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**REQUEST FOR QUALIFICATIONS**

**FOR PROFESSIONAL SERVICES**

**FOR**

**Hearing Examiner**

**October 2023**

**CITY OF SUMNER**

**REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES
FOR HEARING EXAMINER SERVICES**

The City of Sumner (City) solicits interest from individuals, attorneys, or firms with substantial experience in the areas of land use law, real property law, city planning and development, and code enforcement for the purpose of serving as a Hearing Examiner.

The Hearing Examiner conducts quasi-judicial hearings on complex land use matters and regulatory compliance issues on behalf of the City and issues decisions and recommendations supported by findings and conclusions. Applicants must be familiar with the City’s zoning and building codes; all other applicable City codes, ordinances, resolutions, regulations, and policies; and other applicable state and federal regulations, statutes, and case law.

The City desires for the initial contract term to be a period of five (5) years with an option to extend. Services are anticipated to commence immediately, and compensation will be established by negotiation between the successful applicant(s).

The City reserves the right to amend the terms of this “Request for Qualifications” (RFQ), to circulate various addenda, or to withdraw the RFQ at any time, regardless of how much time and effort applicants have spent on their responses.

The City reserves the right to retain the services of responsive and qualified firm(s) for subsequent need if substitute or Pro Tem Hearing Examiner services are required.

Prospective applicants will be held to Federal EEO requirements and to the ADA and Civil Rights requirements as adopted by the City of Sumner. The applicant shall also be prepared to comply with the City’s minimum professional liability insurance coverage limits of no less than $2,000,000 per claim and $2,000,000 policy aggregate.

**Description of Services**

The selected applicant shall perform the duties of the Hearing Examiner as set forth in Sumner Municipal Code (SMC) Chapter 2.58 and throughout the SMC.

The Hearing Examiner is responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, appeals of administrative decision, and other issues which the City council may designate to the Hearing Examiner by ordinance or resolution. The Hearing Examiner shall issue written decisions (findings and conclusions) and recommendations based on relevant ordinances, regulations, policies, statutes, case law, and other authorities.

Hearings are scheduled on an as-needed basis. Hearings are generally held at Sumner City Hall, 1104 Maple St, however, at the Hearing Examiner or parties’ request, the City can accommodate remote or hybrid proceedings.

When a hearing is scheduled the Hearing Examiner will be notified as soon as practicable and have at least 15 days notice before a hearing is scheduled.

**Evaluation Criteria**

Submittals will be evaluated and ranked based on the following criteria:

1. Qualifications/expertise of the proposed Hearing Examiner,
2. Applicant’s experience in serving as a City’s or County’s Hearing Examiner or serving as a quasi-judicial officer,
3. Familiarity with relevant codes, ordinances, and law,
4. Demonstrated ability of the Hearing Examiner, among other characteristics, to perform high quality work, in preparation for hearings, timely Hearing Examiner reports (findings and conclusions) and communication with parties.

**Selection Procedure**

After the deadline for acceptance of proposals, the Statement of Qualifications (SOQ) will be reviewed and evaluated by an Evaluation Committee comprised of, but not limited to City staff, appointed, or elected officials, and individuals chosen by City staff to participate. The Evaluation Committee will rate written proposals based on the evaluation criteria listed above.

The City may choose to interview the top applicants as ranked by the Evaluation Committee. Information from the interviews along with feedback from references will be incorporated into the final rankings.

If a contract cannot be negotiated with the top ranked applicant, the City will contact the next applicant in line and attempt to negotiate with that firm. The process will be repeated until an agreement is reached.

**Format**

The SOQ should describe the qualification of the key individual(s) applying, and a composition of the firm if the applicant is a law firm, the relevant experience(s) of the applicant or applicant team providing similar services to other entities or cities, and the applicant’s proposed approach to addressing the City’s needs.

The Applicant SOQ should include the following information:

* **Name and contact information**. The proposal should identify and provide a resume or similar description of the educational and professional background for the individual to serve as the City’s Hearing Examiner. Also identify any individual(s) who will serve as backup or administrative support for the Hearing Examiner, if applicable.
* **Experience.** Describe relevant experience working for other jurisdictions as a Hearing Examiner, or other experience as a quasi-judicial officer.
	+ **Appeals**. Describe your experience with code enforcement and other types of administrative appeals, including appeal proceedings outside of the land use context.
* **Knowledge**. Describe experience administering and interpreting land use laws, municipal codes, environmental laws, such as SEPA, and other codes, laws, and ordinances relevant to the Hearing Examiner duties.
* **Statement**. Provide a brief statement describing your view of a municipal Hearing Examiner’s roles, duties, and your interest in serving as a Hearing Examiner.
* **Fee Proposal**. Provide a fee proposal that describes how you will be paid for the proposed services. For example, hourly rate, monthly flat fee, per case fee, etc.
* **Previous Reports**. Submit two (2) written samples of prior decisions, in which you were the primary drafter, that demonstrates how your experience supports the evaluation criteria.
* **Professional References**. Provide contact information for three (3) professional references with knowledge of your Hearing Examiner work and experience.

The SOQ should consist of no more than thirty (30) pages. A cover page will not be counted in the thirty (30) page limit.

**Submittal Deadline:**

An electronic file containing the SOQ in a single .pdf document shall be transmitted by email or other electronic means by 2:00 pm on December 7, 2023, to Doug Beagle, Development Services Director, at dougb@sumnerwa.gov

Any proposal received after the specified date and time may be rejected and not receive any further consideration by the City.

**Proposal Contact Person:**

All questions regarding this solicitation should be directed to Doug Beagle, Development Services Director, at dougb@sumnerwa.gov or (253) 299-5715

**Americans with Disabilities Act (ADA) Information**

This material can be made available in an alternate format by emailing Doug Beagle, Development Services Director, at dougb@sumnerwa.gov or (253) 299-5715

**Title VI Statement**

The City of Sumner in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252,42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

**Dates of Publication:**

Courier Herald: October 25th and November 1st, 2023

Seattle Daily Journal of Commerce: October 25th and November 1st, 2023