

REQUEST FOR PROPOSALS
PERSONAL SERVICES CONTRACT
LOCAL RULE 70.015(A) (FORMAL RFP)

CONTRACT CITY PROSECUTOR SERVICES

Introduction

The City of Milwaukie, an Oregon Municipal Corporation, with offices at 10722 SE Main Street, Milwaukie, OR 97222, is requesting proposals to provide legal services to the city as the City Prosecutor

Background of the practice environment

The City of Milwaukie operates a city manager form of government under authority of a city charter. The Municipal Court for the City of Milwaukie constitutes the city's chartered judicial tribunal and hears cases arising under the Municipal Code, the Development Code, and the Oregon Vehicle Code. The Court does not, at this time, try misdemeanors; this is not expected to change.

The City is interested in receiving proposals from attorneys with knowledge of municipal law and processes, as well as trial practice knowledge, to perform the duties of the City Prosecutor.

Professional requirements

- Juris Doctorate degree from an accredited law school
- Active member of the Oregon State Bar, in good standing with no pending or unresolved disciplinary matters
- Valid insurance coverage under the Professional Liability Fund

Experience required

- At least 1-3 years practice of law
- At least 3 trial experiences desired (meaning conduct of a jury trial, or observing all phases of a jury trial from voir dire to verdict)

Knowledge required

- Principles and practices of Oregon municipal law including, as sub-areas:
 - Photo radar statutes and case law
 - Oregon vehicle code
 - Council-manager form of government
 - Administrative procedures and practices
 - Knowledge of building codes and land use law helpful
- Oregon violations procedure and criminal procedure
- Court rules: evidence, trial court rules, supplemental local rules, civil procedure

- Familiarity with Oregon State Police administrative rules and processes
- Familiarity with Department of Motor Vehicles rules and procedures such as: license suspension and revocation; contested case hearings; vehicle registration.

Skills required

- Ability to establish and maintain professional working relationships with defense attorneys, city employees, police department personnel, city officials, and the public
- Draft reasoned memoranda in support of motions
- Develop reasoned persuasive arguments and orally present same in court
- Analyze and apply legal precedent
- Negotiate violation cases on terms in the public interest
- Create and deliver legal advice in oral and written form to city employees
- Acquire and utilize case calendaring system to timely meet deadlines
- Maintain strict confidentiality of oral and written communications, including confidentiality of Law Enforcement Data System (LEDS) printouts
- Facility in communicating by email is required to meet City's ongoing efforts to establish a "paperless" work environment

Scope of Work

- Evaluate approximately 10 to 40 deferred traffic sentencing applications per year. Blank application form is available for inspection on the Municipal Court website, <http://www.ci.milwaukie.or.us/municipalcourt/deferred-sentencing-program>
- Conduct between 40 and 50 attorney-represented violation trials per year. Areas of controversy include, but are not limited to: vehicle code, building code, development code, and municipal code violations.
- Attend court session one day per month to conduct attorney-represented trials.
- Respond to discovery requests and pretrial motions, developing and utilizing, as much as possible, a form bank
- Document work on time sheets
- Consult with City Recorder and Court Clerk to discuss statistical information, such as number of cases handled, outcomes, or time spent on cases. Be prepared to draft one three-page report each 6 months, with content and format at direction of City Recorder.
- Answer case questions from client (usually from court staff and police department)
- Conduct trials *de novo* in cases where defendants take an appeal from municipal court to the state courts. At present the City conducts approximately 4 to 6 *de novo* Circuit Court trials per year.

Performance expectations not identified elsewhere in this Scope of Work

- **Attendance and dependability:** contractor will report to court at scheduled times; will return phone calls and emails within 24 hours; will work conscientiously, accurately, and thoroughly.

- **Proper attire:** contractor will observe Uniform Trial Court Rule 3.010 and wear court-appropriate attire during all appearances in Municipal Court and any non-appearance work task that may take place on City of Milwaukie government premises.
- **Preparation:** contractor will interview and subpoena all necessary witnesses; conduct pretrial negotiation and site visits, where necessary; prepare exhibits; and conduct any necessary legal research and drafting. Documents needing court signature will be prepared in advance whenever possible.
- **Communication:** contractor must create professional written correspondence and keep file copies of correspondence, either in paper or electronic format.
- **Oregon State Bar Statement of Professionalism:** contractor is expected to abide by the Statement of Professionalism adopted by the Bar, available at this link and incorporated by reference into this RFP:
http://www.osbar.org/_docs/forms/Prof-ord.pdf

Supervision and contract administration

The City Recorder, Pat DuVal, is the department head responsible for municipal court operations and is the City Prosecutor's contact person and supervisor. The Client is the City of Milwaukie.

Term of contract

This request for proposal seeks a one-year commitment, which may be renewed at the end of the contract period.

Proposal instructions

A. Submission of proposals

Please deliver three copies of your proposal to the City of Milwaukie, addressed to:

Pat DuVal
City Recorder
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Documents may be submitted by US Mail, hand-delivered, or emailed to Ms. DuVal at the email address provided in subsection (C).

B. Deadline

To be considered, proposals must be physically received by the City Recorder's office by 2:00 pm, December 1, 2011.

C. Questions

All questions about this RFP should be addressed to ocr@ci.milwaukie.or.us. Any questions that, in the City's opinion, merit a written reply or an RFP amendment, will be furnished to the public at <http://bids.teamaha.com/milwaukie>

D. Information release

All Proposers are hereby advised that the City of Milwaukie may request and obtain background information about items listed in Proposals, including but not limited to experience, education, and references. By submitting a Proposal, each Proposer agrees to such activity and releases the City of Milwaukie from all claims arising from such activity. Under Oregon's public records laws, ORS Chapter 192, submitted Proposals will be considered part of the public record, except to the extent they are exempted from disclosure.

Proposal contents

Proposals should contain no more than 3 pages of written material, excluding transmittal letter and also excluding resumes or other biographic material (which may be included in an appendix). The Proposal should describe the ability of the Proposer to perform the work requested, as further outlined below.

- A. Transmittal letter: Identify yourself and your law office, and indicate that your proposal will be valid for 90 days.
- B. Approach to the scope of work: Indicate the work approach and the tasks you can perform for each element of the scope of work, including an estimated number of hours spent for each.
- C. Experience, knowledge, skills, and performance expectations: Please indicate how you meet the experience, knowledge, skills, and performance expectations listed above in connection with this position.
- D. Entity and nature of practice: Please describe the entity under which you practice law (i.e. sole practitioner, member of a firm, etc.). If a member of a firm please state how many attorneys currently practice there. Identify the main areas of law in which you practice.
- E. Cost and budget: Prepare the cost you propose charging for being awarded this contract. Please indicate whether you propose an hourly rate, or a "flat fee" for services. Requested expenses should also be listed.
- F. Law office technology and paperless work environment: The City of Milwaukie actively explores efforts to reduce paperwork, and to substitute electronic documents for paper documents. Identify any software technology—either resident on a personal computer or internet-based—that you currently use in connection with your practice. Describe any components of your practice that currently further a paperless work environment, or that you plan on implementing

in the next 12 months. Describe any law-related technology on which you have been trained—such as Westlaw in law school—even if you do not use that technology at present.

General proposal/contract limitations

- A. Limitation and award: This RFP does not commit the City of Milwaukie to award a contract, nor to pay any costs incurred in the preparation of a proposal. The City reserves the right to waive minor irregularities, accept or reject any or all proposals received as a result of this RFP, negotiate with qualified Proposers, or cancel all or part of this RFP.
- B. Billing: The Contractor shall submit an invoice to the City Recorder that includes an itemized statement of work done during the billing period, even if the work was done on a flat fee basis. Invoices may not be submitted more frequently than once per month. Milwaukie will make payment on a Net 30-day basis upon approval of the Contractor's invoice for payment.
- C. Validity period: Proposals submitted to the City in response to this RFP must contain a statement that the offer is valid for 90 days.
- D. Conflict of interest: By submitting a proposal, the Proposer certifies the following:
1. No officer, agent, or employee of the City of Milwaukie has a pecuniary interest in the proposal or has participated in contract negotiations on the City's behalf; that the proposal is made in good faith; and that the Proposer is competing solely on his or her own behalf, or on behalf of a law firm or office listed in the proposal, and that the proposer has no connection to an unlisted lawyer or law office.
 2. That the Proposer has reviewed Oregon Rules of Professional Conduct 1.7 through 1.11 and certifies that accepting a contract under this RFP will not present a conflict of interest with a current or past client.
- E. Equal employment / nondiscrimination clause: Neither the City of Milwaukie nor its contractors will discriminate against a person, employee, or applicant based on race, color, religion, sex, national origin, marital status, familial status, gender identity, sexual orientation, disability that can be reasonably accommodated, or any other status protected by law. The City of Milwaukie fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. Please contact the City's Human Resources department for more information about Title VI compliance.
- F. Exceptions to standard agreement: Attached to this RFP is a copy of the city standard personal services contract. It is provided for your information and should not be completed prior to contract award. Any suggested revisions to these

contract terms must be explained in clear language, and you must draft and submit proposed alternative clauses in your Proposal. The City is not required to consider exceptions to the standard agreement during contract negotiation and award.

Evaluation of proposals and award

- A. The City will evaluate all proposals that are timely delivered and that conform to the instructions in this RFP. The contract will be awarded based on the Proposer's approach to the scope of work, the Proposer's experience and knowledge, the Proposer's consistency with the performance expectations, and the estimated fees or rates to perform the requested work.
- B. Under local contracting rule 70.015 (A)(3), the city will select from the respondents at least 3 prospective contractors to interview. If the City receives fewer than 3 responses, each Proposer will be interviewed.
- C. The City Recorder will make a recommendation to City Council, sitting as Local Contract Review Board. The Board will award the contract.