



# CITY OF PUYALLUP

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## Development Services Department

Puyallup City Hall  
333 S. Meridian  
Puyallup WA 98371

## CITY OF PUYALLUP REQUEST FOR QUALIFICATIONS HEARING EXAMINER SERVICES

### I. PURPOSE OF REQUEST

The City of Puyallup (“City”) is requesting proposals from individual licensed attorneys or related firms/entities for the purpose of selecting 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 11/30/16.

Issue RFQ	September 28, 2016
Deadline for Submittal of Proposals	October 21, 2016
Finalist Interviews	Early November

### III. INSTRUCTIONS TO APPLICANTS

A. All proposals should be sent to:

Tom Utterback, Development Services Director  
c/o Michelle Ochs, Administrative Assistant  
333 South Meridian  
Puyallup, WA 98371  
(253) 841-5485

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 Michelle Ochs at [michelleo@ci.puyallup.wa.us](mailto:michelleo@ci.puyallup.wa.us)

D. All proposals must be received by close of business (5:00 PM) on Friday, October 21, 2016. 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.

#### IV. CONTENT OF PROPOSAL

All proposals must include the following information:

- The name of the applicant, or firm/entity, and contact information.
- If a firm/entity, the names of specific individuals who would be involved in this position (*NOTE: for consistency sake, the City's preference/past practice is to have one designated individual as the regular Hearing Examiner, although occasional use of a pro-tem from the same firm/entity is acceptable. In addition to private firms, the City is receptive to contracting with a public entity (e.g. another city with excess Examiner capacity).*)
- Specific experience of the individuals relative to this position.
- A proposed outline of tasks for a typical hearing (see Scope of Services section for types of hearings to be performed), including the estimated number of hours required to complete a typical hearing.
- Related to the above, a proposed fee schedule applicable to a typical hearing, including hourly rates and any associated expenses (e.g. travel, clerical).
- References: Please provide pertinent references, including other local jurisdiction clients.

#### V. SELECTION CRITERIA

Factor/Weight Given

- |    |   |             |
|----|---|-------------|
| 1. | Responsiveness of the written proposal to the purpose/scope:  | 15%         |
| 2. | Price:  | 40%         |
| 3. | Ability and history of successfully performing similar work in other jurisdictions, including meeting expected timelines: | 45%         |
|    | Total Criteria Weight   | <b>100%</b> |

## VI. 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.

## VII. 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 the Puyallup Municipal Code (PMC).** PMC Sec. 2.54 establishes the Office of the Hearing Examiner, including jurisdiction and procedures. Other pertinent Municipal Code sections include Chapter 20 (Zoning Code); Chapter 21 (Environment); Chapter 19 (Plats and Subdivisions); Chapters 6 (Health and Sanitation), Chapter 5 (Business Licenses and Regulations) and Chapter 8 (Animals) as well as such other services as may be prescribed by Puyallup City Code as it now exists or is hereafter amended.

The great majority 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. The Hearing Examiner also currently has jurisdiction over certain code compliance and dangerous dog hearings, although those occur much less frequently.

All duties shall be performed in accordance with all applicable federal, state and city laws, including but not limited to, City of Puyallup land use laws, State Environmental Policy Act (“SEPA”), Shoreline Management Act, Open Meetings Act, Rules of Evidence and all City codes, ordinances, resolutions, standards or policies (including the Hearing Examiner Rules of Procedure), as now existing or hereafter adopted or amended.

**The Hearing Examiner is expected to:**

- visit project sites prior to public hearings;
- punctually attend all hearings (which are predominantly held during daytime hours, with occasional evening hearings when major public input is expected);
- administer the public hearing process in a professional and impartial manner;
- prepare sound decisions within prescribed timelines;
- coordinate with City staff on ancillary functions, including the setting of hearing dates, handling of associated hearing exhibits, etc.

In addition to generating staff reports and making hearing presentations to the Examiner, City staff handles administrative support duties related to Examiner proceedings, including hearing notices, producing/maintaining hearing recordings, tracking exhibits and mailing decisions to parties of record.

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.

## **VIII. COMPENSATION**

As noted above, please present detailed information on the firm’s proposed fee structure for the services proposed. Please specify any additional fees, charges, expenses, etc. that are, or may be, billable to the City. 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.

**This RFQ is also available for printing on the City’s website at:  
[www.cityofpuyallup.org](http://www.cityofpuyallup.org)**