



The City Of Zillah

THE HEART OF WINE COUNTRY

REQUEST FOR PROPOSALS FOR HEARING EXAMINER AND PRO TEM HEARING EXAMINER SERVICES

I. PURPOSE OF REQUEST

City of Zillah ("City") is requesting proposals from individual attorneys licensed to practice in Washington, law firms, or other qualified individuals for the purpose of selecting a hearing examiner and a *pro tem* hearing examiner experienced in the areas of land use law, real property law, GMA planning and land development, code enforcement, business licensing, including adult entertainment, etc. Applicants may specialize in one or all areas, but must be familiar with the Zillah Municipal Code. All applicants must have a minimum of five (5) years of experience in the field of planning and/or as a hearing examiner or similar qualifying experience.

The City's needs are outlined in the following Request for Proposal ("RFP"). The RFP may be reviewed on the City's website at: www.cityofzillah.us

II. TIMELINE

The City will follow the following timetable:

Issue RFP	December 20, 2011
Deadline for submittal of Questions/Clarifications	December 27, 2011
<u>Deadline for Submittal of Proposals</u>	<u>January 3, 2012</u>
Review and Ranking of Proposals	January 9-10, 2012
Notification of Finalist(s)	January 11, 2012
Possible Interviews and/or contract negotiation	January 17-27, 2012
Council Appointment and Contract(s) Approval	February 6 (tentative)

III. INSTRUCTIONS TO PROPOSERS

1. All proposals should be mailed or delivered to:

Sharon Bounds/Clerk/Treasurer
Zillah City Hall
503 First Avenue
PO Box 475
Zillah, WA 98953

2. All proposals must be in a sealed envelope and clearly marked: "**RFP Hearing Examiner.**"

3. Any questions related to the RFP must be received in writing (via letter or email) by December 27, 2011. No phone calls will be accepted. Questions should be addressed to Sharon Bounds, Clerk/Treasurer. Email can be sent to sbcityclerk@embarqmail.com. The City will respond by posting the question and answer on the city website.
4. **All proposals must be received by January 3, 2012, by 4:00 p.m.** Three (3) typed, bound or stapled hard copies of the proposal must be presented. No emailed, faxed or telephone proposals will be accepted. There is no page limit for proposals, except that writing samples should not exceed 10 pages. Fonts should be 11 point or larger.
5. Proposals should be prepared simply and economically, providing a straight forward, concise description of the provider's ability to satisfy the requirements of the request. Promotional materials or generalized firm brochures are not desired. Emphasis should be on completeness and clarity of content. Double-sided copies are acceptable where practicable.
6. The City will notify the finalist individual(s) and/or firm(s) selected by January 11, 2012. Finalists should be prepared for interviews and/or contract negotiations during the weeks of January 17, 2012 through January 27, 2012.

IV. RFP TERMS AND CONDITIONS

1. All submittals shall become the property of City of Zillah and are subject to the Public Records Act requirements.
2. The City reserves the right to reject any and all proposals and to waive minor irregularities in any proposal.
3. The City reserves the right to request clarification of information submitted and to request additional information from any proposer.
4. The City reserves the right to award a contract to one or more qualified contractor(s). The City further reserves the right to award a contract to the next, most qualified contractor, if the successful contractor(s) does/do not execute a contract within fourteen (14) days after the award of the proposal.
5. 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 ninety (90) days to contract with the City for the services described in the attached specifications at the rates provided, or until one or more of the proposals have been approved by the City administration, whichever occurs first.
6. The contract resulting from acceptance of a proposal by the City shall be in a form supplied or approved by the City, and shall reflect the specifications in this RFP. A sample copy of the contract is available for review. The City reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP. The contractor shall meet all required insurance provisions in the contract.

7. The City shall not be responsible for any costs incurred by any individual in preparing, submitting or presenting its response to the RFP.

V. CONTENT OF PROPOSALS

All proposals must include the following information:

1. The name of the individual applicant and contact information, including email and phone.
2. The names of other individuals (if any) from those who will be working on decisions, their areas of responsibility, and a complete resume for each individual demonstrating their work history.
3. A resume and description of the specific experience of the named individuals relative to the RFP request.
4. A proposed outline of tasks for a typical hearing including the estimated (average) number of hours by type of personnel required to complete each task.
5. A proposed hourly fee for each type of hearing. The proposed charge for other, itemized costs.
6. References: Please provide at least three (3) references (including a name, address, email address and telephone number for each), who can attest to the performance of each individual listed in the response.
7. A writing sample demonstrating the Proposer’s ability to write clearly and analyze facts and laws. (Examples may include (but are not limited to) legal briefs, opinions, articles, quasi-judicial or judicial decisions, or scholarly works). Samples involving confidential client names may be redacted. Writing samples should be limited to 10 pages.

VI. SELECTION CRITERIA

Each proposal will be independently evaluated on factors listed below.

FACTORS CONSIDERED	WEIGHT
1. Responsiveness of the written proposal to the purpose and scope of service	10%
2. Knowledge, training and experience in the areas of land use, environmental law, administrative law and municipal law.	30%
3. Work History. Demonstrated history of successful performance as a hearing examiner or other relevant planning experience. Ability to meet case deadlines, handle difficult quasi-judicial matters, maintain a professional courtroom demeanor and experience in similar work.	35%
4. Hourly Fee and Cost Quotes.	25%
Total	100%

VII. EVALUATION METHOD

Proposals (submittals) will be scored and ranked by an Evaluation Committee based on the Evaluation Criteria. The Evaluation Committee may, in its discretion, request interviews with the highest ranked firms/individuals, and/or may request the presentation of revised proposals from the highest ranked firms/individuals, followed by an evaluation and ranking of the revised proposals.

The City reserves the right to proceed directly to negotiations with the highest ranked firm(s) or individual(s) immediately following the initial presentation and evaluation of proposals.

Negotiations with the highest ranked firm(s)/individual(s) will result in the execution of a professional services contract with a detailed scope of work in the best interests of the City. (See, the Sample Contract described below). If the City is unable to negotiate a satisfactory contract with the highest ranked firm(s)/individual(s), the next highest ranked firm/individual will be contacted for contract negotiation. This method will continue until a contract is successfully negotiated or until all proposals are rejected, depending on the best interests of the City.

VIII. SCOPE OF SERVICES

The individual(s) or firm(s) with whom the City contracts shall perform all duties of the Hearing Examiner described in and pursuant to the jurisdiction, power and authority established in Chapter 2.46 ZMC and Title 17, and other applicable federal, state and local laws, rules and regulations, including the Appearance of Fairness Doctrine. The Hearing Examiner shall review permits and appeals in accordance with those regulations, as now or hereafter amended.

The Hearing Examiner shall conduct the hearing, provide the typing of initial decisions, orders, and responses to petitions for reconsideration within the time prescribed in the City Code. The City will furnish clerical services, including but not limited to, the scheduling of hearings, providing notice of hearings, establishing case files, clerking at and recording of quasi-judicial hearings and the marking of exhibits; finalizing typed decisions and orders, mailing decisions to parties of record.

All duties shall be performed pursuant to the direction of the Hearing Examiner or his/her designee. All duties shall be performed in a manner consistent with accepted practices for other similar services included but not limited to conducting orderly and impartial hearings, creating a professional and courteous environment for applicants, citizens, and staff and the preparation of findings and conclusions which are understandable and based upon reasoning and all applicable law and which are received in a timely manner.

IX. COMPENSATION

Please present detailed information on the individual's or firm's proposed fee structure for the services proposed using hourly rate(s) for services. Please specify any additional fees, charges, expenses, etc. that will be charged to the City as part of the services performed. All rates quoted shall be full cost inclusive of sales tax and other government fees, taxes and charges and valid throughout the contract period unless otherwise amended and agreed to by both parties in writing.

Payment by the City for the services will only be made in accordance with the executed contract, after the services have been performed and an itemized billing statement is submitted in the form specified by the City and approved by the appropriate City representative.