

**CITY OF FEDERAL WAY  
REQUEST FOR PROPOSAL**

**I. PURPOSE OF REQUEST.**

The City of Federal Way (“City”) in the normal course of business is requesting proposals from individual, licensed attorneys and/or law firms for the purpose of selecting hearing examiners experienced in the areas of land use law, real property law, city planning and development, and code enforcement. The City is also requesting proposals for individuals/firms experienced in hearings for business licensing, dangerous dogs, and graffiti abatement. Applicants may specialize in one or all areas and must be familiar with the City of Federal Way zoning and building codes and all other city codes, ordinances, resolutions, regulations and policies. The City’s needs are outlined in the following Request for Proposal (“RFP”).

**II. TIME SCHEDULE.**

The City will follow the following timetable:

Issue RFP	October 11, 2019
Deadline for Submittal of Proposals	November 8, 2019 at 3:00 p.m.
Council Approval	December 3, 2019
Notify Firm Chosen	December 4, 2019

**III. INSTRUCTIONS TO PROPOSERS.**

A. All proposals should be sent to:

Stephanie Courtney, CMC, City Clerk  
City of Federal Way  
33325 Eighth Ave S  
Federal Way, WA 98003  
Stephanie.Courtney@cityoffederalway.com

B. If submitted on paper, all proposals must be in a sealed envelope and clearly labeled in the lower left-hand corner. If submitted by email, all proposals must be clearly labeled in the subject line. The label shall identify the contents as **“RFP HEARING EXAMINER.”**

- C. All proposals must be received by the Deadline for Submittal of Proposals detailed in II. Time Schedule, at which time they will be opened. Three (3) copies of the proposal must be presented. Faxed or telephone proposals will not be accepted.
- D. Proposals should be prepared simply and economically, providing a straight forward, concise description of provider capabilities to satisfy the requirements of the request. Special bindings, colored displays, promotional materials, etc. are not desired. Emphasis should be on completeness and clarity of content. Use of recycled paper for requests and any printed or photocopied material created pursuant to a contract with the City is desirable whenever practicable. Use of both sides of paper sheets for any submittals to the City is desirable whenever practicable.
- E. The City Clerk or representative will notify the firm selected by the date stated in II. Time Schedule.
- F. All proposals must include the following information:
- The name of the individual applicant or firm and contact information.
  - The names of individuals from those firms who will be working on the project and their areas of responsibility.
  - Specific experience of the individuals relative to the proposed project.
  - Specific hearing types the individual or firm is applying for (land use or others).
  - A proposed outline of tasks for a typical hearing including the estimated number of hours by type of personnel required to complete each task.
  - A proposed fee for each type of hearing (see scope of services for types of hearings to be performed) based on the above outline of tasks and hours. The City requires two pricing structures in the proposal; an hourly rate and a fixed-rate, per case basis.
  - References: Please provide references on all proposed services and indicate if the reference is for a specific scope.

**IV. SELECTION CRITERIA.**

<u>Factor</u>	<u>Weight Given</u>
1. Responsiveness of the written proposal to the purpose and scope of service.	15%
2. Price.	40%
3. Ability and history of successfully completing contracts of this type, meeting projected deadlines and experience in similar work.	45%
<b><u>Total Criteria Weight</u></b>	<b>100%</b>

Each proposal will be independently evaluated on factors one through three.

**V. TERMS AND CONDITIONS.**

- A. The City reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.
- B. The City reserves the right to request clarification of information submitted, and to request additional information from any proposer.
- C. The City reserves the right to award any contract to the next most qualified contractor, if the successful contractor does not execute a contract within thirty (30) days after the award of the proposal.
- D. 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 sell to the City, the services described in the attached specifications, or until one or more of the proposals have been approved by the City administration, whichever occurs first.
- E. 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 copy of the contract is available for review and shall include requirements to comply with ADA, Civil Rights Act, and EEO requirements. The City reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP, and which is not approved by the City Attorney's office.

- F. The City, as a recipient of federal funding, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.
- G. The City shall not be responsible for any costs incurred by the firm in preparing, submitting or presenting its response to the RFP.

**VI. SCOPE OF SERVICES.**

The individual or firm with which the City contracts shall perform all duties of the Hearing Examiner described in and pursuant to the jurisdiction, power and authority established in Chapter 2.95 of the Federal Way Revised Code and preside over topics as prescribed by Federal Way Revised Code as it now exists or is hereafter amended including, but not limited to:

- Title 3 Revenue and Finance - Taxation
- Title 7 Public Nuisances (Graffiti and Junk Vehicles)
- Title 14 Environmental Policy
- Title 18 Subdivisions
- Title 19 Zoning and Development Code (e.g., appeals, land use decisions, quasi-judicial matters)
- Chapter 4.03 Right-of-Way Activity Permits
- Chapter 8.10 Commute Trip Reduction
- Chapter 11.45 Surface Water Rates and Charges
- Chapter 12.05 Business Registration
- Chapter 13.43 Property Maintenance
- Chapter 15.05 Shoreline Management

Applicants may apply to hear all hearing types or specific hearing types.

All duties shall be performed in accordance with all applicable federal, state and city laws, including but not limited to, King County and the City of Federal Way land use laws, State Environmental Policy Act Shoreline Management Act, Open Meetings Act, Rules of Evidence and all City codes, ordinances, resolutions, standards or policies, as now existing or hereafter adopted or amended.

The Hearing Examiner shall furnish clerical services, including but not limited to,

typing decisions, mailing decisions to parties of record, typing decisions on reconsideration and attendance at hearings by Hearing Examiner to mark exhibits and record proceedings.

All duties shall be performed pursuant to the direction of the Mayor 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.

**VII. COMPENSATION.**

- A. Please present detailed information on the individual firm’s proposed fee structure for the services proposed. Please specify any additional fees, charges, expenses, etc. that are, or may be, billable to the City. 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. Please provide both a per-case fixed rate fee structure and an hourly rate fee structure by type of hearing and include pricing structure for hearing services and clerical support.
  
- B. Payment by the City for the services will only be made after the services have been performed, an itemized billing statement is submitted in the form specified by the City and approved by the appropriate City representative, which shall specifically set forth the services performed, the name of the person performing such services, and the hourly labor charge rate for such person. Payment shall be made on a monthly basis, thirty (30) days after receipt of such billing statement.

**VIII. PUBLICATION.**

<u>Name of Publication:</u>	<u>Dates:</u>
Daily Journal of Commerce	October 11, 2019
Federal Way Mirror	October 11&18, 2019