



## **THE CITY OF FIRCREST**

### **REQUEST FOR PROPOSAL LAND USE ATTORNEY SERVICES**

The City of Fircrest (“City”) is seeking a qualified person or firm to contract for Legal Services related to land use decisions. **The deadline for submittals is 5:00 P.M. on Friday, December 20, 2019.**

#### **DESCRIPTION OF THE POSITION**

The land use attorney provides legal advice, counsel, services, consultation, and opinions on issues related to land use to the Mayor, City Council, City Manager, Planning Commission and other City Staff.

#### **PREFERRED QUALIFICATIONS**

- A licensed attorney in the state of Washington and/or shall have training and experience necessary to perform the duties as described.
- Demonstrated ability to exercise good judgment when applying law to specific facts.
- Thorough knowledge of zoning laws, environmental laws, and comprehensive plans, including their formation, process of adoption, implementation and enforcement; extensive knowledge of planning programs and processes; demonstrated knowledge of, or experience with, community design.
- Ability to communicate effectively orally and in writing with superiors, subordinates, the public and professionals in government agencies and the private sector; ability to establish effective working relationships.
- Working knowledge of Washington State codes relevant to land use planning and practices, particularly the Washington State Growth Management Act, the Washington State Environmental Policy Act, the Washington State Subdivision Act and respective Washington State Administrative Codes;

#### **TERM OF SERVICES**

The duration of this Agreement will be from signed contract date to December 31, 2019 with the option of subsequent renewals.

#### **GENERAL STATEMENT OF SCOPE OF SERVICES**

1. Furnishes legal representation at City Council meetings, Planning Commission meetings, and at other meetings when requested.
2. Appears before courts and administrative agencies to represent the City’s interests when requested.

3. Reviews ordinances and resolutions, and other documents for legal correctness and acceptability when requested.
4. Prepares legal opinions and memoranda related to land use issues at the request of the City or the Council.
5. Provides the Mayor, City Council, and administration a legal perspective and advice on various land use issues.
6. Performs other legal services and tasks, as assigned by the City Manager or Designee.

**COMPENSATION**

The City and any party selected for these services will enter into a professional services agreement which will address compensation. Proposals must clearly set forth the fees or fee structure (e.g., hourly rate, monthly retainer, per-case fee) to be charged for the proposed services.

**SELECTION PROCESS**

All proposals will be reviewed and screened by the City Manager and designated staff. Proposals will be evaluated by considering the Proposer’s quality of experience, the strength of the approach described in the proposal, the responses to the questions provided below, and the cost to the City.

The City Manager will convene an interview panel to include members of the City Council and staff, and finalists will be invited for interviews. Following the interviews, the City Manager will make an appointment for City Council confirmation.

**SCHEDULE OF EVENTS\***

The approximate schedule has been developed to allow the City of Fircrest to proceed in an orderly manner to consider all factors involved in reaching a decision as quickly as possible.

Release of RFP	Monday, December 2, 2019
Proposal Submission Deadline	Friday, December 20, 2019
Interview Selected Individuals/Firms	Week of January 6, 2020
Final Selection	Friday, January 17, 2020
Agreement presented to City Council	January 28, 2020

\* Dates subject to change

**PROPOSAL SUBMISSION**

A. All proposals are to be sent to:

City of Fircrest  
 ATTN: Scott Pingel  
 115 Ramsdell Street  
 Fircrest, WA 98466

Or emailed to: [spingel@cityoffircrest.net](mailto:spingel@cityoffircrest.net)

Proposers are responsible for assuring delivery. Direct inquiries to the address above.

- B. One reproducible copy of the proposal may be or mailed/delivered to the address listed above, or sent by e-mail with the proposal attached as a PDF file. Proposers are responsible for assuring delivery.
- C. Proposals must be received by December 20, 2019. No faxed or telephoned proposals will be accepted.
- D. All proposals must include the following information:
  - The name(s) of individual(s) who will be providing land use attorney services, including resume/bio.
  - The specific experience the individual(s) have in serving as a municipal land use attorney.
  - Disclosure of any criminal or professional disciplinary findings that have been entered against any of the land use attorneys who will be providing services.
  - Professional references.
  - A cost proposal
- E. Right to Reject Any and/or All Proposals.

The City of Fircrest reserves the right to reject any/or all proposals, to waive technicalities and/or information and accept any proposals deemed to be in its best interest.

### **INSTRUCTIONS TO REPLY TO THIS REQUEST FOR PROPOSALS**

To reply to this RFP, please submit a proposal of no more than five (5) pages stating:

1. Name and contact information. Identify and provide a resume or similar description of the educational and professional background for the individual(s) who desires to serve as the City's land use attorney, including the name of that individual's law school and the year of graduation from law school.
2. Land use attorney experience. Describe relevant experience working for other jurisdictions as a land use attorney. If the Proposer is a law firm, provide this information for all attorneys anticipated to provide services to the City.
3. Expertise. Describe your experience with administering and interpreting: land use laws, codes, and municipal regulations in the State of Washington; environmental laws, such as SEPA and NEPA; and other similar local, state, and federal laws. In addition, describe experience representing a jurisdiction in a land use appeal proceeding.
4. Provide a statement describing your view of a municipal land use attorney's roles and duties.
5. Fee proposal. Provide a fee proposal that describes how you will be paid for the proposed services (e.g., hourly rate, monthly retainer, per-case fee).

6. Provide professional references. Provide contact information for three professional references with personal knowledge of the Proposer's work and experiences that demonstrate qualifications and ability to serve as the City's land use attorney.

As stated in the first part of this RFP, all materials shall be mailed or submitted electronically in one packet to the following email address: [spingel@cityoffirecrest.net](mailto:spingel@cityoffirecrest.net)

**ALL APPLICATION MATERIALS MUST BE SUBMITTED BY 5:00 P.M. ON December 20, 2019.**

At the City's discretion, proposals submitted after the due date and time may be considered. Proposers accept all risks of late delivery of submitted proposals.

### **RESERVATIONS**

The City reserves the right to cancel or reissue the RFP or to revise the timeline at any time. The City reserves the right to reject any and all proposals and to waive minor irregularities in the proposal process. The City may accept any proposal if such action is believed to be in the best interest of the City.

### **PROPOSED AGREEMENT**

A proposed Agreement is provided as an attachment with this RFP. It is important that each Proposer review the Agreement prior to submitting a proposal, particularly the Scope of Work. The City typically does not accept changes to the Agreement's terms and conditions. Should the Proposer wish to propose changes to the Agreement's terms and conditions, the desired changes must be identified in the proposal. The City is under no obligation to accept such proposed changes and may reject a proposal based on proposed changes unacceptable to the City.

The City will verify Proposer representations that appear in the proposal. Failure of a Proposer to perform services as represented may result in elimination of the Proposer from further competition or in termination of the Agreement, consistent with the terms of the Agreement.

### **NONDISCRIMINATION**

The firm/individual shall comply with all applicable nondiscrimination, equal opportunity, minority and women's business enterprises and fair labor standards requirements, and all other applicable City, State of Washington, and Federal laws and regulations.

### **NON-ENDORSEMENT**

As a result of the selection of a firm/individual to supply products and/or services to the City, firm/individual agrees to make no reference to the City in any literature, promotional material, brochures, sales presentation or the like without the express written consent of the City.

### **NON-COLLUSION**

Submittal and signature of a statement of qualifications swears that the document is genuine and not a sham or collusive, and not made in the interest of any person not named, and that the

firm/individual has not induced or solicited others to submit a sham offer, or to refrain from proposing.

### **CONFLICT OF INTEREST**

No attorney shall conduct or participate in any hearing, decision or recommendation in which the land use attorney has a direct or indirect substantial financial or familial interest, or concerning which the land use attorney has had substantial prehearing contacts with proponents or opponents. No member of City Council who has such an interest or has had such contacts shall participate in the consideration of an appeal from or a review of an land use attorney's decision.

### **COMPLIANCE WITH LAWS AND REGULATIONS**

In addition to nondiscrimination and affirmative action compliance requirements previously listed, the firm/individual ultimately awarded a contract shall comply with federal, state and local laws, statutes and ordinances relative to the execution of the work. This requirement includes, but is not limited to, protection of public and employee safety and health; environmental protection; waste reduction and recycling; the protection of natural resources; permits; fees; taxes; and similar subjects.

### **PUBLIC RECORDS**

Under Washington state law, the documents (including but not limited to written, printed, graphic, electronic, photographic or voice mail materials and/or transcriptions, recordings or reproductions thereof) submitted in response to this RFQ (the "documents") become a public record upon submission to the City, subject to mandatory disclosure upon request by any person, unless the documents are exempted from public disclosure by a specific provision of law. If the City receives a request for inspection or copying of any such documents it will promptly notify the person submitting the documents to the City (by U.S. mail and by fax if the person has provided a fax number) and upon the written request of such person, received by the City within five (5) days of the mailing of such notice, will postpone disclosure of the documents for a reasonable period of time as permitted by law to enable such person to seek a court order prohibiting or conditioning the release of the documents. The City assumes no contractual obligation to enforce any exemption.