

REQUEST FOR PROPOSALS

Brown County hereby requests proposals from attorneys to provide legal services to fulfill Brown County's statutory obligations as set forth in SDCL 23A-40-6 and 23A-40-7 and other such instances in which the appointment of legal counsel at the expense of the County has been mandated by statute. This includes adult criminal cases, juvenile criminal cases, abuse and neglect proceedings, mental illness commitments and alcohol commitments.

Brown County prefers to enter into either a two- or three-year contract which will commence on January 1, 2025. To minimize the need for conflict counsel, Brown County may contract with one or more attorneys that are not associated with each other.

Sealed proposals shall be received by the Brown County Auditor, 25 Market St., Ste. 1, Aberdeen, SD 57401, no later than **8:00 a.m., Monday, July 1, 2024**. Copies of similar contracts entered into in the past between Brown County and a group of attorneys are available at the Brown County Auditor's Office.

Brown County reserves the right to reject any or all proposals, waive technicalities, and make a selection deemed to be in the best interest of Brown County, SD.

I. INSTRUCTIONS TO OFFERORS

A. All proposals shall be sent to:

Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401

B. All proposals shall be in a sealed envelope and clearly marked in the upper left-hand corner "Proposal Indigent Defense Contract."

C. All proposals shall be received by **8:00 a.m., July 1, 2024**. An original and seven copies of proposals must be presented. No faxed, e-mailed, or telephone proposals will be accepted.

D. Brown County will attempt to schedule interviews, if it so desires, during the week of **July 8th**. Attorneys shall take note that Brown County may make its selection based solely upon the written proposal submitted.

E. The attorneys selected will be notified by **July 30, 2024**. The Brown County Board of Commissioners must approve a contract with the selected attorneys as appropriate. The start date will be **January 1, 2025**.

F. All proposals must include the following information:

1. A proposed annual payment amount that shall be paid in monthly installments, subject to the terms and conditions of the contract.
2. The amount of monthly payment to be paid to each attorney.
3. The name of each individual attorney who proposes to provide indigent defense services and his or her area of responsibility.
4. A statement warranting that each attorney proposed to provide legal services shall be licensed to practice law by the State of South Dakota and be a member in good standing with the South Dakota State Bar Association during the contract term.
5. A statement indicating the attorney's willingness and capability to always maintain professional liability coverage during contract term. In addition, indicate the attorney's willingness and capability to indemnify, defend and hold Brown County harmless for any and all costs, loss and liability for all injury or damage caused in whole or in part by any negligent act or omission of an attorney providing services under the contract or anyone directly or indirectly employed by or contracting with the firm.

II. SELECTION CRITERIA

The selection of a service provider will be based upon the ability of the attorneys to best provide adequate legal representation for those individuals who because of social or economic barriers are unable to afford or secure it. Brown County will consider the completeness of the written proposal, the qualifications of the specific individuals proposed to provide services, the attorneys experience in similar work, and the competitiveness of the fee amount proposed. Each proposal will be independently evaluated on the above-referenced factors.

III. TERMS AND CONDITIONS OF THE SELECTION PROCESS

- A. Brown County reserves the right to reject any proposals and to waive minor irregularities contained therein.
- B. Brown County reserves the right to request clarification of information submitted and to request additional information from any attorney.
- C. If Brown County selects a proposal, the County and the selected attorneys will work diligently to enter into a mutually agreed upon contract.
- D. In the event a prior selection fails to result in the execution of a contract within thirty days after a proposal has been selected, Brown County reserves the right to enter into contract negotiations with the next most qualified proposal.