

# ***REQUEST FOR PROPOSALS***



## **Rutherford County Legal Services for The Farmland Trusts Pilot Program**

**Date of Issue: March 10, 2025; Reissued: April 25, 2025**

**RE: March 18, 2025**

**Proposals Due: April 11, 2025, By 5:00pm; 2nd Proposals Due: May 16,  
2025**

### **Issued for:**

Brandon Higgins, Rutherford County Soil & Water Director

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Phone: (828) 287-4220 Ext 3

Email: [Brandon.Higgins@rutherfordcountync.gov](mailto:Brandon.Higgins@rutherfordcountync.gov)

### **Issued By:**

Alan Toney II, Community & Economic Development Director

111 W Court Street, Rutherfordton, NC 28139

Phone: (828) 351-2331 Email: [atoney@frcnc.gov](mailto:atoney@frcnc.gov)

## **Request For Proposals for Rutherford County Legal Services for The Farmland Trusts Pilot Program**

Rutherford County seeks proposals from qualified firms and individuals to provide legal services for the creation of the Trusts for qualified Rutherford County farmers as part of the Rutherford County Farmland Trusts Pilot Program.

### **MINIMUM QUALIFICATIONS:**

- If the applicant is an individual, then he/she must be licensed to practice law in the State of North Carolina and in good standing with the North Carolina Bar. If the applicant is a firm, then all professionals who will be providing legal services must be licensed to practice law in the State of North Carolina and in good standing with the North Carolina Bar.
- Possess a minimum of \$1,000,000.00 of professional liability insurance coverage.
- Have proven legal experience working with farmers on the creation of Trusts.

### **INTRODUCTION**

Rutherford County (estimated population 65,000) is in the foothills of Western North Carolina. This project is a pilot project funded by the **NC Agricultural Development and Farmland Preservation Trust Fund** to determine the feasibility of the effectiveness of this type of programming in respect to farmland preservation.

### **SUBMISSIONS AND QUESTIONS**

RFPs will be received until 5:00 pm on May 16, 2025, at:

Foothills Regional Commission  
Attention: Alan Toney, Community & Economic Development Director  
PO BOX 841  
111 W Court Street  
Rutherfordton, NC 28139

Or via email at [atoney@frcnc.gov](mailto:atoney@frcnc.gov)

Proposals should be in a sealed envelope marked "Rutherford County Farmland Trusts Pilot Program Legal Services Request for Proposals".

Questions regarding this Request for Proposals should be directed to Alan Toney, Community & Economic Development Director, at (828) 351-2331 or [atoney@frcnc.gov](mailto:atoney@frcnc.gov)

## **SCOPE OF SERVICES, INCLUDE BUT NOT LIMITED TO:**

- This proposal is for the completion of four to six trusts for farmers in Rutherford County. The selected vendor will be working directly with Rutherford County and the farmers selected for this program to set up the trusts and perform all necessary legal work for this project. The vendor will be responsible for communication with the farmland owners and all work required for these properties to be placed into a Trust.

## **PROPOSAL FORMAT:**

The County desires all responses to be identical in format. While the County's format may represent a departure from the vendor's preference, the County requests adherence to the format. All responses are to be in the format described below. Respondents should prepare their proposals in accordance with the instructions outlined in this section. Each section should be identified as described below. Proposals should be prepared as simply as possible and provide a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the RFP. The County may award a contract based on initial offers received without discussion of such offers. A proposer's initial offer should, therefore, be based on the most favorable terms available. The County reserves the right to contact proposers regarding cost and scope clarification at any time throughout the selection process. The successful Respondent's proposal must include all responses to the requirements contained within this RFP. By submitting a proposal, the successful Respondent agrees to all applicable provisions, terms and conditions associated with this RFP. This solicitation, the successful Respondent's submitted proposal, all appendices and attachments (if applicable), and stated terms and conditions may become part of the resulting contract. The total length of the proposal should be no more than 30 pages, 8½ x 11 size paper with an 11-point minimum text size. Charts and graphs may be 10-point font. For any questions, contact Alan Toney. The utmost attention should be given to accuracy, completeness, and clarity of content. All parts, pages, figures, or tables should be numbered and clearly labeled. Response information should be limited to pertinent information only. Marketing and sales type information is not to be included. Omissions and incomplete answers may be deemed unresponsive. Please initial any corrections. Respond to each item and provide supporting documentation and/or exhibits as requested or desired.

## **THE PROPOSAL SHOULD BE ORGANIZED AND IDENTIFIED BY SECTION AS FOLLOWS:**

- Section A – Cover Letter
- Section B – Qualifications and Experience
- Section C – Staff Information and Structure
- Section D – Conflict of Interest
- Section E – References
- Section G – Cost Proposal

## **SECTION A – COVER LETTER**

In your cover letter, include the following information about you and/or your firm.

1. Full name and your bar number in North Carolina and any other jurisdiction in which you are now or have been licensed as an attorney in the past;
2. Firm name (if practicing within a firm), address, telephone number and website;
3. Name of person with binding authority, title, address, phone number and email address;
4. Stipulate that the proposal price will be valid for a period of at least 120 days; and
5. Make the following representations and warranty in the cover letter, the falsity of which might result in rejection of its proposal: “The information contained in this proposal or any part thereof, including any exhibits, schedules, and other documents and instruments delivered or to be delivered to the County, is true, accurate, and complete.”

## **SECTION B – QUALIFICATIONS AND EXPERIENCE**

In response to this RFP, each interested party shall provide the following information:

1. Number of years in practice and date of licensure in North Carolina;
2. All official records of any discipline imposed by the North Carolina State Bar, other state bar, or any other regulatory agency of any State, Federal, or Local body;
3. All official records of any court sanction or reprimand issued in the course of representation of a past or current client;
4. Your legal specialties or emphases of practice;
5. Your firm’s legal specialties or emphases of practice as distinct from your own specialties and emphases of practice;
6. A listing of all of your post-high school education;
7. A listing of all previous public sector entities for which you have provided legal representation in the last 10 years, including dates of service;
8. A listing of all transactional or litigation matters where you have represented a client with interests that were adverse to Rutherford County in the last five (5) years, provided that such matters have been previously disclosed to Rutherford County or the public in the course of those representations, including the name of the party(ies), a brief and general description of the matter, and relevant dates of service on that matter;
9. Any other detailed information, including documentation as needed, necessary to show how you meet the Minimum Qualifications; and

10. Any additional information that you would like the County to consider in evaluating your qualifications.

### **SECTION C – STAFF INFORMATION AND STRUCTURE**

1. A listing of professional licenses, affiliations or membership in any professional societies or organizations in North Carolina or another state for you and for each member of your firm that will provide any services under your proposal;

2. A listing of any other business or nonprofit entities in which you are an owner, co-owner, sole proprietor, officer, employee, or director, whether or not through another corporate entity, and a full and accurate statement of the business purpose and activities of any listed corporate entities; and

3. The number of attorneys employed by and/or affiliated with your firm (if practicing within a firm with multiple attorneys).

### **SECTION D – CONFLICTS OF INTEREST**

1. Details regarding any conflict of interest or potential conflict of interest you or any member of your firm may have with Rutherford County, including client names and matter descriptions. Subject to the North Carolina Public Records Act, the Rules of Professional Conduct, and any other applicable laws.

2. A listing of any relative of you or any member of your firm, by blood or marriage, to the third degree, employed by Rutherford County or serving in an elected or appointed capacity.

### **SECTION E – REFERENCES**

Provide the following information:

Name, address, telephone number, and dates of representation of at least three recent client references (in the last 5 years) regarding legal matters in a Farmland Trust or Trust context that can be contacted by Rutherford County.

### **SECTION G – COST PROPOSAL**

Provide the following:

1. Proposed Professional Service Fee Structure, including proposed hourly rates for work performed outside the above Scope of Services.

2. A complete and accurate statement of the professional liability insurance held by the attorney or law firm performing legal work on behalf of the County.

## **SELECTION PARTICIPANTS**

1. Maintaining the integrity of the RFP process is of paramount importance for the County. To this end, please do not contact any members of Rutherford County or its staff regarding the subject matter of this RFP until a selection has been made, other than the County's designated contact person identified in the introduction to this RFP. Failure to abide by this requirement may be grounds for disqualification from this selection process;
2. Representatives of Rutherford County will read, review, and evaluate the RFP independently. Rutherford County reserves the right to conduct interviews with a shortlist of selected respondents; and
3. At its sole discretion, the County may ask written questions of Respondents, seek written clarification, and conduct discussions with Respondents on the RFPs.

## **EVALUATION AND SELECTION PROCESS**

In the evaluation of Respondents, the County will consider the information submitted in the proposal. After identification of Short-Listed Respondents, the County may or may not decide to invite Short-Listed Respondents to interviews. Additional meetings may be held to clarify issues or to address comments, as deemed appropriate. Respondents will be notified in advance of the time and format of such meetings.

## **AWARD PROCEDURE**

Rutherford County has the right to reject any or all proposals, to engage in further negotiations with any Respondent submitting a proposal, and/or to request additional information or clarification. The County is not obligated to accept the lowest cost proposal. The County may accept the proposal that best serves its needs, as determined by County officials in their sole discretion. A proposal may be rejected if it is incomplete. Rutherford County may reject any or all proposals and may waive any immaterial deviation in a proposal. More than one proposal from an individual, Respondent, partnership, corporation or association under the same or different names, will not be considered. The County reserves the right to enter into negotiations with the top ranked Respondent. However, negotiations with the top ranked Respondent does not signify a commitment by Rutherford County to execute a contract or to continue discussions. The County reserves the right to terminate negotiations at any time and for any reason. The County may select and enter into negotiations with the next most advantageous Respondent if negotiations with the initially chosen Respondent are not successful. The award document will be a Contract incorporating, by reference, all the requirements, terms and conditions of the solicitation and the Respondent's proposal as negotiated.

## **GENERAL CONDITIONS AND REQUIREMENTS**

## **TERMS AND CONDITIONS**

This RFP is not an offer, obligation, or agreement to award work to any respondent. No contractual relationship is created by responding to this RFP. Rutherford County has the right to reject any or all proposals, to engage in further negotiations with any Respondent submitting a proposal, to request additional information or clarification, and to reopen the process for additional respondents. All payroll taxes, liability and workers' compensation are the sole responsibility of the Respondent. The Respondent understands that an employer/employee relationship does not exist under this contract. All proposals submitted in response to this request shall become the property of Rutherford County and as such, may be subject to public inspection and copying.

## **CONTRACTUAL OBLIGATIONS**

The contents of this Proposal and the commitments set forth in the selected Proposal(s) shall be considered contractual obligations, if a contract ensues. Failure to accept these obligations may result in cancellation of the award. All legally required terms and conditions shall be incorporated into final contract agreements with the selected Service Provider(s).

## **SUB-CONTRACTOR/PARTNER DISCLOSURE**

If the proposal by any Respondent requires the use of sub-contractors, partners, and/or third-party products or services, this must be clearly stated in the proposal. The Respondent submitting the proposal shall remain solely responsible for the performance of all work, including work that is done by sub-contractors.

## **EXCEPTION TO THE PROPOSAL**

An "exception" is defined as the Respondent's inability or unwillingness to meet a term, condition, specification, or requirement in the manner specified in the Proposal. All exceptions taken must be identified and explained in writing in the proposal and must specifically reference the relevant section(s) of this Proposal. Other than exceptions that are stated in compliance with this Section, each proposal shall be deemed to agree to comply with all terms, conditions, specifications, and requirements of this Proposal. If the Respondent provides an alternate solution when taking an exception to a requirement, the benefits of this alternate solution and impact, if any, on any part of the remainder of the Respondent's solution, must be described in detail.

## **MODIFICATION OR WITHDRAWAL OF PROPOSAL**

Prior to the scheduled closing time for receiving proposals, any Respondent may withdraw their proposal. After the scheduled closing time for receiving proposals, no proposal may be withdrawn for 120 days. Modifications or correction of a previously submitted proposal that are addressed in the same manner as proposals and are received by the County prior to the closing time for receiving proposals will be accepted electronically.

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