Request For Proposal / Request For Bids
City Solicitor (Prosecutor)
Public Defender

The city has been undergoing a contract audit for some time. Mr. Weed has been assigned this task and now is being assisted by the new Finance Director, Mrs. Shanta Wilson.

We currently contract for City Solicitor and Public Defender services. It has been over five (5) years since either of these positions has been sent out for bid. I feel it is time we send out RFPS for these services. In speaking with Mrs. Wilson, she suggested we start doing multi-year RFPs to save costs and time.

Attached are three sample RFPs for City Prosecutor and two samples for Public Defender from various locations in the U.S. Unfortunately, I do not have sample RFPs from a municipality in Georgia.

The City Of Duvall example has a section "G" of questions that I believe would give good insight into a respondent.

The Brigantine Beach example demonstrates a point grading system for respondents. Familiarity with our city and its diversity would be helpful.

I included two pages from the Lynnwood, Washington community RFP. Page Three contains previous caseload information; this may be helpful to respondents. Page Nine has a detail scope of work describing code enforcement cases. I feel the RFP **must** include language regarding QOL issues and animal control situations as handling of these cases will be in addition to cases generated by the police department.

Two sample RFPs for Public Defender are included.

I would like for Mr. Weed to compose an RFP for these positions, enlisting any assistance he may need, and present the RFPs to Council for review, approval and posting.

I suggest that the Mayor form a Judicial RFP Review Team to screen the respondents. Perhaps consisting of, but not limited to, Mr. Weed, Judge Carter, Clerk Of Court Mrs. Rivera and a senior member from the police department. The Team would select the respondents that they feel most qualified to meet the City's needs and present their findings to Mayor and Council for review and interviews.

Things to consider:

Multi-year RFP?

Contractor vs. part-time employee?
(Mrs. Wilson and Mr. Whittaker, our auditor, may have additional commentary on this aspect)

CITY OF DUVALL

REQUEST FOR QUALIFICATIONS AND PROPOSAL

PROSECUTION SERVICES

The City of Duvall provides police and prosecution services in the cities of Duvall and Carnation. The services provided to the City of Carnation are by contract. The combined population of the cities is approximately 8,000 people.

A. INTRODUCTION

The City of Duvall is requesting proposals from well qualified law firms and/or attorneys interested in providing prosecution services for the cities. Services would include attendance at hearings and preparation for such hearings.

Hearings are generally conducted on the third Tuesday of each month from 5:30 p.m. to approximately 9:30 p.m. or until the calendar is finished. Additional appearances may be necessary during regular court hours, to handle arraignments. If a holiday should occur on a Tuesday, the Tuesday calendar is moved to the week prior. The cities' prosecutor is responsible for prosecution of trials, both jury and bench pre-trial motions and certain contested hearings such as forfeitures.

The City of Duvall contracts with King County District Court, Northeast Division for court services. To illustrate the potential workload, a total of approximately 400 misdemeanor cases were filed for the cities in 20067.

The Duvall Police Department employs 16 full-time officers supported by two full-time administrative/clerical staff. The relative crime rates for both cities are some of the lowest in King County.

B. SCOPE OF WORK

The Prosecutor:

1. Represents the City in the prosecution of all criminal violations and infractions.
2. Is responsible for all aspects of prosecution including: investigation; contacting witnesses, officers, victims and defense attorneys as necessary; arraignments; pre-trial hearings and motions; and representing the cities at bench and/or jury trials, sentencings, review hearings and appeals.
3. Follows cases through sentencing procedures and manages criminal appeals.
4. Provides legal research, training and assistance to the Police Department including statutory interpretation, enforcement issues, and case decisions.
5. Provides advice and representation in forfeiture hearings, search warrant reviews and similar matters.
6. Informs and advises the department regarding statutory or case law changes.

CITY OF DUVALL

REQUEST FOR QUALIFICATIONS AND PROPOSAL

PROSECUTION SERVICES

QUALIFICATIONS

The Prosecutor must be an attorney admitted to the practice of law in the State of Washington with a minimum of five (5) years experience which must include significant trial experience. Experience in the prosecution of criminal and infraction matters is highly desirable. Experience involving violations of municipal or county ordinances is preferred. Preference will be given to candidates who provide a sole attorney to cover all City requirements.

C. COMPENSATION/HOURS OF WORK

The City and Prosecutor will enter into a professional services agreement which will address compensation. The Prosecutor must be reasonably available for night and weekend contact by police personnel. Proposals shall clearly set forth fees or fee structure to be charged for services. A flat fee proposal is preferred.

D. SELECTION PROCESS

All proposals will be reviewed and screened based upon the qualifications and requirements outlined in this request. Those individuals deemed most qualified will be screened further based upon reference checks. Finalists will be invited for interviews. The appointment will be made by the Mayor, subject to the approval of the professional services contract by the City Council.

E. REQUIREMENTS

The selected attorney and/or firm will be required to undergo a reference check prior to appointment, and to provide to the City with proof of insurance (including professional liability insurance).

F. INSTRUCTIONS TO REPLY TO THIS REQUEST FOR QUALIFICATIONS

To reply to this RFQ, please submit the following: (1) résumé; (2) cover letter and statement of qualifications, which must include Washington State Bar Numbers for all attorneys responding to this RFQ; (3) three professional references with addresses and, phone numbers and contact name if for an organization; and (4) answers to the questions below (Section H.). All materials shall be submitted in one packet and provided to:

City of Duvall
ATTN: CITY CLERK
PO Box 1300
Duvall, WA 98019

CITY OF DUVALL

REQUEST FOR QUALIFICATIONS AND PROPOSAL

PROSECUTION SERVICES

ALL APPLICATION MATERIALS SHALL BE SUBMITTED
BY NOON ON FEBRUARY 28, 2008

At the City's discretion, proposals submitted after the due date and time may be considered. Proponents accept all risks of late delivery of mailed proposals regardless of fault. **Proponents bear all responsibility for ensuring that the mailing address is correct.**

G. RFQ QUESTIONS

Please provide clear and concise responses to the following matters. Please place your name and/or the name of your firm on each sheet of paper used.

1. Describe the steps you will take as Prosecutor to ensure that violators are prosecuted to the fullest extent of the law.
2. Discuss your philosophy regarding plea bargaining and how you would apply it in this position.
3. Describe the role of the Prosecutor and his/her relationship to the court, police department, victims, witnesses, and the community.
4. Describe how you would handle subpoenas, discovery, and related public disclosure requests.
5. Describe the level of availability you would have to Police and City staff during both work and off hours.
6. Describe the steps you would take to ensure timely resolution of cases, staff requests, and related matters.
7. Submit a proposed schedule of fees and costs you would be seeking as compensation. A flat fee proposal is preferable. Note: The final agreement will be negotiated and a professional services agreement will be executed.
8. Disclose any pending litigation and/or judgments rendered against you and/or your firm in any matter relating to the professional activities of you and/or your firm, including any pending complaints to the Washington State Bar Association.

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FAIR AND OPEN PROCESS PROPOSAL
FOR MUNICIPAL SOLICITOR

The form must be submitted no later than 11:00 a.m. on **FRIDAY, DECEMBER 18, 2009** to:

Mr. James Barber
City Manager
Brigantine City Hall
1417 West Brigantine Avenue
Brigantine, New Jersey 08203

By submitting this form, the applicant consents to allowing municipal officials to contact any and all references and municipalities as contained hereon and to verify any information contained herein. Brigantine Beach reserves the right to award a professional service contract as City officials deem appropriate.

When retaining a municipal solicitor, the City of Brigantine Beach shall judge experience, familiarity, expertise and cost. Please complete all information in each category. Brigantine Beach reserves the right to reject any application which is incomplete and further reserves the right to reject any applicant, even after award of contract, if any of the information contained on this proposal form is false. No facsimile transmission of this proposal form shall be accepted.

1. **Experience** Maximum 25 points

Brigantine Beach believes experience as a municipal solicitor is an important criteria when awarding a professional service contract for municipal solicitor. Therefore, one point shall be awarded for each year an individual has served as a municipal solicitor. A person can be awarded more than one point for any year that said individual served as a municipal solicitor in more than one municipality. For example, if during any calendar year an applicant served as solicitor in both town A and town B, the applicant would have accumulated two years of experience as a municipal solicitor during said calendar year.

I score _____ points for experience because I have served as municipal solicitor in
_____ for _____ years
and _____ for _____years
and _____for _____years
and_____ for _____years

2. **Familiarity** Maximum 25 points

Brigantine Beach believes familiarity is an important criteria for a municipal solicitor. An individual that is aware of the history, geography and culture of the municipality and to a lesser extent, the County can better serve in the position. Therefore, points shall be awarded as follows:

Please check the applicable section:

a)I have lived in Brigantine for 25 years or more	25 points
b)I have lived in Brigantine for 15 years or more	20 points
c)I have lived in Brigantine for 7 years or more	15 points
d)I have lived in Brigantine for less than 7 years	10 points
e)I have never lived in Brigantine but have lived in Atlantic County for more than 7 years	5 points
f)I have never lived in Brigantine or Atlantic County	3 points

I score _____ points for familiarity.

3. **Expertise** Maximum 25 points

Brigantine Beach believes expertise is an important criteria when awarding a professional services contract for municipal solicitor. An individual can obtain expertise as a municipal solicitor by being designated a Diplomate in New Jersey Local Government Law. The Diplomate Program is offered jointly by the Center For Government Services at Rutgers, The State University of New Jersey and the New Jersey Institute of Local Government Attorneys. To become a Diplomate, an individual must complete 12 hours of continuing education credits and satisfactorily complete the following six New Jersey Local Government Law courses:

1) Legal Aspects of Land Use for N.J. Attorneys
2) Municipal Finances - Raising and Spending Money
3) Legal Aspects of Municipal Labor Relations
4) Legal Aspects of Municipal Procedure
5) Municipal Tort Liability
6) Public Land and Building in New Jersey

Points shall be awarded as follows:

a)	Applicant certified as a Diplomate in New Jersey Local Government Law	25 points
b)	Applicant has successfully passed at least five of the Diplomate courses	20 points
c)	Applicant has successfully passed at least four of the Diplomate courses	15 points
d)	Applicant has successfully passed at least two of the Diplomate courses	10 points
e)	Applicant has not completed any of the Diplomate courses but has attended at least 3 ICLE seminars in the last two years concerning topics which are useful in the practice of a municipal solicitor	5 points

I score _____ points for expertise.

4. **Cost** Maximum 25 points

Brigantine Beach believes controlling legal cost is important. Therefore, points shall be awarded based upon what an applicant would charge the municipality as an hourly rate. Points shall be awarded as follows:

Rate Charged	Points
$100 or less	25
$105	23
$110	21
$115	19
$120	17
$125	15
$130	13
$135	11
$140	9
$145	7
$150	5
$155	3
$160 or above	1

I score _____ points for cost.

References

I authorize officials of Brigantine Beach to contact any of the municipalities listed hereon or any other source to verify the truthfulness of the information contained in this proposal form. I also authorize officials to contact the two references below:

Name	Position/Title	Telephone Number
1.		
2.		

Applicant

The applicant's name is:_____

Address is:_____

and telephone number is:_____

The information contained in this proposal form is true. I realize that if any information is false, Brigantine Beach reserves the right to reject my application or terminate my services and the professional service contract even after same has been awarded.

Date:_____ _____

Applicant Signature

FOR OFFICIAL USE ONLY

Score for Experience: _____

Score for Familiarity: _____

Score for Expertise: _____

Score for Cost: _____

PROPOSAL FOR MUNICIPAL SOLICITOR

Brigantine Beach is seeking proposals through the fair and open process as set forth in the State of New Jersey's Pay to Play legislation for the position of Municipal Solicitor for the period of January 1 to December 31, 2010. A request for proposal form is on file with the Municipal Clerk. The forms can be obtained by visiting the Clerk's Office at:

Brigantine City Hall
1417 West Brigantine Avenue
Brigantine, New Jersey 08203

OR

By sending a self addressed, stamped envelope to the Clerk's Office to the attention of Lynn Sweeney, Municipal Clerk and requesting said form be sent via the United States Postal Service. The forms must be fully completed and returned in a sealed envelope to:

Mr. James Barber
City Manager
Brigantine City Hall
1417 West Brigantine Avenue
Brigantine, New Jersey 08203

no later than eleven a.m. (11:00 a.m.), Friday, December 18, 2009. Any questions regarding the form should be directed to Mr. Barber at telephone number 609-266-7600 ext. 212. No facsimile transmission shall be accepted.

The proposals shall be evaluated pursuant to the following criteria:

1.	Experience	25%
2.	Familiarity	25%
3.	Expertise	25%
4.	Cost	25%
TOTAL		100%

The listing of the name, address and telephone number of at least two (2) references must be included on the proposal. The proposals may be opened at anytime after 11:00 a.m. on Friday, December 18, 2009 and the award of a professional services contract may occur anytime thereafter. Late proposals **SHALL NOT BE ACCEPTED.** Brigantine Beach reserves the right to award a professional services contract to any candidate as determined by officials of the City of Brigantine.

Lynnwood

Court volumes are not expected to grow during 2001. Following is history and predicted volume:

	1998	1999	2000	2001 Projected
Criminal Filings	4228	3778	3380	3718
Contested Hearings Held	903	1220	1063	1169
Case Settings for jury trials	798	1242	2736	2700
Jury Trials Held	7	6	6	7
Bench Trials Held	14	63	54	63
Jury Trials Set	798	1242	2736	2463
Bench Trials Set	197	411	362	398

Purpose

The purpose of the contract is to provide prosecution services for all infraction and misdemeanor matters occurring in Lynnwood. Summary of specific services include: review of cases for filing, complaints, discovery, plea offers, victims or complaining witnesses, case management, domestic violence advocate, court appearance, appearance at District Court, appeals, forfeiture actions (civil), liaison between court system and Police Department, legal advisor to LPD, coverage and training (current on legal and legislative issues). A specific scope of work is provided on page 7.

Minimum Qualifications

g. Applications shall provide a team of 3 attorneys that can serve up to 480 hours a month, including base prosecuting work and additional hourly services.
h. Each Prosecutor must be an attorney admitted to the practice of law in the State.
i. Experience in prosecution of criminal and infraction matters involving violations of municipal ordinances is preferred.
j. The applicants agree that, should they be named as a finalist, they agree to a criminal background investigation by LPD as a condition of final appointment and agree to a review of his/her file with the Washington Bar Association.

Compensation

Compensation shall be a monthly flat fee for basic prosecuting services. For specialty work, an hourly rate will be charged for hours actually worked (forfeitures, code enforcement, appeals, review of charging decisions, and any police training). No additional fees, costs, charges, telephone fees, paralegal fees, delivery fees, or other such miscellaneous fees shall be allowed, and instead all such costs must be considered within the total proposed monthly flat rate.

An annual CPI increase shall be automatically calculated on January 1st of each contract year. This annual CPI increase shall be the same as granted to non-union City employees by the City Council at the close of each year, if any. If no increase is granted by the Council, then no increase shall be effective for the contract.

Should annual caseload volume exceed 10% of projected caseloads in this document, the Contractor may approach the City for additional compensation. The City shall calculate increase, if any, using the contract hourly rate relative to the increase in volumes.

There shall be no increase or decrease to the monthly flat rate for the basic prosecuting services due to a failure to accurately predict and project the hours required to perform services. The only adjustment shall be if caseloads vary from the projected 2001 caseloads as stipulated above.

Lynnwood

Specialty Work - Detailed Scope (charged at hourly rates):

The following services are specialty services, charged at an additional rate for each hour worked. It is estimated that this work requires approximately 60 hours a month.

t. Training

a. The prosecutor will keep current on legal issues and legislation, including attendance at Continuing Legal Education.
b. The prosecutor will provide information and/or on-going monthly training to LPD regarding recent developments in Lynnwood Municipal Court, address how the Judge is ruling on particular issues so that officers will be best prepared for court actions, and present discussions on legal issues both from a statutory and case-law point of view. Also, address legislation relevant to law enforcement activities within the timeframe requested by LPD.
c. Provide special training events for officers as requested by the LPD.
d. Meet one-hour each Thursday to answer questions from officers and detectives.
e. Attend Special Operations Section briefings, as requested by the LPD.
f. The prosecutor will attend regional meetings regarding law enforcement as requested or necessary to address legal issues of LPD.
g. Prepare draft ordinances relating to police enforcement issues at request of LPD. Drafts will route to City Attorney for approval. If requested by LPD, prosecutor will attend Council meetings or meetings with officials concerning legal matters.

u. Appeals

a. Superior Court: Prosecutor will represent the City for RALJ appeals at Superior Court in Everett. The prosecutor will perform legal research and file a responsive brief only after discussion with LPD. The prosecutor shall then appear at court to discuss any issues, and prepare for oral arguments. There were approximately 10 new appeals and 10 carry-over appeals in 2000.

v. Forfeiture Actions (civil)

The prosecutor will represent the City in all civil forfeiture matters filed in Lynnwood Municipal Court, regardless if matters are heard by the City Hearing Examiner or are removed to another jurisdiction. Approximately 24 were handled during 2000.

w. Code Enforcement

The prosecutor shall represent the City on actions that are initiated by a non-police agency, in particular code enforcement actions, at the request of the City. The prosecutor shall charge and prosecute persons and businesses who violate provisions of the Lynnwood Municipal Code, including such matters as illegal signs, failing to obtain or renew a business license, failing to maintain property sufficient to constitute a public nuisance, or failing to comply with Uniform Fire Code. Approximately 9 code violation matters were handled in 2000.

x. Charging Decisions

Upon request of a Police Officer, the prosecutor will review criminal files to assist the LPD in making filing decisions. Cases are occasionally referred to the prosecutor to determine if there is sufficient evidence to file criminal charges. The prosecutor may then draft a criminal complaint and file it in court, or if there is insufficient evidence may decline to charge or request additional police investigation. There are approximately 10 cases per week for charging decisions.

y. Bail book

City of Poulsbo
Public Defender
Request for Proposal

I. Introduction

The City of Poulsbo is accepting proposals from qualified law firms or individual attorneys to provide Public Defender services on a contractual basis in the Poulsbo Municipal Court. Contract services are estimated to commence on February 8, 2010.

II. Time Schedule

The City of Poulsbo will follow the timetable below, which should result in a selection of a firm by approximately February 3, 2010. Proposals will be accepted from December 18, 2009 to January 8, 2010.

Event	Time	Date
Issue of RFP		December 17, 2009
Proposal Responses Due	4 PM (PDT)	January 8, 2010
Panel Interviews		January 15, 2010
Preliminary Selection of Firm		January 19, 2010
Council Approval		February 3, 2010
Notify Firm Chosen		February 4, 2010
Effective Date of New Contract		February 8, 2010

These dates are estimates and subject to change by the City

III. Minimum Experience/Qualifications

1. Each attorney who is proposed to perform services pursuant to this RFP must be a member in good standing with the Washington State Bar Association. No Rule 9 attorneys will be allowed to perform any services under this agreement without supervision of an attorney admitted to practice law in Washington State.

2. Public Defender may retain the assistance of other qualified attorneys in his or her firm. At all times, the designated Public Defender will supervise attorneys having less than 3 years of experience to ensure that defendants charged in the Poulsbo Municipal Court receive competent legal representation.

3. The Public Defender and any other attorneys performing services under this agreement shall:
   a) Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to criminal law;

b) Be familiar with the collateral consequences of a conviction, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction;
c) Be familiar with mental health issues and be able to identify the need to obtain expert services; and
d) Complete a minimum of five (5) hours of continuing legal education within each calendar year in courses relating to their public defense practice.

IV. Scope of Services

The attorney or firm awarded the contract shall be designated Public Defender for the City's Municipal Court, and shall be duly appointed to represent all defendants who are appointed legal counsel by the Poulsbo Municipal Court.

Representation as the City's Public Defender shall include but not be limited to:

1. Attending all scheduled court appearances. In the event of vacation or illness Public Defender is responsible for arranging coverage by another qualified attorney.

2. Acting as counsel available to all defendants at arraignments and in custody bail hearings on scheduled court days. Beginning January 1, 2010 court calendars will be held every Wednesday.

3. Representation of appointed cases at pre-trial hearings, trials, sentencing, and post-disposition proceedings; and

4. Representation of criminal defendants on appeals to the Superior Court.

5. The Public Defender shall consult with defendants prior to pretrial hearings. Appointment as the City's Public Defender will require meetings with defendants at the Public Defender's office or at the Kitsap County Jail. Failure to consult with defendants prior to pretrial shall only be excused for good cause. Examples of "good Cause" include: scheduled vacation, illness, extended trials, or when the defendant fails to cooperate with the Public Defender in scheduling a time to consult.

6. Pursuant to CrRLJ 3.1(c)(1)-(2). Public Defender services shall also include providing legal representation to persons wishing to consult with an attorney while in the custody of the Poulsbo Police Department. The City's Public Defender shall ensure that an attorney is available at all times (24 hours a day) to provide legal representation, including evenings, holidays, and weekends. The City's Public Defender shall provide the Poulsbo Police Department with a monthly schedule of attorneys available to receive calls during non-business hours. This schedule shall include the name of the attorney and a designated telephone or cellular phone number. Only attorneys who meet the experience requirements set forth above, and are either a member of the Public Defender's firm or have received prior written approval by the City may be included in the above described schedule.

7. When a defendant excuses his or her right to trial, the City's Public Defender shall diligently prepare for trial and ensure that the defendant receives adequate representation. Preparation for trial shall include but not be limited to: interviewing witnesses identified by the City Prosecutor, interviewing witnesses identified by the defendant, review of police reports and evidence, research legal issues, preparing a witness list on behalf of the defendant, and consultation with the defendant.

8. If a defendant represented by the City's Public Defender elects to appeal a conviction to Superior Court, the Public Defender is responsible for timely filing a Notice of Appeal to Superior Court.

9. Services do not extend to forfeiture hearings or hearings with the Department of Licensing.

V. COMPENSATION

1. Please provide compensation schedules based on either one or both of the following scenarios:

   a) Compensation shall be a flat annual fee. No additional fees, costs, charges, telephone fees, paralegal fees, delivery fees, training fees, or any other reimbursable expenses will be allowed.

   b) Compensation on a per case basis. Proposal shall clearly set forth fees and fee structure to be charged for all public defense services as described in the scope of work. Any costs to be charged to the City must also be identified.

2. Payment by the City for the services will only be made after the services have been performed, an itemized billing statement is submitted in the form specified by the City and approved by the appropriate City representative. Payment shall be made on a monthly basis, thirty (30) days after receipt of such billing statement.

VI. Proposal Deadline and Submittal Instructions

All proposals and/or questions should be directed to:

Debbie Booher, Finance Director
City of Poulsbo
19050 Jensen Way NE
PO Box 98
Poulsbo, WA 98370
(360) 779-3901

All proposals must be in a sealed envelope and clearly marked in the lower left-hand corner: "Public Defender Services Proposal".

All proposals must be received by January 8, 2010, at 4:00 pm. Five (5) copies of the RFP must be presented. No Faxed or telephone proposals will be accepted.

The information requested below is a requirement for submitting a complete proposal. At the sole option of the City, incomplete proposals may not be considered.

1. Description of your law firm/individual attorney overall practice area(s) and the services the firm/individual attorney is capable of providing, including an explanation of how these services will best meet the City's needs. Please also include a description of related criminal law experience with agencies similar in size to Poulsbo.

2. Identification of the attorney(s) proposed to act as the designated Public Defender. Include a clear and detailed description of how each proposed attorney meets the minimum experience/qualification identified in this RFP.

3. A list of at least three (3) references capable of speaking to the reputation and qualification of the law firm/individual attorney.

4. Proposals shall clearly set forth fees and fee structure to be charged for all public defense services as described in the scope of work. Any costs to be charged to the City must also be identified.

5. Disclosure of any litigation or judgments rendered against the law firm/individual attorney in any matter relating to professional activities of the firm/individual attorney, including any pending or founded complaints to the Washington State Bar Association.

6. Description of how the law firm/individual attorney handles conflict checks; description of how the law firm/individual attorney proposes to handle conflicts that may arise in performance of this Agreement.

7. If the City elects to contract with another law firm/individual attorney, whether your law firm/individual attorney is willing to handle cases for the City on a conflict-basis.

8. Responses to RFP must include a signed statement as follows signed by an authorized officer of the firm/individual attorney:

   I/We have reviewed all documents presented as part of the City's RFP for Public Defense Services, which include the advertisement for the RFP, the RFP, and the Draft Sample Professional Services Agreement. The undersigned proposes to perform all work in compliance with these documents as well as in compliance with all submitted proposal information. The undersigned further warrants that adequate staff services and facilities will be established to enable the effective provision of legal services.

9. Attorney shall secure and maintain a policy of commercial general liability insurance with limits no less than one million dollars ($1,000,000) combined single limit per occurrence and two million dollars ($2,000,000) aggregate for personal injury, bodily injury and property damage. The Attorney shall also secure and maintain a policy of professional liability insurance in the amount of one million dollars ($1,000,000) or more against claims arising out of work provided for in this Agreement. All insurance shall be obtained from an insurance company authorized to do business in the State of Washington. Excepting the professional liability insurance, the City shall be named on all insurance as an additional insured.

10. The following table shows the total number of criminal cases filed in Poulsbo Municipal Court:

Year Cases Filed:	Criminal	DUI
2006	495	108
2007	607	69
2008	557	76
2009 (January - November)	470	50

VII. Selection Criteria

Selection criteria will be based on the ability of the law firm/individual attorney to perform the duties as described above.

VIII. General Terms and Conditions

The City reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.

The City reserves the right to request clarification of information submitted, and to request additional information from any proposer.

Any proposal may be withdrawn up until the date and time set above for opening of the proposals. Any proposal not so timely withdrawn shall constitute an irrevocable offer, for a period of sixty (60) days, to provide to the City the services described in the attached specifications, or until one or more of the proposals have been approved by the City's administration, whichever occurs first.

IX. Non-Collusion Affidavit Certificate

City of Springville
Public Defender
Request for Proposal

I. Introduction

Springville City is accepting proposals from qualified law firms or individual attorneys to provide Public Defender services on a contractual basis in the Springville Justice Court. Contract services are estimated to commence on April 1, 2010.

II. Time Schedule

Springville City will follow the timetable below, which should result in a selection of a firm by approximately March 24, 2010. Proposals will be accepted from February 8 to March 1, 2010.

Event	Time	Date
Issue of RFP		February 8, 2010
Proposal Responses Due	4PM (MST)	March 1, 2010
Effective Date of Contract		April 1, 2010

III. Minimum Experience/Qualifications

1. Each attorney who is proposed to perform services pursuant to this RFP must be a member in good standing with the Utah State Bar Association.

2. Public Defender may retain the assistance of other qualified attorneys in his or her firm. At all times, the designated Public Defender will supervise attorneys working under this Proposal to ensure that defendants charged in the Springville Municipal Court receive competent legal representation.

3. The Public Defender and any other attorneys performing services under this agreement shall:

   a) Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to criminal law;

   b) Be familiar with the collateral consequences of a conviction, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction;

   c) Be familiar with mental health issues and be able to identify the need to obtain expert services; and

   d) Complete a minimum of five (5) hours of continuing legal education within each calendar year in courses relating to their public defense practice.

IV. Scope of Services

The attorney or firm awarded the contract shall be designated Public Defender for the Springville City Justice Court, and shall be duly appointed to represent all defendants who are appointed legal counsel by the Springville Justice Court.

Representation as the City's Public Defender shall include but not be limited to:

1. Attending all scheduled court appearances. In the event of vacation or illness, Public Defender is responsible for arranging coverage by another qualified attorney.

2. Acting as counsel available to all defendants at arraignments and in custody bail hearings on scheduled court days. Presently, Springville Justice Court session for the Public Defender is Tuesdays from 8:00 am to 4:30 pm; however, Public Defender will have to make appearances at other times whenever noticed by the Court.

3. Representation of appointed cases at pre-trial hearings, trials, sentencing, and post-disposition proceedings; and

4. The Public Defender shall consult with defendants prior to pretrial hearings. Appointment as the City's Public Defender may require meetings with defendants at the Public Defender's office or at the Utah County Jail.

5. When a defendant exercises his or her right to trial, the City's Public Defender shall diligently prepare for trial and ensure that the defendant receives adequate representation. Preparation for trial shall include but not be limited to: interviewing witnesses identified by the City Prosecutor, interviewing witnesses identified by the defendant, review of police reports and evidence, research legal issues, preparing a witness list on behalf of the defendant, and consultation with the defendant.

6. If a defendant represented by the City's Public Defender elects to appeal a conviction to Superior Court, the Public Defender is responsible for timely filing a Notice of Appeal to the Springville Justice Court.

7. Services do not extend to forfeiture hearings or hearings with any Department of Licensing.

V. COMPENSATION

1. Please provide compensation schedules based on a flat annual fee. No additional fees, costs, any other reimbursable expenses will be allowed.

2. Payment by the City for the services will only be made after the services have been performed, an itemized billing statement is submitted in the form specified by the City and approved by the appropriate City representative. Payment shall be made on a monthly basis, thirty (30) days after receipt of such billing statement.

VI. Proposal Deadline and Submittal Instructions

All proposals and/or questions should be directed to:

Troy Fitzgerald
City Administrator
110 South Main Street
Springville, UT 84663
(801) 489-2700

All proposals must be in a sealed envelope and clearly marked in the lower left-hand corner: "Public Defender Services Proposal".

All proposals must be received by March 1, 2010, at 4:00 pm. Five (5) copies of the proposal must be presented. No Faxed or telephone proposals will be accepted.

The information requested below is a requirement for submitting a complete proposal. At the sole option of the City, incomplete proposals may not be considered.

1. Description of your law firm/individual attorney overall practice area(s) and the services the firm/individual attorney is capable of providing, including an explanation of how these services will best meet the City's needs. Please also include a description of related criminal law experience with agencies similar in size to Springville.

2. Identification of the attorney(s) proposed to act as the designated Public Defender. Include a clear and detailed description of how each proposed attorney meets the minimum experience/qualification identified in this RFP.

3. A list of at least three (3) references capable of speaking to the reputation and qualification of the law firm/individual attorney.

4. Proposals shall clearly set forth the flat annual fee for public defender services. The annual fee will be paid in twelve monthly installments throughout the year.

5. Disclosure of any litigation or judgments rendered against the law firm/individual attorney in any matter relating to professional activities of the firm/individual attorney, including any pending or founded complaints to the Utah State Bar Association.

6. Description of how the law firm/individual attorney handles conflict checks; description of how the law firm/individual attorney proposes to handle conflicts that may arise in performance of this Agreement.

7. If the City elects to contract with another law firm/individual attorney, whether your law firm/individual attorney is willing to handle cases for the City on a conflict-basis.

8. Responses to RFP must include a signed statement as follows signed by an authorized officer of the firm/individual attorney:

   I/We have reviewed all documents presented as part of the City's RFP for Public Defender Services, which include the advertisement for the RFP, the RFP, and the Draft Sample Professional Services Agreement. The undersigned proposes to perform all work in compliance with these documents as well as in compliance with all submitted proposal information. The undersigned further warrants that adequate staff services and facilities will be established to enable the effective provision of legal services.

9. The Attorney shall secure and maintain a policy of professional liability insurance in the amount of one million dollars ($1,000,000) or more against claims arising out of work provided for in this Agreement. All insurance shall be obtained from an insurance company authorized to do business in the State of Utah. Excepting the professional liability insurance, Springville City shall be named on all insurance as an additional insured.

10. The following table shows the total number of criminal cases filed in Springville Justice Court:

Year	# Filed
2006	3564
2007	3482
2008	5456
2009	5171

In 2009, the public defender was appointed on approximately 180 cases.

VII. Selection Criteria

Selection criteria will be based on the ability of the law firm/individual attorney to perform the duties as described above.

VIII. General Terms and Conditions

The City reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.

The City reserves the right to request clarification of information submitted, and to request additional information from any proposer. Any proposal may be withdrawn up until the date and time set above for opening of the proposals. Any proposal not so timely withdrawn shall constitute an irrevocable offer, for a period of sixty (60) days, to provide to the City the services described in the attached specifications, or until one or more of the proposals have been approved by the City's administration, whichever occurs first.

IX. Non-Collusion Affidavit Certificate

State of Utah)
) ss
County of Utah)

The undersigned, being duly sworn, deposes and say that the person, firm, association, partnership, or corporation herein named has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in the preparation and submission of a proposal to Springville City for consideration in the award of a contract on the improvement described as follows:

City of Springville
Public Defender Services

_____ _____
Institution Name Authorized Signature

Sworn before me, this _____day of, _____ 2010.

_____
Notary Public
In and for the State of Utah