

# Request for Proposals

## Nottoway County Legal Services

### GENERAL INFORMATION:

Nottoway County, Virginia is issuing this Request for Proposals (RFP) for the purpose of obtaining Legal Services.

The Board of Supervisors of Nottoway County (the Board), the governing body of Nottoway County, seeks proposals for the provision of legal services. Individuals or firms (Offerors) meeting the requirements of this RFP are invited to submit their credentials. The Board will analyze the Offerors and select either an individual or firm to represent Nottoway County as the County Attorney.

As an appointee of the Board, the County Attorney serves at the pleasure of the Board. However, it is proposed that the County Attorney's services and initial term of service be memorialized in the form of a contract set on mutually agreeable terms. Site visits will be required as part of the selection process.

### GENERAL TERMS AND CONDITIONS:

- a. The term County/Board as referred to within this document shall mean the Nottoway County Board of Supervisors.
- b. The term Offeror shall mean the person, firm, or corporation named as such within this document.
- c. Proposals shall be submitted at the place and time specified in this Request for Proposals (RFP). Submit the proposal in an opaque, sealed envelope. Identify the envelope with the solicitation name and the name and address of Offeror. No responsibility will be attached to any Officer or Agent of the County for the premature opening of a bid not properly addressed and identified.
- d. It is the responsibility of the Offeror to assure that the proposal is delivered to the place designed for receipt of proposals prior to the time set for receipt of proposals. No proposals received after the time designated shall be considered. The Officer or Agent, whose duty it is to open the bids, will decide when the specified time has arrived.
- e. If any respective Offeror has questions about the specifications or other solicitation documents, the prospective Offeror should contact the Nottoway County Administration Office no later than five (5) working days before the due date. Any revisions to the solicitation will be made only by addendum issued by the County.

- f. Persons intending to submit a proposal are specifically cautioned that the Offeror is barred from pleading misunderstanding or deception because of estimates of quantities, character, location, or other conditions surrounding the same.
- g. Modifications, additions, or changes to the Terms and Conditions of this Request for Proposals by the Offeror may be cause for rejection.
- h. The County reserves the right to reject or disqualify any or all proposals and to negotiate with the best Offeror at any time.
- i. Evidence of collusion or other illegal activities upon the Offeror shall give the County the right to disqualify a proposal.
- j. By submitting their proposals, Offerors certify that their proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other Offeror, supplier, manufacturer, or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised unless consideration of substantially equal or greater value was exchanged.
- k. Ownership of all data, materials, and documents originated and prepared for the County pursuant to the RFP shall belong exclusively to the County and is subject to public inspection and reuse at the County's discretion.
- l. The County reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon fifteen (15) days written notice. Any contract cancellation notice shall not relieve the Offeror of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.
- m. Offerors are advised that oral explanations or instructions given by County Personnel during the Request for Proposal process, or any time prior to the bid awarding, shall be nonbinding.
- n. By submitting their proposal, Offeror certifies to the County that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, The Americans With Disabilities Act and §2.2-4311 of the Virginia Public Procurement Act.
- o. By submitting their proposal, the Offeror certifies that they do not and will not during the performance of this contract employ illegal alien workers or otherwise violate the provisions of the federal Immigration Reform and Control Act of 1986.

- p. During the performance of this contract, the Offeror agrees to (i) provide a drug-free workplace or the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Offeror that the Offeror maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
- q. By submitting their proposal, the Offeror certifies that they are not currently debarred by the Commonwealth of Virginia from submitting bids on contracts for the type of goods covered by the solicitation, nor are they an agent of any person or entity that is currently debarred.
- r. The County may make such reasonable investigations as deemed proper and necessary to determine the ability of the Offeror to perform the services/furnish the goods and the bidder shall furnish to the County all such information and data for this purpose as may be requested. The County reserves the right to inspect Offeror's physical facilities prior to award to satisfy questions regarding the Offeror's capabilities. The County further reserves the right to reject any proposal if the evidence submitted by, or investigations of, such Offeror fails to satisfy the County that such Offeror is properly qualified to carry out the obligations of the contract.
- s. Upon award the contract shall not be assignable by the Offeror in whole or in part without the written consent of the County.

**Three copies of the proposal must be delivered to the County Administration Office prior to 5:00 p.m. on November 23, 2021.**

Proposals may be hand delivered to:  
County Administrator  
Nottoway County  
344 West Courthouse Road  
Nottoway, VA 23955

Proposals may be mailed to:  
County Administrator  
Nottoway County  
P.O. Box 92  
Nottoway, VA 23955

Proposals received after the above stated date and time will be returned unopened. Nottoway County reserves the right to reject any and all proposals.

## **COUNTY PROFILE:**

Nottoway County is governed by a five member Board of Supervisors elected by districts and utilizes the Traditional Form of County government. Nottoway County is home to three (3) incorporated towns situated along U.S. 360 and U.S. 460 each with its own governing body and varying service levels. The County, however, provides many essential services to both town residents and non-town residents alike. Fort Pickett and the Foreign Affairs Security Training Center are located in Nottoway County along with several notable state facilities.

Nottoway County, through its staff and Constitutional Officers, provides a variety of services including but not limited to: zoning and building code enforcement, judicial services, law enforcement, emergency services, solid waste disposal, recycling, revenue assessment and collections, economic development and general government administration. Inclusive of constitutional staff, the County employs approximately 58 full-time employees and has an annual operating budget of approximately \$39.9 million (approximately \$17.5 million of which is allocated to the General Fund). Note that the Nottoway County Public Schools engage their own separate legal counsel.

## **SCOPE OF WORK:**

The individual/firm serving as the County Attorney works at the direction and under the general oversight of the Board and its duly appointed County Administrator. The County Attorney is expected to provide legal counsel to the Board, county staff, and Constitutional Officers of Nottoway County. Specific work load and commitment of hours will vary based on the needs of the County.

Services to be provided shall include but are not limited to:

- Attendance of all regular and work session meetings of the Board. The Board typically meets at 7:00PM on the third Thursday of every month. Attendance of other meetings of the Board or advisory bodies is not anticipated. From time-to-time, however, the County Attorney may be asked to attend special meetings of either the Board or advisory boards and commissions.
- Provide counseling on issues as they arise to the Board and/or County Administrator and staff including Constitutional Officers where the consultation with Constitutional Officers does not conflict with interests or policies of the Board.
- Prepare and/or review contracts, leases, easements, deeds, and other legal instruments on behalf of the Board.
- Draft ordinances, resolutions, and other legal documents.

- Assist staff in the administration and compliance with public procurement and public financing.
- Provide legal counsel to staff on human resource and personnel related matters. Assist in the development of a new and amended Personnel Policy as needed.
- Support staff in the interpretation and implementation of building, zoning, subdivision, and county code. Assist in the development of new and amended building, zoning, subdivision, and county code as needed.
- Keep the Board and senior staff apprised of changes to state and federal law which potentially impact Nottoway County's government.
- Litigating in all state and federal courts as required. This is to include, in coordination with the Commonwealth's Attorney for Nottoway County, representing the County in enforcement actions.

#### **MINIMUM QUALIFICATIONS:**

The Offeror appointed shall be a member of the Virginia State Bar. The candidate should possess at least ten years of experience as a practicing attorney in the Commonwealth of Virginia within the field of municipal law. The candidate shall be a member in good standing of the Virginia State bar and have an active license to practice law within the Commonwealth of Virginia. The candidate must be admitted to practice law in all Virginia Courts and applicable federal courts.

#### **TERMS OF CONTRACT:**

It is the intent of the Board to memorialize the relationship with the County Attorney in the form of a contract. The terms of the contract shall be negotiated with the selected Offeror in an effort to agree on a mutually agreeable payment arrangement, fee structure, and other matters. Therefore, the Offeror should propose specific payment terms and arrangements (e.g., hourly rate vs. retainer or a combination).

#### **SUBMITTAL REQUIREMENTS:**

- Statement of interest outlining experience and qualifications with focus on the criteria set out in the section Selection Criteria below.
- Name, education, experience of the Offeror.
- Demonstrated areas of practice which illustrate Offeror's knowledge, skills, and abilities to provide services in the areas identified in the Scope of Work portion above of this RFP.

- Describe litigation experience involving the representation of local governments or political subdivisions of the Commonwealth of Virginia within local, state, and federal courts.
- The location and normal operating hours of the Offeror's office(s).
- If the Offeror is a firm, please include a description of the firm, please include the name and biographical information including resumes of any partner or associate that may be utilized to represent the firm as the County Attorney.
- Offerors should provide a minimum of three (3) references in which similar legal service contracts or services have been provided within the last five years.

**ANTICIPATED TIMELINE:**

November 1, 2021	<u>RFP Released</u>
November 23, 2021	<u>Bids Due</u>
November 24, 2021	<u>Bid Review Begins</u>
December 6 - 10, 2021	<u>Anticipated Interviews</u>
December 16, 2021	<u>Anticipated Award</u>

**SELECTION CRITERIA:**

The Board intends to award the contract to the Offeror deemed most qualified and responsive to the requirements of the Board's legal needs. The Board will consider the Offeror's overall suitability to provide the required services within the timeframe, budget, and operational constraints. In addition, the Board will consider the comments and/or recommendations of the Offeror's previous clients, as well as other references. The Offeror selected will also be required to demonstrate the ability to provide services required effectively with complete impartiality and without any conflict of interest. The selection of an Offeror shall be based on qualifications submitted in written form as well as personal interviews. Criteria for selection shall include the following:

1. Expertise, experience, and qualifications of firm for providing the services described in the Scope of Work.
2. Experience and qualifications of the primary personnel who will be assigned to this engagement.
3. Geographic location of the firm's office where work will be performed in relation to Nottoway County.

4. Stability of staff to be assigned to the project.
5. Size of the firm relative to the size of the workload.
6. Availability of in-house resources determined necessary to facilitate legal services.
7. Overall cost-benefit proposition presented.

**SELECTION PROCESS:**

Following receipt of the proposals, the Board will review and evaluate all the proposals. The proposals will be initially evaluated on the basis of the written material provided. Based on this initial evaluation, the Board may select a shortlist of Offerors who will be invited to interview. Upon the completion of interviews, the Board will proceed to contract negotiations. The award of the contract shall be at the sole discretion of the Board which intends to award the contract to the Offeror deemed most qualified and responsive to the requirements of this RFP.

Regardless of outcome, the Board is appreciative of each Offeror's interest and effort.