

REVISED Request for Proposal: Benton County Hearing Examiner Services

Benton County is seeking Requests for Proposals from individuals and firms interested in serving as the Benton County Hearing Examiner beginning **February**, 2015.

BACKGROUND

Unincorporated Benton County has a population of approximately 33710 people. The County encompasses approximately 1703 square miles. Roughly 415 of those square miles are under the control of the Department of Energy as part of the Hanford Reservation. Approximately 100 square miles are within the cities. The County has historically had minimal involvement in land use regulation for the Hanford Reservation.

The County's Planning Department consists of six full-time employees. The County has operated for decades with a Board of Adjustment, Planning Commission and Board of County Commissioners handling quasi-judicial review of various land use applications and related appeals, with the assistance of the Planning Department. The Board of County Commissioners recently adopted ordinances to implement a Hearing Examiner system for a majority of these matters effective January 1, 2015. In 2013, the County conducted approximately 22 quasi-judicial hearings that would have been conducted by the Hearings Examiner if the new system had been in effect during that time period.

The Board seeks qualifications and proposals from individuals and firms desiring to provide the services of a Hearing Examiner to begin in January 2015. The Hearing Examiner will conduct quasi-judicial hearings on land use matters on behalf of the County and makes decisions supported by findings and conclusions. The Hearing Examiner may also conduct other hearings as provided by statute, ordinance or Board of Commissioner direction. The Hearing Examiner will be an independent contractor and not an employee of the County.

SCOPE OF SERVICES

The successful applicant with whom the County contracts shall perform the general duties of the Hearing Examiner as set forth in Benton County Ordinance No. 559, as now in effect or as hereafter amended, and the specific duties specified throughout the County code. A copy of this ordinance may be found on the County's website at <http://tinyurl.com/HearingsExaminer>.

In general Benton County's Hearing Examiner will hold public hearings and decide matters related to land development applications, which include but are not limited to:

- Variances and conditional use permits;
- Shoreline substantial development permits;
- Appeals of an administrative decisions; and
- Appeals of an Environmental Determinations

Both daytime and evening hearings may be conducted on an as-needed basis. These hearings have generally been scheduled once a month on Thursday evenings at the Planning Annex in Prosser, Washington. Scheduling is by consultation with the Benton County Planning Manager. Hearing recording and other meeting support services to be provided by County staff. Decisions are generally required to be issued within 10 business days of the conclusion of all testimony pursuant to the County code.

The County's Planning Department will provide preparation of case files and records; staff support during hearings; will set agendas in consultation with the Examiner; prepare legal notices; provide reproduction, mailing and distribution of notices and decisions; and a staff recommendation for each application.

The Hearing Examiner will be responsible for preparing proposed Hearing Examiner Rules of Procedure for review and concurrence by the County and proposing any revisions to those that he or she believes are appropriate after the rules have been adopted.

The Hearing Examiner's performance will be evaluated pursuant to the following guidelines and measures of effectiveness:

1. The logic of findings and conclusions and the reasoning of decisions.
2. The decorum, demeanor and effectiveness of his or her management and conduct of the proceedings.
3. The efficiency, effectiveness and service demonstrated, including cost effectiveness, timeliness, and responsiveness.
4. Quality of reports, including format, clarity, comprehensibility, timeliness, thoroughness, completeness, grasp of issues presented, and familiarity with relevant criteria, policies, regulations and/or law.

Prior to beginning work, the Hearing Examiner will be required to procure and maintain, at his or her expense and for the duration of the contract, comprehensive automobile liability insurance at statutorily required limits and workers' compensation coverage if applicable as required by the State of Washington

The insurance must be placed with insurers in accordance to the contract.

SUBMITTAL REQUIREMENTS

Interested parties should submit a:

- **Letter of Interest** – no more than one page in length that includes contact information and signature. The letter should state the educational degree(s) held by the person, institutions issuing such degree(s) and the date such degree(s)

were issued. If the proposal is submitted by a law firm, information on all attorneys anticipated to provide services must be provided.

- **Summary of qualifications, experience, and availability** – this must be no more than four pages in length. It should summarize the applicant's qualifications to be a Hearing Examiner, including his/her relevant experience as a Hearing Examiner or other type of administrative judge, experience with land use law, environmental law, shoreline laws, and building codes. For judicial or quasi-judicial experience, please list jurisdictions, types of cases, number of cases and approximate dates such work was performed.
- **Method and approach** – a one to two page summary of the applicant's approach to providing Hearing Examiner services, including but not limited to a description of applicant's support staff and how applicant will have the ability to meet decision deadlines.
- **Example of written work** – at least two examples of the applicant's written decisions, preferably as a Hearings Examiner, must be provided.
- **Example of Rules of Procedure.** The County's Hearing Examiner is authorized to adopt rules of procedure. An example of rules of procedure that the Hearing Examiner has previously used is requested if applicable.
- **Professional references** – at least two professional references, including phone numbers and other contact information. No more than one page.
- **Fee Proposal** – a detailed description of the proposed compensation required by the applicant. Specify whether the proposal is for a lump sum annual fee, a cost per hour fee or a combination of lump sum and cost per hour fees. Specify whether mileage, travel time and/or out of pocket expenses are factored into the fee proposal

SELECTION CRITERIA AND PROCESS

Selection will be based upon:

1. Knowledge and experience in:
 - Adjudication or litigation related to land use planning and zoning
 - Growth Management Act
 - State Environmental Policy Act
 - Shoreline Development
 - Administrative procedures
 - Code enforcement
 - Constitutional principles
2. Experience with writing legally defensible local land use decisions

3. Approach to quality control, case management and decision delivery
4. Making effective use of public resources through reasonable fee proposal
5. Experience and manner of holding public meetings and quasi-judicial proceedings
6. Response of references

QUESTIONS

Questions regarding this RFP may be directed to the County's Planning Manager in writing via e-mail to mike.shuttleworth@co.benton.wa.us **no later than January 14, 2015**. Unauthorized contact regarding this RFP with other County employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the County. Questions will be answered in writing and posted on the County's website at <http://tinyurl.com/HearingsExaminer> **no later than January 16, 2015**. It is the responsibility of applicants to check the website for any amendments or question and answers to this RFP.

PROCESS AND TIMELINE FOR SELECTION

The County's intended process and timeline for selecting a contractor is as follows:

- **January 5, 2015** - Revised RFP release
- **January 14, 2015** 5:00 PM – Deadline for applicant questions
- **January 16, 2015** - Responses to applicant questions posted on website
- **January 22, 2015** - 5:00 PM – Deadline for RFP submittals
- **January 23, 2015** to **February 2, 2015** – Consideration of submittals by County and selection of candidate(s) to be interviewed; interviews and identification of the preferred candidate to recommend to County Commissioners.
- **February 10, 2015** - Contract in place

INSTRUCTIONS TO PROPOSERS

All responses to the RFP must be received at the County's Planning Department by 5:00 PM on **January 22, 2015**. Submittals received after the deadline will not be considered.

All proposals should be submitted and addressed to:

Michael Shuttleworth, Planning Manager
Benton County Planning
P.O. Box 910
Richland, WA 99352

All proposals shall either be in a sealed envelope and clearly marked "**RFP Hearing Examiner**" or sent via e-mail to mike.shuttleworth@co.benton.wa.us

CONTRACT NEGOTIATIONS

The County reserves the right to negotiate with the highest ranked applicant that, in the County's opinion, has submitted a proposal that is the "best value" to the County. Negotiations may include, but are not limited to, matters such as contract details,

contract payment dates, service requirements, and minor changes to the scope of services.

CONTRACT

The general contract terms resulting from this RFP will be as set forth on the County's website at <http://tinyurl.com/HearingsExaminer>. The initial contract shall be for one year, but may be renewed at the parties' mutual agreement for a second year.

Should the applicant wish to propose changes to the contract terms and conditions, the desired changes must be identified in the applicant's proposal. The County is under no obligation to accept such proposed changes, and may reject an applicant's proposal based on proposed changes unacceptable to the County.

TERMS AND CONDITIONS

1. The County reserves the right to reject any and all proposals, to waive irregularities and informalities in the submittal and evaluation process and to change the selection process or timeline.
2. The County reserves the right to request clarification of information submitted, and to request additional information from any proposer.
3. The contract resulting from acceptance of a proposal by the County shall be in a form supplied by the County, and shall reflect the specifications in this RFP. A copy of the County's contract is available for review. This RFP does not obligate the County to accept or contracts for any expressed or implied services.
4. The County shall not be responsible for any costs incurred by an interested party in preparing, submitting or presenting its response to the RFP.
5. All submitted documents are public record and subject to disclosure.
6. Submission of a proposal will signify the applicant's agreement that its proposal and the content thereof are valid for 30 days following the submission deadline unless otherwise agreed to in writing by both parties.