

**TOWN OF ATLANTIC BEACH
REQUEST FOR PROPOSALS
FOR ATTORNEY SERVICES
February 2024**

The Town of Atlantic Beach (“Town”) is soliciting proposals from qualified attorneys or law firms to represent the Town as our Town Attorney. The Town will consider proposals for providing standard municipal legal services, and preference will be given to those submittals demonstrating experience in specified areas of municipal law. The successful applicant(s) shall possess sufficient resources to ensure that the demands for the Town’s legal needs will be met on a timely basis. The relationship would be on a consulting or contractual basis, as opposed to a staff position.

Included in this RFP are a more detailed description of the services to be provided, an outline of the proposal requirements, a description of the proposal review process, and other pertinent information.

Submission Deadline: Proposals must be submitted no later than **2:00pm on March 8, 2024**. Proposals received after the deadline will not be accepted. It is neither the Town of Atlantic Beach’s responsibility nor practice to acknowledge receipt of any proposal. It is the responder’s responsibility to ensure that a proposal is received in a timely manner. The Town will not reimburse any expenses incurred by the responder including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

Inquires: To ensure a fair review and selection process, firms submitting proposals are specifically requested not to make other contacts with Town staff, or Town officials, or representatives regarding these proposals. Failure to comply with this request may result in disqualification of the proposal. If there are questions regarding this process, they should be directed as follows prior to the submission deadline; responses will be shared with all interested responders who have requested an RFP:

John O’Daniel, Town Manager
Town of Atlantic Beach
PO Box 10
Atlantic Beach, NC 28512
252-726-2121
townmanager@atlanticbeach-nc.com

Submittal Instructions: Email completed proposal to townclerk@atlanticbeach-nc.com no later than **2:00PM on March 8, 2024**, referencing Attorney Services. Hand or mail-delivered bid packages may also be submitted by the same deadline to:

Town of Atlantic Beach
Attn: Town Clerk – Attorney Services
125 West Fort Macon Road
P.O. Box 10
Atlantic Beach, NC 28512

Right to Reject: The Town reserves the right to reject any proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal that furthers the best interest of the Town.

Notification of Award: It is expected that a decision selecting the successful Firm will be made by March 11, 2024 with approval of a contract on March 25, 2024.

Contract Terms: The contract shall be a four (4) year contract, with automatic annual renewal. The contract shall also include a 90-day termination clause by either party.

The Town of Atlantic Beach was incorporated on March 17, 1937. The Town of Atlantic Beach currently has a population of 1,388 and encompasses 2.3 square miles. Atlantic Beach is located on a barrier island in Carteret County on the eastern end of Bogue Banks. The Atlantic Ocean is to the south while the Bogue Sound lies to the north of the island. Atlantic Beach prides itself on being a seasonal residential resort community. Atlantic Beach is a thriving coastal community that is a major tourist destination along the coast of North Carolina.

The Atlantic Beach Town Council is comprised of a Mayor and five (5) Council members who are elected every two years in a non-partisan election. The Mayor serves as chair of the Council and votes only in the event of a tie. The Town Manager reports to the Town Council and is responsible for managing the operations of the Town and implementing the policies adopted by the Council.

The Town employs 57 full-time employees and 62 part-time employees. Administrative Services includes 7 full-time staff. Police protection is provided by a total of 37 personnel (1 admin), including 16 full-time career police officers and 20 part-time. Fire and EMS protection is provided by a total of 34 fire department personnel including 14 full-time career firefighters and 20 part-time/paid-on-call. During the Summer season, 12 part-time Lifeguards. The Public Services Department is staffed by 12 full-time employees and 2 part-time employees. The Town operates a Water Utility that includes 4 full-time employees actively managing the construction, maintenance, and daily operations of the Town's water supply system. This includes a major water plant facility, six deep water wells, three water storage towers, twenty miles of water lines, and thousands of water meters. The Planning and Inspections Department is staffed by 2 full-time employees, with inspections contracted with Carteret County. The Parks and Recreation Department employs 1 full-time employee and 8 part-time employees for the Town's Park Concession Stand and Mini-Golf Course.

The total 2023-24 budget for the Town of Atlantic Beach is \$4 million. The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the Town of Atlantic Beach for its comprehensive annual financial report for the fiscal year ended June 30, 2022. This was the twenty-third consecutive year that the government has achieved this prestigious award. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized annual comprehensive financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

The Town of Atlantic Beach has been represented by the law firm of Taylor and Taylor, PA in Morehead City, North Carolina since 1965, specifically by Derek Taylor since 2004. Mr. Taylor has accepted a full-time position with the Town of Morehead City and is closing his practice.

SECTION ONE: SCOPE OF GENERAL LEGAL SERVICES

The law firm/attorney(s) are required to be knowledgeable in a variety of legal areas, including but not limited to:

- General municipal laws
- Employment law
- General state and federal laws relating to municipal government
- Zoning, housing, annexation, subdivision, and land use law
- Economic development activities including development, redevelopment, enforcement, and property/real estate law
- Legal activity relating to general obligation bonds, revenue bonds, and other bonding and financial processes
- Ordinance and resolution development and interpretation
- Government Data Practices
- Town Charter and Town Code issues
- Contract law
- Environmental law
- Franchise law
- Criminal/civil processes
- Municipal leases
- Eminent Domain
- Trial activity

SERVICES THAT MAY BE COVERED BY RETAINER – Except as specifically limited below, the services and qualifications that are required by the Town and (at respondents' discretion) may be covered by a fixed retainer fee include, but are not limited to, the following areas. A firm may choose to quote a retainer fee to cover all of these items, or may wish to simply set an hourly rate when submitting the response to this RFP.

General

1. Meetings and/or telephone conversations with Mayor, Town Council, Town Manager, and Department Heads on general legal matters.
2. Research and submission of legal opinions on municipal or other legal matters requested by Town Manager; availability to answer questions by telephone and email.
3. Legal consultations and general support for Mayor, Town Council, Town Manager, and Department Heads on general legal matters.
4. Provide high level of customer service by responding in a prompt manner.

Meetings

5. Attend regular Town Council meetings and advise the Mayor, Town Council, and Town Manager on matters of parliamentary law and procedures of a general matter. The Town Council regular meetings are held the Fourth Monday of each month at 6:00pm.
6. Attend regular Board of Adjustment meetings representing the Town and advising on matters of parliamentary law and procedures of a general matter. The Board of Adjustment meets the Third Monday of each month at 6:00pm.
7. Attend such special Town Council meetings as the Council or Town Manager requests.
8. Attend such meetings of boards or commissions as the Council or Town Manager requests.
9. Attend such other meetings regarding Town business as requested by the Mayor, Town Council, or Town Manager.
10. Review of Town Council agenda packets and minutes as requested.

Legal Documents

11. Prepare such resolutions as the Town Manager or Town Council shall direct.
12. Review of municipal contracts, including contracts for public improvements, developments, subdivisions, joint powers agreements, construction, purchase of equipment, and the like for content, form, legality, and execution as requested.
13. Examine and advise regarding the legality of all proceedings and actions of the Town Council and other boards or commissions.
14. Render written opinions on law when requested, including interpretations of statutes, ordinances, rules, and regulations.
15. Drafting of ordinances, ordinance amendments, resolutions, developer agreements and contracts, subdivision agreements, and correspondence as requested.
16. Review ordinances as requested.
17. Review bonds, deeds, securities, and insurance requirements required by or for Town contracts or activities.
18. Review data requests and related documents and advise staff regarding release and redactions.

Real Estate Sale and Acquisition

19. Review acquisition requirements with appropriate departments, evaluate any special legal or cost problems, develop acquisition timetables, make preliminary cost estimates, and obtain or develop proper legal descriptions.
20. Examine the title to each parcel as requested by the Town Manager.
21. Prepare documents necessary for routine land purchases and/or sales. All such transactions shall be deemed to be routine unless the Attorney contacts the Town in advance and obtains the Town's approval that the transaction contemplated is non-routine. Any such non-routine transaction shall be billed at the previously agreed-upon hourly rate.

Zoning

22. Provide legal advice to staff, Town Manager, Department Heads, Planning Board/Board of Adjustment, and Town Council regarding zoning matters.
23. Represent the Town in matters related to the enforcement of Town building, subdivision, and maintenance and zoning codes.

SERVICES COVERED BY HOURLY RATE – The services and qualifications that are required by the Town for services that shall be covered by a previously agreed hourly rate shall include items not otherwise covered in this agreement and those listed below. Firms may wish to bill all services at an hourly rate in lieu of a retainer fee, but if

proposing a retainer fee, the items outlined below would be subject to a specified hourly rate.

Public Improvements

- 24. Represent the Town in the acquisition of properties for public improvements, easements, parks, and the like as needed.
- 25. Handle all legal matters under construction contracts and any resulting litigation.

Land Acquisition and Sale

- 26. Represent the Town in condemnation proceedings for public improvement projects, etc.
- 27. Initiate annexation proceedings at the direction of the Town and follow through with all necessary documentation and presentation to necessary authorities.

Economic Development

- 28. Representation of the Town on Economic Development related issues, including developer agreements and tax increment document review as needed. Finance tax abatement and other forms of public finance assistance. Public financing assistance in public/private partnerships.

Claims Against the Town

- 29. Where no insurance coverage is provided, make appropriate evaluation of claims for legality, investigate facts, and make recommendations to the Town Council.
- 30. Defend in court all litigation where no insurance coverage is available. This includes but is not limited to: (1) human rights claims; (2) condemnation; (3) zoning and land use regulation matters; (4) permits and administrative actions; (5) administrative citations; (6) code enforcement issues; and (7) employment matters.
- 31. Assist in resolving claims not resulting in litigation.

Claims by the Town

- 32. Investigate and evaluate all claims by the Town against others and recommend appropriate course of action, including, but not limited to: code enforcement issues and administrative citations.
- 33. Attempt collection of all proper claims including litigation where necessary and authorized by the Town.

Intergovernmental Relations and Disputes

- 34. Provide such services as requested by the Town regarding contractual dealings with Federal, State, County, Municipal, and other entities.
- 35. Handle disputes between the Town and other governmental units, including litigation.

Zoning

- 36. Represent the Town in litigation on zoning matters; i.e. rezoning, variances, special permits, subdivisions.

SECTION TWO: INSTRUCTIONS TO PROPOSERS

- 1. Proposals should be submitted via email to townclerk@atlanticbeach-nc.com or via mail:
Town of Atlantic Beach
Attn: Town Clerk – Attorney Services
125 West Fort Macon Road
P.O. Box 10
Atlantic Beach, NC 28512

Proposals should be received no later than **2:00P.M. on March 8, 2024.**

- 2. All proposals submitted must provide complete information as indicated in this request. Any other information the respondent wishes to include for evaluation and consideration by the Town as part of the proposal may also be included.

SECTION THREE: REQUIRED CONTENTS FOR PROPOSALS

- 1. **Title Page** – Show the RFP subject: Provision of Legal Services, the name of the respondent’s firm, address, telephone number, e-mail, name of contact person, and the date.

2. **General Information**

- Provide a brief background history of the firm, and number of attorneys employed. An organizational chart or description of office organizations would be helpful.
 - Designate the primary contact and identify those who would be working in more specialized areas, including attorneys and paralegals and areas of expertise. Describe the current principle responsibilities for the individual designated as lead attorney.
 - Include a current resume for each attorney who will be primarily assigned to the Town of Atlantic Beach. This information should include relevant academic training and degrees, descriptions of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background experience that may be helpful in evaluating your proposal.
 - Provide information as to how many attorneys are knowledgeable about municipal law and related fields as described in the scope of services. Indicate all local government experience – government entity served and duration.
 - Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), e-mail address, and fax number(s) of the firm.
 - Provide an assessment of the availability of the attorney and other professional staff to be assigned to handle matters related to the Town of Atlantic Beach. This includes the availability of back-up attorneys in case of illness, turnover, or other loss of personnel.
 - Provide a statement of how the workload of the Town of Atlantic Beach would be accommodated and what kind of priority it would be given. Be sure to address items outlined in the scope of services section.
 - Describe malpractice insurance coverage: carrier, limits, and exemptions.
3. **Specialized Issues** – Any areas of specialty that may relate to municipal law may be outlined in this section.
4. **References** – Provide a reference list of three (3) recent (within five years) municipal clients. If municipal clients are not available, other major clients may be submitted. Particular attention will be given to municipal client references. Please provide contact information including, address, phone number, and e-mail address.
5. **Fees** – Identify in your proposal the amount your firm proposes to charge for the following: Please provide billing information on the attached form. Please note that the Town of Atlantic Beach is requesting fees to be submitted based on two options: Option “A”: retainer plus hourly fees and/or Option “B” hourly fees for all work without retainer.

OPTION “A” – RETAINER + HOURLY FEES

RETAINER – Please quote a retainer fee to be charged for general governmental services and the items noted herein that are to be covered by the retainer. Also, state separately the rate for any other cost items proposed to be itemized and billed. Clearly note any “retainer” items listed above that your firm would not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the Town of Atlantic Beach covered by your proposal that falls outside the duties covered by the retainer. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, and personal conferences.

OPTION “B” – HOURLY FEES ONLY

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the Town of Atlantic Beach covered by your proposal. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conferences. Also, state separately the rate for any other cost items proposed to be itemized and billed.

NOTE: The Town requires detailed monthly billing statements that shall include but are not limited to the following items:

- a. Itemize the date of services.
- b. Identify the attorney and/or support personnel providing the service.
- c. List the time spent for each service or activity by tenths of an hour.
- d. Provide a detailed description of the services performed.
- e. State the fees for those services.
- f. Organize billing for general corporate work by department, type of services, and/or projects.
- g. Itemize all associated costs and expenses related to the services performed.

6. CONFLICT OF INTEREST STATEMENT

- Indicate whether your firm currently represents or has represented any client where representation may conflict with your ability to serve as Town Attorney for the Town of Atlantic Beach.
- Indicate if your firm currently represents any real estate developers doing business with, or anticipating doing business with the Town of Atlantic Beach.
- Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the Town of Atlantic Beach.
- Indicate what procedures your firm would utilize to identify and resolve conflicts of interest.

SECTION FOUR: SELECTION PROCESS/PROPOSAL EVALUATION AND FINAL SELECTION

The Town intends to enter into a representation agreement with the respondent(s) best qualified to perform the work for the Town, cost and other factors considered. The Town of Atlantic Beach reserves the right to reject any and all proposals, to waive irregularities and informalities, to request additional information from all respondents, and further reserves the right to select the proposal that furthers the best interest of the Town.

The approval of the firm selected will be made by the Town Council following a review of the information submitted and an interview/selection process to be determined by the Town Council following review of submitted proposals.

Once a firm or attorney is selected, the term of duration shall be subject to ongoing review and evaluation by the Town Council, with input from the selected firm/attorney and Town Manager.

Action	Date
Deadline for RFP	March 8, 2024 at 2:00pm
Council Work Session Meeting for Review of Proposals and Possible Interviews	March 14, 2024
Council Meeting for Approval of Contract	March 25, 2024

Exhibit A
 REQUEST FOR PROPOSAL
 (RFP) PROPOSED FEES

OPTION “A” – RETAINER + HOURLY FEES:

RETAINER – Please quote a retainer fee to be charged for general governmental services and the items noted herein that are to be covered by the retainer. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.). Clearly note any “retainer” items listed above that your firm would not provide as part of the retainer duties and prefer to bill on an hourly basis. Please be specific.

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the Town of Atlantic Beach covered by your proposal that fall outside the duties covered by the Retainer. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference.

Item	Fee
Retainer Fee	
Hourly Rate for Primary Attorney (Please name):	
Hourly Rate for Other Attorneys (Please name):	
Hourly Rate for Support Personnel (Name or Title):	
Itemized Fees (Please describe):	
Minimum increments of time billed for each service (list):	

Feel free to attach additional sheets to note:

- Any “retainer” items that will not be provided as part of the retainer fee but billed on an hourly basis
- Description of other cost items, if needed
- Any other items related to fees that you feel are pertinent in the consideration of your proposal

OPTION “B” – HOURLY FEES ONLY:

HOURLY BILLING – Please quote the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing legal services to the Town of Atlantic Beach covered by your proposal. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney and support personnel.

Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference. Also state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

Item	Fee
Retainer Fee	
Hourly Rate for Primary Attorney (Please name):	
Hourly Rate for Other Attorneys (Please name):	
Hourly Rate for Support Personnel (Name or Title):	
Itemized Fees (Please describe):	
Minimum increments of time billed for each service (list):	

Feel free to attach additional sheets to note:

- Descriptions of other cost items, if needed
- Any other items related to fees that you feel are pertinent in the consideration of your proposal