

**CITY OF LAKEWOOD
REQUEST FOR QUALIFICATIONS
HEARING EXAMINER SERVICES**

I. PURPOSE OF REQUEST

The City of Lakewood (“City”) is requesting proposals from individual licensed attorneys or related firms/entities for the purpose of selected a new City Hearing Examiner. Applicants must be experienced in the areas of land use law, real property law, city planning and development, code enforcement and business licensing. The City’s needs are further outlined in the following Request for Qualifications (“RFQ”).

II. TIME SCHEDULE

The City will follow the following timetable, with expected selection of Hearing Examiner by 02/01/2018.

Issue RFQ	November 27, 2017
Deadline for Submittal of Proposals	January 8, 2018
Finalist Interviews	Late January, 2018

III. PROPOSAL REQUIREMENTS

Interested parties should submit a:

- A. Letter of Interest – no more than one page in length and include contact information and signature. The letter must indicate that the City’s contract for Hearing Examiner Services is acceptable. The contract is available upon request. The letter or an attachment to the letter should state all proposed rates and charges.
- B. 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, his/her relevant experience, and the availability of the applicant to participate in the RFP process and to provide services to the City.
- C. Method and approach – a one or two page summary of the applicant’s approach to providing hearing examiner services.
- D. Example of written work – at least two examples of the applicant’s written decisions must be provided along with the invoices for those decisions or an explanation about why such invoices cannot be provided.
- E. Example of Rules of Procedure. The City’s Hearing Examiner is authorized to adopt rules of procedure. The proposal shall include an example of rules of

procedure that the Hearing Examiner has previously used. This example does not have to be dovetailed with the City's Municipal Code at this time.

- F. Professional references – at least two professional references, including phone numbers and other contact information. No more than one page.

IV. SELECTION CRITERIA AND PROCESS

Factors for selection include:

1. Knowledge and experience in adjudication or litigation related to land use planning and zoning, growth management, State Environmental Policy Act, Shoreline Development, Public Works, and Constitutional principles.
2. Responsiveness of the written proposal to the purpose/scope.
3. Experience with writing legally defensible local land use decisions.
4. Approach to quality control, case management and decision delivery.
5. Making effective use of public resources.
6. Experience and manner of holding public meetings and quasi-judicial proceedings.
7. Readiness, availability, and familiarity with the area.
8. Proposed fee structure for the services proposed. Please specify any additional fees, charges, expenses, etc. that are, or may be, billable to the City.
9. Response of references.

V. TERMS AND CONDITIONS

- A. The City reserves the right to reject any and all proposals and to waive minor irregularities in any proposal.
- B. The City reserves the right to request clarification of information submitted and to request additional information from any proposer.
- C. The City reserves the right to award any contract to the next, most qualified contractor, if the successful contractor does not execute a contract within thirty (30) days after the award of the proposal.
- D. Any proposal may be withdrawn up until the date and time set above for opening of the proposals. Any proposal not so timely withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days to sell to the

City, the services described in the attached specifications, or until one or more of the proposals have been approved by the City administration, whichever occurs first.

- E. The contract resulting from acceptance of a proposal by the City shall be in a form supplied or approved by the City, and shall reflect the specifications in this RFQ. A copy of the contract is available for review. The City reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP, and which is not approved by the City Attorney's office.
- F. The City shall not be responsible for any costs incurred by the firm in preparing, submitting or presenting its response to the RFP.
- G. All submitted documents are public record and subject to disclosure.

VI. SCOPE OF SERVICES

The individual or firm/entity with which the City contracts shall perform all duties of the Hearing Examiner and pursuant to the jurisdiction and authority established in chapter 1.36 and of the Lakewood Municipal Code (<http://www.codepublishing.com/WA/Lakewood>). Other pertinent Municipal Code sections include Title 18 (Land Use and Development Code); Title 14 (Environment Protection); Title 17 (Subdivisions); Title 8 (Health and Safety), Title 5 (Business Licenses and Regulations) and Title 12 (Public Works) as well as such other services as may be prescribed by Lakewood City Code as it now exists or is hereafter amended.

The bulk of the Examiner's workload is expected to be quasi-judicial land use cases, including major plats, conditional use permits, binding site plans, variances, shoreline permits, appeals of certain administrative actions, site-specific rezones, etc. In general Lakewood's Hearing Examiner holds public hearings and decides matters related to land development such as:

- Request for variances and conditional use permits
- Preliminary plat approvals
- Substantial development permits
- Appeals from administrative decisions

See Lakewood Municipal Code 1.36.024 regarding the Lakewood's Hearing Examiner's jurisdiction.

Hearings are generally scheduled twice monthly on Thursday during business owners. Scheduling is by consultation with the Community Development Director's designee. Hearing recording and other meeting support services are provided by the City. Decisions are to be issued timely as prescribed by law.

All duties shall be performed in a manner consistent with accepted practices for other similar services included but not limited to conducting orderly and impartial hearings, creating a professional and courteous environment for applicants, citizens, and staff and the preparation of findings and conclusions which are understandable and based upon reasoning and all applicable law and which are received in a timely manner.

VII. COMPENSATION

All rates quoted shall be full cost inclusive of sales tax and other government fees, taxes and charges and valid throughout the contract period unless otherwise amended and agreed to by both parties in writing. Payment by the City for the services will only be made after the services have been performed and an itemized billing statement is submitted in the form specified by the City and approved by the appropriate City representative. Statements shall specifically set forth the services performed, the name of the person performing such services, and the hourly labor charge rate for such person.

VIII. INSTRUCTIONS TO APPLICANTS

A. All proposals should be sent to:

David Bugher, Assistant City Manager of Community Development
c/o Shannon Kelley-Fong, Assistant to the City Manager/Mgmt Analyst
6000 Main Street SW
Lakewood, WA 98499-5027
(253) 983-7717

- B. All proposals must be in a sealed envelope and clearly marked "RFQ Hearing Examiner".
- C. Any questions related to the RFQ must be received sufficiently in advance of the deadline for submittals. Questions should be addressed in care of Shannon Kelley-Fong at skelleyfong@cityoflakewood.us
- D. All proposals must be received by close of business (5:00 PM) on Monday, January 8, 2018. Three hardcopies of the proposal must be presented. No emailed, faxed or telephone proposals will be accepted.
- E. Proposals should be prepared simply and economically, providing a concise description of provider capabilities to satisfy the requirements of the request. Emphasis should be on completeness and clarity of content