



# **City of Poulsbo**

## ***Request for Proposal Public Defender Services***

**Due By: November 15, 2018 at 3:00 p.m.**

# City of Poulsbo Public Defender Request for Proposal

## I. Introduction

The City of Poulsbo is accepting proposals from qualified law firms or individual attorneys to provide Public Defender services on a contractual basis in the Poulsbo Municipal Court. Contract services are estimated to commence on January 1, 2019.

## II. Time Schedule

The City of Poulsbo will follow the timetable below, which should result in a selection of a firm by approximately December 13, 2018. Proposals will be accepted until November 15, 2018 at 3:00 pm.

Event	Time	Date
Issue of RFP		October 8, 2018
Proposal Responses Due	3 PM (PDT)	November 15, 2018
Panel Interviews*		November 27, 2018
Preliminary Selection of Firm*		December 3, 2018
Council Approval*		December 12, 2018
Notify Firm Chosen*		December 13, 2018
Effective Date of New Contract		January 1, 2019

\*These dates are estimates and subject to change by the City

## III. Minimum Experience/Qualifications

1. Each attorney who is proposed to perform services pursuant to this RFP must be a member in good standing with the Washington State Bar Association. No Rule 9 attorneys will be allowed to perform any services under this agreement without supervision of an attorney admitted to practice law in Washington State.
2. Public Defender may retain the assistance of other qualified attorneys in his or her firm. At all times, the designated Public Defender will supervise attorneys having less than 3 years of experience to ensure that defendants charged in the Poulsbo Municipal Court receive competent legal representation.
3. The Public Defender and any other attorneys performing services under this agreement shall:
  - a) Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to criminal law;
  - b) Be familiar with the collateral consequences of a conviction, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction;
  - c) Be familiar with mental health issues and be able to identify the need to obtain expert services; and
  - d) Complete a minimum of five (5) hours of continuing legal education within each calendar year in courses relating to their public defense practice.

#### **IV. Scope of Services**

The attorney or firm awarded the contract shall be designated Public Defender for the City's Municipal Court, and shall be duly appointed to represent all defendants who are appointed legal counsel by the Poulsbo Municipal Court.

Representation as the City's Public Defender shall include but not be limited to:

1. Attending all scheduled court appearances. In the event of vacation or illness the Public Defender is responsible for arranging coverage by another qualified attorney.
2. Acting as counsel available to all defendants at arraignments and in custody bail hearings on scheduled court days. Court calendars are held every Wednesday.
3. Representation of appointed cases at pre-trial hearings, trials, sentencing, and post-disposition proceedings; and
4. Representation of criminal defendants on appeals to the Superior Court.
5. The Public Defender shall consult with defendants prior to pretrial hearings. Appointment as the City's Public Defender will require meetings with defendants at the Public Defender's office or at the Kitsap County Jail. Failure to consult with defendants prior to pretrial shall only be excused for good cause. Examples of "good Cause" include: scheduled vacation, illness, extended trials, or when the defendant fails to cooperate with the Public Defender in scheduling a time to consult.
6. Pursuant to CrRLJ 3.1(c)(1)-(2). Public Defender services shall also include providing legal representation to persons wishing to consult with an attorney while in the custody of the Poulsbo Police Department. The City's Public Defender shall ensure that an attorney is available at all times (24 hours a day) to provide legal representation, including evenings, holidays, and weekends. The City's Public Defender shall provide the Poulsbo Police Department with a monthly schedule of attorneys available to receive calls during non-business hours. This schedule shall include the name of the attorney and a designated telephone or cellular phone number. Only attorneys who meet the experience requirements set forth above, and are either a member of the Public Defender's firm or have received prior written approval by the City may be included in the above described schedule.
7. When a defendant exercises his or her right to trial, the City's Public Defender shall diligently prepare for trial and ensure that the defendant receives adequate representation. Preparation for trial shall include but not be limited to: interviewing witnesses identified by the City Prosecutor, interviewing witnesses identified by the defendant, review of police reports and evidence, research legal issues, preparing a witness list on behalf of the defendant, and consultation with the defendant.
8. If a defendant represented by the City's Public Defender elects to appeal a conviction to Superior Court, the Public Defender is responsible for timely filing a Notice of Appeal to Superior Court.
9. Services do not extend to forfeiture hearings or hearings with the Department of Licensing.

10. The City's Public Defender must comply with state and federal laws for applicable Standards for Indigent Defense Services.
11. The City's Public Defender must complete monthly reports tracking caseloads to be showing compliance with Indigent Defense Standards.

## **V. COMPENSATION**

1. Please provide compensation schedules based on either one or both of the following scenarios:
  - a) Compensation shall be a flat annual fee. No additional fees, costs, charges, telephone fees, paralegal fees, delivery fees, training fees, or any other reimbursable expenses will be allowed.
2. Payment by the City for the services will only be made after the services have been performed, an itemized billing statement including monthly case data is submitted in the form specified by the City and approved by the appropriate City representative. Payment shall be made on a monthly basis, thirty (30) days after receipt of such billing statement.

## **VI. Proposal Deadline and Submittal Instructions**

All proposals and/or questions should be directed to:

Deborah Booher, Finance Director  
City of Poulsbo  
200 NE Moe Street  
Poulsbo, Wa 98370  
(360) 394-9720

All proposals must be in a sealed envelope and clearly marked in the lower left-hand corner: "Public Defender Services Proposal".

All proposals must be received by November 15, 2018, at 3:00 pm. Five (5) copies of the RFP must be presented. No faxed, emailed or telephone proposals will be accepted.

The information requested below is a requirement for submitting a complete proposal. At the sole option of the City, incomplete proposals may not be considered.

1. Description of your law firm/individual attorney, overall practice area(s), and the services the firm/individual attorney is capable of providing, including an explanation of how these services will best meet the City's needs. Please also include a description of related criminal law experience with agencies similar in size to Poulsbo.
2. Identification of the attorney(s) proposed to act as the designated Public Defender. Include a clear and detailed description of how each proposed attorney meets the minimum experience/qualification identified in this RFP.
3. A list of at least three (3) references capable of speaking to the reputation and qualification of the law firm/individual attorney.

4. Proposals shall clearly set forth fees and fee structure to be charged for all public defense services as described in the scope of work. Any costs to be charged to the City must also be identified.
5. Disclosure of any litigation or judgments rendered against the law firm/individual attorney in any matter relating to professional activities of the firm/individual attorney, including any pending or founded complaints to the Washington State Bar Association.
6. Description of how the law firm/individual attorney handles conflict checks; description of how the law firm/individual attorney proposes to handle conflicts that may arise in performance of this Agreement.
7. If the City elects to contract with another law firm/individual attorney, whether your law firm/individual attorney is willing to handle cases for the City on a conflict-basis.
8. Responses to RFP must include a signed statement as follows signed by an authorized officer of the firm/individual attorney:

I/We have reviewed all documents presented as part of the City's RFP for Public Defense Services, which include the advertisement for the RFP, the RFP, and the Draft Sample Professional Services Agreement. The undersigned proposes to perform all work in compliance with these documents as well as in compliance with all submitted proposal information. I/We specifically warrant that we have reviewed the standards adopted by the City and the Washington State Supreme Court Standards for Indigent Defense, 174 Wn.2d 1177-22 (2012) and the proposals submitted are based upon full compliance with these standards.

9. The following table shows the total number of criminal cases filed in Poulsbo Municipal Court:

<b>Year Cases Filed:</b>	<b>Criminal</b>	<b>DUI</b>	<b>Cases Assigned to Public Defender</b>
<b>2015</b>	319	29	209
<b>2016</b>	308	38	210
<b>2017</b>	337	44	241
<b>2018 (January - September)</b>	298	40	157

## **VII. Selection Criteria**

Selection criteria will be based on the ability of the law firm/individual attorney to perform the duties as described above.

