



**REQUEST FOR PROPOSAL
FOR
MUNICIPAL COURT PRESIDING JUDGE**

Date of Issue: January 11, 2024

Proposal Closing Date and Time: February 28, 2024 at 5:00 p.m.

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

RETURN TO:

Town of Mountain View
Vicki Wilcox, Court Clerk
4176 Benton Street
Mountain View, CO 80212
vwilcox@tomv.org

THIS REQUEST FOR PROPOSAL ("RFP") IS NOT A COMPETITIVE BID BASED ON PRICE ONLY. The request for proposal 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, products, and service capabilities and other factors relevant to the Town's policies, programs, administrative resources, and budget.

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 80212
www.tomv.org
(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; and

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

Signature

Printed Name

Signature Street Address

City, State, Zip Code

Phone Number

Email Address

REQUEST FOR PROPOSAL

The Town of Mountain View is seeking a qualified Colorado licensed attorney / judge to serve as the Presiding Judge of the Mountain View Municipal Court. The Town is requesting sealed proposals from qualified proposers for an initial two-year term of appointment and contract to start March 11, 2024, 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 Court 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, at which time a representative of the Town will publicly announce the names of those firms or individuals submitting proposals. No other public disclosure will be made if and until award of contract.

Town Council will conduct interviews on March 4, 2024 at 6:30 p.m.

TOWN OF MOUNTAIN VIEW
/s/ Amanda McLaughlin
Interim Town Clerk

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 Court Clerk, on or prior to **February 27, 2024 at 5:00 p.m.**
 - Electronic copies will be accepted and may be submitted to: vwilcox@tomv.org.
 - Paper copies may be mailed or delivered to:
Town of Mountain View
Attn: Vicki Wilcox, Court 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 the Scope of Work to this RFP.
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:
Vicki Wilcox
Court Clerk
Town of Mountain View
Telephone: (303) 421-7282 Ext. 100
E-Mail: vwilcox@tomv.org

Proposers who have questions concerning the specifications or scope of work, must contact:

Emilie Mitcham
Mayor
Town of Mountain View
Telephone: (720) 919-0329
E-Mail: emiticham@tomv.org

8. The proposals will be reviewed by Town Council. Council 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 Council. 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; and
 - Pricing / total cost.
10. All proposals timely submitted shall become the property of the Town and shall be retained in accordance with the Town's records retention schedule.
11. 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").
12. 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 Court 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, since 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 Town Attorney's Office. 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's Interim Town Clerk (amclaughlin@tomv.org) 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 here under.
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 recruit any municipalities, attorney(s) or legal firms directly to request qualifications.

SCOPE OF WORK

The term of the currently appointed Presiding Municipal Judge is set to expire on January 31, 2024. In accordance with the Town's procurement policies, this RFP seeks proposals to fill the role of Presiding Municipal Judge for an initial two-year term commencing March 1, 2024, such appointment to be memorialized by an agreement between the appointed Presiding Municipal Judge and the Town. Re- appointment for additional two-year 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 Presiding Municipal Judge must be an attorney currently licensed to practice law in the state of Colorado, in good standing with the Supreme Court of the state of Colorado, and shall have a minimum of five (5) years of experience in the active practice of law at the time of employment.

The Town Council appoints the Presiding Municipal Judge by resolution for an initial term of not less than two years in accordance with state law and the Town's ordinances. The Presiding Municipal Judge and is an independent contractor to the Town.

Law enforcement services for the Town are provided by the 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. The Municipal Court does not handle any domestic violence or 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, at 1pm (except on holidays or other conflicts when court is rescheduled to the next scheduled court date). The Average monthly hours of time for the court (in session for arraignments and trials) have been approximately **9-10 hours/month** over the past year.

Qualifications and Work: The ideal candidate understands that the Court is the face of the Town for many community members and 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 need to ensure that court attendees are comfortable that justice was fairly served. **A candidate that demonstrates impeccable character, integrity, reputation, judgment, experience, and efficiency is preferred.**

The appointed Presiding 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. Presiding Municipal Judge services include, but are not limited to:

- Reliably attending all court dates for arraignment and trials.
- Coordinating with the administrator of the municipal court appointed by the Town, whose responsibilities include oversight of court staff and of all operational aspects of the municipal court, including establishing the necessary standards and procedures for the operation of the court and to serve as the daily court clerk when court is in session.
- Remaining abreast of changes in the law that affect the operations of the municipal court and training court staff as appropriate.
- Conducting arraignments, trials, hearings, sentencing, and case dispositions.
- Issuing written and/or oral findings and judgments when necessary.
- Managing the courtroom when in session to ensure efficiency, orderliness, and justice.
- Enforcing the ordinances of the Town as adopted by the Town Council.
- Explaining the laws and legal system to defendants and ensuring that all defendants understand their rights and, if applicable, knowingly waive their rights.
- Evaluating evidence, testimony, and legal pleadings.
- Interpreting and applying appropriate ordinances, municipal code provisions and/or regulations.
- Imposing fines and penalties as prescribed by the municipal code or ordinances.
- Ordering and enforcing contempt, failure to appear, abatement of nuisance, and other requirements of the municipal code or ordinances.
- Issuing decisions related to abatement hearings on nuisance, zoning and building code violations.
- Issuing inspection orders and search warrants and enforcing municipal subpoenas in accordance with applicable laws.

REQUIRED RESPONSES

Proposals should address the following issues/questions in the order presented:

1. Proposer's Certification and Signature Page.
2. Town of Mountain View Consent to Background Check.
3. A copy of proposer's current resume and a cover letter that describes at a minimum how you meet the following required or **desired qualifications**:
 - Attorney at law admitted (active) to practice in Colorado;
 - In good standing with the Supreme Court of the state of Colorado;
 - Has a minimum of five (5) years of experience in the active practice of law;
 - Understands that the Court is the face of the Town for many community members and 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 need to ensure that court attendees are comfortable that justice was fairly served;
 - Can demonstrate impeccable character, integrity, reputation, judgment, experience, and efficiency; and
 - Are able to attend all regular court sessions or assist the Mayor in making alternative arrangements as needed.
4. Describe your ability, capacity, and skill as a judge and ability to provide the services as outlined in the Scope of Work.
5. Describe any municipal court judgments that you have issued that were subject to an appeal and the outcome of such appeal(s).
6. Describe how you will keep abreast of current legislation and obtain ongoing education and training in order to remain current on all matters relating to municipal courts and municipal judges and provide training and guidance to the Town on compliance.
7. Describe your ability to, and professional record of, interacting with Town 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. Describe your ability to meet the time requirements of being in attendance on the bench by describing your existing workload and any time conflicts in meeting the current docket schedule of the Town. Describe whether your current workload fluctuates in any manner that would make your attendance during scheduled court sessions difficult.
10. Describe your availability and adaptability of services to meet the needs of the Town, including interpreting Town Code / Charter, Changes in Municipal Law, interaction with Mountain View Police Department, etc.
11. Describe any conflicts of interest you may have with the Town.
12. 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 municipal or town attorneys for municipalities for which you have provided services are favored.
13. Describe any involvement in local and statewide municipal court committees.
14. Cost Proposal. Provide detail on billing structure and rates.