



**REQUEST FOR PROPOSAL
PRESIDING MUNICIPAL COURT
JUDGE**

Date of Issue: December 14, 2020

Proposal Closing Date and Time: January 14th, 2021 5:00 p.m.

Proposals to be received by the Town Clerk prior to closing date and time above.

RETURN TO:

Town of Mountain View
Sarah Albright, Town Clerk
4176 Benton Street
Mtn. View, CO 80212
Salbright@TOMV.org

And Send a Copy to Glenn Levy, Mayor, at
Glevy@TOMV.org

The Request for Proposal (RFP) allows the Town of Mountain View, Colorado (the “Town”) to select the service provider that best meets the needs of the Town, taking into consideration proposer qualifications, price, product, and service capabilities and other factors relevant to the Town’s policies, programs, administrative resources, and budget. This RFP is not a competitive bid based only on price.

This RFP is not an offer to contract. Issuance of this RFP and the receipt of responses by the Town do not commit the Town to award a contract to any bidder.

Town of Mountain View
4176 Benton Street
Mountain View, CO 81645
Phone 303-421-7282

Proposer's Certification and Signature Page

Note: Return this page with your proposal.

The undersigned, hereby certifies that the proposer (please initial the two lines below):

_____ is familiar with all instructions, terms and conditions, and specifications stated in this RFP;

_____ is qualified to perform the work and services outlined in this RFP

Signature

Printed Name

Street Address

City, State, Zip Code

Phone Number

Email Address

Mountain View Background Check Consent Form

Please complete the following information:

I, _____, authorize the Town of

Mountain View to perform a full background check on myself through the Colorado Bureau of Investigation (CBI) **Colorado Crime Information Center (CCIC)**, the **National Crime Information Center (NCIC)**, or a similar database.

Have you ever been convicted of a felony? Yes No

If so, please explain: _____

Legal Name: _____
 First Middle Last Maiden

Have you ever been employed by the Town of Mountain View? Yes No

If yes, give date(s) and position held. _____

Driver's License #: _____ State: _____

Date of Birth: _____ Social Security #: _____

Signature: _____ Date: _____

REQUEST FOR PROPOSAL

The Town of Mountain View is seeking a qualified Colorado licensed attorney/judge to serve as the Municipal Judge of the Mountain View Municipal Court. The Town is requesting sealed proposals from qualified proposers for an initial term of appointment and contract to start in February 2021, subject to future optional renewal terms upon mutual agreement of the Town and the to-be-appointed Municipal Judge.

Proposals are to be addressed and delivered to the Town Clerk for the Town of Mountain View, in accordance with the Instructions to Proposers and all other requirements as referenced in this RFP. Proposals will be received until the Proposal Closing Date and Time set forth on the cover page of this RFP. Proposals are considered public records under the Colorado Open Records Act. No other public disclosure will be made if and until award of contract.

A Town hiring committee will conduct remote interviews on a date and time to be decided.

INSTRUCTIONS TO PROPOSERS

1. Proposers responding to this RFP must submit their proposals in the format specified in this solicitation.
 2. A copy of the proposal is to be **received** by the Town Clerk, on or prior to **January 14th, 2021 at 5:00 p.m.**
 - Electronic copies will be accepted and may be submitted to: Salbright@TOMV.org
 - Paper copies may be mailed or delivered to:
 - Town of Mountain View
 - Attn: Town Clerk
 - 4176 Benton Street
 - Mountain View, CO 80212
 3. Any proposer may withdraw his / her proposal at any time prior to the RFP closing date and time.
 4. The content of all proposals must conform to the following:
 - Proposers must respond to the questions in the order presented in this RFP.
 - Proposers may provide additional supporting documentation pertinent to clarification of the proposal.
 5. The following information must be included with your proposal in this order and be indexed/tabbed:
 - Proposer's Certification and Signature Page
 - Required Responses as set forth in this RFP
 - A Current Resume.
 6. All changes in the RFP documents shall be through written addendum and furnished to all proposers.
 7. Proposers who have questions concerning the submission of proposals or the RFP process must contact:
 - Sarah Albright
 - Town Clerk
 - Town of Mountain View
 - Telephone: 720 919-0691
 - E-Mail: Salbright@TOMV.org
- Proposers who have questions concerning the specifications or scope of work, please e-mail:
- Glenn Levy, Mayor
 - Town of Mountain View
 - Telephone: (720)919-0387
 - E-Mail: Glevy@TOMV.org

8. The proposals will be reviewed by the Mayor, a hiring committee, and ultimately by the Town Council. The Town may request additional information from proposers or request personal interviews with one or more proposer. The weight to be given to each evaluation criterion will be as determined by the Town. Final evaluation and selection may be based on, but not limited to, any or all of the following, and in no particular order of importance:
 - Information presented in the proposal
 - Service reliability and consistency of quality
 - Qualifications and experience of the proposer
 - References
 - Personal interview
 - Pricing / total cost
9. All proposals timely submitted shall become the property of the Town and shall be retained in accordance with the Town's records retention schedule.
10. Public Inspections of Proposals. The Town is a Colorado governmental entity. Therefore, all information included in proposals and other written information submitted by the proposer to the Town is subject to the provisions of the Colorado Open Records Act, Colorado Revised Statutes Sections 24-72-201, *et seq.* ("CORA"). Proposers should expect that the proposal may be viewed by the general public and competitors once submitted to the Town. Under CORA, trade secrets, privileged information, and/or confidential commercial, financial, geological or geophysical data may not be subject to disclosure under CORA ("Confidential Information").
11. No Waiver of Governmental Immunity. Nothing in this RFP or any resulting agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the Town, its officials, employees, contractors, or agents, or any other person acting on behalf of the Town and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10 of the Colorado Revised Statutes.

TERMS & CONDITIONS

1. All participating proposers, by signature, agree to comply with all the terms, conditions, requirements, and instructions of this RFP as stated in this RFP. Should the Town omit anything from this document which is necessary to a clear understanding of the work, or should it appear that various instructions are in conflict, the proposer shall contact the Town Clerk and secure written instructions at least 48 hours prior to the time and date of the closing of acceptance of the proposals.
2. The Town reserves the right to:
 - Reject any and all proposals received as a result of this RFP.
 - Waive or decline to waive any irregularities in any proposal or responses received.
 - Adopt all or any part of the proposer's proposal.
 - Negotiate changes in the scope of work or services to be provided.
 - Withhold the appointment/award of contract.
 - Select the proposer it deems to be most qualified to fulfill the needs of the Town. The proposer with the lowest priced proposal will not necessarily be the one most qualified, as several factors other than price are important in the determination of the most acceptable proposal.
3. Any individual submitting a signed proposal shall be deemed to have read and understood all the terms, conditions and requirements of this RFP.
4. The Town shall not be liable for any costs incurred by the proposer in the preparation and production of the proposal, contract negotiations or for any work performed prior to the execution of a contract.
5. All proposals and other materials submitted shall become the property of the Town.
6. The successful proposer shall be required to enter into a written contract with the Town in a form approved by the Mountain View Town Attorney. In the event of any conflict between this RFP and the contract, the terms and conditions of the contract shall control.
7. The Town reserves the right to conduct discussions with proposers, to accept revisions of proposals, and to negotiate price changes. During this discussion period, the Town will not disclose any information regarding proposal submittals. Upon the execution of the contract(s), the proposals will become public record and contents may be disclosed upon request.
8. The successful proposer shall have their insurance company send the Town Clerk a currently in force Certificate of Insurance which indicates that insurance coverage has been obtained, including professional liability, which meets the minimum requirements as may be set forth in the written contract with the Town.
9. The successful proposer shall comply with all applicable federal, state, and local laws, regulations, administrative rulings, and codes, and shall secure all necessary licenses and permits in connection with this RFP and any goods or services to be provided hereunder.
10. By submission of the proposal, the proposer certifies that the proposal has been arrived at independently and submitted without collusion with any other proposer, and that the contents of the proposal have not been communicated by the proposer, or to the proposer's best knowledge and belief, by any one of its employees or agents, to any person not an employee or agent of the proposer, and will not be communicated to any person prior to the official opening of the proposals.
11. The Town reserves the right to solicit or contact any municipalities, attorney(s) or legal firms directly to request qualifications and references.

POSITION OVERVIEW,
APPOINTMENT AND
QUALIFICATIONS

In accordance with the Town's procurement policies, this RFP seeks proposals to fill the role of Municipal Judge for an initial nine-month term commencing in February 2021 and ending at the first regular meeting following the November 2021 municipal election. Such appointment will be by an agreement between the appointed Municipal Judge and the Town. Re-appointment for additional term(s) will be subject to evaluation by the Town Council.

The Town of Mountain View is a home rule municipality that operates a municipal court of record that hears and determines cases arising under the Town's Charter and ordinances. The Municipal Judge must be a currently licensed Colorado attorney, preferably with experience on the bench in a Colorado municipal court of record.

The Town Council appoints the Municipal Judge by resolution in accordance with state law and the Town's ordinances. The length of appointment is by mutual agreement between the Town Council and the Municipal Judge. The Municipal Judge is an independent contractor to the Town.

Law enforcement services for the Town are provided by the Town of Mountain View Police Department. Prosecution services are provided by contractor under agreement with the Town. The Municipal Court handles all municipal violations, including traffic and parking violations, animal control violations and nuisance and building code violations, as well as other municipal violations adopted as ordinances by the Town Council. The Municipal Court does not handle any felony cases.

The Municipal Court is staffed by a court clerk and other Town staff during all regular Town Hall business hours. The Municipal Court currently convenes once per month – the third Wednesday of each month, between 2pm and 6pm.

The average, *total* monthly work hours for the municipal judge is nine hours per month. Regular court hours (in session for arraignments and trials) have been approximately four to five hours per month over the past year. Additional communication, warrant, research, and associated tasks are required outside of regular court hours. Such additional tasks average four hours per month.

Qualifications and Work:

The Municipal Judge shall be an attorney currently licensed to practice law in the State of Colorado, in good standing with the Supreme Court of the State, and shall have a minimum of five (5) years of experience in the active practice of law at the time of employment.

The ideal candidate understands that the court is the face of the Town for the general public and for Town residents, and will undertake the role with a desire to facilitate the Town's goals of fostering compliance with applicable laws balanced with the goal that court attendees are comfortable that justice was fairly served. Demonstrated impeccable character, integrity, reputation, judgment, experience, and efficiency is required: Involvement in local municipal courts and local/statewide court committees is preferred.

SCOPE OF WORK

Municipal Judge services include, but are not limited to the following:

- The Municipal Judge shall preside over, hear or otherwise deal with and dispose of all cases and other matters over which the Town of Mountain View Municipal Court ("Municipal Court") has jurisdiction and which require the involvement of a municipal judge, except that the Municipal Judge shall not be required to hear cases where applicable rules and standards of judicial conduct require or otherwise warrant that the Municipal Judge disqualify himself.
- The Municipal Court Judge will attend and preside over all regular court sessions one afternoon per month for approximately four to five hours. Additional off-site preparation, research, review, communication, and court consultation time of approximately four hours per month is also required. When necessary, the Municipal Judge may hold special sessions of court at any time, including Sundays, holidays, and night court. All sessions shall be open to the public.
- The Municipal Judge shall act as chief administrative officer of the Municipal Court and shall have limited supervisory control over and with respect to the Clerk of the Municipal Court and all assistant clerks and other employees assigned (permanently or temporarily) to the Municipal Court.
- The Municipal Judge shall establish and maintain a regular schedule for the handling of arraignments, trials, hearings, sentencings and case dispositions and other routine docket matters (such as issuing orders, warrants and subpoenas) as well as conducting other business of the Municipal Court which requires the attention and performance of the Municipal Judge. The Municipal Judge shall also be available to respond promptly outside of regular court hours to time sensitive matters.
- The Municipal Judge shall perform or cause the performance of additional administrative and clerical duties assigned to the Municipal Court by the Town Council and such additional judicial duties and functions as are, or might later be, prescribed by the duly adopted ordinances of the Town Council.
- The Municipal Judge and staff of the Municipal Court shall manage Municipal Court matters and proceedings in an efficient, orderly and professional manner in full compliance with the requirements of applicable law and rules of procedure and shall provide for the fair and equal treatment of all persons appearing in Municipal Court. The Municipal Judge is responsible for explaining the laws and legal system to defendants and helping ensure that all defendants understand their rights and, if applicable, knowingly waive their rights.
- In addition to the duties listed above, the Municipal Judge shall:
 - Remain abreast of changes in the law that affect the operations of the municipal court.
 - Issue written and/or oral findings and judgments when necessary.
 - Evaluate evidence, testimony, and legal pleadings.
 - Interpret and apply appropriate ordinances, municipal code provisions and/or regulations.
 - Impose fines and penalties as prescribed by the municipal code or ordinances.
 - Order and enforce contempt, failure to appear, abatement of nuisance, and other requirements of the municipal code or ordinances.
 - Issue decisions related to abatement hearings on nuisance, zoning and building code violations.
 - Conduct himself or herself in accordance with the requirements and guidelines set forth in the Colorado Code of Judicial Conduct.

REQUIRED RESPONSES

Responses must be typed and address the following issues/questions in the order presented:

- Proposer's Certification and Signature Page.
 - Mountain View Consent to Background Check form.
 - A copy of proposer's current resume that describes at a minimum how you meet the following required qualifications: An attorney currently licensed to practice law in the State of Colorado, in good standing with the Supreme Court of the State, with a minimum of five (5) years of experience in the active practice of law at the time of employment.
1. Describe your ability, capacity, and skill as a judge and ability to provide the services as outlined in the Scope of Work.
 2. Describe how you and others with whom you have worked view your reliability, character, integrity, reputation, judgment, experience, and efficiency.
 3. Describe any municipal court judgments that you have issued that were subject to an appeal and the outcome of such appeal(s).
 4. Describe how you keep abreast of current legislation and obtain ongoing education and training to remain current on all matters relating to municipal courts and municipal judges. Also describe whether and how you will charge the Town for these efforts.
 5. Please describe how you would provide training and guidance to the Town's Municipal Court Clerk on compliance with current statewide legislation.
 6. Please describe your approach and philosophy towards collecting payments and setting up payment plans for defendants.
 7. Please describe your communication style, as well as your manner and record of interacting with municipal staff, defendants, witnesses, and attorneys in a professional, congenial manner.
 8. Describe how you envision the working relationship of the judge and the court staff and what your expectations are of the court staff as the presiding Municipal Judge if selected.
 9. The appointed Municipal Judge is expected to attend all regular court sessions, or to indicate in the proposal the number of sessions annually that he/she will not be in attendance. Please describe your ability to meet the time requirements of this position by summarizing your existing workload and any time conflicts in meeting the current docket schedule of the Town. Describe whether your current workload would make your attendance during any scheduled court sessions difficult.
 10. Describe your availability to meet the needs of the Town, including interpreting Town code/charter, changes in state/municipal law, interaction with The Mountain View Police Department, etc.
 11. Describe any conflicts of interest you may have with the Town of Mountain View, if applicable.
 12. Please Provide a list of references with whom you have worked in the past five (5) years. If you have provided municipal court judge services to municipal or government clients in the recent past, please submit municipal or government client references as well. References from court staff and city or town attorneys for municipalities for which you have provided services are preferred.
 13. Describe any involvement in local and statewide municipal court committees.

14. Describe how you will remain available and be reachable for those (rare) circumstances when review of an arrest or search warrant affidavit and issuance of any warrant are needed.
15. Cost Proposal. Please provide details on your billing structure and rates. The Town's Municipal Judge Contract is based on a flat monthly rate, based on nine (9) hours of work per month, with any additional required hours billed at the Municipal Judge's regular rate.