

DUCHESNE COUNTY
Alternate Public Defender
Request for Proposal

I. Introduction

Duchesne County is accepting proposals from qualified law firms or individual attorneys to provide Alternate Public Defender services on a contractual basis in one or more the following courts:

- Eighth Judicial District Court in and for Duchesne County,
- Eighth District Juvenile Court in and for Duchesne County,
- Duchesne County Justice Court.

Contract services are estimated to commence on October 17, 2016 or as soon thereafter as practical.

II. Time Schedule

Duchesne County will follow the timetable below, which should result in a selection of a firm/attorney or firms/attorneys by approximately October 17, 2016. Proposals will be accepted until 5 pm on October 7, 2016.

Event Time Date

Issue of RFP September 27, 2016

Proposal responses accepted beginning September 27, 2016 and accepted until 5 pm on October 7, 2016

Anticipated Effective Date of Contract[s] October 17, 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. be available in Duchesne County to conduct business which shall be made known to the clients served;
3. be prepared to competently defend criminal law/juvenile law matters;

4. be familiar with the statutes, court rules, constitutional provisions, and case law relevant to criminal law/juvenile 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/s or firm/s awarded the contract/s shall be designated Alternate Public Defender/s for the applicable Court, duly appointed to represent defendants who are appointed legal counsel by the applicable Court when the Public Defender has declared a conflict of interest, and provide legal services for defendants through the filing of a notice of appeal when necessary. In the Eighth Judicial District Court the proposed contract will be for the second conflict; the Public Defender will take the initial case and will make alternative arrangements for the first conflict of interest. In all other courts the proposed appointments will be for the first conflict of interest declared by the public defender.

The County's Alternate 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 Alternate Public Defender is responsible for arranging for the rescheduling of matters and/or coverage by another qualified attorney.
2. Acting as counsel available to all appointed defendants at all scheduled hearings on scheduled court days.
3. Representing defendants in appointed cases at pre-trial hearings, trials, sentencing, post disposition proceedings, and filing any notices of appeal.
4. Consulting with defendants at or prior to pretrial hearings. Appointment as the County's Alternate Public Defender may require meetings with defendants at the Alternate Public Defender's office, at the Duchesne County Jail or at the Youth Detention Center located in Vernal, UT.
5. Providing Duchesne County a contact telephone number that is available 24 hours a day to make contact with the Alternate Public Defender in order for the Alternate Public Defender to provide legal representation in emergency situations.

6. Preparing for trial to ensure that the defendant receives adequate representation. Trial preparation shall include, but not be limited to: interviewing witnesses identified by the County Prosecutor, interviewing witnesses identified by the defendant, reviewing of police reports and other evidence, researching relevant legal issues, preparing a witness list on behalf of the defendant, and consulting with the defendant.

7. Filing a timely Notice of Appeal to the appropriate Court should an Alternate Public Defender's client elect to appeal a conviction.

8. Notifying Duchesne County in writing of any conflict of interest, conflicting litigation or inability to practice law.

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

V. PROPOSAL

Please include with any proposal the following:

1. **Services.** Proposals should include all out of court and in court time and expenses including any necessary travel. Please provide a proposed rate. Joint proposals from multiple firms/attorneys will be considered. If joint proposals are submitted please clearly specify whether the payment proposed is a total combined payment or whether the amount is proposed to be paid to each firm/attorney.

2. **Payment.** It is anticipated that Duchesne County will pay the selected Alternate Public Defender/s the on a monthly basis. All proposals should include all anticipated expenses for providing the Alternate Public Defender/s services, including, but not limited to, office, transportation, telephone, postage, copying and secretarial costs. Monthly invoices should be submitted to the County.

It will be specifically understood that the Alternate Public Defender/s 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 Duchesne County.

3. **Investigation/Witness Costs.** Please include in the proposal how reasonable and necessary costs of investigators, laboratory costs, transcripts and defense witness fees, including expert witnesses called on behalf of indigent clients will be paid for.

4. Each proposal should clearly state the proposed length of an initial contract. The successful candidate/s and the County may negotiate for additional years of service by contract.

VI. Proposal Deadline and Submittal Instructions

All proposals and/or questions should be directed to:

Grant Charles

Deputy Duchesne County Attorney

PO Box 206

Duchesne, UT 84021

Email: gcharles@duchesne.utah.gov

Phone: (435) 738-0184

All proposals must be clearly marked:

“Alternate Public Defender Services Proposal.”

The information requested below is a requirement for submitting a complete proposal. At the sole option of the County, incomplete proposals may 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 County’s needs. Please also include a description of related legal experience.
2. Identification of the attorney(s) proposed to act as the designated Alternate Public Defender/s. 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 alternate public defender services as described in the scope of work. Any costs to be charged to the County 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.
7. Identify whether you and/or your law firm is willing to handle cases for the County on a conflict-basis if the County elects to contract with another law firm/individual attorney as the first alternate public defender for the applicable 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 Duchesne County's RFP for Alternate 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.

VII. Cases and Appearances

Cases include those initiated by citation, information, petition, complaint and order to show cause.

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

B. Experience. As part of evaluating the experience of a law firm/individual attorney who submits a proposal, Duchesne County 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 County reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.

The County 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 awarding of a contract. Any proposal not so timely withdrawn shall constitute an irrevocable offer, for a period of sixty (60) days, to provide to the County the services described in the attached

specifications, or until one or more of the proposals have been approved by the County's administration, whichever occurs first.

X. Non-Collusion Affidavit Certificate

State of Utah

)ss

County of Duchesne

The undersigned, being duly sworn, deposes and says that the person, firm, association, partnership, or corporation herein named has neither directly nor 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 Duchesne County for consideration in the award of a contract on the improvement described as follows:

Duchesne County

Alternate Public Defender Services

Institution Name Authorized Signature _____

Sworn before me, this _____ day of, _____ 2016.

Notary Public _____

In and for the State of Utah

Seal