

**CITY OF TUKWILA
REQUEST FOR QUALIFICATIONS AND PROPOSALS
FOR PUBLIC DEFENSE SERVICES
Due September 23, 2022 by 5:00 p.m. (Pacific Time)**

The City of Tukwila is requesting proposals from well qualified law firms interested in providing public defense services in Tukwila Municipal Court. The City will pay a flat monthly fee for all public defense services.

Please review the full RFP following this notice

This Request for Proposals (RFP) is not a competitive bid based on price only. The RFP allows the City to select the Law Firm which, in its sole discretion, best meets the needs of the City, taking into consideration price, qualifications, and service capabilities and other factors relevant to the City's policies, programs, resources, and budget.

The successful law firm ("Proposer") will contract with the City for provision of public defense services as an independent contractor and shall not be entitled to City benefits. The Proposer will be responsible for performance of all of the obligations under the contract in conformance with the Rules of Professional Conduct and state and federal law. The contracted services are intended to begin January 2023. The City anticipates entering into a two-year contract for public defense services upon completion of the request for proposal process.

All materials should be submitted by **email** to:

Cheryl Thompson, Executive Assistant

Cheryl.Thompson@TukwilaWA.gov

Subject: RFP for Public Defense Services

Questions regarding the proposal will be accepted by **email** to Cheryl Thompson, Mayor's Office Executive Assistant at Cheryl.Thompson@TukwilaWa.gov

Materials are due by 5:00 p.m. (Pacific Time) on September 23, 2022. No submittals will be accepted after this date and time.

Published Seattle Times – September 9, 2022 and September 15, 2022

Published Daily Journal of Commerce – September 9, 2022 and September 15, 2022

Posted on Washington Defenders Association on September 9, 2022

Posted on the Washington State Bar Association Website on September 9, 2022

**REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR
PUBLIC DEFENSE SERVICES
Due September 23, 2022 by 5:00 p.m. (Pacific Time)**

The City of Tukwila is requesting proposals from well qualified law firms interested in providing public defense services for criminal misdemeanors and gross misdemeanors in Tukwila Municipal Court. The City will pay a flat monthly fee for all public defense services.

The successful law firm ("Proposer") will contract with the City for provision of public defense services as an independent contractor and shall not be entitled to City benefits. The Proposer will be responsible for performance of all of the obligations under the contract in conformance with the Rules of Professional Conduct and state and federal law. The contracted services are intended to begin January 2023. The City anticipates entering into a two-year contract for public defense services upon completion of the request for proposal process.

The City will pay the selected Public Defense firm for representational services, including lawyer services and appropriate staff services, infrastructure, investigation and appropriate sentencing advocacy. All proposals should consider Tukwila Municipal Code 2.70.050 Public Defense Standards and the Washington State Supreme Court Standards ("Standards"), when submitting proposals. Proposals should include all necessary infrastructure, training, and services necessary to comply with the Standards.

Legal services per client will be provided from time of appointment through final disposition, including trial, sentencing, review hearings and appeals to superior court, if necessary and 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.

SCOPE OF SERVICES

The Proposer is responsible for all aspects of public defense in the Tukwila Municipal Court, including but not limited to:

- Providing legal representation services in accordance with the standards adopted by the City in TMC 2.70, the standards set forth by the Washington State Supreme Court, the Rules of Professional Conduct, and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases for all indigent criminal defendants charged with a misdemeanor or gross misdemeanor under ordinances of the City who qualify for appointment of counsel. This will include attempting to contact the client within 72 hours of notification of appointment. Legal representation will be provided from time of screening for eligibility through trial, sentencing and appeals to the superior court, if necessary.
- Providing the City Police Department, a telephone number or numbers at which an attorney may be reached 24-hours each day for "critical stage" advice to the defendants during the course of police investigations and/or arrest for misdemeanor violations of City Ordinances.
- Maintaining a case reporting and case management system that includes number & type of cases, attorney hours and disposition pursuant to TMC 2.70.50 Standard 8.
- Attending seven (7) hours of criminal defense training each year. The training must be approved by the Washington State Office of Public Defense.
- Providing monthly case assignment lists to the City which include cause number, name,

charges, date of assignment and date of first effort to contact, and a Monthly Statistics report to the City regarding client contact, motions practice, resources utilized, complaints and training.

- Submitting quarterly Certification of Compliance forms as required by CrRLJ 3.1.
- Submitting an annual report detailing the number of other public defense contracts including jurisdiction, the number and type of non-public defense cases handled, and the total hours billed for non-public defense cases.
- Providing daily video court public defense services to defendants charged under ordinances of the City who are detained at the SCORE Jail and qualify for public defense services.
- Providing an attorney for weekly arraignment calendars, available to all unrepresented defendants for consultation.
- Contacting all clients 1-2 business days prior to their court hearing to confirm access to and knowledge of how to utilize the necessary technology to appear before the court.
- Providing a minimum of two attorneys at each review calendar to expedite efficient hearings.
- The Proposer must enter into all user agreements that may be necessary in order to provide public defense services to the City, including but not limited to the JIS, JABS, and OCourt.

The City will enter into a professional services agreement, which will incorporate the above referenced scope of services and will address compensation.

WORKLOAD AND COURT CALENDAR

The Tukwila Municipal Court currently holds the following calendars at which the attendance of Public Defense attorneys is required: Mondays, Wednesdays and Thursdays 9:30 AM – 4:00 PM; Tuesdays and Fridays from 9:30 AM – 12:00 PM. Jury trials are generally held on the second Thursday and consecutive Friday of each month and may last all day.

The City of Tukwila has assigned an average of 760 cases per year using an unweighted standard. The number of assigned indigent defendants and the resulting trials are dependent on the unique facts and circumstances of any particular case and time period.

QUALIFICATIONS

The Proposer must be an attorney admitted to the practice of law in the State of Washington with a minimum of five (5) years of experience which must include significant trial experience. Prior experience as a public defense attorney is required.

COMPENSATION

The City and Public Defense firm will enter into a professional services agreement which will address compensation. The City proposes to compensate the selected attorney on a monthly flat fee basis. Services covered by this RFP that are not explicitly identified as non-routine will be assumed to be included in the basic fee. No additional fees, costs, charges, telephone fees, paralegal fees, delivery fees, or any other reimbursable expenses will be allowed. Necessary and reasonable expert witness and investigative services will be paid directly to the expert or investigator or reimbursed to the public defender when authorized by the Court.

Please note that the City will consider alternative fee proposals for public defenders. If any proposer desires to present an alternative fee proposal, please present detailed information on the proposed fee schedule either on a price per case basis or on a total yearly/monthly fee, noting any variations for non-routine services. Services not referenced in this RFP, that are not explicitly identified as non-

routine will be assumed to be included in the basic fee.

If the proposal includes by-case compensation, payment by the City for the services will be made only after the services have been performed (through judgment and sentence or dismissal). An itemized billing statement shall be submitted in a form approved by the City. Payment shall be made on a monthly basis in accordance with the City's accounts payable procedures.

By submitting its proposal, the Proposer warrants that all attorneys performing services under the agreement have studied the Standards adopted by the City and the State Supreme Court, and have obtained, as necessary, applicable accounting review of the overhead costs necessary to provide all required infrastructure and services required by such Standards. Proposer further warrants that the proposal submitted is adequate to provide reasonable compensation for the provision of public defense services in accordance with such Standards.

SELECTION PROCESS

All proposals will be reviewed and screened based upon the qualifications and requirements outlined in this request. Those individuals deemed most qualified will be screened further based upon reference checks. Finalists will be invited for interviews. The Mayor will forward a recommendation and professional services agreement to the City Council for approval.

The City reserves the right to request clarification of information submitted and to request additional information from any proposer. The City also reserves the right to reject any and all proposals, for any reason or for no reason.

REQUIREMENTS

The selected attorney/law firm will be required to submit proof of professional liability insurance with limits not less than \$2,000,000 to the City.

STATEMENT OF QUALIFICATIONS

In the Statement of Qualifications please provide:

1. A cover letter and statement of qualifications, which must include Washington State Bar Numbers for all attorneys in the law firm.
2. A resume for each attorney that will be involved in providing public defense services. Resumes shall include Law School attended, year of admission to the Washington State Bar Association, years of practice and area(s) of practice for those years. Must be a member in good standing with the Washington State Bar Association.
3. A statement from each attorney outlining relevant areas of knowledge and experience in criminal public defense; experience with motions practice relevant to public defense services; and jury and bench trial experience.
4. A statement describing the type of training that the proposed public defenders in your firm receive which would be relevant to the practice of criminal law and public defense.
5. A statement of your firm's capacity for working with non-English speaking clients.
6. Responses to the following:
 - a. Describe your understanding of the type and level of services needed and your approach to providing those services including 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.
 - b. Describe your experience with problem solving courts, such as veterans' court, community

- court, etc. and your viewpoint concerning those courts.
- c. Discuss your approach to countering implicit bias.¹
 - d. A description of the firm's general policy guidelines when addressing 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 firm has with appropriate social service referrals.
 - e. A description of your case management system including 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.
 - f. Describe the proposed compensation structure for services rendered.
 - g. List any other types of clients you currently represent. If your firm 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.
 - h. List any affiliations or clients that could cause a conflict of interest regarding City matters.
 - i. List any pending litigation, judgments rendered or pending complaints with the Washington State Bar Association that relate to the professional activities of any attorney proposed to provide public defense services to the City.
7. Three professional references with addresses phone numbers and contact name if for an organization.

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ALL APPLICATION MATERIALS MUST BE SUBMITTED BY 5:00 PM (Pacific Time) ON SEPTEMBER 23, 2022. No submittals will be accepted after this date and time.

¹ Implicit bias operates at the unconscious level and plays out in the workforce. Implicit bias refers to the automatic association of stereotypes or attitudes about particular groups. A large body of research suggests that by virtue of living in a racialized society, implicit bias impacts both individual judgment and institutionalized policies and practices. Cited from *Public Sector Jobs: Opportunities for Advancing Racial Equity* (pg. 7) by the Local and Regional Government Alliance on Race & Equity. See: <https://www.racialequityalliance.org/resources/public-sector-jobs-opportunity-for-advancing-racial-equity/>.