

CITY OF MOUNTLAKE TERRACE



REQUEST FOR PROPOSALS

LEGAL SERVICES -- PROSECUTOR

City of Mountlake Terrace
23204 58th Ave. W.
Mountlake Terrace, WA 98043

Issue Date: October 24, 2022

Due Date: November 14, 2022

REQUEST FOR PROPOSALS FOR PROSECUTION SERVICES

Notice is hereby given that the City of Mountlake Terrace (“City”), Washington is requesting proposals from well-qualified law firms and/or attorneys interested in providing prosecution services for the City.

Please submit your proposal to:

City of Mountlake Terrace
Attn: Joie Worthen, Management Analyst
E-mail: JWorthen@mltwa.gov

DUE DATE: November 14, 2022, 5:00pm.

Upon the City’s discretion, proposals submitted after the due date and time may be considered. Please contact Joie Worthen to confirm that your proposal was received by 5:00 p.m.

The City of Mountlake Terrace reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the City to pay any costs incurred by proposer in the preparation and submission of a proposal. Furthermore, the RFP does not obligate the City to accept or contract for any expressed or implied services.

The successful proposer must comply with the federal, state and local equal opportunity requirements. The City is committed to a program of equal employment opportunity regardless of race, color, creed, sex, age, nationality or disability.

Introduction:

Mountlake Terrace is located north of Seattle. The city's resident population is approximately 21,000 in a 4-square mile area. The City has its own police department, with approximately 28 Officers.

Purpose of RFP:

To obtain proposals from well-qualified law firms and/or attorneys interested in providing prosecution services for the City.

Definitions:

- City: The City of Mountlake Terrace and its departments.
- Selection Committee: The RFP Selection Committee is comprised of the RFP coordinator and other City staff.
- Contract: The agreement to be entered into for services between the City and the Proposer who submits the proposal accepted by the City.
- RFP: Request for Proposal
- Proposer: The person or firm submitting the proposal and/or the person or firm awarded the contract.
- City Hall: 23204 58th Ave. West, Mountlake Terrace, WA 98043

RFP Coordinator/Communications:

Upon release of this RFP, all Proposer communications concerning this information request should be directed in writing via e-mail to the RFP Coordinator listed below. Unauthorized contact regarding this RFP with other City employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the City.

- Name: Joie Worthen, City of Mountlake Terrace
- Telephone: 425-744-6248
- E-mail: JWorthen@mltwa.gov

Preliminary Schedule:

These dates are estimates and are subject to change by the City.

Event	Date
Release RFP to Proposer	October 24, 2022
Proposer Questions (if any) Due	November 7, 2022
Proposal Responses Due	November 14, 2022 by 5:00pm
Meeting(s) with Selection Committee	November 17-22, 2022
Proposal Evaluation Complete	November 30, 2022
Negotiation of Contract	Begin December 1, 2022
New PA Begins Prosecution Services	Approx. January 1, 2023 or earlier depending on when a contract is negotiated

Duties:

Represent the City as Prosecuting Attorney in the prosecution of criminal and traffic criminal matters, which are gross misdemeanors and misdemeanors under State and Municipal law, and attorney-represented contested infractions. The Prosecutor is responsible for all aspects of the prosecution, including but not limited to case management, sentencing and appeal. Duties shall include the review and signing of citations; review of police incident reports for charging determination; recommendations with respect to the conduct of investigations, trial preparations, seizures and related matters and coordination with the City Attorney for civil forfeitures as necessary; telephone conversations, meeting with the police department and its officers, pro se defendants and opposing counsels, interviewing victims and witnesses; representing and advising the City with Victim Advocacy interests; representing the City at arraignments, pretrial hearings, bench and jury trials, in-custody hearings, motion calendars, contested infraction matters, review hearings and appeals; preparing and presenting legal memoranda, motions and supporting documentation or other related materials for court cases; preparing subpoenas, jury instructions, and other related documents; process and provide discovery and related records disclosure requests, including contested traffic infractions; perform other related duties as required.

Provide legal research and advice and meet with the Police Department from time to time as may be reasonably necessary to provide training and assistance in all criminal matters including statutory interpretation, enforcement issues, case decisions, and provide regular updates and education in the furtherance of its performance.

Likewise, Proposer should be prepared to provide annual reports to the City Council and provide quarterly reports to the City detailing cases filed, charges associated with the filings, status of cases, dispositions and sentences imposed.

Qualifications:

The Prosecutor shall be an attorney admitted to the practice of law in the State of Washington. Five (5) or more years experience is preferred, including significant trial experience. Experience in the prosecution of criminal and infraction matters is highly desirable, including matters involving violations of municipal or county ordinances. Preference will be given to Proposer who provides one attorney to cover all City requirements.

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 (24/7) contact by police personnel. Proposals shall clearly set forth fees or fee structure to be charged for prosecution services. A flat fee proposal is preferred. The fee schedule should spell out any variations for non-routine services, such as traffic and criminal appeals, towing hearings, officers subpoenaed non-represented contested traffic infractions. Services covered by this RFP that are not explicitly identified as non-routine will be assumed to be included in the fees or fee structure to be charged for prosecution services.

The City of Mountlake Terrace has a municipal department within Snohomish County District Court, South Division. Scheduled bench and jury trials are held twice monthly – Trial

Request for Proposal
Legal Services – Prosecutor for The City of Mountlake Terrace

calls on Wednesdays at 8:15 a.m. which could run through Fridays if cases are assigned out for trial. Court hearings are normally conducted as follows:

- In-custody Arraignment Hearings: Monday through Friday, as required – 9:00 a.m. to calendar completion (currently held at Snohomish County Jail)
- Motions calendar, Review Hearings, Fact Finding Hearings: every Monday – 9:00 a.m. to calendar completion
- Out of Custody Arraignment Hearings: twice monthly, Tuesdays – 1:30 p.m. to calendar completion
- Trial Confirmation and Contested Traffic Hearings Calendar: twice monthly – Wednesday 9:00 a.m. to calendar completion, and 1:30 p.m. to calendar completion (opposite weeks of bench/jury trial weeks).

The City’s calendar and trial days are subject to change and the City does not warrant that the current schedule will continue throughout the term of the contract.

Mountlake Terrace filings in Snohomish County District Court, South Division for 2021 and 2022 were as follows:

Case Type	2021	2022 (to date)
Criminal Traffic	199	87
Criminal Non-traffic	274	191
Infraction Traffic	293	221
Infraction Non-traffic	1	1
DUI	37	29

Contract Term:

The City of Mountlake Terrace desires a three-year contract period commencing January, 1, 2023 or earlier, which may be renewed for successive three-year periods.

Submittal Requirements:

To reply to this RFP, please submit the following:

1. Resume;
2. Cover letter and statement of qualifications, including specific experience, if any, of the attorney(s) in courts of limited jurisdiction which must also include Washington State Bar Numbers for all attorneys responding to this RFP;
3. Three (3) professional references with e-mail addresses and/or phone numbers;
4. Please provide clear and concise responses to the following questions. Please place your name and/or the name of your firm on each sheet of paper used. (All materials shall be submitted in one packet and provided to the RFP Coordinator.)
 - a. What steps will you take as Prosecutor to assure that violators are prosecuted to the full extent of our community’s standards?
 - b. Please discuss fully your philosophy pertaining to plea bargaining and how you would apply it in this position.

Request for Proposal
Legal Services – Prosecutor for The City of Mountlake Terrace

- c. How would you describe the role of the City Prosecutor and its relationship to the Court, Police Department, victims, witnesses and the community?
- d. As Prosecutor how will you handle subpoenas, discovery and related public disclosure requests?
- e. What level of availability would you have to staff during both working and off hours?
- f. What steps would you take to assure a timely resolution of cases, staff requests and related matters?
- g. Submit a proposed schedule of fees and costs you would be seeking as compensation. A flat fee proposal is preferable. (Final agreement will be negotiated under a professional services agreement.)
- h. 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 past or pending complaints to the Washington State Bar Association.

Please submit your proposal to the City of Mountlake Terrace, Attention Joie Worthen by 5:00 p.m. on November 14, 2022.

Proprietary and Confidential Material:

Requesting Disclosure of Public Records

The City asks interested parties to refrain from requesting public disclosure of proposal records until a contract is executed. This measure is intended to shelter the solicitation process, particularly during the evaluation and selection process or in the event of a cancellation or re-solicitation. With this preference stated, the City will continue to be responsive to all requests for disclosure of public records as required by State Law.

If you believe any records you are submitting to the City as part of your submittal or contract work product, are exempt from disclosure you can request that the City not release the records until the City notifies you about the pending disclosure.

Selection Process:

The selected attorney and/or firm will be required to undergo a reference check and comprehensive background investigation prior to appointment; agree to a review of his/her/their files with the Washington Bar Association and any other state he/she/they is or has been admitted to practice (documented history of discipline with the Bar Association is not acceptable); and provide proof of professional liability insurance to the City.

All proposals will be reviewed and screened with the top candidate(s) invited to an interview. Appointment will occur after approval of the professional services contract by the successful

Request for Proposal
Legal Services – Prosecutor for The City of Mountlake Terrace

attorney/firm and the City Council. This Request for Qualifications and Proposal is not an offer of employment. The City reserves the right to vary from the qualifications requested, to consider applicants who do not meet the qualifications and to reject all applicants. If you should have any questions regarding the position of the selection process, please contact Joie Worthen at JWorthen@mltwa.gov or 425-744-6248.