



**DESCHUTES COUNTY**

**Request for Proposals**  
**For**  
**Hearings Officer**  
**Land Use and Code Compliance**

(Document Number 2023-752)

**PROPOSAL PACKET**

Issued: Friday, August 11, 2023

Closing Date: Friday, September 8, 2023

## **INTRODUCTION**

Deschutes County is requesting proposals from firms and individuals qualified to provide professional Hearings Officer services to conduct and decide quasi-judicial land use matters under the Deschutes County Code and Oregon Revised Statutes as well as professional Hearing Officer services to conduct and decide code compliance violation hearings relating to County Code, with initial emphasis on compliance of the Oregon State Building and Specialty Codes but possible expansion to compliance of other County Code provisions. Firms and individuals submitting proposals will be screened and may be selected from the written proposals. The selection committee may conduct interviews with the most qualified candidates, who will need to be prepared to make oral presentations to the selection committee. Selection committee members shall not be contacted or solicited by any firm or individual submitting proposals. Any such contact shall be grounds for disqualification.

## **INTENT OF PROPOSAL**

Proposals will be evaluated on a point factor system that takes into consideration the experience and qualifications of the proposer.

## **SERVICES**

Conduct all assigned quasi-judicial land use and code compliance violation hearings and render timely written decisions authorized by and pursuant to requirements of the Deschutes County Code, Oregon Revised Statutes (ORS), and the Oregon State Building and Specialty Codes as adopted by County Code.

## **BUDGET**

The hourly rate for Hearings Officer services through June 30, 2024 is \$225.00 (Two Hundred Twenty-Five dollars) per hour then increases to \$250.00 (Two Hundred Fifty Dollars) per hour through June 30, 2026 plus up to \$500 (Five Hundred Dollars) in reimbursed travel expenses per hearing when hearing requires 100 or more miles of travel.

## **LOCATION OF SERVICES TO BE PERFORMED**

Deschutes County Board Hearing Room, 1300 NW Wall Street, Bend, Oregon 97703 or virtually using Zoom (and other sites within Deschutes County as required).

## **PROPOSAL PACKET**

The proposal packet contains a general boilerplate copy of the County's standard Personal Services Contract, ATTACHMENT A. The Deschutes County Code can be obtained on the Page 2 of 5 – REQUEST FOR PROPOSAL FOR LAND USE AND CODE COMPLIANCE HEARINGS OFFICER

County's website: [www.deschutes.org/cdd](http://www.deschutes.org/cdd), then selecting Planning & Zoning Division link.

## **SELECTION**

Proposals will be evaluated by an internal selection committee which will make a recommendation to the Deschutes County Community Development Director. Selected individuals or firms may be asked to attend an oral interview with the selection committee and/or Community Development Director. Selection will be based on an evaluation of the proposals. All criteria for evaluation are for the purpose of evaluating the following four categories:

1. Responsiveness to RFP
2. Experience in field
3. Apparent ability to meet the needs of the County
4. Proposal for completing the work according to the specifications.

## **PROPOSAL SHALL INCLUDE THE FOLLOWING REQUIRED DOCUMENTATION**

Interested parties who wish to submit a paper proposal as outlined in this document shall submit five (5) complete packages or one attachment, if emailed, containing all of the following:

1. Provide satisfactory evidence that the proposer possesses not less than five (5) years of relevant experience. Include summaries of important experience completing similar work. Include references for any significant experience.
2. A brief professional history of proposer including years in practice, land use and code compliance experience and relevant awards and recognitions.
3. Describe the approach and philosophy you would use in conducting hearings.
4. Identify any potential or possible conflicts of interest.
5. Current professional resume for each person who will be assigned to provide the service.
6. Evidence that the proposer is a member in good standing with the Oregon State Bar.

## **PROPOSAL EVALUATION PROCESS:**

Proposals will be subject to at least one phase of evaluation per the Phase I criteria listed below. **Phase I** will consist of the committee evaluation of the proposals based on

the following minimum qualifications and criteria. Proposals may be subject to a second phase of evaluation and selection. **Phase II**, if deemed necessary by the selection committee, will consist of the highest scoring Proposer(s) invited to an oral interview. Proposer(s) will be asked to clarify specific aspects of their proposal and answer any question on the proposal's content. No additions, modifications, deletions or substitutions may be made to proposals during the oral evaluations that cannot be deemed a clarification. Following the interviews, the Committee will re-score those interviewed based on both the written RFP responses and the interview. The Selection Recommendation will be based upon the total number of points awarded by the selection committee.

The County reserves the right to award the contract at the completion of Phase I.

**PHASE I**

<b><u>CRITERIA</u></b>	<b><u>POINTS AVAILABLE</u></b>
Knowledge and experience with the State statutes and codes and Deschutes County Code to be applied by the Hearings Officer	<b>0-35</b>
Practical experience participating in contested cases and hearings as well as prior experience as a hearings officer, arbitrator, mediator or judge	<b>0-20</b>
Degree and variety of past work experiences that dealt with working fairly and effectively with people	<b>0-10</b>
Knowledge of municipal law, general local government operations and regulations	<b>0-05</b>
Decision, opinion or brief writing skills	<b>0-05</b>
References	<b>0-05</b>
Experience with oral communication in a court or public hearing setting	<b>0-20</b>
<b>Points Available</b>	<b>100</b>

The County may enter into contract negotiations with the highest rated Proposer(s). During negotiations, the County may require any additional information it deems necessary to clarify the approach and understanding of the requested services. Any

changes agreed upon during contract negotiations will become part of the final contract. The negotiations will identify a level of work that best represents the efforts required.

In the award of the contract, the Community Development Director may accept or reject the recommendation of the selection committee in determining which proposal or proposals, if any, will best serve the interests of Deschutes County and will be best for the public good.

The Contract will be for a three-year period, unless terminated by one or both parties per the Standard Terms and Conditions, Section 6 of the Services Contract (Attachment A).

The County reserves the right, at its sole discretion, to reject any and all proposals.

### **RECEIPT OF PROPOSALS**

Proposals may be submitted either in paper copy or electronically via e-mail. Proposals submitted in paper copy must be enclosed in an envelope bearing the proposer's name and address, clearly marked with the title of the Request for Proposal (RFP), and submitted to: **Peter Gutowsky, Community Development Department, 117 NW Lafayette Avenue, P.O. Box 6005, Bend, OR 97708-6005.** At the proposer's option, proposals may be submitted electronically in PDF format only to: [Peter.Gutowsky@deschutes.org](mailto:Peter.Gutowsky@deschutes.org) **Proposals must be received by 4:00 p.m., Friday, September 8, 2023. No proposals will be received or considered after that time.**

In accordance with Title II of the Americans With Disabilities Act of 1990 ("ADA"), anyone who requires an alternative format, auxiliary aid or service for effective review of this document should contact the ADA Coordinator at (541) 388-6584 or his/her designee at (541) 617-4747.

### **PUBLIC RECORD/CONFIDENTIALITY**

NOTE: All proposals submitted in response to this RFP shall become the property of Deschutes County and may be utilized in any manner and for any purpose by Deschutes County. Be advised that proposals and all documents submitted in response to this RFP are subject to public disclosure as required by applicable state and/or federal laws. If you intend to submit any information with your proposal which you believe is confidential, proprietary, or otherwise protected from public disclosure (trade secret, etc.), you must separately bind and clearly identify all such material. The cover page of the separate binding must be red, and the header or footer for each page must provide as follows: "Not Subject to Public Disclosure". Where authorized by law, and at its sole discretion, Deschutes County will endeavor to resist disclosure of properly identified portions of the proposals.

## DESCHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections **above** the Official Review line.

**Date:**

**Department:**

**Contractor/Supplier/Consultant Name:**

**Contractor Contact:**

**Contractor Phone #:**

**Type of Document:** Document #2023-752 Request for Proposal (RFP) – Hearings Officer Services

**Goods and/or Services:** RFP to recruit for hearings officer services to decide quasi-judicial land use matters and code compliance violation hearings.

**Background & History:** The Community Development Department (CDD) currently has three hearings officers available to conduct land use and code compliance violation hearings. CDD would like to enlarge its pool of available hearings officers, through a request for proposal process, to meet business demands. A recent RFP posting closed on July 28, 2023 resulted in no response. This RFP posting includes an increased hourly rate of \$225.00 through June 30, 2024 then increases to an hourly rate of \$250.00 through June 30, 2026.

**Agreement Starting Date:**

**Ending Date:**

**Annual Value or Total Payment:**

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Insurance Certificate Received (check box)  
Insurance Expiration Date:

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Check all that apply:

- RFP, Solicitation or Bid Process
  - Informal quotes (<\$150K)
  - Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)
- 

**Funding Source:** (Included in current budget?  Yes  No

If **No**, has budget amendment been submitted?  Yes  No

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**Is this a Grant Agreement providing revenue to the County?**  Yes  No

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter:  Yes  No

Contact information for the person responsible for grant compliance:

Name:

Phone #:

Departmental Contact and Title: Sherri Pinner Phone #: 541-385-1712

Department Director Approval: Peter Gutowsky Digitally signed by Peter Gutowsky  
DN: dc=org, dc=deschutes, ou=DC I,  
ou=M365, ou=Users, cn=Peter Gutowsky,  
email=Peter.Gutowsky@deschutes.org  
Date: 2023.08.02 16:04:51 -07:00 8-2-2023  
Signature Date

Distribution of Document: Who gets the original document and/or copies after it has been signed? Include complete information if the document is to be mailed.

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**Official Review:**

County Signature Required (check one):

- BOCC (if \$150,000 or more) – BOARD AGENDA Item
- County Administrator (if \$25,000 but under \$150,000)
- Department Director - Health (if under \$50,000)
- Department Head/Director (if under \$25,000)

Legal Review *Hannah Kelly* Date 8/3/23

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