

City of West Linn

Announcement

City Prosecutor Services Contract

First Review of applications will be the week of February 27, 2023.

Introduction

The City of West Linn is an Oregon Municipal Corporation with a city manager form of government that operates under authority of the City's Charter. The City is requesting proposals to provide contract legal services to the City as the City Prosecutor. This contract will be supervised by the City Manager.

West Linn Municipal Court Environment

The West Linn Municipal Court is a court of record. The Court employs one full time and one part time court staff positions that manage the day to day operations of the court, which includes processing cases, taking payments and scheduling court appearances.

The West Linn Municipal Court has jurisdiction over traffic violations, city code violations, and all misdemeanors, including driving while under the influence of intoxicants. The Court processes approximately 125 misdemeanor counts a year. Criminal proceedings are heard on the first and third Thursdays of the month; arraignments at 11:00 a.m. followed by Pretrial Conferences at 1:30 p.m. Jury trials are typically scheduled for Tuesdays. In 2022 the Court had only one jury trial and two bench trials.

Professional Requirements

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

Experience and Knowledge Required

- A minimum of three years in the practice of law.
- Jury trial and bench trial experience, such as conducting a trial or observing all phases of a jury trial, from voir dire to verdict.
- Principles and practices of Oregon Criminal law including:
 - Oregon Vehicle Code,
 - Oregon Criminal Code: statutes and case law, including specifically DUIs,
 - Oregon criminal and violation procedures: DUII diversions, city attorney deferred sentences and diversions, and other disposition and sentencing options, and
 - Court rules: evidence, trial court rules, and supplemental local rules.
- 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, and vehicle registration.
- Knowledge or willingness to learn the basic principles and practices of municipal code enforcement including:
 - Familiarity with City administrative procedures and practices, such as permitting,
 - Familiarity with the Oregon Rules of Civil Procedure and applicable sections of the West Linn Municipal Code and Community Development Code, and
 - Knowledge of land use requirements and building codes.

Skills Required

The skills required include the ability and competency 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 such arguments in court.
- analyze and apply legal precedent.
- negotiate violation and misdemeanor cases with appropriate awareness for the public's 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.
- communicate by email with city staff and others as this is required to meet the City's ongoing efforts to establish a "paperless" work environment.

Additional Performance Expectations

- Attendance and dependability. Contractor will: report to court at scheduled times; return phone calls and emails within 24 hours on weekdays; and 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 West Linn government premises.
- Preparation. Contractor will interview and subpoena all necessary witnesses; conduct pretrial negotiations and site visits, when 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 and work with the City's Records Coordinator to retain files in accordance with public records law.
- Law Enforcement Data System Access. Contractor shall be qualified to obtain and maintain certification to gain access to the Law Enforcement Data System utilized by the City. Contractor shall work with West Linn Police immediately upon appointment to either demonstrate an existing right to have access or make application for access from the appropriate authority.
- Oregon State Bar Statement of Professionalism. Contractor shall abide by the Statement of Professionalism adopted by the Bar, available at this link and incorporated by reference into this RFP: [Oregon State Bar Statement of Professionalism](#)

Scope of Services

West Linn seeks a City Prosecutor to perform the following tasks:

- Evaluate approximately 300 police reports, related documents, and evidence a year to make an appropriate charging decision.
- Meet with police officers to review appropriate cases when necessary and inform officers of changes in the law that may affect pending cases.
- Prepare all legal documents, including criminal complaints, in preparation for prosecution.
- Attend Arraignments and Pre-trial Conferences, usually twice a month.
- Prepare plea offers and negotiate appropriate cases in good faith.
- File any necessary pre-trial motions.
- Respond to discovery requests and pretrial motions, developing and utilizing, as much as possible, a form bank.
- Prepare for criminal and violation trials.
- Conduct attorney-represented violation trials. Areas of controversy include, but are not limited to vehicle code, building code, development code, and municipal code violations.
- Conduct misdemeanor trials, usually before a jury.
- Prepare and file any necessary post-trial motions or documents.

- Respond to questions from city staff, usually from court staff or the police department.
- Document work using an itemized statement of work performed during the billing period on monthly invoices, even if the work was done on a flat fee basis.
- Consult with Supervisor and court clerks 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 six months, with content and format at direction of the City Manager.

Contract Duration

The term of the awarded contract will be for a period of two years, with two potential extensions of two years each, for a possible total duration of six years.

Application Requirements

In order to maintain the fairness and integrity of the selection process, it is important that proposals conform to the requirements of this section. Any information that is not specifically requested must be submitted separately as supplemental materials; supplemental materials are in addition to the application requirements and such materials may not be submitted in lieu of any of the requirements listed below. Please clearly label or number your responses to correspond with the label or numbers below:

1. Transmittal Letter. The transmittal letter should include:
 - a. The name, address, title, telephone, and e-mail address of the person or law office that would be responsible for the City contract.
 - b. The name of 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 in your firm and the scope of your firm and its services.
 - c. Identification of the main areas of law in which you practice.
 - d. A statement disclosing or denying any interest, financial or otherwise, that any employee or official of the City of West Linn may have in the proposing agency or proposed project.
 - e. A statement indicating that the terms of your proposal will be valid for a minimum period of 90 days.
2. Memorandum. The memorandum should state:
 - a. How you meet the experience, knowledge, skills, and performance expectations listed above in connection with this position, and any reasons you are particularly qualified to serve the City of West Linn given the information included in this announcement.
 - b. The work approach and the tasks you would perform for each element of the scope of work.
 - c. The type(s) of 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.
 - d. If there are any requirements or provisions contained in this Announcement that you believe are unfair, prejudicial, or limit competition, and please explain your position.
3. Resume. Provide resume(s) demonstrating the experience, professional qualifications, and any certifications for each of the individuals who would be assigned to the City contract. Indicate whether you and/or your firm are licensed in Oregon.

4. Cost and budget. Prepare the cost you propose charging if awarded this contract. Please indicate whether you propose an hourly rate, or a “flat fee” for services. Please estimate the number of hours necessary to complete the tasks in the scope of work and any other legal tasks you think would be required. Requested expenses should also be listed.
5. References. Provide at least three references and their contact information.

Announcement/contract limitations

1. Limitation and award: This Announcement does not commit the City of West Linn to award a contract, nor to pay any costs incurred in the preparation of the application. The City reserves the right to waive minor irregularities, accept or reject any or all applications received as a result of this Announcement, negotiate with one or more qualified applicants, or cancel all or part of this Announcement.
2. Billing: The Contractor shall submit an invoice for payment to the Finance Director. Invoices may not be submitted more frequently than once per month. West Linn will make payment on a Net 30-day basis upon approval of the Contractor’s invoice for payment.
3. Validity period: Applications submitted to the City in response to this Announcement must contain a statement that the offer is valid for 90 days.
4. Conflict of interest: By submitting an application, the applicant certifies the following:
 - a. No officer, agent, or employee of the City of West Linn has a pecuniary interest in the announcement or has participated in contract negotiations on the applicant’s behalf; that the application is made in good faith; and that the applicant is competing solely on his or her own behalf, or on behalf of a law firm or office listed in the application, and that the applicant has no connection to an unlisted lawyer or law office.
 - b. That the applicant has reviewed [Oregon Rules of Professional Conduct 1.7 through 1.11](#) and certifies that accepting a contract under this Announcement will not present a conflict of interest with a current or past client.
5. Equal employment / nondiscrimination clause: Neither the City of West Linn 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 West Linn 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.
6. Exceptions to standard agreement: Attached to this Announcement is a copy of the City’s 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 application. The City is not required to consider exceptions to the standard agreement during contract negotiation and award.

Selection Procedure

1. Applications. The City will accept applications until the position is filled. The first review of the applications will be the week of February 27, 2023. The application must include all the requirements listed above.
2. Initial Screening. The City Manager shall evaluate the qualifications of all applicants responding to the announcement by the closing date and select at least three applicants to interview.
3. Interviews. Selected applicants will be interviewed to determine capability, experience, and qualifications before a final selection is made.

4. Recommendation. The City Manager will make a recommendation to the City Council, in its capacity as the Local Contract Review Board (LCRB), for award of the contract based on the application and the interview process.
5. Contract Execution. If necessary, the City and the selected applicant shall refine the scope of services and negotiate any additional conditions. If the City and the selected applicant reach an agreement, the selected applicant will execute a professional services contract in substantially the same form as the contract attached to this announcement. However, if an agreement cannot be reached, the City may enter into negotiations with the next most qualified applicant.

Evaluation Criteria

Evaluation Criteria	Weight
1. Experience and ability to successfully deliver the scope of services	30%
2. Resume, licensing, professional training and certification	20%
3. Interview and References	20%
4. Cost of Services	20%
5. Adherence to specified application format	10%

Anticipated Timeline

The proposed timeline is subject to change at the City’s sole discretion.

- The first review of applications will be the week of February 27, 2023.
- Applicants will be contacted for interviews in early March 2023.
- The selected applicant will be recommended to the LCRB at a March or April Council Meeting.
- Execution of the contract will take place following approval of an applicant at the Council Meeting.

Sample Contract

A sample of the contract is attached to this RFP. The contract terms will include the scope of services and any special terms and conditions. The contract is not negotiable. Submission of a proposal constitutes agreement to the terms of the contract.

Application

To be considered in the first review of applications, please email a copy of your application responding to this announcement no later than February 27, 2023, to webmaster@westlinnoregon.gov with the subject line “Application for City Prosecutor Services.”

Deadline

First review of the applications will be the week of February 27, 2023. Only email submissions will be received. The date stamp on the email will reflect the time your submittal is received by the City of West Linn.

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