



City of Mukilteo
Request for Proposals for Prosecution Services

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

Scope of Services:

The services that are the subject of this Request for Proposal (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 January 1, 2021.

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 30 fully commissioned police officers and three limited commission community service officers. The City's municipal court services are contracted through the Everett District Court, housed in the Snohomish County Superior Court, 3000 Rockefeller Ave., MS 508, Everett, WA 98201.

According to the data provided by Washington Courts, in 2019, there were 10 DUI or physical control cases filed, 130 other traffic misdemeanor cases filed, and 132 non-traffic related misdemeanor cases filed. In addition, the prosecutor represented the City at 69 contested infraction hearings, wherein an attorney represented the offender. There were 739 traffic infractions and one non-traffic infraction filed.

The City Prosecutor is responsible for all aspects of criminal prosecution for the City of Mukilteo. The Prosecuting Attorney shall represent the City as a Prosecuting Attorney in the enforcement of its ordinances and prosecution of criminal and criminal traffic matters (gross misdemeanors and misdemeanors). Duties include but are not limited to:

1. Review and signing of citations and complaints as required;
2. Review of police incident reports and supporting documents for charging determination;
3. Appearance at regularly scheduled hearings for arraignment, pretrial, readiness, motions (excluding impound hearings) and trials (bench and jury trials);
4. Telephone conversations, meetings, and negotiations with the police department and its officers, victims, defendants, witnesses and opposing counsels, as required;

- preparation of documents required by the court such as providing discovery, motions, and supporting documents, jury instructions, and subpoenas;
5. Be available to the police department and its employees regarding day-to-day matters affecting criminal prosecution, including call-back availability for questions or concerns;
 6. Establish regular office hours at the police department for case follow-up and prosecutor consultations at a mutually agreeable schedule;
 7. Provide periodic training of the police department officers and its employees on legal matters affecting the satisfactory prosecution of criminal matters;
 8. Make recommendations to the Chief of Police, the police department, the City, and the City Attorney concerning suggested amendments, modifications or additions to the City ordinances affecting the satisfactory prosecution of criminal matters; and
 9. Provide periodic feedback to the Chief of Police regarding the performance of the City's police officers in the discharge of their duties and other matters of mutual concern.

Additional appearances may be necessary to handle arraignments or jury trials. 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. Detailed information indicating the volume and nature of the City's prosecutions can be found at <http://www.courts.wa.gov/caseload>. (Mukilteo Municipal Court data is listed under Court Directory, Courts of Limited Jurisdiction, Snohomish 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 Mukilteo is **5:00 pm on September 30, 2020**. All proposals shall be reviewed and screened by a Selection Committee based upon the qualifications and requirements outlined in this RFP. The Selection Committee may include the Human Resources Director, Police Chief, City Administrator, Mayor, and other designated city staff. A tentative schedule has the finalists invited for interviews during the week of **October 19, 2020**. The Selection Committee then plans to make a

recommendation to the City Council for consideration at the City Council's Regular Business Meeting on **November 16, 2020**. 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 five (5) copies of 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. An electronic copy of all materials shall also be submitted on a thumb drive. Respondents are responsible to ensure their reply is received by the due date and should allow for transit time in the mail. Late proposals will not be considered. All materials shall be submitted in one packet and shall be mailed to:

Carol Moore, City Clerk
Attention: Prosecution Services Proposal City of Mukilteo
Address: Mukilteo City Hall, 11930 Cyrus Way, Mukilteo, WA 98275

Requested Information:

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

1. For individual proposers, employment history since 2010. For firm proposers, legal status of firm or predecessor firms since 2010, 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. Must 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 understanding of the type and level of services needed;
4. The proposer's intended approach to providing the services;
5. The proposer's experience with therapeutic courts and viewpoint concerning therapeutic courts.
6. The proposer's experience with diversion programs and viewpoint concerning diversion programs.

7. 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;
8. The proposer's philosophy in prosecuting cases where the defendant is pro se;
9. All other clients represented by the proposer;
10. Affiliations or clients that could cause conflicts of interest regarding City matters, if any;
11. 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;
12. The proposed compensation structure for services rendered; and
13. 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.