



RFP for City Court Prosecutor Services

Issuance Date: August 1, 2023

Submission deadline:

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Early application submittal is encouraged. The position will remain open until filled and may close anytime without notice. Proposals shall be submitted electronically to Hildale City Manager Eric Duthie at ericd@hildalecity.com

POSITION: Contractor - Hildale City Prosecutor

PURPOSE

Hildale City seeks proposals from attorneys to represent the city as Court Prosecutor. Under the general direction of the City Manager, the Prosecutor conducts prosecution in court proceedings on behalf of the city. Reviews evidence, pertinent decisions, policies, regulations, and other legal matters pertaining to cases.

Hildale City reserves the right to reject any and all proposals and to select the prosecutor deemed, in the judgment of the Mayor and City Manager, to have submitted the proposal that serves the best interests of the citizens of Hildale.

The Mayor and City Manager may request that respondents present their proposals and answer questions in an executive session scheduled by the Mayor and City Council after review of the written responses. The individual selected shall be at the sole discretion of the Mayor and City Manager. Attorneys or firms whose proposals are not accepted will be notified in writing.

MINIMUM QUALIFICATIONS:

- Graduation from an ABA accredited college of law with a JD.
- Must be a member in good standing of the Utah State Bar.
- Ability to establish and maintain effective working relationships with court officials, city employees, and the public.
- Ability to analyze, appraise, and organize facts, evidence, and precedents, and to present such material effectively, both orally and in writing.
- Capacity to glean and rapidly assimilate facts responds impromptu, examines witnesses, and argues effectively, often under hostile and stressful circumstances.
- Exposure to stressful situations because of human behavior and position responsibility.
- Working knowledge of principles of civil and criminal law, judicial procedures, and rules of evidence.



SCOPE OF SERVICES

For planning and illustrative purposes to assist applicants in responding to this Request for Proposal, the following represent services that will be required on an ongoing ad hoc basis:

1. Conduct investigations to determine if prosecution is warranted.
2. Prepare all actions, charges, complaints, and appearances in the appropriate court to represent the city regarding any violation of City Ordinances, Civil violations of City Code, Traffic violations, and applicable State law.
3. Appears before criminal and traffic courts on behalf of the city to arraign and/or try cases.
4. May negotiate settlement of complaints to facilitate their termination and eliminate trial expense.
5. Conducts prosecution in court proceedings on behalf of the city, including reviewing evidence, preparation of pleadings and briefs, appearing against accused persons and presenting evidence to courts.
6. Prepares legal material including briefs, memoranda, etc., for presentation of cases on appeal to the District Court and the Utah Court of Appeals. May be required to prepare or assist with the preparation of cases on appeal to the Utah Supreme Court.
7. Provide monthly status reports along with billing detail to the city. Billing shall include the following information: Hildale City Court Case number, Defendants name, subject of prosecution, date of service, hours spent (billed in increments of an hour no greater than six minutes), hourly rate, total amount charged by case number, and disposition or continuing action.
8. In addition to the general and recurring activities listed above, ad hoc duties including verbal consultation with the City Manager, Police Department, Fire Department, City Code enforcement personnel, City officials, employees concerning the legal responsibilities of their office and delineation of the Hildale City Code and State of Utah Statutes.

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TERM

It is anticipated that Hildale City will enter into an open-ended agreement for services. The City may, in their sole discretion, terminate the agreement with a thirty-day notice.

COMPENSATION

The city anticipates payment for services on an hourly basis, as a contractor (no benefits included). The Prosecutor pays directly for secretarial services, telephone, stationary, postage, supplies, library, and equipment required to provide a satisfactory level of services. The city agrees to reimburse pre-approved 'out-of-pocket' expenditures.

INSURANCE

The Prosecutor shall be required to carry professional liability insurance of at least \$3,000,000, and upon successful acceptance of the contract, Hildale City shall be named as 'additional insured'.

The Prosecutor shall indemnify Hildale City from all suits, action, claims of any kind resulting from, or as a consequence of, any act or omission by the Prosecutor, its employees, associates, or contractors acting under this contract for legal services.

WORKING CONDITIONS:

- Comfortable working positions, handling light weights; intermittent sifting, standing, and walking.
- Exposure to stress due to human behavior and position responsibilities.
- Required to organize and retain familiarity with large number of court cases, of varying complexity and circumstances, within short time periods.

SELECTION CRITERIA

The Mayor and City Manager shall make the selection based on the written proposal, qualifications, overall fee structure, estimated cost of services referenced in the Request for Proposal, and feedback from references and others.

PROPOSAL INFORMATION

The proposal must include the following:

- ✓ Name, address, telephone number, fax number and email address. Include contact person and telephone number for purposes of following up on proposal.
- ✓ Verification of meeting the minimum qualifications (noticed above).
- ✓ Size of your practice, location of the office where the work is performed, and the number and nature of the professional staff to be employed in this appointment.
- ✓ Relevant experience with relevant Utah municipal, state, and federal law and prosecution experience.
- ✓ Identify if, within the last five years, if you have been a party in any litigation or other legal proceedings as a defendant relating to the services you provided? If so, provide an explanation and indicate the disposition of any such situation.
- ✓ Identify any disciplinary action, Court or Bar admonishment, warning, or any license, registration, charter, certification, or any similar authorization to engage in the legal profession suspended or revoked for any reason.
- ✓ Identify whether you have filed for bankruptcy, reorganization, or receivership in the last five years? If so, please explain the status.
- ✓ Identify if you have ever been disqualified or terminated by any municipal, county, state government or another public agency? If so, please explain when and under what circumstances this disqualification or termination occurred.
- ✓ Identify any current clients doing business in and around the Hildale City area that have the potential to present a conflict of interest, and your approach to avoid potential conflicts of interest.



- ✓ Identify any conflicts of interest that you may have in representing Hildale City.
- ✓ Please provide a list of references for the city to contact.
- ✓ Please share any other information you feel would be helpful to making the decision on the City Prosecutor.

Proposals shall be submitted electronically to the following individuals at the following email addresses:

ericd@hildalecity.com

Eric Duthie, Hildale City Manager

