



REQUEST FOR PROPOSALS FOR PUBLIC DEFENDER SERVICES

Deadline: Monday, November 27, 2023

I. PURPOSE OF REQUEST

The City of Sumner, Washington requests proposals to provide Public Defender services for indigent criminal defendants for an initial term of two (2) years commencing January 1, 2024, with the option to extend the Contract with the mutual agreement of the parties for an additional two-year period. Proposals are sought from private law firms, private law offices, not-for-profit entities and public agencies.

The City will pay the Public Defender for representational services on a price-per-case basis or a total yearly/monthly fee. These representational services shall include lawyer services and appropriate support staff services, sentencing advocacy, investigatory, and legal services including but not limited to interviews of clients and potential witnesses, legal research, preparation and filing of pleadings, negotiations with the appropriate prosecutor or other agency and court regarding possible dispositions, and preparation for and appearance at court proceedings. Necessary and reasonable expert witness and investigative services will be paid directly to the expert or investigator when authorized by the Court or, depending on the proposal, investigatory and other similar services may be included as a part of a monthly fee.

II. INTRODUCTION

The City of Sumner (“Sumner”) receives municipal court services from the City of Bonney Lake (“Bonney Lake”) pursuant to an interlocal agreement between the cities. As part of the interlocal agreement, Sumner appoints the presiding judge for Sumner Municipal Court and Bonney Lake provides the facilities and administrative staff (e.g. court administrator, court clerks, etc.). Currently, Sumner Municipal Court conducts court on Thursdays in Bonney Lake’s Municipal Court facility at 9002 Main Street E in Bonney Lake. Sumner Municipal Court is in session every Thursday under the following schedule:

9:00am: Arraignments and any/all Zoom appearances.
10:00am: Reviews – All types.
10:05am: Expiring warrants
10:30am: In Custodies
1:00pm: Community Court Check In
1:30pm: Community Court Hearings
2:00pm: Pretrial hearings

The first Thursday afternoon of every month at 2:00pm is Contested and Mitigation hearings.

Currently, Sumner Municipal Court has reserved the courtroom for trials on the 1st and 2nd Fridays

of each month¹.

Sumner was successful in obtaining funding through the Washington Administrative Office of the Courts (“AOC”) for a Community/Therapeutic Court (“Community Court”). This funding expires June 30, 2024, and there is no guarantee that Community Court will continue absent from additional funding beyond this date.

In 2022, the current Public Defender had 80 case assignments. The City of Sumner does NOT use a weighted case count method. Private cases, other jurisdiction’s indigent defense cases or pro-bono cases shall be counted against the 400-case maximum. The City is seeking to contract for an unweighted case count of approximately 120 cases per year.

III. PROPOSAL INSTRUCTIONS

- A. All proposals must be received by **5:00 p.m. on Monday, November 27, 2023**. The entire proposal shall be transmitted electronically as a single .pdf file to the attention of Jeff Steffens, Administrative Services Director at jeffs@sumnerwa.gov.

Any proposal received after the specified date and time may be rejected and not receive any further consideration by the City. The applicant is responsible for confirming and ensuring that digital submittals have been received. Bounced emails or other delivery failure will not justify a late submittal.

- B. Proposal Contact Person: All questions regarding this solicitation should be directed to Jeff Steffens, Administrative Services Director, at (253)299-5591 or jeffs@sumnerwa.gov.

- C. Americans with Disabilities Act (ADA) Information: This material can be made available in an alternate format by contacting Jeff Steffens, Administrative Services Director at jeffs@sumnerwa.gov or (253) 299-5591.

- D. 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 Federal Regulations, hereby notifies all bidders that it will affirmatively ensure that in 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, or sex in consideration for an award.

- E. The City will attempt to schedule interviews, if desired, during the week of December 4, 2023. Proposers should take note that a selection may be made by the City based on the written proposals submitted alone and should plan accordingly.

- ~~F. The Sumner City Council must ratify a Contract with the selected firm or attorney as~~

¹ Unless a speedy trial deadline requires that a trial be set on either the 3rd, 4th or 5th Friday, in which case the courtroom will be made available unless it’s already been reserved for a Bonney Lake Municipal Court trial.

appropriate. The anticipated start date is January 1, 2024.

IV. SCOPE OF SERVICES

- A. The Public Defender will provide stand-by Public Defender services at all in-custody and out-of-custody arraignment calendars. When assigned by the court, representation of indigent defendants at arraignments, pretrial hearings, motion hearings, Community Court, all trial-related hearings (up to and including trial), probation and sentence reviews, and possible appeals to the Superior Court and the Washington State Court of Appeals.
- B. The Public Defender shall be available to meet with all indigent defendants assigned a Public Defender. In addition, the Public Defender will be responsible for requesting and reviewing any and all discovery including Body Worn Camera video, negotiating, or otherwise discussing the case with the prosecuting attorney(s), interviewing witnesses if applicable, drafting, filing and arguing motions as appropriate, any and all trial preparation, and any other necessary work between appointment to the case and complete resolution².
- C. The Public Defender shall provide to the Sumner Police Department their telephone number at which they may be reached for “critical stage” advice to defendants during police investigations pertaining to a misdemeanor or gross misdemeanor case and/or arrest twenty-four (24) hours each day, three-hundred and sixty-five (365) days per year.
- D. All other services required by federal law, state law, local law, rules of professional conduct, and/or any other law(s) or regulation(s) pertaining to representation of indigent defendants.

V. TERMS AND CONDITIONS OF SERVICES

Exhibit A is a draft “Contract For Indigent Defense Services.” The services contract includes several contractual provisions and deliverables that should be reviewed and considered in full by an attorney or firm submitting a proposal.

Community Court work performed during the regular court day (Thursday) shall be part of the standard scope of services. Community Court work performed outside of the normal court day is eligible for AOC grant reimbursement, and the Public Defender should be itemizing time on a monthly invoice at a rate of \$75/hr. There is no guarantee that the Community Court and the AOC grant will continue beyond June 30, 2024.

VI. REQUIRED PROPOSAL CONTENTS

All proposals must include the following information:

- A. Attorney/Firm Information:

² Absent an earlier-approved withdrawal or substitution of counsel.

1. The names of individual attorneys and support staff who are proposed to provide public defense services and their areas of responsibility.
2. A resume of all attorneys who will provide legal services, or supervise the provision of legal services by others, illustrating the attorney's specific experience in criminal defense.
3. An explanation of the law firm's experience, including the firm's years in business, each attorney's years as a practicing attorney and their years practicing criminal defense law, particularly defendants with unique circumstances requiring outside evaluations or referrals to social services.
4. Has your firm previously handled indigent clients through a public defense contract? If so, describe the types of cases in which you have represented such clients.
5. Has your firm previously handled indigent clients through a Community Court? If so, please describe your process and experience.
6. Where is your office physically located? What are the business hours of the office? Where you plan to meet with clients in-person if needed?
7. A reference list of at least two persons and/or entities who can be contacted in regard to the qualifications and experience of the firm and/or attorney(s) handling the contract. Please include the email addresses, telephone numbers and mailing addresses of persons listed as a reference. In addition, if an entity is listed as a reference, please include the name of the specific person to be contacted at such entity.

B. Proposed Delivery of Services:

1. A description of how you would transition current cases from the previous public defense law firm, if applicable.
2. A description of your case management system is required along with your capability to provide accurate monthly reports of the information referred to in Section 1.9 et seq of the attached "Contract For Indigent Defense Services."
3. A description of the means by which the attorney(s) providing legal services may be reached by defendants after normal office hours, and how attorneys will accommodate and communicate with non-English speaking clients.
4. How will you monitor the caseload of attorneys providing indigent defense services?
5. What type of training do the attorneys in your firm receive that would be relevant to practicing criminal and public defense law? How will you supervise and monitor work performance of the attorney(s) who provide services under this contract?

C. Proposed Compensation:

Please Note: The selection of a Public Defender will be based on qualification and value as further described in Section VII below, not the lowest proposed fee structure.

1. Please present detailed information on the firm's proposed fee schedule either on a price-per-case basis or a total yearly/monthly fee, noting any variations for non-routine services. Services covered by this RFP that are not explicitly identified as non-routine will be assumed to be included in the basic fee. Please provide specifics as to definitions of routine versus non-routine tasks, what is fixed as opposed to variable and how costs are adjusted, if at all, according to that classification. Proposers may include the cost of investigative services for separate authorized payments.
2. An itemized billing statement shall be submitted in the form specified by the City and approved by the appropriate City representative. Payment shall be made on a monthly basis, in accordance with the City's accounts payable procedures.

D. Verification and proof of the following insurance coverage:

1. General Liability with a minimum limit of liability of \$2,000,000 combined single limit each occurrence bodily injury and property damage.
2. Automobile Liability covering owned and non-owned vehicles with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
3. Professional Liability (Errors and Omissions) for Attorney with a minimum limit of liability of \$1,000,000 per claim and \$2,000,000 aggregate.
4. Workers' Compensation per statutory requirements of Washington Industrial Insurance RCW Title 51.

VII. SELECTION CRITERIA

The selection of a Public Defender will be based upon the ability of the prospect to best meet the guidelines established by the 2011 Washington State Bar Association "Performance Guidelines For Criminal Defense Representation" Preface excerpt which states:

The objects of these guidelines is to alert the attorney to the course of action that may be necessary, advisable, or appropriate and thereby assist the attorney in deciding the particular actions that must be taken in a case to **ensure that the client receives the best representation possible.**

In its evaluation process, the City will consider the completeness of the written proposal, the qualifications of the specific individuals proposed for assignment to act as Public Defender, the

proposer's history of successfully fulfilling contracts of this type and experience in similar work. In evaluating the cost of services, the City will seek value. "Value" means the best qualified attorney(s) at a price typical for the provision of defense services. Each proposal will be independently evaluated on these factors.

VIII. TERMS AND CONDITIONS OF RFP PROCESS

- 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 proposer, if the successful proposer does not execute a Contract, for any reason, within thirty (30) days after the award of the proposal.
- D. Any proposal may be withdrawn up through the submission deadline set forth above for the opening of the proposals. Any proposal not timely withdrawn shall constitute an irrevocable offer, for a period of sixty (60) days to provide 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 RFP. A copy of the draft Contract is attached for review. The City reserves the right to reject any proposed Contract or Contract that does not conform to the specifications contained in the RFP, and which is not in a form approved by the City Attorney's office.
- F. The City shall not be responsible for any cost incurred by a proposer in preparing, submitting, or presenting its response to the RFP.
- G. Support Services. By submitting a response to this RFP, the Public Defender warrants that adequate staff services and facilities will be established to enable the effective provision of legal services in accordance with the draft Contract. (see attached). This warranty shall continue through the term of the Contract.

DATES OF PUBLICATION:

Courier Herald:

Seattle Daily Journal of Commerce: