

IMPORTANT NOTICE!!

If you download these materials and wish to be added to the proposer contact list send an email to:

purchasing@springfield-or.gov

Information to be provided:

- “RFP# 3579 Indigent Defense Services” in the subject line
- Company name
- Primary contact name
- Primary contact title
- Primary contact direct phone #
- Primary contact email

It will be the responsibility of each participating supplier to refer daily to the City of Springfield – Purchasing/Contracts website <http://www.springfield-or.gov/city/finance/purchasing/indigent-defense-services> to check for any available addendum to current opportunities, cancellations or intents to award posted.

**CITY OF SPRINGFIELD
OREGON**

**Request for Proposal #3579
Municipal Court
Indigent Defense Services**

Sealed proposals will be received by the Finance Department, City of Springfield, 225 Fifth Street, Springfield OR, 97477, Attn: Jessica Mumme until 2:00 p.m. Pacific Standard Time (PST), March 29, 2024 and opened at 2:15 p.m. PST the same day. Sealed proposals must be marked “**RFP#3579 Indigent Defense Services**”.

The City of Springfield is seeking qualified attorneys to provide legal services to persons determined by the Springfield Municipal Court to be indigent and entitled to court-appointed counsel. The basic services required are legal representation and administrative support services necessary to provide effective, efficient legal representation that meets established professional standards of practice.

Proposal packets are available on the City’s website at www.springfield-or.gov (City > Finance > Purchasing and Contracts then RFP #3579 Indigent Defense Services) or by contacting Jessica Mumme via email at: purchasing@springfield-or.gov.

The City of Springfield reserves the right to accept or reject any or all proposals or to waive any specifications or requirements, or to negotiate with any vendor submitting a proposal regarding any aspect of this Request for Proposals when doing so is deemed to be in the best interest of the City.

The City of Springfield encourages proposers or sub-contractors who are minority, woman-owned and emerging small businesses to participate in City projects.

If any respondent requires special assistance or auxiliary aids during the proposal, evaluation, or award process, please contact Jessica Mumme via email at purchasing@springfield-or.gov at least two (2) business days prior to the required assistance.



Request for Proposal

#3579

Indigent Defense Services

City of Springfield
Municipal Court
Springfield, Oregon 97477

February 28, 2024, 5 p.m. PST

I. Project Overview

The City of Springfield's purpose for issuing this RFP is to establish a contract(s) with an attorney(s) or a firm or a consortium or other qualified entity that have the experience and training to provide legal representation for indigent adults as appointed by the Springfield Municipal Court for misdemeanor offenses. Services are limited to the representation of adults in cases who have been determined by the Springfield Municipal Court to be indigent. Services do not include representation of felony cases. The scope of indigent legal services is described in Attachment 1- Scope of Work.

The City, at its sole discretion, may choose to award to multiple proposers.

II. Overall Project Description and Scope of Work

The City of Springfield's purpose for issuing this RFP is to establish a contract with a qualified entity for indigent defense services. The scope of indigent defense services are described in Attachment 1 - Scope of Work.

III. Proposal Submission Requirements

Your response to the Request for Proposal must contain all of the information requested in the Request for Proposal along with acknowledgement of all addenda. A completeness check will be conducted for each submission. Incomplete submissions will not be accepted. Submissions must include the items organized and numbered to correspond to each requirement below:

Content requirements

1. **General** – Proposals will be clear and concise. The City encourages green options and discourages the use of materials that cannot be recycled such as PVC and spiral binders, plastic or glossy covers and dividers. Further, the City encourages Proposers to print on both sides of a sheet of paper whenever possible.
2. **Cover Letter** – All Proposals must be accompanied by a cover letter signed by an individual who is legally authorized to enter into a contract on behalf of the proposing individual/firm.
 - a. The letter must introduce the Proposal, provide an overview of your representation according to the Attachment 1 Statement of Work.
 - b. Affirm that the Proposer accepts all terms and conditions of the Request for Proposals, including the Attachment 2 Sample Contract terms and conditions.
 - c. The letter must designate the Proposer's contact person during the Proposal review process.
 - d. Identify whether you qualify as resident bidder as described in ORS279A.120 (1) (b) and if you are licensed to do business in the State of Oregon.
 - e. Include a statement of the firm's ability to begin work July 1, 2024, and a statement that the submission is a firm offer for a 90-day period.
 - f. Pending Litigation: Identify any past, pending or threatened litigation or administrative or state ethics board or similar body proceedings to which you or any of your partners are a party and which would either materially impair your ability to perform the services enumerated herein, or, if decided in an adverse manner, materially adversely affect the financial condition of your firm. Any firm selected pursuant to this RFP will be required to advise the city of any developments during the term of this appointment with respect to existing and/or any new civil or criminal legal investigations, pertinent litigation and/or regulatory action involving the firm or its employees which could impact the firm's role or ability to perform the consulting services.

3. **Qualifications** - Include a detailed statement of the qualifications of the firm. This should include organizational history, clients presently served, and extent of indigent defense work.
4. **Resumes** - Provide resumes and technical experience of key personnel expected to complete the work. Include resumes for any proposed subcontract attorneys. For attorneys, provide Oregon State Bar Number. Attorneys must have a minimum of one (1) year experience with misdemeanor cases, including trial experience and be in good standing with the Oregon State Bar. Administrative staff must have a minimum of one (1) year experience in legal office work environment and a minimum of one (1) year experience with word processing and spreadsheet software (example: Microsoft Word and Excel). Note: All attorneys and staff are subject to criminal background checks.
5. **Approach** - The proposal should set forth a work plan, including an explanation of the methodology to be followed, to perform the services required in this request for proposal.

Proposers will be required to provide the following information on their approach:

- a. How Proposer will ensure effective legal representation. Factors considered shall include the following: misdemeanor legal representation experience, attorney practice statistics, available support staff, and caseload per attorney. Proposal shall include a percentage representing the number of Springfield Municipal Court appointments in proportion to all other represented cases (retained and appointed by other courts).
- b. Describe current caseload and plan for incorporating Springfield Municipal Court caseload.
- c. How Proposer will incorporate other law practice obligations to the workload responsibilities of the City, and what kind of priority Court appointments will be given in relationship to other contracts and obligations of an attorney.
- d. How the Proposer will assign cases to attorneys after arraignment and maintain client/attorney assignment through disposition.
- e. How Proposer will coordinate staff and attorney absences to provide for adequate coverage of all court sessions.
- f. How Proposer will track, identify, and notify court of any conflict of interest. Proposer must demonstrate plan for managing conflict of interest cases. Plan must include a detailed explanation of how ethical conflicts for an individual attorney and conflicts for the firm are identified and traced.
- g. How Proposer will schedule interviews with both in-custody and out-of-custody clients, and the timeline Proposer expects to follow in relation to both.
- h. How Proposer will provide monthly statistical data to the court.
- i. Describe what Proposer needs to do to be ready and able to begin services on the proposed contract effective date.
- j. Describe experience in assisting non-English speaking clients. Provide list of bi-lingual attorneys and administrative staff.
- k. Describe experiences in working with court and staff on issues relating to case management and court procedures.
- l. Proposer's policy for responding to all client contacts (including jail kites), including the length of time within which a response must occur.

6. **Cost Proposal** - Proposer shall include within their proposal submittal a compensation schedule and an annual project contract amount, based on an average of 3,000 cases annually and based on the Scope of Work outlined in Attachment 1 – Scope of Work.
7. **Knowledge and Experience** - Describe experience in comparable municipal court setting processing misdemeanor cases. If applicable, list experience specific to Springfield Municipal Court, local laws and sanctions. (Provide list of experience level for each attorney.)
8. **Facilities** - Describe facility available to meet with clients and compliance with ADA standards.
9. **Equipment** - Describe equipment and electronic information systems Proposer has or will obtain. If additional equipment or software will be purchased, provide timeline for purchasing and training.
10. **Professional Education and Supervision Plan** - Describe any training, CLE, or certifications pertaining to mediation skills or any additional areas of specialized training relevant to municipal court misdemeanor cases.
11. **Transition Plan** - Submit a plan that includes transition plans for assuming caseload as of July 1, 2024, roles and responsibilities.
12. **Diversity** - Describe experience working with a diverse population and addressing local community special interest and quality-of-life issues. Specify diversity training plan for staff and attorneys. In particular, describe your experience representing drug/alcohol addicted and/or mentally ill clients, and any strategies you have developed for providing services to these populations.
13. **References** - Provide a minimum of five (5) references for Indigent Defense Services for organizations for whom you have provided similar services. The references should include, at a minimum, the name of the organization, the address, the contact person, title, email address and a telephone number. References cannot include current City Staff.
14. **Attachment 2** – Sample Contract. In your cover letter, indicate acceptance of terms and conditions.
15. **Signed Attachment 3** – Authorization to Legally Bind Bidder.
16. **Signed Attachment 4** – Minority Women Emerging Small Business Form (MWESB).

IV. Evaluation and Selection Criteria

A committee comprised of representatives from the city will review the Proposals for conformance with the requirements of the Request for Proposals. Conforming Proposals will be evaluated according to the criteria listed below.

1. **Proposal Review**
 - a. The proposals will be examined to determine that the firm satisfies the mandatory elements as identified in section III. Firms who do not meet the mandatory elements will be eliminated from further consideration.
 - b. Next the committee will use the selection criteria as identified in section IV to score each proposal. Based on the strength of the Proposals received, the committee may elect to identify finalists and schedule appointments for presentations and/or interviews. Following the

presentations and/or interviews, if any, the committee will make a final selection based on the best overall interests of the City of Springfield. The committee will rely on information provided in the Proposals and during interviews, if any, as well as information provided by references.

2. Evaluation Criteria

Proposals will be evaluated using two sets of criteria. Firms meeting the mandatory criteria will have their proposals evaluated and scored. The following represent the criteria which will be considered during the evaluation process.

- a. Mandatory Elements
- b. Proposal Evaluation Criteria

Criteria	Possible Points
Cost	35
Qualifications- demonstrated prior experience in conducting similar work and reference checks	30
Service Delivery	20
Workload size of practice/firm/consortium/qualified entity in relation to work required for City and availability of personnel to adequately meet the needs for indigent defense	10
Proposal preparation and completeness	5
Total	100
Oral Presentation for selected firms (if any)	20
Grand Total	120

- c. Oral Presentations (if any) and Final Scoring
 - i. After the technical proposals have been evaluated and finalist firms have been identified, those firms may be invited to make an oral presentation to the committee.
 - ii. Presentations provide the firms an opportunity to answer any questions or provide clarifications to the committee; however, no changes are allowed to be made to the originally submitted cost.
 - iii. The committee will score the firm’s presentations in the context of the criteria listed in section **IV 2b.** of this document and whether the presentation and responses enhance the scoring of the written proposals. Firms may receive up to an additional 20 points on the presentation.
 - iv. Based upon the addition of the presentation scores to the written proposal scores, a final cumulative score for each finalist will be compiled, from which the selection of a firm will be made.

d. Tie Breaker

In the event of a tie during the evaluation process, the tie will be broken by taking the highest scoring proposer based on Cost. If these scores are also tied, then by taking the highest scoring proposer based on their Qualifications.

v. Schedule for Selection Process *(all times listed are Pacific Standard Time (PST))*

RFP Package Available	February 28, 2024, 5 p.m. PST
Request for Clarification Due (if applicable)	March 18, 2024, 2 p.m. PST
Solicitation Protests Due	Same as request for clarification
Response to Clarification Due (if applicable)	March 22, 2024, 2 p.m. PST
Proposals Due:	March 29, 2024, 2 p.m. PST
Review & Interview (if applicable) proposals due	Approximately 2 weeks after
Intent to Award Notice (approximate)	April 19, 2024
Contract Award (approximate)	May 3, 2024

Public opening of the RFP responses will take place on March 29, 2024 at 2:15 PST at the City of Springfield Finance Department, 225 Fifth Street, Springfield, Oregon, 97477. All interested parties are invited to attend.

Prospective Proposers may contact Jessica Mumme via email at purchasing@springfield-or.gov for further information regarding this process or to request clarification. **Contact with other City officials may be grounds for disqualification.** Please note that the City of Springfield has implemented this policy to ensure fairness and transparency in the selection process. Upon receipt of an inquiry from a prospective proposer, the message is promptly relayed to the project's lead staff person, who then prepares a written reply. City staff, in turn, posts the questions and responses in an Addendum. Follow-up questions and/or clarifications may continue to be submitted in this fashion until **March 18, 2024, 2 p.m. PST.**

VI. Instructions to Proposers

The Request for Proposals may be found on the City of Springfield website at www.springfield-or.gov (<http://www.springfield-or.gov/city/finance/itbrfp> select the document titled **RFP# 3579 Indigent Defense Services**) or in-person at the Springfield City Hall, Finance Department, 225 Fifth Street, Springfield, Oregon, 97477.

Each Proposal must include one (1) original signed submission in paper form, marked "**RFP# 3579 Indigent Defense Services**" and (1) electronic copy (PDF format) on a CD or thumbdrive. Emailed submissions are not accepted. Each original Proposal and required materials must be contained in a sealed envelope or box and must be received no later than 2 p.m., PST, March 29, 2024, at the following address:

City of Springfield
Finance Department
Attention: Jessica Mumme
225 Fifth Street
Springfield, Oregon 97477

VII. Late Proposals Not Considered

Proposals must be received by the time specified at the address listed above. Any Proposal received after the deadline will not be considered. Faxed or emailed submissions will not be accepted.

VIII. Addenda to RFP

In the event that it is necessary to amend, revise, or supplement any part of the Request for Proposal, addenda will be posted on the City of Springfield's website at www.springfield-or.gov (<http://www.springfield-or.gov/city/finance/itbrfp> select the document titled **RFP# 3579 Indigent Defense Services**). The City will make a reasonable effort to provide the addenda to all Proposers to whom the City provided the initial Proposal. This includes the amendment of dates in the Schedule for Selection Process. Any addenda so issued are to be considered part of the specifications of the Proposal. The City is not responsible for any explanation, clarification, interpretation, or approval made or given in any manner except by written addenda issued by City.

In case of any doubt or differences of opinion as to the services to be furnished hereunder, or the interpretation of the provisions of the Proposal, the decision of the City shall be final and binding upon all parties.

IX. Contract

The successful Proposer will be expected to enter into a professional services contract with the City. The contract will specify the extent of services to be rendered, the means and methods of providing the services, and the amount of compensation. A sample contract is included as Attachment 2.

X. Negotiation of Price Agreement

The City of Springfield reserves the right to negotiate a final contract which is in the best interest of the City considering cost effectiveness and quality central control. Once a tentative selection has been made by the evaluation committee, City staff will attempt to negotiate a contract with the preferred Proposer. If the negotiations are not successful, City staff will negotiate with other qualified Proposers in the order of their respective qualifications until an agreement is reached or City staff decides to terminate the selection process.

XI. City Selection Discretion

The City of Springfield reserves the right to reject any or all bids and to waive irregularities and informalities in the selection process. The City of Springfield further reserves the right to negotiate, amend, and refine bids in consultation with one or more of the prospective Proposers.

XII. Proposal Ownership

All material submitted by the Proposers shall be considered property of the City of Springfield, and the City will not be required to return same to any Proposer. The material submitted by Proposer will be treated in the same manner as the City's own records.

After opening, all Proposals become part of the public record unless exempt under Oregon Public Records Law. Proposers wishing to exempt appropriate portions of their Proposals from disclosure as public records are encouraged to discuss their concerns with City's Finance Director (address listed below) prior to the submissions of their Proposals.

Nathan Bell, Finance Director
City of Springfield Finance Department
225 Fifth Street
Springfield, OR 97477

XIII. Exceptions to Request for Proposal

If, for any reason, a Proposer should find fault with the structure of this Request for Proposal or with the evaluation process, concerns may be submitted in writing to:

Jessica Mumme
City of Springfield Finance Department
225 Fifth Street
Springfield, OR 97477
purchasing@springfield-or.gov

The City will make every effort to answer questions and, if warranted, to amend the Request for Proposal. Responses to questions and amendments to the Proposal will be posted on the Springfield website www.springfield-or.gov (<http://www.springfield-or.gov/city/finance/itbrfp> select the document titled **RFP# 3579 Indigent Defense Services**). Proposers who are unable or unwilling to meet any of the requirements of this Request for Proposal must include, as part of their response, written exceptions to those requirements. Such request shall be delivered on or before March 18, 2024, 2 p.m. PST.

XIV. Solicitation Protest Procedure

A prospective Proposer may submit formal protests to this Request for Proposal or any addenda to purchasing@springfield-or.gov. This request must be delivered no later than noon local time March 18, 2024, 2 p.m. PST or the close of the next business day following issuance of an addenda, whichever occurs later. A written protest of this Request for Proposals must include:

- Sufficient information to identify the solicitation being protested, such as including "RFP # 3579 Protest" in the email subject line;

- The grounds that demonstrate how the procurement process is contrary to law or how the solicitation document is unnecessarily restrictive, legally flawed, or improperly specifies a brand name;
- Evidence or supporting documentation that supports the grounds on which the protest is based; and
- The relief sought, including a statement of the desired changes to this RFP or the procurement process the prospective Proposer believes will remedy the conditions that form the basis for the protest.

The City will review protests to the solicitation that are timely filed and notify the prospective Proposers of the decision in writing no fewer than three business days before the closing date, unless the City finds that circumstances warrant a shorter time period. In response to a valid Protest, the City may issue an addendum to this RFP. An adversely affected Proposer must exhaust all avenues of administrative relief and review before seeking judicial review of this RFP.

XV. Award Protest Procedure

Any Proposer who has submitted a Proposal to the City and who is adversely affected by the City's award of the Contract to another Proposer has seven (7) days after issuance of the Notice of Intent to Award the Contract, to submit a written protest of the award to the City. This right to protest shall conform to the written requirements of OAR 137-047-0740 and specify the grounds upon which the protest is based.

An adversely affected Proposer must exhaust all avenues of administrative relief and review before seeking judicial review of City's Contract award. Protests must be submitted to:

Nathan Bell
Finance Director
City of Springfield
225 Fifth Street
Springfield, OR 97477

XVI. Cost of Proposal

The City is not liable for any costs incurred by vendors for the preparation and presentation of their Request for Proposals. This includes any costs in the submission of a Proposal or in making necessary studies or designs for the preparation thereof.

XVII. AMERICANS WITH DISABILITIES ACT COMPLIANCE

If any respondent requires special assistance or auxiliary aids during the proposal, evaluation, or award process, please contact Jessica Mumme via email at purchasing@springfield-or.gov at least two (2) business days prior to the required assistance.

Attachment 1

Scope of Work

The City of Springfield is seeking proposals to provide legal services to persons determined by the Springfield Municipal Court to be indigent and entitled to court-appointed counsel. The basic services required are legal representation and administrative support services necessary to provide effective, efficient legal representation that meets established professional standards of practice. The City anticipates that one or multiple contractors may be required to provide indigent legal services. As such, Proposer should anticipate collaboration with City staff and other service providers. The term of the non-exclusive contract will be for three (3) years with two (2) possible one (1) year renewals upon agreement of both parties which includes the review and approval of the Springfield Common Council in consideration of the requirements of the Springfield Municipal Code Section 2.708(3).

1. INTRODUCTION

The Springfield Municipal Court has jurisdiction over misdemeanors, violations and civil infraction matters that occur within the City of Springfield. Persons charged with a misdemeanor are entitled to legal representation regardless of their ability to pay and the Springfield Municipal Court may contract with individual attorneys, private firms, consortia, and full time nonprofit public defender organizations for indigent legal services.

(a) Desired Representation

The City of Springfield currently provides representation to those persons determined by a Springfield Municipal Court Judge to be indigent and entitled to court-appointed counsel. The current model for appointment of counsel is through a non-profit of attorneys. Compensation is based on an approximate rate of 3000 cases dispositioned annually. Attorneys are to represent clients from the date of appointment (generally at arraignment), through trial or other resolution of the case, including but not limited to plea agreement and sentencing, post-sentence restitution hearing, diversion periods, and deferred prosecution periods. Attorneys are removed after disposition of a non-probation case or a standard probation case. If a criminal case proceeds to trial and results in a conviction, the attorney is responsible for preparing and filing a Notice of Appeal. If a client enters a specialty court, the attorney may withdraw after a client has been accepted into the specialty court and after notice of substitution of counsel has been filed naming the defense attorney assigned to the specialty court as the new attorney of record. If a client fails to appear for a court proceeding and the court issues a bench warrant for the arrest of the client, the attorney shall remain the attorney of record for a period of six (6) months from the date of the failure to appear. Attorneys shall remain appointed on non-DUII Diversion or Deferred Prosecution Agreements until the matters are completely resolved with a dismissal or a show cause; in all other cases, new appointments are made for show cause probation violation proceedings. Reappointments are made upon judicial approval. Attorneys are expected to participate in meetings and discussions around continued process improvements, court efficiencies, and new potential programs. The head of the consortium or defense firm or other is expected to meet with the Presiding Judge quarterly to discuss concerns or issues with the Court.

The citizens of Springfield place a high priority on public safety and have approved bond measures to build and tax levies to operate a municipal jail.

The table below reflects court-appointed attorney case activity in the past three fiscal years. The City of Springfield fiscal year commences July 1 and concludes June 30.

Misdemeanor Data	FY21	FY22	FY23
Court-Appointed Attorney Represented Probation Show Cause Dispositions	244	371	496
Court-Appointed Attorney Represented Misdemeanor Dispositions	1413	1557	1676
Total Court-Appointed Case Referrals	2008	2172	2409

2. SCOPE OF WORK

The selected Proposer(s) shall provide effective and efficient legal representations for court-appointed indigent clients at Springfield Municipal Court at all stages of a case assigned under the contract.

DUTIES-

Proposer will provide the following services:

- Attend regularly scheduled in-custody arraignments;
- Attend regularly schedule out of custody arraignments and Initial Show Cause Appearance dockets;
- Establish and follow procedures to ensure prompt notification to the court of the specific attorney assigned to each case;
- Attorneys must meet their in custody clients telephonically within 24 hours and must meet them in person within 72 hours (excluding weekends and holidays); for clients who are out of custody, within 72 hours of notification of appointment (excluding weekends and holidays). Inmates held at Lane County Adult Corrections are not transported to the Springfield Municipal Jail for initial meetings;
- Adequately staff and attend all court sessions on appointed matters; provide coverage for courtroom appearances during vacation or leave of absence of the assigned attorney;
- Investigate cases, propose resolutions, represent clients in bench and jury trials, file and argue legal motions, draft appropriate legal memoranda, negotiate and litigate show cause hearings, and represent clients at sentencing hearings and contempt of court hearings on all misdemeanors for indigent clients;
- Employ adequate administrative staffing to ensure attorney assignments are completed within the required timelines;
- Participate regularly in meetings with City Administration, Court staff, and the City Prosecutor's Office to discuss process and procedural topics including but not limited to case flow and case management, as well as other recurring meetings as required for any specialty courts/dockets;
- Respond in a timely manner to all telephone calls from clients, as well as to the City Prosecutor and Court staff;
- Maintain contact with clients and keep them informed until the case is terminated. Advise clients that regular and continuous contact is necessary to the preparation of the defense, and employ reasonable means to secure and maintain such contact including, but not limited to, notifying clients in advance of the date, time and location of all critical stages in the process of the client's particular case with enough advanced notice that the client has time to prepare for each stage;
- Implement a method to respond promptly to client complaints. The Court will first direct clients to the attorney, firm, or agency which provided representation. If the client feels that he or she has not received an adequate response, the City of Springfield may designate a person or agency to evaluate the legitimacy of complaints and to follow up on meritorious ones;
- Assist with and/or be knowledgeable about any specialty court dockets or mental health dockets.
- Comply with all federal and state laws regarding access to Proposer's facilities, including elimination of barriers which limit access for the disabled.

3. COMPENSATION

Proposer shall propose to receive a flat amount annually for providing services as set forth in the Attachment 1 - Scope of Work. Equal monthly payments will be made for the prior month's work. Information to be included in the invoice will be the total amount of cases dispositioned in the previous month and is subject to Municipal Court approval. Invoice must be submitted no later than the 15th of the month.

Proposer shall include within their proposal submittal a compensation schedule and an annual project contract amount, based on an average of 3000 cases annually.

4. GENERAL INFORMATION

- a) The Springfield Municipal Court must approve and assign court-appointed counsel for indigent clients.
- b) All court-appointed attorneys must meet the minimum attorney qualification standards for the types of cases processed at Springfield Municipal Court, as specified in the State of Oregon Office of Public Defense Services Best Practices for Oregon Public Defense Providers.
- c) Court-appointed attorneys must maintain meaningful attorney/client relationships in accordance with the Oregon Rules of Professional Conduct.
- d) Appointment to a case shall terminate as set forth in Section 1 (a)
- e) Proposer shall specify the number of appointments that will be accepted by the Proposer. Proposal should include a percentage representing the number of Springfield Municipal Court appointments in proportion to all other represented cases (retained and appointed by other courts).
- f) Court-appointed attorneys are responsible for all reasonable and necessary administrative expenses that are ordinary and related to routine case investigation, preparation and trial. Expenses include, but are not limited to: copies, phone and postage, and mileage.
- g) All extraordinary case expenses are subject to judicial approval prior to expenditure of funds for case expenses. Extraordinary case expenses must be preauthorized by the presiding judge in accordance with ORS 135.055(3). Extraordinary case expenses may include expert witnesses, psychiatric exams, and extraordinary investigation requiring an investigator's services. Psychiatric examinations for fitness to proceed will be conducted upon judicial approval and will be conducted by psychologists and/or psychiatrists currently approved by the Springfield Municipal Court. For Court appearances, language interpreter services are scheduled by the Court.
- h) Court-appointed counsel shall finalize trial settlement negotiations and report cases that are ready for trial no later than 21 days prior to the scheduled trial date pursuant to court practice. Springfield Municipal Court requires court-appointed counsel to appear promptly and fully prepared for all court sessions. (Refer to Attachment 2, Master Court Schedule).
- i) Springfield Municipal Court requires all court-appointed counsel and staff to establish and maintain professional working relationships with Springfield Municipal Court judges and staff; City of Springfield prosecutors and staff; Springfield Municipal Jail staff; Springfield Police Department staff; Lane county Jail staff; and Springfield Finance Department staff. Failure to do so will result in loss of court room privileges. This will be determined at the sole discretion of the presiding judge.
- j) Proposer shall maintain statistical data pertaining to caseload and client appointments. Data shall be reported to Springfield Municipal Court monthly along with a month-end invoice.
- k) Springfield Municipal Court requires the Proposer to have equipment and information systems to provide effective and efficient legal services.
- l) Springfield Municipal Court will provide use of the two conference rooms located in the Courtroom for consultations between attorneys and their clients between the hours of 8:00 am to 4:00 pm Monday through Friday (excluding holidays); no client in custody will be permitted to use the conference rooms; meetings for clients in custody must be held in the respective custodial facility. Springfield Municipal Court does not allow unescorted access to restricted areas.
- m) Proposer will be responsible for any subcontracting due to workload issues or conflict of interest cases with Proposer's law firm. If a case filed has more than one client, Proposer will be responsible for contracting with a conflict attorney.
- n) Proposer shall maintain telephone voicemail and email inboxes such that they are able to accept new voicemail and email messages at all times. Proposer shall have a policy for responding to all client contacts and complaints (including jail kites), including the length of time within which a response must occur. Proposer shall include a copy of this policy with the proposal.

5. REQUIREMENTS

- a) The proposal and any modification must be complete, timely and in conformance with the RFP requirements.
- b) Minimum qualifications for attorneys:
 - i) Attorneys
 - (1) Must have a minimum of one (1) years' experience with misdemeanor cases, including jury trial experience;
 - (2) Must be licensed to practice law in Oregon:
 - a. Must be in good standing with Oregon State Bar (Provide Bar Number)
 - b. No outstanding complaints for lack of diligence, communication or ethical violations; applicants must disclose if any involved attorneys have previous bar complaints.
 - ii) Proposer must demonstrate a plan for managing conflict of interest cases. Any attorney(s) designated to cover conflict of interest cases is subject to Springfield Municipal Court approval. Proposer shall be responsible for compensating conflict council from its monthly budget. Plan must include a detailed explanation of how conflicts of interest are identified and tracked.
 - iii) Proposer, staff and/or subcontractors shall submit to Law Enforcement Data Systems (LEDS) required fingerprinting, Criminal Justice Information Services (CJIS) document review and pass level one security test before representing any City referrals.
 - iv) Proposer must maintain Professional Liability Fund coverage minimum of \$300,000 per attorney.

6. DEFINITIONS

- a) **Appointment.** The word "appointment" is defined to include the Court's original designation of Independent Contractor, and Independent Contractor's acceptance of such designation, as the attorney for a Client with respect to a case as well as the legal engagement under which Independent Contractor represents the legal interests of the client arising from a case. Independent Contractor's appointment shall be effective upon assignment by the Court and shall terminate when a case has reached disposition or when a motion to withdraw has been granted. If a client fails to appear for a court proceeding and the court issues a bench warrant for the arrest of the client, the attorney shall remain the attorney of record for a period of six (6) months following the failure to appear. There may be multiple appointments on a single case. Appointments are further subject to termination by the Court if the defendant no longer qualifies as indigent. It is the responsibility of the Independent Contractor to track the time period following a client's failure to appear and file a motion to withdraw.
- b) **Case (or Police Case).** A "case" shall include all charges for one defendant arising from a single incident, the allegations of which resulted in Independent Contractor's appointment, notwithstanding multiple docket numbers. Show cause appearances are a separate case.
- c) **Case Expenses.** The term "case expenses" means and includes all out-of-pocket expenses incurred by Independent Contractor for discovery, expert witnesses, psychiatric exams, private investigators, and similar services that are reasonably necessary to advance the defense of a client in a case.
- d) **Caseload.** The term "caseload" means the amount of work assigned to Independent Contractor and each attorney. With respect to any period of time, the caseload for such period of time shall be equal to the number of cases appointed and pending during that period, to exclude inactive cases such as those out on warrant or on diversion.
- e) **Client.** The word "client" means any person who has been appointed to Independent Contractor for legal assistance, until such time as the appointment terminates. The relationship between a client and Independent Contractor is that of client and attorney, in which the City shall have no private knowledge or concern.

f) **Disposition.** The word “disposition” means the sentencing or other final settlement of a criminal case. A Diversion or Deferred Prosecution Agreement is considered disposed when the case is dismissed or sentence.