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DEAN MOSS, General Manager

**Beaufort Jasper Water and Sewer Authority
Request for Proposal
General Counsel**

June 24, 2010

Dear Prospective Proposer,

Beaufort –Jasper Water & Sewer Authority (BJWSA) is seeking proposals from qualified individuals or firms interested in providing General Counsel services to the Authority. You are invited to submit a proposal in accordance with the requirements of this solicitation.

To be considered, a response must be submitted to BJWSA by the close of business day (5:00 p.m.), **August 6, 2010**. Proposals shall be submitted in **two** opaque sealed envelopes, one showing the title “**General Counsel, Qualifications/Proposal**”, and a separate envelope showing “**General Counsel—Fee Proposal**”, opening date, and name of firm. It is also requested that proposers submit an **electronic thumb drive** of the qualifications/proposal portion with their response. Late submissions will not be accepted and will be returned unopened. Responses to this request will be acknowledged by BJWSA staff; however, the identity of any offeror or proposal contents shall not be public information until after the contract award is made.

A copy of the Request for Proposal may be accessed on line at www.bjwsa.org or by contacting Paula Power at paulap@bjwsa.org. Inquiries or questions shall be presented in writing to either the email address above or Paula Power, BJWSA, 6 Snake Road, Okatie, SC 29909.

BJWSA reserves the right to reject any or all submissions, and to waive any requirements of the RFP if in its interest to do so.

Your interest in doing business with BJWSA is appreciated and we look forward to your response.

Paula Power
BJWSA Purchasing Manager

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**REQUEST FOR PROPOSAL
GENERAL COUNSEL**

Beaufort-Jasper Water & Sewer Authority

I. GENERAL INFORMATION

Beaufort-Jasper Water & Sewer Authority (BJWSA) is seeking proposals from qualified individuals or firms interested in providing general counsel services to the Authority.

II. SCOPE OF SERVICES

The selected firm or individual is expected to advise BJWSA concerning legal rights, risks, obligations and privileges. The General Counsel will coordinate and collaborate with other BJWSA special counsel, as needed, to assure proper management and coordination of legal issues. BJWSA specifically is interested in retaining an individual or firm that:

- 1) Advice. Performs general counsel services at the request of the General Manager or the BJWSA Board of Directors, and gives advice and opinions on legal matters. Those legal matters may include, but are not limited to, the following areas:
 - a. Investigation of legal options, offering of legal advice and recommendations and participation in policy decisions.
 - b. Contract evaluation, approval, and participation in contractual negotiations as required.
 - c. Research, interpretation and analyses of existing or proposed local, state and federal statutes, ordinances, rules and policies.
 - d. Assistance with real estate transactions to include research, negotiations, closings, right of ways, easements, encroachments and associated filings.
- 2) Litigation. General Counsel shall prosecute, defend and investigate alternatives to any and all suits or actions at law or equity to which BJWSA may be a party, or in which BJWSA may be interested, or which may be brought against or by BJWSA, its Board of Directors or employees, acting in their official capacity.
- 3) Special Assessments and Condemnation Proceedings. General Counsel shall instigate and see to the completion of all special assessment proceedings and condemnation proceedings.
- 4) Ordinances and Documents. General Counsel will approve the language of any ordinance, contract, lease, resolution or other documents or instruments to which BJWSA may be a party; upon request of the Board of Directors or the General Manager, will prepare and/or approve resolutions for BJWSA Board approval; assist BJWSA with respect to its financings to include issuing local legal counsel opinion related to the issuance and sale of debt; and draft ordinances, contracts, and such other documents as may be required by BJWSA.
- 5) Public Official Liability. General Counsel will represent BJWSA, its Board of Directors or employees in matters involving alleged violations of state and federal civil rights laws in the course of performing their job duties.
- 6) Meetings. Attends the monthly meeting of the BJWSA Board of Directors and provides legal advice and opinions on matters that are being considered. Board meetings regularly are scheduled for every fourth Thursday of the month; however special meetings may be called.

III. REQUIREMENTS

The qualified individual or firm ideally will have in-depth knowledge, experience and expertise on a variety of legal and factual matters that frequently arise with respect to BJWSA, including, but not limited to those areas mentioned in Section II.

- 1) The individual or firm's designated attorney must be a member in good standing of the South Carolina State Bar Association.
- 2) The individual or firm should be independent and free of any conflict of interest in representing BJWSA. The Authority understands that there may be times when a conflict may arise on specific individual matters. In these instances, the Authority expects to be notified promptly so that alternate counsel may be engaged.
- 3) The individual or firm's principal practice and place of business must be geographically located in either Beaufort or Jasper County.
- 4) The individual or firm must agree to retain all files and records in accordance with the South Carolina Public Records Act and make copies available to the Authority when requested. The individual or firm must also agree to electronically backup all BJWSA files and transmit a copy on a quarterly basis utilizing a negotiated media method.
- 5) The individual or firm must provide a certificate of insurance coverage applicable to the services described herein.

IV. ELEMENTS OF THE PROPOSAL

Each proposal should include the following information and be submitted as one (1) original, four (4) copies and an electronic thumb drive of the qualifications/proposal portion.

- 1) Cover letter.
- 2) Provide a description of your capabilities or your firm's relevant knowledge, experience and expertise with respect to those matters described in Section II. You may include a list of any other expertise you or your firm have that would be available to BJWSA on a special-need basis.
- 3) Provide a brief resume of yourself or the firm's attorney that would serve as General Counsel and the resumes of any other key staff that would have primary responsibility of providing General Counsel services to BJWSA.
- 4) Provide three (3) references which can be contacted during the RFP process indicating the name, contact person, his/her title and address and telephone number for whom you have provided similar services over the past two years. Indicate your role and list of work completed for such client.
- 5) Proposals should be directed to the below-mentioned address and must be received by BJWSA no later than 5:00 p.m. on August 6, 2010. Late submissions will not be accepted and will be returned unopened. No oral, written or other form of amendment will be accepted by BJWSA after this time, unless requested by BJWSA. BJWSA reserves the right to reject any or all submissions, to waive any requirements of the RFP and to modify or amend, with the consent of the respondent, submissions.

Ms. Paula Power, Purchasing Manager
Beaufort-Jasper Water & Sewer Authority
6 Snake Road
Okatie, South Carolina 29909-3937
(843)-987-9259 (Facsimile)

- 6) The preparation of the RFP response shall be at the expense of the respondent. Any questions for clarification of the RFP must be presented in writing to the above named individual using the above address or by e-mail to paulap@bjwsa.org.

V. FEE PROPOSAL

The fee proposal shall be submitted in a separate sealed envelope and shall show a compensation schedule for legal services. BJWSA is open to retainers or hourly-rate fee schedules or some combination thereof. If a retainer is offered, provide a statement of how the retainer fee would be determined and administered. For hourly-rate fees, provide a detailed statement for all personnel who would perform legal services and the minimum billing time charged (i.e., tenths, quarters, or half).

VI. SCHEDULE

The various tasks and the corresponding target completion dates associated with the General Counsel selection are outlined below:

Board Action/Work Task	Completion Date
BJWSA Senior Staff and Board of Directors approves RFP for General Counsel Services	June 24, 2010
Deadline for individuals or firms to submit proposals to RFP	August 6, 2010
BJWSA Senior Staff and Board of Directors complete review of proposals and sets interviews for short-listed candidates or firms	September 10, 2010
Interviews conducted	September 17, 2010
BJWSA Board of Directors selects a qualified firm or individual attorney for General Counsel Services	September 23, 2010

VII. EVALUATION OF PROPOSAL AND SELECTION PROCEDURES

An initial review of each proposal response shall be conducted to determine overall responsiveness. Proposals to the RFP determined to be non-responsive will be disqualified.

The proposals of each attorney or firm will be evaluated based upon the criteria listed in the Scope of Services and the Requirements Section of this RFP. This evaluation process will take into account all items submitted and will not be based solely upon the Fee Schedule submitted. The review will focus on the experience and expertise of the firm in providing similar services in the State of South Carolina. This step of the overall evaluation may include verification of credentials and stated experience.