



**CITY OF DAYTON, WA
HEARING EXAMINER RFP**

I. PURPOSE OF REQUEST.

The City of Dayton (“City”) is requesting proposals for individuals and firms interested in providing the City with Hearing Examiner Services as described in [Dayton Municipal Code \(DMC\) Chapter 1-22](#) and as outlined in the following Request for Proposal (“RFP”). As a small city of approximately 2,500 residents, there would be a limited number of hearings and need for services throughout the year.

II. TIME SCHEDULE.

The City anticipates the following timetable, which should result in a selection of a firm by **September 11, 2019.**

Issue RFP	July 7, 2019
Deadline for Submittal of Proposals	August 15, 2019
Interview of Top Applicants, as needed	August 26 – 30, 2019
Recommended Hearing Examiner Selected and Notified	September 3, 2019
City Council Approval of Contract	September 11, 2019
Notice of Selection Posted to City Website	September 13, 2019

III. INSTRUCTIONS TO PROPOSERS.

- A. All proposals should be mailed or delivered to:
Trina Cole, City Clerk
City of Dayton
111 S. 1st Street
Dayton, WA 99328
Phone: 509-382-2361
- B. All proposals must be in a sealed envelope and clearly marked: “RFP” Hearing Examiner Services.
- C. All proposals must be received by August 15, 2019 – no later than 4:00 p.m., at which time they will be opened. Three (3) copies of the proposal must be supplied. No faxed or telephone proposals will be accepted.
- D. Proposals should be prepared simply and economically, providing a straight forward, concise description of provider capabilities to satisfy the requirements of the request. Special bindings, colored displays, promotional materials, etc. are not desired. Emphasis should be on completeness and clarity of content. Use of both sides of paper sheets for any submittals to the City is desirable whenever practicable.
- E. The City Clerk or representative will notify the individuals and/ or firms of interview schedules following initial review. Tentative dates for interviews are August 26 – 30, 2019. However, the City reserves the right to choose not to hold interviews in the selection process.

F. All proposals must include the following information:

- Name of individual, areas of expertise and specific experience.
- At least two examples of written decisions along with the invoices for those decisions or an explanation regarding why such invoices cannot be provided.
- Proposed fees and fee structure to be charged and anticipated duration the fees will remain in effect. *Please note that all charges for Hearing Examiner services are passed on to applicants. The City will not subsidize the cost of hearings, decision preparation and other related tasks.*
- Disclosure of any litigation or judgment rendered against the firm/individual in any matter relating to professional activities of the firm/individual, or any pending or founded professional discipline by any entity such as the Washington State Bar Association and American Institute of Certified Planners.
- Any real, perceived or potential conflicts the firm/individual may have with the City. The City does not intend to grant a release that would waive a conflict of interest.
- At least two references.

Note: All documents submitted are public record and subject to disclosure.

IV. EVALUTATION CRITERIA.

Selection will be based on:

- Knowledge and experience
- Adjudication or litigation related to previous decisions
- Cost and Effective use of public resources;
- Responsiveness of proposal to the RFP
- References

V. SCOPE OF SERVICES.

The initial appointment shall be for one (1) year; thereafter, upon reappointment, the term of office shall be three (3) years.

The City seeks to appoint one or multiple Hearing Examiners to provide Hearing Examiner services for quasi-judicial hearings regarding Zoning, Subdivision, Environmental Land Use related decisions, recommendations and appeals as listed in [DMC Section 10-01.030](#) and other applications or permits as determined by Council.

The Hearing Examiner shall be a person with training and/or experience in land use planning, critical areas, shorelines, law, or other areas related to the planning and development of the community. Other areas of experience include business licensing, appeal hearings and graffiti abatement. Applicants may specialize in one or all areas identified.

The Hearing Examiner shall establish Rules of Procedure for the efficient and fair conduct of matters that come before the Hearing Examiner. These rules must be consistent with state and city law. A copy of the Rules of Procedure shall be filed with the Dayton City Clerk.

The Hearing Examiner shall furnish clerical services, including but not limited to; typing decisions, and marking exhibits. The City will provide facilities for the conduct of hearings, including a hearing

room and recording equipment. The City will also provide staff support at the hearing to record proceedings. The staff support includes carrying out all public notice requirements of the City code.

Hearings would in most instances be held during week night evenings, and would be subject to agreed upon times on a case by case bases.

All duties shall be performed in accordance with all applicable federal, state and city laws, including but not limited to Columbia County, City of Dayton land use laws, State Environmental Act (SEPA), Shoreline Management Act, Public Meetings Act, Rules of Evidence and all City codes, ordinances, resolutions, standards or policies, as now existing or hereafter adopted or amended.

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

Insurance. Prior to beginning work, the Examiner will be required to procure and maintain at the Examiner's expense, for the duration of the contract, comprehensive automobile liability insurance at statutorily required limits and workers' compensation coverage if applicable as required by the State of Washington.

The insurance must be placed with insurers with a minimum Best's rating of A-. Evidence of insurance must be presented to the City Clerk prior to execution of the contract.

Ownership of Documents. Any reports, studies, conclusions and summaries prepared by the Vendor shall become the property of the City.

VI. TERMS AND CONDITIONS.

- 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 waive the need for interviews in the selection process.
- D. 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. The City reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP, and which is not approved by the City Attorney's office.
- E. TITLE VII/Equal Opportunity Employment. No person will discriminate on the grounds of race; religion/creed; national origin; ancestry; sex; the presence of a physical, sensory, or mental disability; age over 40; sexual orientation or gender identity; pregnancy; HIV/AIDS and Hepatitis C status; use of a guide dog/service animal; marital status; parental/family status; military status; or veteran's status, in accordance with City policy and as set forth in federal, state and local laws.
- F. Indemnification. The Hearing Examiner shall indemnify, defend and hold harmless the City, its officers, agents, employees and volunteers, from and against any and all claims, losses or liability, or any portion thereof, including attorney's fees and costs, arising from legal malpractice, civil rights violations, injury or death to persons, including injuries, sickness,

disease or death to Hearing Examiner own employees, or damage to property occasioned by a negligent act, omission or failure of Hearing Examiner pro tem.

Except in cases where the City elects to appeal or challenge an action or decision of the Hearing Examiner, the City will actively represent the Hearing Examiner and defend any and all legal challenges to or appeals of any action taken and/or decision rendered by the *Hearing Examiner* when acting within the scope of the quasi-judicial duties

- G. The City shall not be responsible for any costs incurred by an individual or firm in preparing, submitting or presenting its response to the RFP.

VII. PUBLICATION.

Posted on City website	July 8, 2019
Published in Dayton Chronicle	July 11, 2019
Published in Union Bulliten	Print July 7, 2019 w/one week online