City of Cle Elum
119 West First Street
Cle Elum, WA 98922

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REQUEST FOR PROPOSALS

Notice is hereby given that proposals will be received by the City of Cle Elum, Washington for:

Prosecution Services

Proposal shall be submitted to City Clerk Kathi Swanson at KSwanson@CleElum.gov by:

Date: **July 13, 2022**
Time: **4:00 pm**

Upon the City's discretion, proposals submitted after the due date and time may not be considered.

The City has complete discretion in the evaluation of the request for proposals ("RFP"). The City reserves the right to reject any and all proposals and to evaluate proposals even when the information provided is not complete. This RFP does not obligate the City to pay any costs incurred by respondents in the preparation and submission of an RFP. Furthermore, the RFP does not obligate the City to accept or contract for any expressed or implied services.

The City is an equal opportunity employer and requires all Proposers to comply with policies and regulations concerning equal opportunity. The Proposer, in performance of the Contract, agrees to not discriminate because of race, color, religion, creed, national origin, ancestry, sex, pregnancy, marital status, sexual orientation, gender identity, gender, age, disability-sensory, mental or physical, the use of a trained guide or service animal by a person with a disability, honorably discharged veteran or military status, or other protected status.

City of Cle Elum
Request for Proposals for Prosecution Services

The City of Cle Elum invites interested and well-qualified individual attorneys, law firms and public agencies to submit written proposals to provide prosecution services for the City of Cle Elum.

Scope of Services:
The services that are the subject of this Request for Proposals ("RFP") are the prosecution of criminal misdemeanors and gross misdemeanors, civil and traffic infractions, criminal code enforcement and animal control matters. Proposers may be individuals, law firms, or public law offices. The contracted services are intended to begin on August 1, 2022 or as soon as possible.

The City is a strong mayor form of government. The City contracts with a law firm for the provision of civil legal services. The City has its own police department, with approximately nine Officers, one part-time Animal Control Officer, and one Reserve Police Officer. The City's municipal court is located at 700 E. First Street, Cle Elum, WA 98922.

Court dates and times are as follows:

2nd and 4th Wednesday mornings, along with jury trials and other hearings as periodically scheduled by the prosecutor and/or the Court

The City Prosecutor is responsible for all aspects of criminal prosecution for the City of Cle Elum. Duties include but are not limited to:

1. Makes filing decisions on criminal cases, with input from City police;
2. Advises City police on the conduct of investigations, search warrants, trial preparation, seizures and related matters;
3. Interviews witness and victims of crimes and conducts all discovery;
4. Communicates with victims' advocates;
5. Represents the City at pretrial hearings, motions, bench and jury trials, sentencing, and review hearings and appeals in connection with criminal misdemeanor and gross misdemeanor cases;
6. Potentially represents the City at contested traffic infraction hearings when offender is represented by an attorney;
7. Represents the City at all in-custody hearings;
8. Makes appropriate sentencing recommendations to the court;
9. Prepares, presents and responds to legal motions, memoranda and briefs as necessary in the routine prosecution of criminal cases;
10. Prepares subpoenas, jury instructions, and other trial related documents and materials;
11. Handles any appeals;
12. Provides legal research, training, and assistance to City police in criminal matters, including statutory interpretation, enforcement issues, and case decisions; and creating and maintaining appropriate files;
13. Files and prosecutes criminal code enforcement matters;

14. Files and prosecutes animal control cases;
15. Provides annual reports to the City Council;
16. Provides quarterly reports to the City detailing cases filed, charges associated with the filings, status of cases, dispositions and sentences imposed;
17. Provides input to the City on proposed policy when so requested;
18. Potentially assists the Police Department in civil seizure hearings and/or provides necessary information to the City Attorney related to civil seizures.

The Prosecutor shall be reasonably available for night and weekend contact by police personnel. The City and Prosecutor will enter into a professional services agreement, which will incorporate the above referenced scope of services and will address compensation. A sample professional services agreement is attached as Attachment 1.

The City's 2021 case filings included 9 DUI or physical control cases, 17 other traffic misdemeanor cases, and 29 non-traffic related misdemeanor cases. The 2022 YTD numbers (from May 2022) are 3 DUI or physical control cases, 9 traffic misdemeanor cases, and 8 non-traffic related misdemeanor cases.

More detailed information on the volume and nature of the City's prosecutions can be found at http://www.courts.wa.gov/caseload. (Cle Elum Municipal Court data is listed under Court Directory, Courts of Limited Jurisdiction, Kittitas County.)

Minimum Qualifications:
Any attorney proposed to provide prosecution services shall be licensed in the State of Washington. Five or more years of legal experience is preferred for any attorney proposed as the lead prosecutor. Experience in the prosecution of criminal and infraction matters is highly desirable, including matters involving violations of municipal or county ordinances.

Compensation:
The City and any attorney selected for these services will enter into a professional services contract, which will address compensation. Proposals are required to set forth the fees or fee structure (e.g. hourly, monthly retainer, per-case fee) to be charged for proposed services.

Selection Process:
The deadline for submitting a proposal to the City of Cle Elum is **July 13, 2022 at 4:00pm**. Finalists are expected to be invited for interviews during July or August. The Mayor and Police Chief then intend to make a recommendation to the City Council for consideration at a City Council meeting in July or August. Should there be a need to change this schedule, finalists selected to interview will be notified in advance of these changes.

Instructions to Reply to this Request for Proposals:
To reply to this RFP, please submit the following: (1) resume for each attorney who may be part of prosecutor team; (2) cover letter and statement of qualifications, which must include Washington State Bar Numbers for all attorneys responding to this RFP; (3) three professional references with addresses and phone numbers; and (4) answers to the questions below. All materials shall be submitted by e-mail to:

City Clerk Kathi Swanson
KSwanson@CleElum.gov
Subject: RFP for Prosecution Services

Requested Information:
Proposers must answer the questions below. Proposers may also submit additional information they would like considered.

1. For individual proposers, legal-related employment history. For firm proposers, legal status of firm or predecessor firms, and areas in which the firm has practiced over those years.
2. The proposer's professional qualification for providing prosecution services, including for each attorney likely to provide services:
    (a) Law School attended (including year of graduation), year of admission to Washington State Bar, Bar Number, and years of practice. M ust be a member in good standing with the Washington State Bar Association.
    (b) Years of experience providing prosecution services.
        i. Describe relevant areas of knowledge and experience related to municipal court prosecution.
        ii. Describe experience with motions practice relevant to prosecution services;
        iii. Describe jury and bench trial experience.
3. The proposer's intended approach to providing the services;
4. The proposer's experience with diversion programs or other alternative programs and viewpoint concerning such programs.
5. A statement of the proposer's understanding of the role of the Prosecutor, and his/her relationship to the court, police department, victims, witnesses and community;
6. The proposer's philosophy in prosecuting cases where the defendant is pro se;
7. All other clients represented by the proposer;
8. Affiliations or clients that could cause conflicts of interest regarding City matters, if any;
9. Any pending litigation or judgment rendered against the attorneys proposed to provide services that relate in any manner to the professional activities of the attorney and/or the firm, including any pending complaints with the Washington State Bar Association;
10. The proposed compensation structure for services rendered; and
11. Contact information for three professional references.

The City reserves the right to reject all proposals, to request additional information concerning any proposal and to interview any proposer.