



CITY OF RIVER FALLS, WI

Dan Toland, Mayor

REQUEST FOR PROPOSAL

MUNICIPAL PROSECUTOR

March 7, 2022

ADMINISTRATIVE SERVICES DEPARTMENT
222 LEWIS ST. | RIVER FALLS, WISCONSIN

CITY OF RIVER FALLS REQUEST FOR PROPOSAL

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Section 1 – Introduction

A. Summary of RFP

The City of River Falls is currently seeking proposals from qualified prosecutors licensed to practice law in Wisconsin that are interested in providing comprehensive prosecutorial services. The purpose of this RFP is to:

1. Solicit proposals from qualified and interested individuals and/or firms to provide contract prosecutorial services for the City of River Falls.
2. The City of River Falls is seeking qualified firms and/or individuals to provide all of the necessary contractual services, including office space, office personnel and clerical staff.
3. The City will not provide any office space, however it will provide space during court days to conduct appropriate business.
4. The City Prosecutor shall function entirely as an independent contractor and shall not be considered an official, officer, or employee of the City of River Falls.

We encourage you to be creative and educational in your responses. The format must be consistent with the requirements of the RFP.

The City intends to establish a two-year contract, with an additional three-year renewal option. The conditions of the proposal must remain valid for a minimum contract term of two years. As a matter of policy, the City may issue a RFP for prosecutorial services at the end of the term. Either party may cancel the contract for any reason with 90 days written notice.

Written proposals will be accepted until 5:00 p.m. on March 28, 2022 at City Hall, 222 Lewis Street, River Falls, WI 54022. Responses must address all of the items listed in this request for proposal and submitted in a sealed envelope marked “Prosecutorial Services Proposal” and submitted to:

Kristi McKahan, Deputy City Clerk
Office of the City Clerk
City of River Falls
222 Lewis Street
River Falls, WI 54022

Please include the original and four copies. Names of the representatives and questions or requests for clarification may be directed to Amy White, Administrative Services Manager/City Clerk, at (715) 426-3408 or email at awhite@rfcity.org.

B. Government Background

The City of River Falls is a full-service community providing a high level of services to its residents. Services include: Police, Fire, Ambulance, City Administration, Public Works, Utilities, Parks and Recreation, and Library. The City of River Falls is split into two counties, St. Croix and Pierce, and is home to approximately 16,000 residents, of which 6,400 are college students. Around half of River Falls’ residents commute to the St. Paul-

Minneapolis region to work, as the City is located 25-30 miles east of the Twin Cities. The City of River Falls is also home to the University of Wisconsin River Falls (UWRF); an NCAA Division III institution that has been a staple for the River Falls community since 1874.

The City of River Falls is a Municipal Corporation with authority vested in the City Council and the Mayor, who is the Chief Executive Officer (CEO) of the City. River Falls, like many other Wisconsin cities under the Home-Rule Charter of Wisconsin, has the power to govern itself regarding local matters except where the State has specifically prohibited that power. The City is managed under the Council/City Administrator form of government. Individual members of the governing body do not have authority to make decisions on behalf of the City unless they have been given specific authority from the governing body as a whole. The Mayor has the authority to perform executive responsibilities by monitoring the Administrator and various departments of the city government. The Mayor also serves as the policy leader and holds veto power.

The Council (Alderspersons) has all the powers of the City that have not been specifically given to some other body or officer. The City Council is responsible for the management and control of city property, finances, highways, streets, utilities, and public service. There are seven alderpersons elected to the city council, one (1) member from each of the four (4) aldermanic districts and three (3) members elected at large. The City Administrator serves as the Chief Operating Officer (COO) of the City. In order to provide a more efficient and effective government, the COO is responsible for the direction and coordination of all City employees and is a direct report to the Mayor and Council. The City of River Falls has a work force of 117 full time equivalent employees and 115 temporary/paid on call volunteers.

For 18 years, from 1983 to 2001 the firm of Bye, Goff and Rohde represented the City of River Falls. In 2001, an RFP was issued and awarded to Weld, Riley, Prenn & Ricci. They had an agreement with a local attorney who provided prosecutorial services until 2015. In 2015, as RFP was issued and awarded to Bakke Norman. Deanne Koll has been providing prosecutorial service for the City since the award.

C. Timeline for Procurement Process (brief)

The City has made every effort to include enough information in this RFP prepare a responsive proposal. A brief timeline is presented below:

TIMELINE	
Distribution of RFP	March 7, 2022
Submit names of representatives and questions	March 14, 2022
City’s deadline to respond to questions	March 21, 2022
Proposal submission	March 28, 2022
Initial Proposal review	March 28 – April 1, 2022
Committee review	April 1, 2022
Final Approval	April 12, 2022
Start of conversion activities	April 19, 2022

D. Terms of the Consultant Services Agreement

1. The terms of the consultant service agreement will include specific language regarding the provision of services, required insurance and indemnification, contract continuation and termination clauses, timing of invoicing and payments, and requirements for interaction with City Departments and employees.
2. The River Falls Municipal Court conducts trials Wednesday at 5:45 PM until 7:00 PM. Pre-trial conferences shall be conducted by the contract prosecutor upon a regular schedule. Currently, pre-trial conferences are held on Wednesday mornings by appointment. The proposal must identify the prosecutor's proposed schedule and ability to work and be prepared for that schedule.
3. The City Prosecutor handles prosecution of municipal citations to which a defendant has entered a plea of not guilty. The City Prosecutor will have reasonable discretion to settle citations prior to trial in an equitable and consistent manner and as authorized by law. Municipal Court reports the following yearly data regarding not guilty pleas (regardless of disposition):

Year	No. of Defendants	No. of Citations
2018	135	173
2019	129	171
2020	117	177
2021	136	196

The City Prosecutor will also be responsible for providing prosecutor response to defendant appeals of Municipal Court judgments to Pierce County Circuit Court and St. Croix County Circuit Court unless otherwise determined by the City Attorney.

Section 2 – Scope of Prosecutorial Services

A. Scope

1. All proposals must be in writing and signed by an authorized representative of the submitting individual, group, organization or entity. Proposals must also include the name, address, and telephone number of the contact person.
2. Proposals should demonstrate that the bidder has the technical ability and experience to execute high quality prosecutorial service to the City of River Falls. Proposals should include a description of the firm or proposers experience with the municipal court system.
3. Proposals must contain the following information:
 - a. A description of the education, training and experience of all individuals

involved in the proposal who are anticipated may provide prosecutorial services to the City of River Falls.

- b. A list of at least three (3) professional references regarding legal services. References that relate to one's ability to provide prosecutorial services are especially important and relevant.
- c. A statement of willingness and ability to comply with all City and State rules and requirements associated with providing prosecutor services to the City of River Falls.
- d. A methodology for how the individual or firm will bill the City for its services. The City will entertain proposals that contain either an hourly or flat fee approach. However, the proposed rates must be inclusive of the cost of all paralegal and other clerical support services, travel expenses, conferences, dues and membership to legal professional associations, and the expense of materials utilized in the provision or service.

B. Proposal Format

Proposals must be organized to comply with and include the following:

1. Letter of Transmittal. The letter of transmittal should include an introduction of the bidder's firm as well as the name, address, telephone number, and email address of the contact person and other representatives dealing with the RFP.
2. Executive Summary. An executive summary shall briefly describe the bidder's approach to the proposal, clearly outline any options or alternatives, and indicate if the bidder cannot meet any major requirements. The summary must also highlight the major features of the proposal and identify any pertinent supporting information.
3. Statement of Qualifications. This section should provide information regarding the bidder's qualifications and experience, or those of his/her proposed partner's, relevant to the work to be performed, including what, if any, experience with the municipal court system and mediation or negotiation experience. It should include a firm profile (if appropriate); references of similar contracts or work experience that is relevant to this RFP; and appropriate references, including addresses and phone numbers of individuals, groups or organizations with which the bidder has worked during the past 3-5 years.
4. Insurance. The bidder shall provide documentation that it has professional liability and malpractice insurance coverage through a reputable insurance company at such limits of coverage and deductible/self-insured retention as acceptable to City. The City shall be named as an additional insured under such policy for purposes of the prosecution services provided.
5. Additional information. Any information deemed pertinent to the RFP, but not outlined in the RFP may be included in this section. This section may also include

firm brochures or other material.

6. Proprietary Information. Bidders are requested to mark any specific information contained in the proposal that is not to be disclosed to the public or used for purposes other than evaluation of the proposals. Pricing and service elements of the successful proposal will not be considered proprietary. The proposal and all supporting materials supplied will become the property of City of River Falls and will not be returned. Proposals submitted may be reviewed and evaluated by any person at the discretion of the City.

Section 3 – Bidding Instructions

A. Timeline (detailed)

The City has made every effort to include enough information in this RFP for a firm to prepare a responsive proposal. The City encourages firms to submit the most comprehensive and competitive proposal possible. The City reserves the right to retain all proposals submitted and to use any ideas in a proposal, unless protected by copyright, regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in the RFP, unless clearly and specifically noted in the proposal submitted, and confirmed in the contract between the City of River Falls and the firm selected.

The City reserves the right to reject any and all proposals, cancel all or part of this RFP, waive any minor irregularities, and request additional information from proposing firms. The City will not reimburse the respondents to this RFP for any expenses incurred in preparing proposals, or for the attendance at interviews. This RFP does not obligate the City to accept or contract for any services.

TIMELINE	
Distribution of RFP	March 7, 2022
Submit names of representatives and questions	March 14, 2022
City's deadline to respond to questions	March 21, 2022
Proposal submission	March 28, 2022
Proposal review	March 29 – April 1, 2022
Final selection	April 12, 2022
Notification to proposing firms	April 18, 2022
Start of conversion activities	April 19, 2022
Implementation	May 1, 2022

The timing of the proposal process is as follows:

Distribution of RFP

The RFP will be mailed and/or available on the City's website www.rfcity.org on March 7, 2022.

City's Deadline to Respond to Questions

The City requests that the firms provide names of the representatives and all questions about the proposal process and the RFP by March 14, 2022. This information can be sent via fax, FedEx, or email to Amy White, Administrative Services Manager/City Clerk, at (715) 426-3408 or email at awhite@rfcity.org.

Proposal Submission

Proposals must be delivered or emailed to the City Clerk's Office no later than 5:00 p.m., March 28, 2022.

Proposal Review

City staff and the City Attorney will evaluate all proposals and summarize the findings. It is anticipated that the review process will be completed by April 7, 2022.

Proposals Accepted

The City Council will make the final selection April 12, 2022, based on the recommendation of city staff and the city attorney.

Notification

We anticipate sending written notification to all firms regarding the outcome of the review and contract award process by April 18, 2022.

Implementation

The prosecutor to which the contract is awarded will be required to coordinate with City staff all the activities necessary to ensure a smooth transition. Conversion activities will begin upon notification and projected completion date is May 1, 2022.

City staff will make every effort to administer the proposal process in accordance with the terms and dates discussed in this RFP. However, the City reserves the right to modify the proposal process and dates as deemed necessary.

B. Required Background Information

The following lists information that the firm must submit with proposal forms:

- Information on key management and staff members that would be assigned to the City.
- Any additional information, which you believe to be relevant to this RFP, and your capabilities to provide the services requested.
- Information regarding the proposing entity's community involvement within the City of River Falls.

C. River Falls Standard Procurement Process

- The City of River Falls reserves the right to reject any or all bids, and select the best bid in the opinion of the City.

- The City of River Falls reserves the right to eliminate any individual service contained in the proposal, if based on analysis, the fees for providing the service are excessive, or if the service proposed can be performed in an alternative manner.
- Firms are required to separately list their exceptions to RFP specifications, exceptions will otherwise be invalid.
- Unauthorized changes of the specifications, forms, or terms may not be made. Otherwise the response will be considered invalid.
- Failure to enter into a subsequent contract/agreement within 30 days of notification of award.
- A subsequent contract/agreement may be terminated by either party with written notice.

Section 4 – Proposal Submission & Evaluation

A. Submission Process

All proposals from interested firms must be received on or before 5:00 p.m. on March 28, 2022, and addressed to:

Kristi McKahan, Deputy City Clerk
Office of the City Clerk
City of River Falls
222 Lewis Street
River Falls, WI 54022
kmckahan@rfcity.org

Proposals will be time-stamped upon receipt and held in a secure place until the established due date. Proposals will not be opened publicly or disclosed to unauthorized persons, but will be opened in the presence of two or more City officials. A record of proposals will be established, which will include for every proposal: name of the entity submitting the proposal, a description sufficient to identify the services offered, and the date and time the proposals were opened.

B. Evaluation Process

Proposals will be evaluated by an ad hoc review committee and the city attorney based on the criteria set forth below. A recommendation will be forwarded to River Falls City Council. All proposals submitted will be the primary document upon which each proposal will be evaluated. All proposals will first be screened to determine minimum institution qualifications as outlined in this RFP.

It is the City's desire to select the firm that will provide the best overall value to the City. Best value is based not only on cost, but also includes the ability to provide quality desired services and support.

Submitted proposals will be judged on the following evaluation criteria:

- a. The demonstrated ability of the bidder to provide the requisite prosecutorial services, including the ability to provide the City with sufficient hours each week to complete the job.
- b. The experience of individual and/or their firm to provide prosecutorial services, to include references and qualifications, and that all persons proposed to provide prosecutor services in the proposal are members in good standing with the State Bar of Wisconsin.
- c. The proposed price and terms of the contract that is offered.

The City Council will review the recommendation of the ad hoc review committee April 12, 2022. The contract for services will be effective as of May 1, 2022, and may run up to a term of two years, with a possible three year extension at the same terms.

The City reserves the right to reject any and all proposals, to waive any information or irregularities in any proposal, and to use any idea in a proposal regardless of whether that proposal is selected.