

**CITY OF FAIRVIEW
&
CITY OF TROUTDALE**

Administration/Finance



**JOINT REQUEST FOR PROPOSAL
("RFP")**

for

Municipal Court Judge Services

Issued: August 23rd, 2017
Proposals Due: October 2nd, 2017

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RFP Attachments

Respondent Questionnaire	RFP Attachment “A”
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I. BACKGROUND

The City of Fairview and the City of Troutdale are requesting proposals from qualified individuals to provide Municipal Court Judge services.

The City of Fairview and the City of Troutdale are suburban cities in Multnomah County with a population of approximately 8,930 and 16,500, respectively. City boundaries encompass approximately four square miles and six square miles, respectively. The Cities operate under a Council-Administrator form of government. The Mayor and six Council members are elected at large by the voters of the City. The City Administrator, appointed by the City Council, is responsible for the administrative operation of the City. The Municipal Court Judge is appointed by the Council.

The Cities provide full service to its residents. Water, sanitary sewer, storm water drainage, parks, planning and administrative services, as well as Municipal Court, are provided directly by the City. Fire service is provided by the City of Gresham under a contract; and Police service is provided by Multnomah County under a contract.

Both Municipal Courts provide a local forum for the resolution of parking and minor traffic citations and civil infractions. The majority of cases heard in Municipal Court are traffic infractions, and some code violations. The Troutdale Municipal Court additionally

handles misdemeanors, such as traffic crimes and theft. The Fairview Court handles only bench trials, while the Troutdale Court also handles an occasional jury trial.

In July of 2017 the Cities entered into an Inter-governmental IGA which combined their efforts to hire the same individual as the Municipal Court Judge for each court. The courts are legally separate, each City Council will have to approve the individual separately, and the individual will execute a contract with each City for services. The Cities have also agreed to coordinate their court days such that the individual would be serving each community on the same day, two days a month. (The courtrooms are a 7-8 minute drive from each other.) A third day in some months may be necessary in Troutdale if there is a jury trial.

II. SCOPE OF SERVICES

- A. Appointment as Municipal Court Judge is by Council appointment; appointment and removal shall be by majority of the full Council.
- B. When serving in this capacity, the Municipal Judge shall have and exercise all the inherent and statutory powers and duties granted to the Municipal Judge in accordance with each City's Charter.
- C. Except as the City's Charter, ordinances, or state law prescribes, proceedings of the Court shall conform to general laws of the State of Oregon governing Municipal Judges, and Justices of the Peace and Justice Courts.
- D. The Municipal Court has original jurisdiction over every offense that City ordinance makes punishable, and of all actions brought to recover or enforce forfeitures or the penalties that such ordinances define or prescribe.
- E. The Municipal Judge has authority to: render judgments and, for enforcing them, impose sanctions on persons and property within the Court's territorial jurisdiction; issue process for the arrest of anyone accused of an offense against the ordinances of the City; allow bail to anyone accused of such an offense, pending trial or hearing; issue and compel obedience to subpoenas' of the court; compel witnesses to appear and testify in the trial of matters before the Court; penalize and punish witnesses and others for contempt of the Court; issue search warrants; and perform other judicial and quasi-judicial functions prescribed by ordinance or appropriate state statutes unless otherwise limited by law.

III. TERM OF CONTRACT

Each contract awarded in response to this RFP will be for a one (1) year period. Each City shall have the option to renew for additional one (1) year periods, indefinitely, subject to City Council Approval each year.

IV. PROPOSAL REQUIREMENTS

Respondent's Proposal shall include the following items in the following sequence:

- A. Executive Summary: The summary shall include, but be no more than two (2) pages:
 - 1. Provide a brief description of your professional experience.
 - 2. Identify any experience with municipal law.
 - 3. Describe your capability in providing services as Municipal Court Judge.
 - 4. Provide any other information which you believe will assist the City in making its selection.
- B. Respondent Questionnaire: Complete and submit RFP Attachment "A", Respondent Questionnaire.
- C. Letters of Recommendation: Included with each proposal shall be three (3) letters of recommendations.

V. SUBMISSION OF PROPOSALS

- A. Respondent shall submit two (2) originals, signed in ink and four (4) copies of the Proposal, in a sealed package, clearly marked on the front of package "Request for Proposal for Municipal Court Judge Services". All proposals must be received at the Troutdale City Hall at 219 E. Historic Columbia River Hwy., Troutdale, OR no later than 5:00 pm Pacific Standard Time, on October 2nd, 2017, at the address below. Proposals submitted prior to the above time and date may be modified provided such modifications are sealed and received by the City Manager prior to the time and date set for submission of proposals. Any Proposal or modification received after this time shall not be considered.

Mailing Address:

City of Troutdale
Attn: Ray Young, City Manager
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060

Hand Delivery:

City of Troutdale City Hall
Attn: Ray Young, City Manager
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060

- B. Proposal Format: Each proposal shall be typewritten and submitted on 8 ½”x 11” white paper. Unnecessarily elaborate brochures, artwork, bindings, visual aids, expensive paper or other materials beyond that sufficient to present a complete and effective submission are not required. Font size shall be no less than 12-point type. All pages shall be numbered and one-sided. Margins shall be no less than 1” around the perimeter of each page. The executive summary may not exceed three pages in length, excluding the curriculum vitae. Electronic files, websites, or URL’s shall not be included as part of the proposal; compact disks and/or other electronic media submitted as part of the proposal shall not be considered. Each proposal must include the sections and attachments in the sequence listed in the RFP Section IV, Proposal Requirements. Failure to meet the above conditions may result in disqualification of the proposal. Respondents shall have sole responsibility for delivery of bids on time and to the proper location.
- C. Respondents who submit proposals to this RFP shall correctly reveal, disclose, and state the true and correct name of the individual. No nicknames, abbreviations (unless part of the legal title), shortened or short-hand, or local “handles” will be accepted in lieu of the full, true and correct legal name of the entity.
- If an entity is found to have incorrectly or incompletely stated its name or failed to fully reveal its identity on their proposal’s Respondent Questionnaire, the Finance Director shall have discretion, at any point in the contracting process, to suspend consideration of the proposal.
- D. All provisions in Respondent’s proposal, including any estimated or projected costs, shall remain valid for ninety (90) days following the deadline date for submissions or, if a proposal is accepted, throughout the entire term of the contract.
- E. All proposals become the property of the City upon receipt and will not be returned. Any information deemed to be confidential by Respondent should be clearly noted on the page(s) where confidential information is contained; however, the City cannot guarantee that it will not be compelled to disclose all or part of any public record under the Oregon Public Records Laws, since information deemed to be confidential by Respondent may not be considered confidential under Oregon Law, or pursuant to a Court order.

- F. Any cost or expense incurred by the Respondent that is associated with the preparation of the Proposal or during any phase of the selection process, shall be borne solely by Respondent.
- G. Rejection of Proposals: The Cities may reject a proposal if:
 - 1. The Respondent fails to acknowledge receipt of an addendum;
 - 2. The Respondent misstates or conceals any material fact in the Proposal;
 - 3. The Proposal does not strictly conform to the law or requirements of the RFP;
 - 4. In the City's opinion, the Respondent performed poorly or defaulted on previous contracts with either City; or
 - 5. In either City's opinion, the Respondent performed poorly or defaulted on previous contracts with other public entities.
- H. Withdrawal of Proposals: Proposals may not be withdrawn for a period of 180 days after the RFP due date; however, proposals may be withdrawn prior to the time set for the proposal opening. Such requests must be in writing.
- I. A Selection Committee will review the written proposals, interview candidates, and recommend three or less finalists for interview by each City Council. A selection will be made by each City Council after the interviews of the finalists.

VI. RESTRICTIONS ON COMMUNICATION

- A. Except as set forth in this paragraph, Respondents are prohibited from communicating with elected City officials and their staff regarding the RFP or Proposals from the time the RFP has been released until the contract is posted as a City Council agenda item. Respondents are prohibited from communicating with City employees from the time the RFP has been released until the contract is awarded. These restrictions extend to "thank you" letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFP and/or Proposal submitted by Respondents. Violation of this provision by Respondent and/or their agent may lead to disqualification of Respondent's proposal from consideration. Exceptions to the restrictions on communication with City employees include:
 - 1. Respondents may ask verbal questions or submit questions in writing to the Staff Contact Person listed in the address below until 5:00 pm, Friday, September 29th, 2017. Questions received after the stated deadline will not be answered.

City of Troutdale
Attn: Ray Young, City Manager
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060

Questions submitted by email will also be accepted and may be sent to:
Ray.young@troutdaleoregon.gov

2. Respondents may provide responses to questions asked of them by the Staff Contact Person after RFP responses are received and opened. During interviews, if any, verbal questions and explanations will be permitted.
- B. Each City reserves the right to contact any Respondent to negotiate if such is deemed desirable by the City.

VII. EVALUATION CRITERIA

The Cities will conduct a comprehensive, fair and impartial evaluation of all Proposals received in response to this RFP. The Cities will appoint a selection committee to perform the evaluation. Each Proposal will be analyzed to determine overall responsiveness and qualifications under the RFP. Criteria to be evaluated may include the items listed below. The selection committee may recommend to the City Councils all, some or none of the Respondents for interviews. If the City Councils elect to conduct interviews, Respondents may be interviewed and re-scored based upon these same criteria, or other criteria to be determined by the selection committee and each City Council. The Cities may also request additional information from Respondents at any time prior to final approval of a selected Respondent. The Cities reserve the right to select one, or more, or none of the Respondents to provide services. Final approval of a selected Respondent is subject to the action of the each City's City Council.

Evaluation Criteria:

- A. Overall Experience, Background, Qualifications.
- B. The ability to understand the legal requirements (ordinances) of the City of Fairview/Troutdale 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 judicial 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 subordinate, public and private officials, and the general public.
- G. Cost, although a factor, may not be the dominant factor. Cost is particularly important when all of the other evaluation criteria are substantially equal.
- H. Minimum of 5 (five) years of legal experience.

- I. A member in good standing with the Oregon State Bar.
- J. An appropriate judicial demeanor and temperament.
- K. The ability to clearly and concisely communicate, both orally and in writing, the decisions of the Court.

VIII. AWARD OF CONTRACT AND RESERVATION RIGHTS

- A. Each City reserves the right to award one, more than one, or no contract(s) in response to this RFP.
- B. The Contract(s), if awarded, will be awarded to the Respondent whose proposal is deemed most advantageous to the City of Fairview and the City of Troutdale, as determined by each City Council.
- C. Cities may accept any Proposal in whole or in part. If subsequent negotiations are conducted, they shall not constitute a rejection or alternate RFP on the part of the City of Fairview or the City of Troutdale.
- D. Cities reserve the right to accept one or more proposals or reject any or all proposals received in response to this RFP, and to waive informalities and irregularities in the proposals received. Cities also reserves the right to terminate this RFP, and reissue a subsequent solicitation, and/or remedy technical errors in the RFP process.
- E. Cities will require the selected Respondent to execute a contract with the Cities, in substantially the same form. No work shall commence until each City signs their respective contract document(s) and Respondent provides the necessary evidence of insurance as required in this RFP and the contract. Contract documents are not binding on each City until approved by the City Attorney and executed by the City. In the event the parties cannot negotiate and execute a contract within the time specified, each City reserves the right to terminate negotiations with the selected Respondent and commence negotiations with another Respondent.
- F. This RFP does not commit either City to enter into a Contract, award any services related to this RFP, nor does it obligate either City to pay any costs incurred in preparation or submission of a proposal or in anticipation of a contract.
- G. If selected, Respondent will be required to comply with the Insurance and Indemnification Requirements established herein.
- H. The successful Respondent must be able to formally invoice each City for services rendered in a form acceptable to each City.

- I. Conduct. Respondent acknowledges and agrees that they can and will comply at all times with Oregon Code of Judicial Conduct as it applies to Municipal Court Judges.
- J. Respondent agrees and understands that Respondent is not an employee of either City and nothing in this RFP shall be construed as creating the relationship of employer and employee between either City and Respondent or any of Respondent’s agents or employees. All liabilities for salaries, wages, any other compensation, injury, or sickness arising from performance of the services by Respondent pursuant to this RFP or the contract entered into pursuant to this RFP shall be that of Respondent.
- K. The Cities will require selected Respondent to provide proof of all insurance required in the contract entered into pursuant to this RFP.

IX. SCHEDULE OF EVENTS

Following is a list of projected dates/times with respect to this RFP:

Proposal and Award Schedule

August 23 rd , 2017	Request for proposals issued
September 29 th , 2017	Deadline to submit questions by 5:00 pm
October 2 nd , 2017	Proposals returned to City of Troutdale by 5:00 pm
Month of October 2017	Evaluation of Proposals / Interviews by Selection Committee
Month of November 2017	Council receives recommendation and City Council affirms successful proposal

RFP ATTACHMENT “A”

RESPONDENT QUESTIONNAIRE

**APPLICATION FORM FOR
JUDICIAL APPOINTMENTS
(Updated August 2017)**

Position for which you are applying: _____

NAME _____
(Type or print last name, first name, and middle initial)

Oregon Bar #: _____

Home Address: _____
Street City State Zip County

How long have you lived at
your current address?
Years Months

Name of
Employer or
Business: _____

Work Address: _____
Street City State Zip County

Home Phone: _____ Work Phone: _____

Email Address: _____ Other Phone: _____

Cell Phone: _____ Spouse's/Partner's Name
(optional) and cell phone
number: _____

To assist in meeting affirmative action objectives, you are asked to provide information about your gender and background. This information is optional. Under state and federal law, this information may not be used to discriminate against you.

Gender: _____ Racial/Ethnic Background _____

Name of your State Representative: _____

Name of your State Senator: _____

EDUCATION/MILITARY SERVICE

1. List all educational institutions you have attended, including high school:

<u>Dates</u>	<u>School/Contact Info</u>	<u>Location</u>	<u>Major/Degree</u>
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2. Describe any current or prior military service and the type of discharge:

EMPLOYMENT

1. List all employment since your graduation from law school. If relevant, include professional employment before or during law school:

<u>Dates</u>	<u>Employer</u>	<u>Address & Contact</u>	<u>Position/Supervisor/Phone</u>
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- a) _____
- b) _____
- c) _____
- d) _____
- e) _____
- f) _____

2. List the bars to which you are admitted and the dates of your admission:

<u>Date of Admission</u>	<u>Bar</u>
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- 1) _____
- 2) _____
- 3) _____

3. List any position in which you are currently serving as an elected or appointed position, at local, state, and federal levels:

LITIGATION AND APPELLATE PRACTICE

1. Describe the general character of your practice:

2. Do you regularly appear in trial level courts?

3. Which court(s) do you most regularly appear in?

4. What percentage of your litigation practice in the past five years was:

Civil	_____	%
Criminal	_____	%
Domestic Relations	_____	%
Administrative	_____	%

5. What percentage of your litigation practice in the past five years was:

Federal Court	_____	%
State Court	_____	%
Administrative Bodies	_____	%

6. State the approximate number of cases tried to conclusion in courts of record in the following categories:

In the past five years:	In your legal career:
_____ Civil	_____ Civil
_____ Criminal	_____ Criminal
___ Adult	___ Adult
___ Juvenile	___ Juvenile
_____ Domestic Relations	_____ Domestic Relations
_____ Jury Trial	_____ Jury Trial
_____ Trial to the Court	_____ Trial to the Court

7. State the approximate number of matters arbitrated or argued before an administrative body:

In the past five years:	In your legal career:
_____ Arbitration	_____ Arbitration
_____ Administrative Hearings	_____ Administrative Hearings

8a. If you have tried cases in the past five years, list the names of the attorneys against whom the case(s) were tried along with current contact information for each attorney. Include the nature of the case and approximate date of trial. Indicate whether you were sole counsel, associate counsel or chief counsel. Provide the names of judges of whom you tried your cases before. Provide the citation for any reported cases:

1)

- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____

8b. If you have not tried any cases in the past five years, please describe any prior experience handling trials and describe how your past five years of experience is relevant to the position of a circuit court judge:

9. Do you regularly appear in appellate level courts?

If you have a substantial appellate practice, please answer questions 10-14. Otherwise skip to question 15.

10. What percentage of your appellate practice in the past five years was:

Civil	_____	%
Criminal	_____	%
Domestic Relations	_____	%
Administrative	_____	%

11. What percentage of your appellate practice in the past five years was:

Oregon Court of Appeals	_____	%
Oregon Supreme Court	_____	%
Federal Appellate Courts	_____	%

12. State the approximate number of appeals handled in the following categories:

In the past five years:	In your legal career:
_____ Civil	_____ Civil
_____ Criminal	_____ Criminal
_____ Domestic Relations	_____ Domestic Relations

13. State the approximate number of appeals resolved through dispute resolution:

In the past five years:	In your legal career:
_____	_____

14. Please list the names of the attorneys against whom you have handled appeals for the past 5 years along with current contact information for each attorney:

- 1) _____
- 2) _____
- 3) _____
- 4) _____

15. List arbitrators, mediators, or administrative law judges whom you have appeared before in the past five years. Include the dates and nature of the matters and current contact information for each arbitrator, mediator or officer:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

16. List five attorneys with whom you have resolved a lawsuit through dispute resolution (mediation, arbitration, informal settlement discussions) in the past two years. Include the nature of the case and approximate date of conclusion and current contact information for each attorney:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

17. List any prior judicial experience in any courts and the approximate dates (i.e., judge, pro-tem judge, arbitrator, or administrative law judges, court appointed mediator). Include the names and current contact information of your supervisors for each of these positions:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

18. If applicable, state the percentage of your judicial or quasi-judicial experience in the following fields:

Civil	_____%	Criminal	_____%
Domestic Relations	_____%	Administrative	_____%

PROFESSIONAL AND COMMUNITY ACTIVITIES

1. List any publications you have authored and honors or awards you have received including academic honors if you believe they are relevant. Please provide dates:

1)
2)
3)
4)
5)

2. Describe your civic and community activities, including work on bar committees, major pro bono activities, volunteer positions, and other public service, along with dates:

1)
2)
3)
4)
5)

3. List all memberships in clubs, associations, or organizations:

Name	Nature of Business/Contact Information	Your Position

4. List all organizations or enterprises of which you are presently an officer, director, partner, owner, shareholder, or manager. Indicate the nature of the business, your position or relationship with the organization or enterprise, and whether you intend to resign (or dispose of your interest, if you are an owner or shareholder) if appointed to the bench:

Name	Nature of Business/Contact Information	Your position	Will you resign

5. List the names, addresses and telephone numbers of five people who may be contacted as references:

Name/Nature of Relationship	Address	Telephone
1)		
2)		
3)		
4)		
5)		

Also, attach three (3) letters of recommendation.

I am a citizen of the United States and a resident of the State of Oregon. I have reviewed the statutory requirements for the judicial position for which I am applying, and certify that I meet all qualifications for this judicial position. If selected for this position, I will accept appointment. If appointed, I pledge my best efforts to resolve, before assumption of office, any conflicts of interest that would be inconsistent with my responsibilities in this position. The information provided in this application is accurate and complete.

Signature: _____ Date: _____

The following information is not required by law and will be deemed to have been submitted in confidence. Accordingly, this information will not be made available to public inspection pursuant to ORS 192.502(4) and will not be released to local or specialty bars who request copies of candidates' interest forms.

If your answer to any of the following questions is "yes," give full details on a separate sheet of paper.

- (a) Have you ever been a defendant in a civil action? Do not include cases in which you were included as a nominal defendant with no potential liability, such as mandamus actions..... Yes No
- (b) Have you ever filed for bankruptcy? Yes No
- (c) Have you ever been convicted of or have you pleaded guilty or no contest to any crime or violation? (Do not include minor traffic offenses resulting in fines of less than \$500)..... Yes No
- (d) Have you ever been subject to a civil compromise, deferred prosecution, diversion, or deferred adjudication agreement? Yes No
- (e) Have you ever been the subject of a law enforcement investigation regardless of the outcome? Yes No
- (f) Have you ever been the subject of any professional disciplinary complaint or had any professional license or permit revoked or restricted regardless of the outcome?..... Yes No
- (g) Have you ever been terminated from a job, resigned while an investigation was pending, or resigned in lieu of termination?..... Yes No
- (h) Have you ever been discharged, sanctioned or investigated by an educational institution or employer for conduct involving dishonest, deceit, or misrepresentation? Yes No
- (i) Within the past five years, have you been hospitalized or incapacitated for a period of more than ten days for any reason?..... Yes No
- (j) Are you subject to any condition or handicap that might substantially impair your ability to hold judicial office?..... Yes No

PERSONAL INQUIRY WAIVER AND RELEASE FORM

The City may decide to conduct an in-depth background investigation about judicial candidates. This waiver and release form authorizes the release to the City and to the Multnomah County Sheriff's Office all information regarding my past employment, educational information, credit information, and character information, whether same is of record or not, and release your organization and all persons whomsoever, from any charge or claim because of furnishing said information. Provide the following information and sign below to permit the investigation to be conducted.

Name: _____
Home Address: _____
Oregon Bar No.: _____
Driver License No.: _____
Social Security No.: _____
Date of Birth: _____
Place of Birth: _____
Other Names Used
(maiden, former, etc.)
Any other State of
Residence:

Have you ever lived outside of the United States for a period of 3 months or more? If so, indicate each country and dates of residency. _____

I hereby authorize the City and the Multnomah County Sheriff's Office to conduct an in-depth background investigation and to obtain any and all records pertaining to me including but not limited to records on file Department of Revenue, the Motor Vehicles Division, law enforcement agencies, the Oregon State Bar, credit references or bureaus, and past and present employers, employees, business associates, and acquaintances.

Signature: _____ Date: _____