

Request for Proposals (RFP): Hearing Examiner Services

The City of Mountlake Terrace is seeking a qualified person or firm to contract for hearing examiner services related to land use decisions. The deadline for submittals is 5:00 p.m. on February 27, 2009. See below for specific information and requirements.

BACKGROUND

Mountlake Terrace is a city of about 21,000 people, located along I-5 just north of the King-Snohomish County line, and has a council/manager form of government. The City has adopted numerous code updates over the last 2-3 years to reflect a new Town Center Plan, Sustainability Strategy, and other goals. (Note: Some code updates have not yet been posted online.)

A hearing examiner process was adopted in 2008 via Ordinance No. 2481. Previously, most land use decisions and appeals of departmental decisions were subject to a board of adjustment process. (However, the City has had a hearing examiner for certain civil infractions, such as nuisance code violations, for several years. These existing services are not part of the currently requested land use services.)

More information about Mountlake Terrace is online at www.cityofmlt.com.

SCOPE OF SERVICES

Hearing examiner services being sought include reviewing information compiled by City staff, conducting quasi-judicial hearings, making written decisions (including findings of fact and decisions of law) consistent with state law and city code, and organizing the record for:

- conditional use permits
- plat alterations
- variances
- SEPA appeals
- appeals of staff or departmental decisions
- essential public facilities, type A, permits
- secure facilities use permits
- critical area reasonable use exceptions
- certain types of rezones
- other actions as provided by the municipal code.

Generally, the City's municipal code specifies that the hearing examiner's land use decisions are appealable only to a court of law. (Note: In the future, the City Council may consider authorizing the hearing examiner to make other types of decisions, such as for subdivisions.)

The hearing examiner will conduct quasi-judicial land use hearings or appeals of departmental decisions at a Mountlake Terrace facility as designated by the City—generally in either the

Mountlake Terrace Library at 23300 58th Avenue West or the Council Chambers being constructed as part of a temporary city hall located at 6100 219th Street SW (next to the I-5 and 220th Street interchange). Hearings will be held on weekday evenings unless other arrangements are approved by the City.

The hearing examiner shall furnish clerical services, including but not limited to typing decisions, mailing decisions to parties of record, typing decisions on reconsideration, and attendance at hearings conducted by the hearing examiner to mark exhibits and record proceedings.

All duties shall be performed in a manner consistent with accepted practices for other similar services, including 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.

It is anticipated that in the coming year, a hearing examiner will need to make 3-5 decisions under the city's code. The first such cases may be heard this spring. In future years, the number of hearing examiner cases may increase as development increases.

COMPENSATION

The exact method and amount of compensation is still to be determined and subject to contract negotiation. The City expects to compensate for hearing examiner services in a manner that is fair and comparable with other cities.

QUALIFICATIONS

The hearing examiner hired by the City of Mountlake Terrace shall be versed in Washington state land use and environmental laws, case law, local development codes, quasi-judicial hearing process, and land use procedures. Educational background must include a juris doctorate degree and having been admitted to practice law in Washington State. Required experience is at least four years in the practice of law or land use planning.

PROCESS FOR QUESTIONS

If an interested party has a question or would like any information related to the City's RFP process or the hearing examiner services being sought, s/he should submit the question or request via email to: llavoie@ci.mlt.wa.us. All persons who have signed up to be on a notification list related to this RFP will be simultaneously sent, via email, any response from the City. To the extent practical, updated information about the RFP will be made available on the City's webpage (at <http://www.ci.mountlake-terrace.wa.us/forBusinesses/RfP.htm>). Responses to questions, other than for confirmation of materials being received, list of respondents, or confirmation of contract award date, will not be provided outside the notification process. Interested parties may sign up to be on the notification list by indicating their interest to the City via email to the following address: llavoie@ci.mlt.wa.us. In the unlikely event that the email system is not working, parties may sign up to be on the notification list or may ask questions by sending a telefax to 425.778.6421, with attention to Leslie Lavoie.

PROCESS AND TIMELINE FOR SELECTION

The City's intended process and timeline for selecting a contractor in 2009 is as follows:

February 27, 5:00 p.m.—Deadline for RFP submittals

Submittals must be received in the mail or at the front counter of City Hall by the above deadline. City Hall's current address is 23204 58th Avenue West or PO Box 72, Mountlake Terrace, WA 98043-4629. Submittals should be marked to the attention of Leslie Lavoie, Community and Economic Development Department.

March 2-5 —Consideration of submittals by City evaluation team and selection of candidate(s) to be interviewed

This process will include review of submittals, references, and other information as necessary, as well as rating of submittals.

March 9-11—Interviews with selected candidate(s)

Interviews will provide an opportunity for the City and potential contractor to further gauge their fit and ability to work with each other.

March 12-13—Selection of preferred candidate

The City will select a preferred candidate, based on the interviews and other relevant information, and will contact all candidates about the results.

March 16-26—Negotiation of contract

The City will attempt to negotiate a satisfactory contract with a preferred candidate. If the City determines, at its sole discretion, that the negotiation is not proceeding satisfactorily, the City may terminate negotiation with the preferred candidate and may begin negotiation with another candidate.

April 6—Approval by City Council for City Manager to execute contract

SUBMITTAL REQUIREMENTS

To be considered for a contract with the City for hearing examiner services, interested parties must submit by the deadline three copies of a package that contains the following: (a) letter of interest; (b) summary of qualifications, experience, and availability; (c) method and approach; (d) description of proposed compensation (or options for compensation); (e) at least two professional references; and (f) examples of written work. [Note: For the RFP package, one page means one side of an 8 ½" x 11" paper.] Submittals received after the deadline will not be considered.

Letter of interest:

This must be no more than one page in length and include the party's contact information and signature.

Summary of qualifications, experience, and availability:

This must be no more than four pages in length. It should summarize the party's

qualifications to be a hearing examiner, his/her relevant experience, and the availability of the party to participate in the RFP process and to provide services to the City.

Method and approach:

A one- or two-page summary of the party's method and approach to providing hearing examiner services must be provided.

Description of proposed compensation (or options for compensation) for services:

This must be provided on one page. The description need not be detailed but should identify any key expectations. Actual compensation is subject to contract negotiation.

Professional references

At least two professional references, including phone numbers and other contact information, are needed. The information must be on one page.

Examples of written work:

At least two examples of the party's written decisions, memos, opinions, or other work must be provided.

SCORING

The RFP responses will be rated by a City evaluation team, based on the criteria listed below. Highest-scoring candidates then will be asked to interview with the evaluation team.

- 30 points: **Qualifications**
[“Qualifications” include the candidate’s education, certifications, understanding of state land use laws and local development regulations, and skills and expertise, as related to providing hearing examiner services]

- 20 points: **Experience**
[“Experience” includes the candidate’s relevant work experience and familiarity with Mountlake Terrace or cities of a similar size or type. It may also include information related to past successes and challenges.]

- 20 points: **Method and approach**
[“Method and approach” includes the candidate’s approach to carrying out his/her duties and working with city staff, applicants, and others involved in the decision process.]

- 15 points: **Availability**
[“Availability” refers to the contractor’s time and ability to participate in the RFP process and to meet the City’s needs for hearing examiner services.]

- 15 points: **Clarity and completeness of information**

RESERVATIONS

The City reserves the right to change the intended timeline or issue amendments to the RFP at

any time. The City reserves the right to cancel or reissue the proposal. The City reserves the right to reject any and all proposals and to waive minor irregularities or technicalities in any proposal, and may accept any proposal if such action is believed to be in the best interest of the City. The City will not respond to requests for debriefing applicants on their proposals or other aspects of the RFP process.