



## Lynden Public Defender Request for Proposal

### I. Purpose

The City of Lynden is seeking a qualified attorney or firm to provide public defense services on a contractual basis for indigent individuals charged with gross misdemeanor and misdemeanor offense (s) appearing in the Lynden Municipal Court.

### II. Scope of Services and Compensation

A. The selected attorney will provide legal representation for defendants assigned at all pre-trial hearings, motions, trials, sentencing, reviews, and appeals to the point of filing. The attorney will provide criminal defense services and will be available to talk and meet with indigent defendants in Whatcom County Jail. Legal services provided will include, but not be limited to, interviews of clients and potential witnesses, legal research, preparation and filing of pleadings, negotiations with the appropriate prosecutor or other agency and court regarding possible dispositions, and preparation for and appearance at court proceedings. Performance of services shall in all respects comply with the Standards adopted by the Washington State Supreme Court and the City (collectively, "Standards"), whichever is more restrictive.

1. In 2018, defendants were found to be indigent in 111 cases. That number will increase in 2019 to more than 130 indigent cases. The maximum number of cases each attorney may be expected to handle is provided in Section 3.4 of the Washington State Supreme Court Standards for Indigent Defense currently in place or as hereafter amended.

2. The contract resulting from the acceptance of the proposal shall be in approximately the form attached to this RFP, although the City reserves the right to make revisions. Any proposed amendment to the attached draft contract including but not limited to proposed compensation should be noted in the proposal submitted. The City reserves the right to reject any proposed contract change that does not conform to the specifications contained in the RFP or that is not warranted to provide a level of service sufficient to meet the adopted Standards.

B. The public defender is considered an independent contractor who shall at all times perform the criminal defense duties and responsibilities and carry out all services as an independent contractor and shall never represent or construe its status to be that of an employee of the City, nor shall the public defender be eligible for any employee benefits.

### III. Instructions to Proposers

A. All proposals should be sent to:

Mike Martin, Lynden City Administrator  
Administration Department  
300 4<sup>th</sup> Street  
Lynden WA 98264

B. All proposals must be in a sealed envelope and clearly marked in the upper left hand corner "RFP - Public Defender."

C. All proposals must be received by 4:30 PM, August 28th, 2019. An original copy of proposals must be presented. No faxed, e-mailed, or telephone proposals will be accepted.

D. Proposals should be prepared simply and economically, providing a straight forward, concise description of the Proposer's capability to satisfy the requirements of the request. Proposals are not anticipated to exceed ten (10) pages including addenda and attachments. Special bindings, color displays, and promotional materials are not desired. Emphasis should be on completeness, conciseness, and clarity of content.

E. The position will remain open until filled. First round of applications will be considered August 30.

### IV. Required Proposal Content

A. The name and Washington State Bar Association number of each individual attorney who is proposed to provide public defense services and his or her area of responsibility.

B. A resume for each attorney who will provide legal services or supervise the provision of legal services by others, illustrating the attorney's specific experience in criminal defense.

C. Detailed information about each individual attorney's experience in providing public defense service, including the types of cases in which the attorney has represented indigent clients.

D. A description of any measures to address the needs of indigent misdemeanor clients, including but not limited to describing how attorney caseloads will be monitored and the level of involvement, if any, the attorney has with appropriate social service referrals.

Include detailed information about how the attorney will evaluate for and access contract or other services, such as access to a mental health professional or interpreters. Please provide information regarding your firm's ability to report to the City both monthly and annually regarding the assigned case load, the disposition of cases, and the types of cases assigned.

E. A statement regarding whether any attorney proposed to provide services under the contract has ever been disciplined by any bar association, been the subject of a court finding or determination of ineffective assistance of counsel, been monetarily sanctioned by a court for any reason, or been involved in an action for malpractice. If so, provide more detailed information.

F. A statement regarding whether any attorney or employee of the firm has or could reasonably be anticipated to have any conflict of interest with the City and, if so, how the conflict will be addressed.

G. A statement regarding the attorney's willingness and capability to provide insurance coverage of the same or similar nature required by the attached draft contract. Notably, malpractice coverage cannot contain any exclusion for ineffective assistance of counsel.

H. A statement of how the workload responsibilities of the City will be accommodated and what kind of priority it will be given in relationship to other contracts and obligations. If your firm has previously provided or is providing contract services for a city or county, please provide any documented review of contract compliance under those contracts. Please note specifically any corrective action required under any such public contract or any termination for cause of any such contract in whole or in part within the last ten (10) years.

I. A statement warranting that each attorney proposed to provide legal services has read and is familiar with the Standards. Each proposer will be required to warrant that the proposal submitted takes into account all required training, infrastructure, and service provision required by the Standards.

J. A minimum of two (2) references.

## **V. Selection Criteria**

The selection of a public defender will be based upon the ability of the proposer to best meet the requirements of this RFP and the guidelines provided in the attached contract. In its evaluation process, the City will consider the reputation(s) and qualifications of the specific individual(s) proposed for assignment to act as a public defender, including the proposer's

history of successfully fulfilling contracts of this type, experience in similar work, ability and history of meeting deadlines, and the proven or potential ability of the proposer to fully comply with all applicable indigent defense standards. The City will also consider the completeness of the written proposal and the competitiveness of any alternative fee structure proposed.

## **VI. Terms and Conditions of Proposal Process**

A. The City shall not be responsible for any costs incurred by a firm in preparing, submitting, or presenting its response to the RFP.

B. Any proposal may be withdrawn up until the date and time set for opening of the proposals. Any proposal not timely withdrawn shall constitute an irrevocable offer for a period of sixty (60) days to provide to the City the services described herein or until or more of the proposals have been approved by City administration, whichever first occurs.

C. The City reserves the right to reject any and all proposals and to waive minor irregularities in any proposal.

D. The City reserves the right to request clarification of information submitted and to request additional information from any proposer.

E. The City reserves the right to award any contract to another proposer, if the successful proposer does not execute a contract within fifteen (15) business days after the award of the proposal.

For additional information contact Mike Martin at 360-255-7109.