

**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 April 1, 2016.

II. Time Schedule

Springville City will follow the timetable below, which should result in a selection of a firm by approximately March 23, 2016. Proposals will be accepted before 4:00 pm on March 21, 2016.

Event	Time	Date
Issue of RFP		March 4, 2016
Proposal Responses Due	4PM (MDT)	March 21, 2016
Anticipated Effective Date of Contract		April 1, 2016

III. Minimum Experience/Qualifications

Each attorney who is proposed to perform services pursuant to this RFP must meet the following minimum qualifications:

1. be a member in good standing with the Utah State Bar Association;
2. maintain a bona fide office in Utah County to conduct business which shall be made known to the clients served;
3. have experience in defending criminal law matters;
4. be familiar with the statutes, court rules, constitutional provisions, and case law relevant to criminal law;
5. 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; and
6. be familiar with mental health issues and be able to identify the need to obtain expert services.

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.

The City's Public Defender's responsibilities shall include, but not be limited to, the following:

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 all scheduled hearings on scheduled court days. Presently, Springville Justice Court session for the Public Defender is Tuesdays from 8:00 am to 5:00 pm. (Tuesday Court hours for public defender cases do not always end at 5:00 pm. Sometimes Tuesday Court hours end before 5:00 pm, and at times, the hours extend beyond 5:00 pm.) In addition to Tuesdays, the Public Defender will have to make appearances at other times noticed by the Court.
3. Representing defendants in appointed cases at pre-trial hearings, trials, sentencing, post-disposition proceedings, and any appeals to the District Court.
4. Completing a minimum of five (5) hours of continuing legal education within each calendar year in courses relating to their public defense practice. The City shall pay tuition costs for the five (5) minimum hours of continuing legal education as long as it is education presented by Utah's Criminal Defense Association or the Utah Prosecution Council.
5. Supervising attorneys working under and with the Public Defender to represent defendants in the Springville Municipal Court to ensure the defendants receive competent legal representation.
6. Consulting 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.
7. Providing Springville City a contact telephone number that is available 24 hours a day to make contact with the Public Defender in order for the Public Defender to provide legal representation in emergency situations. .
8. Preparing for trial to 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, reviewing of police reports and evidence, researching relevant legal issues, preparing a witness list on behalf of the defendant, and consulting with the defendant.
9. Filing a timely Notice of Appeal to the Springville Justice Court should a Public Defender's defendant elect to appeal a conviction to District Court, and timely 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.

10. Notifying Springville City in writing of any on-going conflict of interest, conflicting litigation or inability to practice law.
11. Providing the City, on a quarterly basis, with the Public Defender's hours worked for the previous quarter.
12. Maintaining 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 as a Public Defender. 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.

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

V. FEE PROPOSAL

Please include with your proposal the following fees:

1. **Court Services**. It is anticipated that the Public Defender will be in Justice Court approximately 380 hours per year and in District Court approximately 60 hours per year. Please provide a fee based upon the anticipated 440 hours that the Public Defender will be in court throughout the year.
2. **Court Preparation**. Based upon your experience, please provide an annual fee for out-of-court preparation for the number of appearances, cases, in court hours and other Public Defender requirements described in this RFP. Please show how your court preparation fee was calculated.

The Public Defender should include all costs for Court Services and Court Preparation in the Court Services and Court Preparation Fees. (Hereinafter the two fees shall be collectively referred to as the "Total Fee.") It is anticipated that Springville City will pay to the selected Public Defender the Total Fee over a twelve (12) month period in equal monthly installments. The selected Public Defender should include in the Total Fee all anticipated expenses for providing the Public Defender services, including, but not limited to, office, transportation, telephone, postage, copying and secretarial costs.

It will be specifically understood that the Public Defender will accept no other payment for work provided, other than the compensation provided in the Total Fee. In the event a court orders repayment from a defendant for attorney fees and costs, all such payments shall belong to Springville City.

3. **Investigation/Witness Costs**. In addition to the Total Fee, based upon your experience, please provide an estimated amount to cover the reasonable and necessary costs of

investigators, laboratory costs, transcripts and defense witness fees, including expert witnesses called on behalf of indigent clients.

4. **Hourly Rate.** Upon a showing of critical need, the selected Public Defender may request additional funding for extraordinary unforeseen services that may be required of the Public Defender during the term of services. Please provide the hourly rate for which you would provide these additional services.

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 March 21, 2016, at 4:00 pm. (MDT). Five (5) copies of the proposal must be presented. No faxed, electronic 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. Identify whether you and/or your law firm is willing to handle cases for the City on a conflict-basis if the City elects to contract with another law firm/individual attorney as the primary public defender for the Springville Justice Court.
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. 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.

VII. Number of Court Cases and Appearances

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
2015	3040

It is anticipated that the Public Defender will be appointed to approximately 325 new cases per year. Those cases include citations for class B and C misdemeanors, infractions, and traffic and municipal ordinance violations.

The Public Defender averages approximately 150 appearances in Justice Court per month. An appearance includes arraignment, pre-trial, evidence, sentencing, restitution, review and order-to-show-cause hearings and trials (the Court's monthly numbers regularly show 0-2 trials per month).

Recently, the Public Defender has been appealing approximately ten (10) cases per month to District Court.

VIII. Selection Criteria

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

- A. Cost: (70 points)
- B. Experience: (30 points) As part of evaluating the experience of a law firm/individual attorney who submits a proposal, Springville City will consider all information provided in the submitted proposal, including, but not limited to, references and any litigation or judgments against the law firm/individual attorney submitting a proposal.

IX. 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.

X. Non-Collusion Affidavit Certificate

State of Utah)
)ss
County of Utah)

The undersigned, being duly sworn, deposes and says that the person, firm, association, co-partnership, 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, _____ 2016.

Notary Public
In and for the State of Utah