

REQUEST FOR QUALIFICATIONS

LEGAL SERVICES FOR INDIGENT DEFENDANTS CONWAY MUNICIPAL COURT



RELEASE DATE: August 24, 2018
SUBMISSION DEADLINE: September 21, 2018 – 2:00 pm

CITY OF CONWAY
229 MAIN STREET
CONWAY, SC 29526
www.cityofconway.com

I. PROJECT

The City of Conway is soliciting statements of qualifications (SOQ's) from legal firms and attorneys who are interested in providing legal defense services for indigent defendants charged with offenses in Conway Municipal Court. To be deemed qualified, offerors must hold a Juris Doctorate degree from an accredited law school and meet the minimum qualifications listed below.

Eligibility for public defender services will be determined through a screening process established by the City. Cases will be assigned by the Municipal Court Judge when it is determined that a defendant is indigent and entitled to legal defense services. Conway Municipal Court is in session on Wednesdays from 9:00 am to noon at 229 Main Street, Conway. Jury trials are held as applicable with a 30-day notice.

This is a contract position. The successful offeror shall furnish the necessary personnel, materials, equipment, services or facilities to perform public defender services for the City. The selected attorney/firm must be willing to accept all cases assigned by the Municipal Judge, beginning within 30 days of contract execution or as otherwise negotiated. It is expected that approximately 30-40 cases will be assigned per year. The selected legal firm/attorney will be paid an hourly rate up to a maximum of \$400 per case. The City anticipates awarding this contract for a period of one year with an option to renew for four additional years for a total possible contract term not to exceed five (5) years.

II. SUBMITTAL INSTRUCTIONS

Attorneys who are licensed, in good standing with the South Carolina Bar Association, and are interested in providing legal services for indigent defendants should submit a letter of interest, resume, and a completed contact information sheet to:

Adam Emrick, City Administrator
City of Conway
PO Box 1075
229 Main Street
Conway, SC 29528

Questions regarding this invitation for RFQ's are to be addressed to Adam Emrick, City Administrator, by email at aemrick@cityofconway.com.

Responses will be accepted until 2:00 pm on September 21, 2018, at Conway City Hall at which time and place all responses shall be publicly opened in the City Hall Conference Room, read aloud and recorded. Submittals received after the scheduled opening date and time will be disqualified in accordance with the City's Procurement Ordinance.

III. MINIMUM QUALIFICATIONS

- Be a member in good standing with the South Carolina Bar Association. Any attorney not admitted to the bar or awaiting bar results will not be considered.
- Be prepared to competently defend criminal law and traffic law matters.

- Be familiar with the statutes, court rules, constitutional provisions, City ordinances, and case law relevant to criminal and traffic laws.
- Be familiar with the collateral consequences of conviction, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction.
- Be familiar with mental health issues to be able to identify the need to obtain expert services.

IV. SCOPE OF SERVICES

The attorney/legal firm selected to provide legal services for indigent defendants is expected to provide quality representation for clients including, but not limited to:

- Maintain regular contact with clients.
- Appear on his clients' court dates.
- Report any South Carolina State Bar complaint that has been lodged against him to the City Administrator within ten (10) days of the attorney's answer to the complaint. The attorney shall inform the City Administrator of the results of any South Carolina State Bar disciplinary action.
- Accept nothing of value from anyone in connection with representation under these regulations during the period of representation.
- Keep the client fully informed as to the status of his case.
- Advise the client on a timely basis of the right to appeal and, if the client elects to appeal, the attorney must enter notice of appeal for the client in a timely manner.
- Provide competent representation of clients. Failure to provide minimum standards of representation as set forth may lead to removal.
- Notify Conway Municipal Court in writing of any conflict of interest, conflicting litigation, or inability to practice law.
- Obtain the approval of the Municipal Judge prior to engaging the services of any expert.
- Be responsive to the Municipal Court staff, City Attorney, Police Department and witnesses. The attorney is expected to return telephone calls in a timely manner. The City anticipates that a caller would get a response from someone who is familiar with pending deadlines and legal issues in the case by the end of the next business day.

V. SUBMITTAL CONTENTS

Responses are to be submitted in the offeror's own format and shall address the following items. Partial or incomplete responses may be rejected.

- The response must be made in the official name of the company or individual under which business is conducted (showing official business address) and must be signed in ink by a person duly authorized to legally bind the person, partnership, company or corporation submitting the proposal.
- Letter of interest – No more than two pages; include offeror's contact information and signature.
- Summary of qualifications, experience, and availability – No more than five pages. It should summarize qualifications, relevant experience, and availability to provide requested services to the City if selected. Key staff members who would work on this project should be identified.
- Proposed approach – No more than three pages summarizing the method and approach to providing services to the City.

- Proposed hourly rate.
- Professional references – No more than one page listing the most recent professional references including contact information.

VI. SUBMITTAL EVALUATION

Submittals will be evaluated using the following criteria:

- A. Experience in providing legal defense services for indigent defendants.
- B. Management and staff qualifications. Provide firms' ownership (if applicable) and staff assigned to this project.
- C. Whether the proposer has met the RFQ requirements, terms and conditions.
- D. Classification as a Woman-, Minority-, Veteran-Owned Business. Submit documentation.
- E. Proposed hourly rate.

VII. GENERAL CONTRACT CONDITIONS

- Secure and maintain professional liability insurance and furnish a copy of the insurance declaration page to the City.
- Agree to indemnify and hold the City harmless from and against all liability, loss, damages or injury, and all costs and expenses (including attorney fees and costs of any suit related thereto) suffered or incurred by the City, arising from or related to the terms of this project, or the contractor's performance thereunder.
- Obtain all applicable City of Conway permits and business licenses prior to commencing work.
- Contract Termination: Subject to the following provisions, any contract resulting from this request for qualifications may be terminated by the City provided a thirty (30) day advance notice in writing by the City Administrator, or his designee, is given to the offeror.
 - If sufficient budget appropriations are not made to pay the charges under the contract, it shall terminate without any obligation to the City.
 - In the event that a contract is terminated or canceled upon request and for the convenience of the City without the required thirty (30) day advance written notice, then the City shall negotiate reasonable termination costs, if applicable.
 - Termination by the City for cause, default or negligence on the part of the contractor shall be excluded from the foregoing provisions; termination costs, if any, shall not apply. The thirty (30) day advance notice requirement is waived and the default provision herein shall apply.
 - In case of default by the contractor, the City reserves the right to purchase the service in default in open market and to charge the contractor with any excessive costs.

- Payment – A monthly itemized report must be submitted to receive payment for services performed. The report should include an itemization of dates of service by defendant, personnel providing service, time spent, and brief description of services performed. The City will remit full payment within thirty (30) days from receipt of the monthly report.

VIII. LIMITATIONS

The City reserves the right to cancel this Request for Qualifications and, at the City's sole discretion, to reject any or all responses in whole or in part, when it is for good cause and in the best interests of the City.

The City reserves the right to waive any technicalities or informalities as deemed by its sole judgment to be in its best interest. The City also reserves the right to terminate the selection process without notice, to waive any irregularities in any submittal, and to request additional information from any of the offerors.

Any offeror may withdraw his SOQ, either personally or by written request, at any time prior to the scheduled opening of responses. No offeror may withdraw his SOQ for a period of thirty (30) days after the response opening date. All offers shall be subject to approval of the City Council.

The City of Conway reserves the right to reject the SOQ of any offeror who has failed to perform satisfactorily or who is not in a position to satisfactorily perform the contract. The City expressly reserves the right to award the contract deemed to be in the best interests of the City.

IX. CONCLUSION

We thank you in advance for your participation in this matter and we look forward to receiving your submission.