

REQUEST FOR PROPOSAL (RFP) FOR A PROSECUTING ATTORNEY

1. REQUEST FOR PROPOSAL:

The North Ogden City ("the City") requests proposal for the services of a Prosecuting Attorney. Each response to this Request for Proposal ("RFP") must contain all of the information solicited in order for the applicant to be considered for appointment.

2. BACKGROUND:

The City will retain a Prosecuting Attorney to perform the duties described in the duties and responsibilities (Exhibit A). The level of legal service required of the Prosecuting Attorney shall include attendance at North Ogden Justice Court hearings and other meetings as requested by the North Ogden Police Department, to represent the City's interests in enforcing the laws of the State of Utah and any criminal local ordinances as required.

3. SCOPE:

The scope of work for the Prosecuting Attorney position is attached to this RFP as Exhibit A. The scope of work also describes the detailed qualifications for the position.

4. REMUNERATION:

The Prosecuting Attorney is an independent contractor who receives no employee benefits, no workers compensation coverage from the City, and no Internal Revenue Service withholdings are made from pay. The successful applicant will be expected to enter into a contract with the City. The City will pay an annual retainer for services. The retainer will be paid in monthly installments. The applicant shall propose the amount of the annual retainer to be offered by the city.

5. QUALIFICATIONS:

Applicants shall provide information regarding education and experience that qualify the applicant to perform the services described in the scope of work. Candidates with ten years of legal experience, with a preference for prosecutorial experience in justice and/or district courts, will be considered. Applicants must be current members of the Utah State Bar in good standing.

6. SUBMITTAL REQUIREMENTS:

The statement of qualifications shall be accompanied by:

- a. a list of at least five (5) professional references who can attest to the applicant's character and ability;
- b. a current resume reflecting work experience and educational attainments.

The applicant shall sign and date the statement of qualifications.

7. **RECOMMENDATIONS:**

To be considered, the proposal must respond to all requirements in the RFP. Any other information believed to be relevant, but not applicable to the remunerated categories, should be provided as an appendix to the proposal. If publications are provided, the document and page number shall be referenced. The proposal shall be divided into sections as indicated below:

Sealed Proposal: Each proposal shall be submitted to the Office of the City Recorder at 505 E 2600 N, North Ogden, Utah 84414 on or before September 30, 2013 at 4 p.m. Mountain Daylight Savings Time. No additional proposals will be received thereafter.

Proposals must not exceed twenty-five (25) pages. Seven (7) hard copies of each proposal must be submitted and one (1) electronic copy that is emailed to the City Recorder at aspend@nogden.org. The proposal will remain valid for at least thirty (30) days.

8. **CRITERIA FOR SELECTION:**

- a. Based upon a review of the City of all submissions, an undetermined number of finalists will be invited to participate in an interview with the City selection committee. Date, time and location of the interview are yet to be determined.
- b. Following the interviews the selection committee will use "The Choosing By Advantages Decision Making System" (CBA) to rank the proposals.
- c. The City will enter into contract negotiations with the applicant selected by the selection committee.
- d. In the event the City is not able to negotiate a mutually acceptable contract with the successful applicant, it reserves the right to terminate negotiations and then undertake negotiations with one of the other finalists.
- e. The following areas will be considered in the selection:
 - i. **Understanding the Scope of Work:**
This refers to the applicant's understanding of the City of North Ogden's needs, objectives of the RFP, and the duties and responsibilities involved.
 - ii. **Applicants Qualifications:**
This includes the ability of the applicant to meet the needs of the RFP, particularly time constraints, cooperation and participation by City staff, elected officials and special interest groups, and the quality and relevancy of Total Experience and Municipal Experience studies and projects of similar nature completed by the consultant.
 - iii. **Professional Personnel:**
Qualifications will be measured by education and experience, with particular emphasis on experience and analysis of innovative practices.

9. **IN-PERSON INTERVIEW:**

An in-person interview of one or more applicants may be made by the committee prior to the offer of appointment being made.

10. RIGHT TO REJECT ALL STATEMENTS OF PROPOSAL:

There is no guarantee that a candidate will be appointed to fill the Prosecuting Attorney position. The City reserves the right to reject any or all statements of qualifications.

11. ADDENDA TO THE REQUEST FOR PROPOSALS:

In the event that it becomes necessary to revise any part of this RFP, addenda will be provided to all applicants invited to respond.

12. LATE PROPOSALS:

Late proposals will not be accepted. It is the responsibility of the applicant to ensure that the proposal arrives prior to 4 p.m. Mountain Daylight Savings Time on September 30, 2013.

13. ACCEPTANCE OF PROPOSAL CONTENT:

The contents of the proposal of the successful applicant may become contractual obligation if the City wishes to execute a contract based on the submitted proposal. Failure of the successful applicant to accept these obligations in a contract may result in cancelation of the award and such applicant may be removed from future solicitations.

14. REFERENCE CHECKS:

The City reserves the right to contact any reference or any client listed in the documents for information which may be helpful to the City in evaluating the applicant's performance on previous assignments.

15. WRITTEN AGREEMENT:

The successful applicant will be required to enter into a written agreement with the City in a form acceptable to the City.

16. ADDITIONAL INFORMATION:

For additional information regarding the services specified in this request for proposal, contact Ronald F. Chandler, North Ogden City Manager, 505 E 2600 N, North Ogden, Utah, rhandler@nogden.org.

END OF DOCUMENT

Exhibit A
PROSECUTING ATTORNEY DUTIES AND RESPONSIBILITIES

The Prosecuting Attorney is licensed to practice law in the State of Utah, is a member in good standing of the Utah State Bar, and is free from a history of disciplinary action by the Bar.

The Prosecuting Attorney is present at all required North Ogden Justice Court hearings at an average of two hours weekly. The Prosecuting Attorney is also present at de novo settings in the Second District Court. The Prosecuting Attorney works closely with the North Ogden Police Department and is available for consultation with said department and is present at shift meetings when requested by the Chief of Police.

The Prosecuting Attorney's duties shall include, but not be limited to the following: reviewing investigations and charges brought by law enforcement within the City and preparing charging documents as necessary; working in cooperation with law enforcement to enforce the laws of North Ogden City and the State of Utah to timely and efficiently prosecute violations thereof; attending North Ogden City Justice Court once a week as scheduled by the Court to handle all criminal matters for the Court; prosecute bench and jury trials; prosecute trials de novo in the Second District Court; perform legal research to support legal decision-making; work with the Court in scheduling trials, hearings, etc. as necessary.

The Prosecuting Attorney must possess experience and critical understanding including, but not limited to the following: prosecuting bench and jury trials in the justice court and district court setting; criminal case screening; filing criminal informations; motions to suppress; search and seizure issues.

The Prosecuting Attorney enforces state law for Class B and C misdemeanors, infractions, and any local ordinances of a criminal nature within the corporate limits of North Ogden, Utah.

The Prosecuting Attorney has significant criminal legal experience, including prosecutorial experience. He or she is responsible to provide prompt, timely and competent legal service in City's Justice Court prosecuting on behalf of the City in the Justice Court. The Prosecuting Attorney will be responsible for maintaining case files and responding to case related inquiries from the City, other attorneys, and Court officials.

The Prosecuting Attorney complies with all laws, rules of professional conduct, and City policies regulating his or her position and profession.

The Prosecuting Attorney is a representative of the City who communicates, cooperates and collaborates, in a professional manner that reflects well on the image of the City in his or her interactions with: elected officials, appointed officials, employees, representatives of other government entities, judges, attorneys, professionals, businesses, civic groups, and individuals.