

**CITY OF SCAPPOOSE**  
**REQUEST FOR PROPOSAL**  
**City Prosecutor**  
**#2021-03**



**SCAPPOOSE**  
*Oregon*

**Proposal Due Date: November 2, 2021 4:00 pm**

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## SECTION 1 – GENERAL INFORMATION

### 1.1 General

The City of Scappoose is requesting proposals from qualified members of the Oregon State Bar to serve as the City Prosecutor for the City of Scappoose, this position is a contracted position.

### 1.2 Invitation

The City of Scappoose is requesting proposals from qualified members of the Oregon State Bar (hereinafter referred to as the “Consultant”) qualified and interested in serving as the City Prosecutor for the City of Scappoose.

This RFP contains the necessary information to understand the basic scope of work and responsibility, the consultant selection process, and the required documentation in submitting a proposal.

Proposal and related documents may be obtained via the City’s website at <https://www.ci.scappoose.or.us/rfps>.

### 1.3 Responses to Proposals

All responses to this proposal request must follow the directions stated within this RFP. Adherence to these rules will ensure a fair and objective analysis of the proposals. Proposals should be prepared simply and economically. Special bindings, colored displays, promotional materials, etc., are not necessary. Emphasis should be on completeness, brevity and clarity of content.

## 1.4 Schedule

Action	Location	Date	Time
Solicitation Advertisement	Business Tribune, Spotlight, City Website	10/1/2021	N/A
Pre-Proposal Questions Due		10/25/2021	5:00 PM
Responses to Pre-Proposal Questions Distributed by City		10/26/2021	5:00 PM
Proposals Due	Scappoose City Hall	11/2/2021	4:00 PM
Interviews		11/9 – 11/12/2021	TBD
Selection Committee Recommendation		11/17/2021	3:00 PM
Contract Negotiations with Successful Proposer Conclude		11/23/2021	9:00 AM
Notice of Intent to Award Contract	E-mail and Website	11/29/2021	10:00 AM
Challenge Period Expires	City of Scappoose	12/6/2021	10:00 AM
City Council Approval of Contract	City Council	12/6/2021	7:00 PM
Begin Contract (Estimated)		12/7/2021	8:00 AM

\*These dates are approximate and subject to change at the sole discretion of the City

## 1.5 Issuing Office

All correspondence pertaining to this RFP should be directed to Alexandra Rains, City Manager, City of Scappoose, 33568 E Columbia Ave, Scappoose, OR, 97056, [arains@cityofscappoose.org](mailto:arains@cityofscappoose.org), 503-543-7146. Questions may be shared with other respondents if City deems appropriate.

## 1.6 Proposal Withdrawal

Any proposal may be withdrawn at any time before the “Proposal Due” date and the time specified in **Section 1.4, Schedule**, by providing a written request for the withdrawal of the proposal to the City. A duly authorized representative of the firm shall execute the request. Withdrawal of a proposal will not prejudice the right of the proposer to file a new proposal on this or future projects. Proposals cannot be withdrawn within thirty days (30) after the proposal due date.

## 1.7 Rejection or Acceptance of Proposals

The City may reject or accept any or all proposal or parts thereof, submitted in response to this RFP. The City expressly reserves the following rights to:

- Disregard any or all irregularities in the proposals
- Reject any or all of the proposals or portions thereof upon finding it is in the public interest to do so
- Base award with due regard to the quality of services, experience, compliance with the RFP, and other factors as may be necessary under such circumstances

- d. Reject all proposals and re-advertise at the City's sole discretion

### 1.8 Selection of Consultant

An evaluation committee will be appointed to evaluate the proposals received. For the purpose of evaluating proposals, each committee member will evaluate each proposal in accordance with the **Evaluation Criteria** listed below.

The successful Consultant shall be selected by the following process:

- a. An evaluation committee will be appointed to evaluate submitted written proposals.
- b. The committee evaluate the written proposals based on information submitted according to the evaluation criteria.
- c. A short list of consultants may be selected for interviews
- d. The evaluation committee will make a recommendation to City Council, and Council will make an appointment no later than December 6, 2021.

#### **Evaluation Criteria:**

- a. Overall Experience, Background, Qualifications.
- b. The ability to understand the legal requirements (ordinances) of the City of Scappoose and State traffic laws.
- c. The approach in the proposal and extent to which it is thorough, original, comprehensive, and tailored to the needs of the City.
- d. The nature and extent of prior experience in performing legal services for general purpose local governments.
- e. Relevant expertise outside traditional municipal legal functions.
- f. Demonstrated skill in establishing and maintaining effective working relationships with subordinates, public and private officials, and the general public.
- g. Minimum of 5 (five) years of legal experience.
- h. A member in good standing with the Oregon State Bar.

#### **Review:**

Following the Notice of Intent to Award, Consultants not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the evaluation committee.

#### **Protest of Contract Awards:**

Protests may be submitted to the City Manager only from those Consultants who would receive the contract if their protest was successful.

Protests must be in writing and received by the City Manager within seven (7) calendar days, UNLESS OTHERWISE NOTED, following the issue date of the City's Notice of Intent to Award. The protest must specifically state the reason for the protest and show how its proposal or the winning proposal was miss-scored or show how the selection process deviated from that described in the solicitation document. No contract will be awarded until the protest has been resolved.

Protests must be timely and must include all legal and factual information regarding the protest and a statement of the form of relief requested. Protests received later than specified or from other than the

Consultant who would receive the contract if the protest was successful will not be considered. The exercise of judgment used by the evaluators in scoring the written proposals and interviews, including the use of outside expertise, is not grounds for appeal.

The City Manager may waive any procedural irregularities that had no material effect on the selection of the proposed Consultant, invalidate the proposed award, amend the award selection, request the evaluation committee re-evaluate any proposal or cancel the solicitation and begin again to solicit new proposals. The City Manager shall create a written opinion on the protest and forward that opinion to the City Council for further action. In the event that the City Council returns the matter to the evaluation committee, the City shall issue a notice cancelling the Notice of Intent to Award.

Decisions of the City Council are final and conclude the administrative appeals process.

## 1.9 Insurance

Contractor must provide Commercial General Liability, Automobile, and Professional Liability Insurance as required in the contract.

## 1.10 Execution of Contract

Any contract stemming from this RFP process may require authorization by City Council. In such an event, the contract should be signed within a week of Council award of the contract.

## 1.11 Public Records

Any materials submitted by the proposer shall become the property of the City unless otherwise specified. During the evaluation of proposals and the selection of the Consultant, the proposals shall be confidential. After the selection process has been completed, the proposals shall be open to public inspection. Proposals should not contain any information which the proposers do not wish to become public. If it is necessary to submit confidential information in order to comply with the terms and conditions of the RFP, each page containing confidential information should be clearly marked "NOT FOR PUBLIC DISCLOSURE CONFIDENTIAL TRADE SECRETS." The City accepts no liability for the inadvertent or unavoidable release of any confidential information submitted, and any claims arising out of any public record request for such information shall be at the proposer's expense.

## 1.12 Federal/State/Local Requirements

The selected proposer shall comply with all Federal, State and local laws, regulations, executive orders and ordinances applicable to the work under this contract. In addition, the proposers agree to comply with:

- a. Title VI of the Civil Rights Act of 1964;
- b. Section V of the Rehabilitation Act of 1973;
- c. The Americans with Disabilities Act of 1990 and ORS 659.425;
- d. All regulations and administrative rules established pursuant to the foregoing laws and;
- e. All other applicable requirements of Federal and State civil rights and rehabilitation statutes, rules and regulations

Proposer is subject to the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires the provision of Worker's Compensation coverage for all employees working under this contract. The City's programs, services, employment opportunities and volunteer positions are open to

all persons without regard to race, religion, color, national origin, sex, age, marital status, disability or political affiliation.

### 1.13 Payment

The City will pay the Consultant under contract for services performed based on the approved rates, the scope of work completed and anticipated reimbursement expenses. The City will make monthly progress payments within thirty (30) calendar days following receipt of properly itemized invoices.

Payment for extra work not described in the scope of services will only be made when authorized in advance and in writing by the City's Project Manager prior to such work being performed by the Consultant.

If the Consultant anticipates that the fee is going to surpass the not-to-exceed figure because a task has changed and it outside the agreed upon scope, the Consultant shall notify the City in writing of the circumstances with an estimated amount that the fee is to be exceeded. The Consultant shall obtain written permission from the City before exceeding the not-to-exceed fee amount. If the consultant does work that exceeds the maximum fee amount prior to obtaining the written permission, the Consultant waives any right to collect that exceeding amount.

### 1.14 Incurred Costs

The City is not liable for any costs incurred by proposers in the preparation and/or presentation of their proposals.

## SECTION 2 – SCOPE OF WORK

### 2.1 Scope of Work

The Consultant shall provide adequate personnel and resources to accomplish the responsibility of being the City Prosecutor.

#### **Employment Relationship:**

The City Prosecutor will not be eligible to receive any benefits, vacation, or sick leave. The applicant will be subject to a criminal background check as well as other background checks.

#### **Municipal Court:**

The Municipal Court is established by the City Charter. The City has had a Municipal Court for many years. The Court has handled ordinance violations, traffic violations, traffic, and non-traffic crimes (misdemeanors). The Court strives to exercise all jurisdictions possible for a Municipal Court. Court sessions are held on Wednesday during normal business hours.

<b>Cases Filed</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021 through 8/31</b>
Non-Traffic Misdemeanors	118	109	90	120	89	102	66
Traffic Misdemeanors	46	86	45	136	99	41	36
Traffic Violation	946	1115	891	796	519	296	497
Total Misdemeanors	164	195	135	256	188	143	102
Total Violations	946	1115	891	796	519	296	497
Total Cases Filed	1110	1310	1026	1052	707	439	599

**Judge:**

The City Charter provides for a municipal judge and sets out the municipal judge's duties. The council appoints and removes the municipal judge.

**Court Staff:**

The Court has a Court Clerk. The court staff is supervised by the finance department. The Finance Administrator is responsible for their evaluation, budgeting, and other day to day supervision. The Municipal Judge is responsible for directing the court staff as to their legal court responsibility.

**Duties of the City Prosecutor:**

The duties include all normal duties of a prosecuting attorney acting in that capacity for municipal court. These duties may include, but are not limited to the following:

- Representing the City for all code and state statute offenses that are filed in the Scappoose Municipal Court, including misdemeanors (traffic and ordinance), violations, probation violations, contempt hearings, and trial status reports. This involves all jury cases where the defendant is represented by an attorney.
- Prepares and tries criminal cases for the City and conducts a variety of trial preparation and casework. Reviews police reports, interviews witnesses and complainants to determine appropriateness of filing criminal charges, provides discovery to defendants and attorneys.
- Prepares all complaints and information.
- Ensure that subpoenas are served to witnesses.
- Negotiates with defendants and/or attorneys, consults with involved officer(s) and victim(s).
- Provides prosecution services in and out of custody arraignments and settlement conferences.
- Advise Scappoose Police Officer's on investigative processes.
- Attend pretrial conferences with defendants, defense attorney and judges, negotiate settlements.

## SECTION 3 – PROPOSAL REQUIREMENTS

### 3.1 Proposal Submittal

Sealed proposals for the City Prosecutor position will be received by the City of Scappoose (County of Columbia, State of Oregon) until November 2, 2021 at 4:00 pm, local time at Scappoose City Hall, 33568 E. Columbia Ave., Scappoose Oregon 97056. Proposals will not be received after such date and time.

Proposals may be submitted electronically to both [arains@cityofscappoose.org](mailto:arains@cityofscappoose.org) and [municipalcourt@cityofscappoose.org](mailto:municipalcourt@cityofscappoose.org) or in a sealed envelope clearly marked as follows:

**Attention: Alexandra Rains, City Manager**

**RE: Proposal to RFP: City Prosecutor, RFP #2021-03**

To receive consideration, submit proposals in accordance with the following instructions:

Proposals should be prepared simply and economically, providing a straightforward, concise description of proposer's capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.

The City recognizes that in the submittal of proposals, certain information may be proprietary to the Consultant and that the safeguarding of such information is necessary. Accordingly, the City will make



every effort to prevent any disclosure of data supplied by any Consultant where the proposer identifies those portions of its proposal that are proprietary. See Section 1.11, Public Records.

### 3.2 Proposal Format

Five (5) copies of the proposal shall be submitted. Respondent's proposal should include the following items in the following sequence and any additional information you deem relevant:

1. Provide a brief description of your professional experience and qualifications, including:
  - a. Education
  - b. Employment
  - c. Offices held
  - d. Professional organizations
  - e. Oregon State Bar number
  - f. Attach a resume
2. Identify any experience with prosecuting municipal court cases.
3. Describe your capability in providing services as Prosecuting City Attorney.
4. Provide any other information or comments, which you believe are relevant and will assist the City in making its selection.
  - a. Note: Additional questions concerning judicial philosophy, programs, and duties may be asked at the interview. Additional information may be requested to conduct a background check.
5. Names and phone numbers of professional references