



Request for Proposals (RFP)

Description:

The City of Burlington is seeking qualified individuals or firms to serve as the City's Hearing Examiner. The Hearing Examiner conducts hearings for, and issues decisions on, development permit applications, environmental reviews, and administrative appeals.

Minimum Qualifications:

Qualified individuals and firms must have a background in land use law and significant experience interpreting municipal land use codes and development regulations in the State of Washington. Significant prior experience working as a Hearing Examiner is also required.

Scope of Services:

The City anticipates the Hearing Examiner will be required to conduct hearings on an as needed basis. The number of required hearings varies with the City's permit application volume. The Hearing Examiner's duties and responsibilities are summarized below.

- **Case Types** – The Hearing Examiner will be expected to conduct hearings and issue decisions related to; variances, conditional use permits, critical area permits, subdivisions, shoreline permits, appeals of administrative decisions, and other matters as required by the Burlington Municipal Code.
- **Responsibilities** - The Hearing Examiner will be expected to conduct meetings; gather information and take testimony when necessary; analyze and apply codes and policies; and issue written decisions supported by detailed findings of fact and conclusions of law. The Hearing Examiner will be expected to draft their own documents and provide their own administrative support. City staff will maintain case files, prepare recommendations, provide information to the hearing examiner, and be responsible for scheduling meetings and ensuring notice requirements are met.
- **Meeting Times and Workload** – Hearing Examiner meetings will be held on weekday evenings at Burlington City Hall, but the Hearing Examiner may appear remotely using video/internet conferencing technology. Based on the current volume of permit applications, it is anticipated that the Hearing Examiner will be required to conduct approximately one meeting a month and handle between one and two cases at each meeting. Additional meetings may be required as necessary. While not normally required, for some projects the Hearing Examiner may need to conduct site visits.

- **Additional Requirements** – The Hearing Examiner will be required to draft their own rules of procedure and provide a brief annual report to the Mayor and City Council. The Hearing Examiner will also be required to maintain insurance coverage consistent with applicable City of Burlington requirements.

Evaluation Process:

Proposals will be evaluated in two phases. In the first phase, proposals will be reviewed by a committee comprised of representatives from the City’s Community Development, Public Works, and Legal departments. After each proposal has been evaluated by the committee, a decision will be made by the City Administrator or Mayor based on the committee’s recommendation and the selection criteria below. If the City determines that none of the proposals meet its needs, the RFP may be reissued. The City’s final selection decision, and approval of any associated contract, is subject to City Council approval.

Selection Criteria:

All proposals will be evaluated based on the following criteria and considerations:

- **Qualifications**
 1. The proposed Hearing Examiner has an educational background relevant to performing the Hearing Examiner’s duties. Advanced degrees are preferred.
 2. The proposed Hearing Examiner has significant experience interpreting and applying municipal land use regulations in the State of Washington.
 3. The proposed Hearing Examiner has advanced knowledge of important Washington State land use and environmental laws such as the GMA, SMA, SEPA, and subdivision laws.
 4. Prior experience as a Hearing Examiner. Substantial weight will be given to proposal demonstrating prior experience working for cities with similar characteristics to the Burlington.
- **Approach and Reputation**
 1. The proposal demonstrates the Hearing Examiner has a commitment to the rule of law, independent decision making, and the highest ethical standards.
 2. The proposal describes the Hearing Examiner’s approach to conducting hearings in a way that is both professional and approachable.
 3. The proposal demonstrates the Hearing Examiner has a record of issuing legally defensible fact based decisions.

4. The proposal demonstrates the Hearing Examiner will support their decisions, in writing, with detailed explanations and findings of fact.
- **Cost and Value**
 1. The proposed fees and fee structure are reasonable and provide a good value to the City.
 2. The proposed hourly rates and compensation structure shall be clearly stated. If the proposed compensation structure is in the form of an annual fee, or fee per case, the proposal should clearly indicate the number of hours, cases, and the work products covered by the fees. Any hours or expenses not covered by the proposed fees or rates shall be clearly identified as such.
 - **Availability**
 1. The proposal demonstrates that the Hearing Examiner is available to handle the City's anticipated permit/appeal volume and indicates the number of hours the Examiner expects to devote, on average, to each case.
 2. The Hearing Examiner is available to begin work in July 2024.

Submittal Requirements:

One electronic copy of all application materials, in PDF format, shall be submitted to the Burlington Community Development Department by email. If the proposal is submitted by a law firm or consultancy, information shall be provided for each person who will be assigned to serve as the City's Hearing Examiner. All proposals must include the following information:

- **Contact Information** – The proposed Hearing Examiner or firm's name, address, phone number, and email address must be included.
- **Qualifications and Experience** – The proposal shall clearly describe the proposed Hearing Examiner's educational background and work experience, and identify any relevant licenses or certifications. In addition, at least two professional references familiar with the Examiner's qualifications and experience shall be provided.
- **Description of Approach** – The proposal shall include a description of the Hearing Examiner's approach to conducting meetings, evaluating difficult cases, and rendering decisions.
- **Work Samples** – At least two examples of land use or appeal decisions written by the Hearing Examiner shall be included.
- **Compensation** – A detailed breakdown of the proposed compensation method and rate shall be included.

- **Availability** – The proposal must identify the proposed Hearing Examiner’s ability to attend no less than one weeknight meeting a month, the ability to schedule additional weeknight meetings and accept additional cases as needed, and any scheduling constraints or conflicts which might hinder the Examiner’s ability to meet the City’s needs.

Evaluation Schedule:

Proposals must be submitted by email to the Burlington Community Development Department by 5:00 P.M April 29, 2024. Late proposals will not be accepted. The City anticipates making a preliminary selection decision by May 13, 2024. Following the preliminary selection decision, a formal contract must be approved by the Burlington City Council. The preliminary selection decision is not final until a contract has been approved by the Burlington City Council.

Cost and Disposition of Proposals:

Individuals and firms submitting proposals are solely responsible for the costs of preparing the proposal and attending any interviews with City staff. The City of Burlington shall not be responsible for any costs associated with preparing or submitting a proposal. The City may reject any proposal at any time with no cost or penalty. The City also reserves the right to waive immaterial defects and minor irregularities in proposals. All materials submitted to the City of Burlington become the property of the City of Burlington upon delivery and are subject to public disclosure.

Communication:

Proposals shall be submitted by email. All communication regarding this RFP shall be directed to the Burlington Community Development Department using the contact information below. Email communication is preferred. Responses must be submitted by email in PDF format.

Brad Johnson, Community Development Director
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