



REQUEST FOR QUALIFICATIONS AND PROPOSAL FOR HEARING EXAMINER SERVICES

PROPOSALS DUE: JUNE 28, 2019

In 1997, the City of Walla Walla (City) implemented a Hearing Examiner system for considering and acting on quasi-judicial land use actions, code enforcement cases, technical building code appeals and related appeals/permits. The current contract for services will end in August of 2019. The City of Walla Walla is seeking qualifications and proposals for the services of a Hearing Examiner to begin on or about September 3, 2019. The Hearing Examiner is an independent contractor and not an employee of the City of Walla Walla. The proposals should answer all the requested information indicated below.

GENERAL SCOPE OF SERVICES:

The successful applicant shall perform the duties of the hearing examiner as set forth in City of Walla Walla Municipal Code, as now in effect or as hereafter amended. The City of Walla Walla Hearing examiner system is adopted pursuant to RCW 35A.63.170 and Walla Walla Municipal Code section 20.10.070 Hearing Examiner.

The Hearing Examiner conducts quasi-judicial hearings on complex land use matters and regulatory compliance issues on behalf of the City, and other issues designated to the Hearing Examiner by ordinance or resolution. The Hearing Examiner shall issue decisions and recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

All duties shall be performed in a manner consistent with accepted practices for hearing examiner services, including interpreting, reviewing, and implementing the City's land use regulations and the pertinent and appropriate provisions of Walla Walla Municipal Code; conducting orderly and impartial hearings and hearing appeals; and preparing written decisions in a timely manner which are understandable and based upon reasoning and all applicable laws.

The City of Walla Walla Development Services will provide preparation of case files and records; staff support during hearings; set agendas in consultation with the examiner; prepare legal notices; provide reproduction, mailing, distribution of notices and decisions, and a staff recommendation for each application.

QUALIFICATIONS:

The applicant shall provide information regarding the applicant's background and familiarity with general land use law and regulations and land use hearing processes. The hearing examiner must have expertise and experience in land use planning. A practicing land use attorney is preferred. In addition, the hearing examiner must have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics, or engineering. The applicant must have knowledge of the Washington State Growth Management Act and Washington State Environmental Policy Act.

PROPOSAL:

The applicant shall submit a proposal indicating the general conditions of a contract with the City, if the applicant is chosen, including all costs that would be incurred by the City for the provision of the Hearing Examiner services. Prior to beginning work, the Examiner will be required to procure and maintain for the duration of the contract and at the Examiner's expense errors and omissions insurance, comprehensive automobile liability insurance at statutorily required limits, and workers' compensation coverage as required by the State of Washington.

SUBMITTAL REQUIREMENTS:

Interested parties should submit the following:

- 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 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 three 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 summary of the applicant's approach to providing examiner services, including a description of applicant's support staff and how applicant will have the ability to meet decision deadlines.
- Example of Written Work – At least three examples of the applicant's written decisions, preferably as a hearing examiner, must be provided.
- Professional References – At least three professional references, including phone numbers and other contact information.
- Fee Proposal – A 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.
- Ten pages maximum. Examples of written work does not count towards the maximum page amount.

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
 - Municipal Code Enforcement
 - Administrative Procedures
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 a reasonable fee proposal.
5. Experience and manner of holding public meetings and quasi-judicial proceedings.
6. Response of references.

Three copies of the statement of qualifications and proposal shall be submitted in a sealed envelope **by 5:00 p.m., Friday, June 28, 2019** and delivered to:

City of Walla Walla Development Services
c/o Elizabeth F. Chamberlain, AICP
55 E. Moore Street
Walla Walla, WA 99362

Proposals transmitted by e-mail are not acceptable for consideration. Also, proposals received after the response deadline of 5 P.M. on Friday, June 28, 2019 are not acceptable for consideration. For specific questions concerning this Request for Qualification and Proposals (RFQ/P) please call Jon Maland, Senior Planner at (509) 524-4710, or e-mail at: jmaland@wallawallawa.gov

The City of Walla Walla in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and the Related Statutes, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids/proposals in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability and low income in consideration for an award.

TERMS AND CONDITIONS

1. The City 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 City 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 City shall be in a form supplied by the City and shall reflect the specifications on this RFQ/P. This RFQ/P does not obligate the City to accept or contract for any expressed or implied services.
4. The City shall not be responsible for any costs incurred by an interested party in preparing, submitting, or presenting its response to the RFQ/P.
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.