

**City of Springville
Public Defender
Request for Proposal**

I. Introduction

Springville City is accepting proposals from qualified law firms or individual attorneys to provide Public Defender services on a contractual basis in the Springville Justice Court. Contract services are estimated to commence on September 15, 2015.

II. Time Schedule

Springville City will follow the timetable below, which should result in a selection of a firm by approximately September 10, 2015. Proposals will be accepted from August 5th to September 1st, 015.

Event	Time	Date
Issue of RFP		August 5, 2015
Proposal Responses Due	4PM (MDT)	September 1, 2015
Anticipated Effective Date of Contract		September 15, 2015

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 Utah State Bar Association.
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 working under this Proposal to ensure that defendants charged in the Springville 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 Springville City Justice Court, duly appointed to represent all defendants who are appointed legal counsel by the Springville Justice Court, and provide legal services for defendants through the appeals phase in District 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 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. Presently, Springville Justice Court session for the Public Defender is Tuesdays from 8:00 am to 5:00 pm. However, Public Defender will have to make appearances at other times whenever noticed by the Court.
3. Representation of appointed cases at pre-trial hearings, trials, sentencing, post-disposition proceedings, and any appeals to the District Court; and
4. The Public Defender shall consult with defendants prior to pretrial hearings. Appointment as the City's Public Defender may require meetings with defendants at the Public Defender's office or at the Utah County Jail. Failure to consult with defendants prior to pretrial shall only be excused for good cause.
5. Pursuant to Utah Rules of Criminal Procedure, Public Defender services may include providing legal representation to persons in other Courts at other times. The City's Public Defender shall provide Springville City a contact telephone number that is available 24 hours a day to provide legal representation, in an emergency, including evenings, holidays, and weekends.
6. When a defendant excuses 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 District Court, the Public Defender is responsible for timely filing a Notice of Appeal to the Springville Justice Court and providing all legal services associated with the appeal should the District Court find that the defendant is still eligible for appointment of a public defender.

9. Services do not extend to forfeiture hearings or hearings with any Department of Licensing.

V. COMPENSATION

1. Please provide compensation schedules based on a flat annual fee. No additional fees, costs, 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 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:

Troy Fitzgerald
City Administrator
110 Main St.
Springville, UT 84663
(801) 491-2700

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 September 1, 2015, at 4:00 pm. Five (5) copies of the proposal must be presented. No Faxed 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 Springville.
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 defender 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 Utah 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 Defender Services, which include the advertisement for the RFP and the RFP. The undersigned proposes to perform all work in compliance with these documents as well as in compliance with all submitted proposal information. The undersigned further warrants that adequate staff services and facilities will be established to enable the effective provision of legal services

9. The Attorney shall secure and maintain a policy of professional liability insurance in the amount of one million dollars (\$1,000,000) or more against claims arising out of work provided for in this Agreement. All insurance shall be obtained from an insurance company authorized to do business in the State of Utah. Excepting the professional liability insurance, Springville City shall be named on all insurance as an additional insured.
10. The following table shows the total number of criminal cases filed in Springville Justice Court:

Year	# Filed
2006	3564
2007	3482
2008	5456
2009	5212
2110	4625
2011	5305
2012	5581
2013	3839
2014	3031

In 2014, the public defender was appointed on approximately 315 cases annually (including post-conviction reviews).

VII. Selection Criteria

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

VIII. General Terms and Conditions

The City reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.

The City reserves the right to request clarification of information submitted, and to request additional information from any proposer. Any proposal may be withdrawn up until the date and time set above for opening of the proposals. Any proposal not so timely withdrawn shall constitute an irrevocable offer, for a period of sixty (60) days, to provide to the City the services described in the attached specifications, or until one or more of the proposals have been approved by the City's administration, whichever occurs first.

IX. Non-Collusion Affidavit Certificate

State of Utah)
)ss
County of Utah)

The undersigned, being duly sworn, deposes and say that the person, firm, association, copartnership, or corporation herein named has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in the preparation and submission of a proposal to Springville City for consideration in the award of a contract on the improvement described as follows:

City of Springville
Public Defender Services

Institution Name

Authorized Signature

Sworn before me, this _____ day of, _____ 2013.

Notary Public
In and for the State of Utah