
- c. Specify the individual you propose for appointment as Assistant City Attorney.
- d. Contact information, including home and work addresses, phone numbers, and email address.
- e. Describe the response time the City can expect to inquiries made by City Council and City Administrator.
- f. Identify the types of training (FOIA, Council's roles and responsibilities, etc.) you are capable of providing to the City.
- g. A statement of any grievances filed against the attorney with the S.C. Commission on Lawyer Conduct List within the past five (5) years and the resolution of each.
- h. A statement of any fee disputes filed by a client with the S.C. Bar's Fee Disputes Resolutions Board within the past five years and the resolution of each.
- i. A statement of any lawsuits filed against the lawyer by clients within the past five (5) years and the resolution or status of each.
- j. The names and contact information of at least three (3) professional references.
- k. Proposed fee structure including hourly rate, retainer, or other proposed terms.
- l. Oath of Non-Collusion signed by the attorney, a principal of the firm, or an officer authorized to bind the corporation.
- m. The City will require the respondent or firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate general liability (in an amount not less than \$1,000,000.00 per person, \$2,000,000.00 per claim and \$250,000.00 per claim for property damage), automobile liability insurance (\$1,000,000 per occurrence), professional liability/errors and omissions insurance (\$1,000,000 per claim and in the aggregate occurrence). All insurance coverage required shall be with companies approved in advance by City, who shall be named as an additional insured on all such policies. Proof of such insurance shall be provided to City prior to commencement of any work.

Proposals will be evaluated using, but not limited to, the following criteria:

- a. The respondent's experience, qualifications and references.
- b. Overall proposal suitability: proposal must meet the scope and needs included herein and be presented in a clear and organized manner.
- c. Projected cost and cost structure to provide services required.

The City reserves the right to reject, in whole or in part, any proposal submitted which the City believes would not be in its best interest. The City also reserves the right to waive minor deficiencies or reject all proposals.

**Proposal Process**

Proposals should be submitted to the following:

Desirée Fragoso  
Interim City Administrator  
City of Isle of Palms  
1207 Palm Boulevard  
Post Office Box 508  
Isle of Palms, South Carolina 29451

**Deadline for Questions:** The deadline for questions is **5:00 p.m., Eastern Time, Monday, October 15, 2018**. Proposers should send questions regarding this Request for Proposals to Desirée Fragoso, Interim City Administrator, in writing or email to [desireef@iop.net](mailto:desireef@iop.net). Questions received before this deadline will be answered via addendum posted on the City's website at <http://www.iop.net/requests-for-bids-proposals>. Questions received after this deadline will not be answered.

If an addendum is issued, proposers must acknowledge receipt of the addendum with their proposal.

**Deadline for Submissions:** The deadline for submission is **2:00 p.m., Eastern Time, Thursday, October 25, 2018**. Proposals will be received at 1207 Palm Boulevard, Isle of Palms, South Carolina 29451 in a sealed envelope. Sealed envelopes must be clearly marked "RFP 2018-03, City Attorney" and include one (1) hard copy and one (1) electronic copy saved to a USB flash drive.

It will be the responsibility of the proposers to verify receipt by the City. Proposals may be delivered by hand or by mail, but no proposal shall be considered which is not actually received by the City at the place, date and time appointed by the City and the City shall not be responsible for any failure, misdirection, delay or error resulting from the selection by any proposer of any means of delivery. All proposals submitted shall include a current e-mail address.

**Proprietary and/or Confidential Information:** Your proposal is a public document under the South Carolina Freedom of Information Act (FOIA), except as to information that may be treated as confidential as an exception to disclosure under the FOIA. If you cannot agree to this standard, please do not submit your proposal. All information that is to be treated as confidential and/or proprietary must be CLEARLY identified, and each page containing confidential and/or proprietary information, in whole or in part, must be stamped and/or denoted as CONFIDENTIAL, in bold, in a font of at least 12-point type, in the upper right-hand corner of the page. All information not so denoted and identified will be subject to disclosure by the City.

Proposers acknowledge and agree that the City will not be liable for any costs, expenses, losses, damages (including damages for loss of anticipated profit) or liabilities incurred by the respondent or any member of the respondent's organization as a result of, or arising out of, submitting a proposal, negotiating changes, or due to the City's acceptance or non-acceptance of the proposal or the rejection of any and all proposals. Proposers are responsible for submission of accurate,

adequate and clear descriptions of the information requests. Neither issuance of the RFP, preparation and submission of a response, nor the subsequent receipt and evaluation of any response by the City of Palms will commit the City to award a contract to any respondent even if all the requirements in the RFP have been met.

Proposers must have or be able to procure an Isle of Palms Business License.

**City of Isle of Palms, South Carolina  
Request for Proposals (RFP 2018- 04)  
City of Isle of Palms Assistant City Attorney**

In compliance with the City's Procurement Ordinance, the City of Isle of Palms, South Carolina is soliciting proposals from qualified attorneys with experience advising and representing South Carolina municipalities for the appointment of the Assistant City Attorney. To be qualified, attorneys must be licensed to practice law in South Carolina and must have at least five (5) years of civil practice experience in commercial law, contracts, real estate, torts, municipal law, or other related areas. The goal of this RFP is to solicit proposals from various candidates, conduct a fair evaluation based on criteria listed herein, and select the candidate who can best meet the needs of the City. The request will be awarded pursuant to the City's procurement ordinance.

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The City Council appoints a City Attorney to represent the City in court, to advise City officials and employees and to do the legal work for the City as may be required from time to time. The City Attorney is expected to coordinate operational activities and priorities with the City Administrator to carry out the City Council's policy directives.

The City Council also appoints an Assistant City Attorney, who shall have authority to act as the City Attorney when the City Attorney is unavailable or unable to serve. The City Attorney and Assistant City Attorney must adhere to the highest ethical standards.

The City Council meets on the fourth Tuesday of each month at 6:00 p.m. Occasional work sessions and special meetings may be held at the request of the Mayor and City Council.

**Scope of Work**

The Assistant City Attorney shall be admitted to practice law in the State and shall be a member of the Bar in good standing. The Assistant City Attorney shall be legal counsel to the City and shall perform such other duties as may be required by law or ordinance. The term of office for the Assistant City Attorney shall begin on January 1 and end on December 31 of each year. The appointment for each year will be announced by the Mayor at a special City Council meeting to be held on the first Tuesday of January.

In the event that the City Attorney is unavailable or unable to serve, the Assistant City Attorney's duties may include, but are not limited to the following:

- a. Provide clear and concise legal guidance and direction, legal opinions, advice, assistance and consultation to the Mayor, City Council, and City Administrator regarding City-related legal issues in a timely manner.
- b. Attend City Council meetings and be prepared to advise Council on matters on the agenda, serve as parliamentarian, as well as provide advice on procedural and substantive issues that arise during the meeting. Attendance at boards and commissions or standing committee meetings may be requested from time to time.
- c. Review and/or prepare ordinances, resolutions, contracts, memoranda, reports, deeds, leases and other legal documents required by the City.
- d. Represent the City in civil litigation as needed. Oversee litigation being handled by outside counsel, including counsel on behalf of City insurance carriers. Keep the City Administrator, Mayor and City Council informed of the status of all litigation.
- e. Review and verify Freedom of Information Act (FOIA) requests.
- f. Assist Building, Planning and Zoning Director with City zoning and land use issues.
- g. Perform such other legal duties as may be required to complete the performance of the functions mentioned above

### **Qualifications**

The Assistant City Attorney must be licensed, an active member of the South Carolina State Bar, and have five or more years of legal experience. It is desirable for the Assistant City Attorney to hold experience in the following areas:

- a. Designing and drafting Municipal Code sections and regulations.
- b. Providing support to staff, Planning Commission and Council during land use and other appeals to Council; and in code enforcement actions.
- c. Experience with and knowledge of the law governing cities related to public land use and planning, environmental law redevelopment law, code enforcements and other related areas of law, administrative law, labor relations/personnel law, and other areas of municipal law.
- d. Preference is given to respondents who have provided service as a Assistant City Attorney in a South Carolina municipality.
- e. The Assistant City Attorney should have litigation experience or experience monitoring or supervising litigation.
- f. The Assistant City Attorney must demonstrate abilities to speak clearly and effectively in public.
- g. The Assistant City Attorney must have the ability to relate easily and effectively with all members of City Council, staff and the public.

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- h. A statement of any fee disputes filed by a client with the S.C. Bar's Fee Disputes Resolutions Board within the past five years and the resolution of each.
- i. A statement of any lawsuits filed against the lawyer by clients within the past five (5) years and the resolution or status of each.
- j. The names and contact information of at least three (3) professional references.
- k. Proposed fee structure including hourly rate, retainer, or other proposed terms.
- l. Oath of Non-Collusion signed by the attorney, a principal of the firm, or an officer authorized to bind the corporation.
- m. The City will require the respondent or firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate general liability (in an amount not less than \$1,000,000.00 per person, \$2,000,000.00 per claim and \$250,000.00 per claim for property damage), automobile liability insurance (\$1,000,000 per occurrence), professional liability/errors and omissions insurance (\$1,000,000 per claim and in the aggregate occurrence). All insurance coverage required shall be with companies approved in advance by City, who shall be named as an additional insured on all such policies. Proof of such insurance shall be provided to City prior to commencement of any work.

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If an addendum is issued, proposers must acknowledge receipt of the addendum with their proposal.

**Deadline for Submissions:** The deadline for submission is **1:00 p.m., Eastern Time, Thursday, October 25, 2018**. Proposals will be received at 1207 Palm Boulevard, Isle of Palms, South Carolina 29451 in a sealed envelope. Sealed envelopes must be clearly marked "RFP 2018-04, Assistant City Attorney" and include one (1) hard copy and one (1) electronic copy saved to a USB flash drive.

It will be the responsibility of the proposers to verify receipt by the City. Proposals may be delivered by hand or by mail, but no proposal shall be considered which is not actually received by the City at the place, date and time appointed by the City and the City shall not be responsible for any failure, misdirection, delay or error resulting from the selection by any proposer of any means of delivery. All proposals submitted shall include a current e-mail address.

**Proprietary and/or Confidential Information:** Your proposal is a public document under the South Carolina Freedom of Information Act (FOIA), except as to information that may be treated as confidential as an exception to disclosure under the FOIA. If you cannot agree to this standard, please do not submit your proposal. All information that is to be treated as confidential and/or proprietary must be **CLEARLY** identified, and each page containing confidential and/or proprietary information, in whole or in part, must be stamped and/or denoted as **CONFIDENTIAL**, in bold, in a font of at least 12-point type, in the upper right-hand corner of the page. All information not so denoted and identified will be subject to disclosure by the City.

Proposers acknowledge and agree that the City will not be liable for any costs, expenses, losses, damages (including damages for loss of anticipated profit) or liabilities incurred by the respondent or any member of the respondent's organization as a result of, or arising out of, submitting a proposal, negotiating changes, or due to the City's acceptance or non-acceptance of the proposal

or the rejection of any and all proposals. Proposers are responsible for submission of accurate, adequate and clear descriptions of the information requests. Neither issuance of the RFP, preparation and submission of a response, nor the subsequent receipt and evaluation of any response by the City of Isle of Palms will commit the City to award a contract to any respondent even if all the requirements in the RFP have been met.

Proposers must have or be able to procure an Isle of Palms Business License.