

**CITY OF TUKWILA
REQUEST FOR QUALIFICATIONS AND PROPOSALS
FOR PROSECUTION SERVICES**

Due May 16, 2023 by 1:00 p.m. (Pacific Time)

The City of Tukwila is requesting proposals from qualified law firms and/or attorneys interested in providing prosecution services for contested traffic and parking infractions, tow hearings, criminal misdemeanors and gross misdemeanors in Tukwila Municipal Court. The City will pay a flat monthly fee for all prosecution services.

This Request for Proposals (RFP) is not a competitive bid based on price only. The RFP allows the City to select the Attorney or Law Firm which, in its sole discretion, best meets the needs of the City, taking into consideration price, qualifications, and service capabilities and other factors relevant to the City's policies, programs, resources, and budget.

The successful attorney/law firm ("Proposer") will contract with the City for provision of prosecution services as an independent contractor and shall not be entitled to City benefits. The Prosecutor will be responsible for the performance of all of the obligations under the contract in conformance with the Rules of Professional Conduct and state and federal law. The contracted services are intended to begin July 1, 2023. Upon completion of the request for proposal process the City anticipates entering into a contract for July 1, 2023 through December 31, 2024 for prosecution services.

Please review the full RFP following this notice

All materials should be submitted by **email** to:
Cheryl Thompson, Executive Assistant
Cheryl.Thompson@TukwilaWA.gov
Subject: RFP for Prosecution Services

Questions regarding the proposal will be accepted by **email** to Cheryl Thompson, Mayor's Office Executive Assistant at Cheryl.Thompson@TukwilaWa.gov

Materials are due by 1:00 p.m. (Pacific Time) on May 16, 2023. No submittals will be accepted after this date and time.

Published Seattle Times – May 9, 2023

Published Daily Journal of Commerce – May 9, 2023

Posted on Washington Association of Prosecuting Attorneys – May 9, 2023

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The City is a strong Mayor form of government. The City contracts with a law firm for the provision of municipal legal services. The City has its own police department, with approximately 78 police officers. The City’s municipal court is housed in the Tukwila Justice Center located at 15005 Tukwila International Boulevard in Tukwila.

SCOPE OF SERVICES

The Prosecutor is responsible for all aspects of prosecution in the Tukwila Municipal Court, including but not limited to:

- Review of cases for decision as to filing of criminal charges or referral for pre-filing diversion in alignment with City policies and in consultation with the Police.
- Representing the City at arraignments, pretrial hearings, readiness hearings, motions, bench trials, jury trials, sentencing and review hearings, and contested traffic and parking infraction hearings when the offender is represented by an attorney, and tow hearings.
- Representing the City in appeals in connection with criminal misdemeanor and gross misdemeanor cases.
- Representing the City at all in-custody hearings.
- Managing cases.
- Processing and providing discovery.
- Preparing, presenting and responding to legal motions, memoranda, and briefs as necessary in the routine prosecution of criminal cases.
- Preparing subpoenas, jury instructions and other trial related documents and materials.
- Making appropriate sentencing recommendations to the Court.
- Advising the Tukwila Police Department on the conduct of investigations, search warrants, trial preparations and related matters.
- Providing legal research, regular training and assistance to the Tukwila Police Department in criminal matters including statutory interpretation, enforcement issues and case decisions.
- Interviewing and preparing witnesses and victims.

- Advising victims regarding their rights and responsibilities; Coordinating with the victim advocate when appropriate.
- Filing and prosecuting criminal code enforcement cases.
- Appropriately creating, maintaining, and retaining all criminal and civil infraction files.
- Providing an annual report to the City Council.
- Providing monthly statistics reports to the City regarding filings, pre-filing diversion, dispositions and trials.
- Performing other related duties as required.

The Prosecutor shall be reasonably available for night and weekend contact by police personnel. The City and Prosecutor will enter into a professional services agreement, which will incorporate the above referenced scope of services and will address compensation.

The City's 2021 case filings include 8 DUI or physical control cases, 118 other traffic misdemeanor cases, and 652 non-traffic related misdemeanor cases. The 2022 YTD numbers (from June 2022) are 4 DUI or physical control cases, 23 other traffic misdemeanor cases, and 255 non-traffic related misdemeanor cases.

More detailed information on the volume and nature of the City's prosecutions can be found at <http://www.courts.wa.gov/caseload>. (Tukwila Municipal Court data is listed under Court Directory, Courts of Limited Jurisdiction, King County.)

WORKLOAD AND COURT CALENDAR

The Tukwila Municipal Court currently holds the following calendars at which the attendance of the City Prosecutor is required: Mondays, Wednesdays and Thursdays 9:30 AM – 4:00 PM; Tuesdays and Fridays from 9:30 AM – 12:00 PM. Jury trials are generally held on the second Thursday and consecutive Friday of each month and may last all day.

All proposals must designate the attorney who will be responsible for contract performance. Proposals must identify one attorney as the City Prosecutor. This attorney must appear at the Tukwila Municipal Court on a regular and ongoing basis. The Prosecutor must provide continuity of representation while at the same time ensuring effective back-up coverage.

Any attorney who may be called on as a back-up must have current awareness of Tukwila prosecution so that he/she is fully prepared to provide prosecution services in the event of an unanticipated absence. The Prosecutor must ensure the availability of attorneys and support staff is consistent with efficient and skilled delivery of prosecution services, including coverage for regular vacations. The Prosecutor needs to be able to involve a sufficient number of attorneys in the delivery of prosecution services as required for efficient case management.

The Prosecutor must be responsive to the Police Department, the City Attorney, defense attorneys and witnesses. The City expects phone calls to the Prosecutor be returned in a timely manner (by the end of the following business day).

The Prosecutor must enter into all user agreements that may be necessary in order to provide prosecution services to the City, including but not limited to the Washington State Patrol (WSP) SECTOR program, JIS, JABS, Spillman, Evidence.com and OCourt. The Prosecutor will utilize

electronic records management and case filing services as requested and provided by the City.

QUALIFICATIONS

The Prosecutor must be an attorney admitted to the practice of law in the State of Washington with a minimum of five (5) years of experience which must include significant trial experience. Prior experience as a prosecuting attorney is required.

COMPENSATION

The City and Prosecutor will enter into a professional services agreement which will address compensation. The City proposes to compensate the selected attorney on a monthly flat fee basis.

Please note that the City will consider alternative fee proposals. If any proposer desires to present an alternative fee proposal, please present detailed information on the proposed fee schedule either on a price per case basis, an hourly rate or on a total yearly/monthly fee. An itemized billing statement in a form approved by the City will be required. Payment shall be made on a monthly basis in accordance with the City's accounts payable procedures.

SELECTION PROCESS

All proposals will be reviewed and screened based upon the qualifications and requirements outlined in this request. Those individuals deemed most qualified will be screened further based upon reference checks. Finalists will be invited for interviews. The Mayor will forward a recommendation and professional services agreement to the City Council for approval.

The City reserves the right to request clarification of information submitted and to request additional information from any proposer. The City also reserves the right to reject any and all proposals, for any reason or for no reason.

REQUIREMENTS

The selected attorney/law firm will be required to submit proof of professional liability insurance with limits not less than \$2,000,000 to the City.

STATEMENT OF QUALIFICATIONS

In the Statement of Qualifications please provide:

1. A Cover letter and statement of qualifications, which must include Washington State Bar Numbers for all attorneys in the law firm.

2. For individual proposers: A resume.

For law firms: A resume for each attorney that will be involved in providing prosecution services.

Resumes shall include Law School attended, year of admission to the Washington State Bar Association, years of practice and area(s) of practice for those years. Must be a member in good standing with the Washington State Bar Association.

3. A statement from each attorney outlining relevant areas of knowledge and experience in Washington government law, including but not limited to law related to municipal court prosecutions; experience with motions practice relevant to prosecution services; and jury and bench trial experience.
4. Responses to the following:

- a. Describe your understanding of the type and level of services needed and your approach to providing those services.
 - b. Describe your experience with problem solving courts, such as veterans' court, community court, etc. and your viewpoint concerning those courts.
 - c. Discuss your experience with diversion programs or other alternative programs and your viewpoint concerning such programs.
 - d. Discuss your approach to countering implicit bias.¹
 - e. Discuss your philosophy regarding plea bargaining and how you would apply it in this position.
 - f. A statement of your understanding of the role of the Prosecutor and the Prosecutor's relationship to the court, police department, victims, witnesses and community.
 - g. Discuss your philosophy in prosecuting cases where the defendant is pro se.
 - h. Describe the level of availability you would have for Police and City staff during both work and off hours.
 - i. Describe the steps you would take to ensure timely resolution of cases, staff requests and related matters.
 - j. Describe the proposed compensation structure for services rendered.
 - k. List any other types of clients you currently represent.
 - l. List any affiliations or clients that could cause a conflict of interest regarding City matters.
 - m. List any pending litigation, judgments rendered or pending complaints with the Washington State Bar Association that relate to the professional activities of any attorney proposed to provide prosecution services to the City.
5. Three professional references with addresses, phone numbers and contact name if for an organization.

All materials shall be submitted by **email** to:

Cheryl Thompson, Executive Assistant

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Subject: RFP for Prosecution Services

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ALL APPLICATION MATERIALS MUST BE SUBMITTED BY 1:00 PM (Pacific Time) ON MAY 16, 2023. No submittals will be accepted after this date and time.

¹ Implicit bias operates at the unconscious level and plays out in the workforce. Implicit bias refers to the automatic association of stereotypes or attitudes about particular groups. A large body of research suggests that by virtue of living in a racialized society, implicit bias impacts both individual judgment and institutionalized policies and practices. Cited from *Public Sector Jobs: Opportunities for Advancing Racial Equity* (pg. 7) by the Local and Regional Government Alliance on Race & Equity. See: <https://www.racialequityalliance.org/resources/public-sector-jobs-opportunity-for-advancing-racial-equity/>.