

# City of West Plains, Missouri

## Request for Qualifications for City Prosecutor

### I. Request for Qualifications: City Prosecutor

The City of West Plains, Missouri is seeking the services of a qualified individual or firm to assume the responsibilities of City Prosecutor for the work described in the scope of services provided below.

#### Qualifications

The successful candidate will be an attorney or firm with a minimum of five (5) years of specific municipal law experience, licensed to practice law in the State of Missouri, and a member of the Missouri Bar in good standing. Such candidate should be a member, either as an employee or owner, of a law firm that has experience in municipal law. The candidate shall have substantial knowledge of local, state, and federal laws and court decisions affecting municipalities.

Candidates shall not have ethical or business conflicts of interest by representing clients who are adverse to the City of West Plains specifically or cities in Missouri generally.

### II. Scope of Services

The City of West Plains' City Prosecutor will be expected to perform services as required by the city in a professional and timely manner. Services will vary by project and may include, but are not limited to, the following tasks:

1. Attend all municipal dockets and trials. Currently court dates are scheduled every Thursday.
2. Access to designated attorney 24/7 to be able to answer police officer questions and/or in-custody warrants or other legal questions.
3. Arrange for a mutually agreed upon time to sign all municipal citations.
4. Provide legal updates and training for police officers and court staff as required.
5. Consult with city departments on all ordinance violations and unified development codes.
6. Issue additional charges and recommend amendments to charges.
7. Handle all cases which are certified to the Howell County Circuit Court for jury trial or trial de novo.
8. Perform other duties and responsibilities relating to the municipal court which are typical for prosecuting attorney, including but not limited to, processing municipal citations, signing information, etc.
9. Provide recommendations that would determine the need for a special prosecuting attorney.
10. Prepare subpoenas for the court.
11. Make recommendations regarding internal core processes and case dispositions.
12. Conduct plea agreements.

### III. General Information Regarding the City of West Plains, Missouri

The City of West Plains is a Home Rule Charter city located in Howell County, Missouri on Highway 63. West Plains has over 12,000 residents and serves a daytime population of nearly 30,000. The city is governed by a mayor and city council with a city administrator who is responsible for daily administration of all city functions. Typical court dates are scheduled every Thursday.

### IV. Response from Organization

Submissions should include responses to each of the following items. Please construct your responses in the same order as listed below to facilitate review and comparison. **Do not include fees in the response.** The city intends to negotiate fees with the attorney or firm selected based on qualifications.

1. Provide a general profile of the firm and identify primary officer serving the city.
2. Provide a statement of qualifications confirming the attorney's or firm's satisfaction of the qualifications listed in Section II.
3. Identify the professional staff assigned to work with the city, indicating the lead representative. Attach relevant experience for each assigned staff member.
4. Outline your firm's experience in providing city prosecutor services for a city like West Plains, Missouri, as outlined in Section III, and briefly summarize three (3) representative projects that illustrate your experience.
5. Explain any other relevant qualifications.
6. Demonstrate your experience working with communities that have comparable characteristics to the city. List up to five (5) references from these communities, including names, addresses, and phone numbers of contact persons.
7. All respondents will be required to submit evidence of professional liability insurance at the limits required by the City of West Plains and disclose any applicable deductible amount.

### V. Submission of Qualifications

The firm must submit an original and three (3) copies of its response to the city administrator no later than 5 P.M. on July 8, 2022. All responses shall include, at minimum, the information requested in Section IV above and Appendix A. The address for response submission is:

City of West Plains  
c/o Sam Anselm  
City Administrator  
1910 Holiday Lane  
West Plains, Missouri 65775

All responses must be signed by a duly authorized individual and each response shall state the name of the primary contact for the respondent.

## **VI. Terms and Conditions**

1. The city reserves the right to reject any or all responses or to award the contract to the next most qualified attorney if the successful attorney does not execute a contract within thirty (30) days after the award of the response.
2. All responses shall become the property of the city and the city may, at its option, request oral presentation prior to selection. Notification in writing will be given if such meetings are required. No public bid opening will be held. A listing of firms and names representing the responses received will be provided only upon request.
3. City Administrator Sam Anselm will be the primary source of contact at the city during the Request for Qualifications and the selection process. Mr. Anselm will coordinate appointments with staff to answer any questions or set up interviews. Communications about this Request with other city staff members or members of the West Plains City Council will constitute automatic rejection of that firm's response.
4. The city reserves the right to request clarification of the information submitted and to request additional information of one or more applicants.
5. Any response may be withdrawn up until the date and time set forth in Section V. Any responses not withdrawn shall constitute an irrevocable offer for a period of ninety (90) days to provide the city the services set forth in the attached specifications, or until a response has been approved by the city.
6. Any agreement or contract resulting from the acceptance of a response shall be on forms either supplied by or approved by the city and shall contain, as a minimum, applicable provisions of the Request for Qualifications. The city reserves the right to reject any agreement that does not conform to the Request and any city requirements for agreements and contracts.
7. The selected firm shall not subcontract or assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the city.
8. All costs associated with the preparation of a response in response to the Request shall be the responsibility of the firm submitting the response.
9. The selected firm will be required to provide evidence that they have in force professional liability insurance of a minimum of \$1,000,000 with a maximum \$50,000 deductible.
10. The attorney or firm will be expected to meet with city officials at city offices as needed during service engagements.
11. As this is a Request for Qualifications and not a bid, the city reserves the right to negotiate with any party and on any matter.

## **VII. Interviews**

The city may select two or more firms for oral presentations. Each selected firm will give a 20-minute presentation summarizing their qualifications and their approach to the services to be provided. The presentation will be followed by a question-and-answer period. The individuals who will be assigned to the provision of services will be expected to make the oral presentation.

**VIII. Evaluation of Responses**

The following criteria shall be used to evaluate the responses:

1. Quality of the response and completeness to the Request.
2. Relevance of experience cited for the tasks outlined in the Scope of Services.
3. Experience and creativity in providing attorney services to local governments of comparable characteristics to the City of West Plains.
4. Experience of staff assigned to serve the City of West Plains.
5. Proven ability to provide other city prosecutor services.
6. References.

**IX. Schedule of Events**

The City of West Plains has developed the following schedule of events for selection:

<u>RFQ Schedule</u>	<u>Date</u>
Distribute Request for Qualifications	By June 10, 2022
Response Receipt Deadline	July 8, 2022
Consideration by City Council	End of July, 2022
Contract Award	August 15, 2022

All questions regarding this Request for Qualifications are to be directed in writing to:

Sam Anselm  
City Administrator  
1910 Holiday Lane  
West Plains, MO 65775  
[sam.anselm@westplains.gov](mailto:sam.anselm@westplains.gov)

All respondents should be aware that any communication about this Request with other city officials, either elected or appointed, after the date of this Request will cause that firm's response to be automatically rejected.

## APPENDIX A

1. Candidate (primary contact) Name
  - a. Education (undergraduate; postgraduate)
  - b. Areas of legal emphasis
  - c. Years of practice
  - d. Bar membership
  - e. Professional memberships and affiliations
  
2. Firm Name
  - a. Address and phone numbers of managing office
  - b. Areas of legal emphasis
  - c. Number of attorneys
  - d. Number of attorneys practicing municipal law
  - e. Brief history
  - f. Satellite location (if any)
  
3. List specific reasons (no more than one (1) page) you and your firm should be considered for City Prosecutor.
  
4. Provide at least five (5) municipal references from prior or current clients, including contract name and telephone number.
  
5. Define the standard time frames for response by the City Prosecutor to inquiries from the mayor, city administrator, or department head.
  
6. Describe how you and your firm would familiarize yourself with the current issues facing the City of West Plains.
  
7. List any cities in which you or the firm's attorneys have represented defendants in municipal court in the last five (5) years.
  
8. Have you, or the attorneys of your firm, represented a plaintiff against any city in Missouri in the last five (5) years? If so, what was the general premise of the case and what was the outcome?
  
9. Have you or the firm been terminated by any municipal client in the last five (5) years? If so, explain why.
  
10. During the past five (5) years, have you or any attorneys of the firm had any Missouri Bar or other ethics complaints filed against it? If so, please explain.
  
11. Has the firm been in bankruptcy, reorganization, or receivership in the last five (5) years?
  
12. Provide evidence of comprehensive liability and workers compensation insurance coverage.