

TOQUERVILLE CITY
REQUEST FOR PROPOSALS
APPEAL AUTHORITY

Release Date: October 15, 2018

Submittal Deadline: October 31, 2018 5:00 p.m.

**REQUEST FOR PROPOSALS
APPEAL AUTHORITY**

Toquerville City is currently seeking an individual experienced in land use matters to serve as the Appeal Authority (“Appeal Authority”). The Appeal Authority is the appeal authority described in Utah Code Ann. § 10-9a-701 and in the Toquerville City Code, Title 10, Chapter 3, Section 2. The qualified individual shall have training or experience in fields relating to land use law, preferably including but not necessarily limited to acceptance to the bar of the State of Utah. Furthermore, a qualified individual shall have experience in conducting administrative or quasi-judicial hearings utilizing land use and other regulatory codes.

Toquerville City will receive sealed responses until October 31, 2018, at 5:00 p.m., in the Toquerville City offices, 212 N. Toquerville Blvd, Toquerville, Utah 84774. Responses received after that time will not be accepted. Responses will be publicly opened at the above-stated time and date. Applicants shall submit three (3) proposal copies.

Questions concerning the scope of work, responses submittal, or process should be directed, in writing, to Heath Snow, City Attorney. Questions may be e-mailed to heath@binghamsnow.com.

Copies of this Request for Proposal may be obtained from the City Attorney at no cost. The City is not responsible for expenses incurred prior to award by Toquerville City. Toquerville City reserves the right to reject any and all responses and to waive any irregularities or informalities.

We look forward to receiving your response.

Sincerely,

Heath Snow
City Attorney
Toquerville City

**REQUEST FOR PROPOSAL
TO SERVE AS
APPEAL AUTHORITY
TOQUERVILLE CITY**

I. BACKGROUND INFORMATION

Toquerville City is currently seeking an individual experienced in land use matters to serve as the Appeal Authority. The qualified individual will have training or experience in fields relating to land use law, preferably including but not necessarily limited to acceptance to the Utah State Bar. Furthermore, a qualified individual will have experience in conducting administrative or quasi-judicial hearings utilizing land use or other regulatory codes.

II. OBJECTIVE AND SCOPE

The Appeal Authority shall be required to carry forth the following tasks during a meeting to be held as necessary to address applications as they are received by Toquerville City:

1. Hear and decide requests for variances from the terms of the Toquerville City Land Use Ordinance, pursuant to the criteria for variances specified in Utah law.
2. Hear and decide appeals from administrative decisions applying the provisions of the Toquerville City Land Use Ordinance.
3. Act as the final arbiter of issues involving the interpretation or application of the Toquerville City Land Use Ordinance.
4. Hear and decide appeals from a fee charged in accordance with section 10-9a-510 of the Utah Code.

III. PROPOSAL QUALIFICATION REQUIREMENTS

It is explicitly stated that the candidate will be required to disclose if they are currently working for any private sector clients within Toquerville City. Any work or recent work within or for clients within Toquerville City may disqualify the individual from consideration. Finally, the selected individual will be required to enter into a contract with Toquerville City that will prohibit any consultation work within Toquerville City during the contract period. The profile of the proposers should provide general background information. This should include the following:

1. Proposer's Qualifications:
 - a. Describe a recent experience relating to the type of administrative decision making an appeal authority would conduct.
 - b. If others are to assist the proposer in a clerical or supportive capacity, those individuals should provide similar information.
 - c. A knowledge of the following theory, principles, and practices:

- i. Training or experience in conducting administrative or quasi-judicial hearings utilizing land use and other regulatory codes,
 - ii. Expertise and experience in city planning or other land use matters, and
 - iii. Knowledge or experience in environmental sciences, law, architecture, economics, or engineering;
- Or
- iv. Membership in the Utah State Bar (active status and in good standing),
 - v. Proven experience in providing legal services or advice to municipalities, counties, governmental entities, or private developers, and
 - vi. Proven experience in environmental and land use law, municipal or county planning, or land use management.

d. Ability to do the following:

- i. Plan, organize, and effectively conduct meetings and hearings to be held in a public forum,
- ii. Read, understand, and interpret adopted City ordinances and applicable State law,
- iii. Analyze situations accurately and properly, finding facts and apply applicable laws,
- iv. Render fair and equitable decisions, which will affect individuals and organizations, based exclusively on the principles of applicable laws,
- v. Make findings of fact based upon substantial evidence in the record, properly applying those facts to the applicable law, and writing decisions that are clear, coherent, and include the legal standard upon which they are based, and
- vi. Ability to render decisions within the required timelines.

2. Fees

Supply the billing rates, inclusive of travel, and all other out-of-pocket expenses.

3. Non-discrimination

Affirm that the applicant does not discriminate against any individual because of race, color, national origin, religion, sex, sexual orientation, sexual identity, age, or

handicap, and that these shall not be a factor in conducting hearings or in the decisions rendered.

4. Professional Liability Insurance

Affirm that the individual possesses professional liability insurance.

IV. EVALUATION OF PROPOSALS

1. Technical Factors

- a. Responsiveness of the proposal in clearly stating an understanding of the administrative and quasi-judicial services to be performed.
- b. Qualifications of the individual.
- c. The ability to render decision within the required timeframe.

2. Right to Reject

Toquerville City reserves the right to reject any and all proposals submitted and to request additional information from any proposer. Any contract awarded may be made to an individual who meets the qualifications enumerated herein. The successful proposer will be selected after an evaluation of all responses, applying all criteria and oral interviews, if necessary, and who shall be determined to be the best to perform the duties required of the APPEAL AUTHORITY.

V. SUBMISSION OF PROPOSALS

- Sign and return PROPOSAL RESPONSE COVER SHEET (Attachment 1).
(The form shall be signed by the applicant).
- Submit original proposal and three (3) proposal copies in a sealed envelope.
- Include with proposal your resume or curriculum vitae
- Mark envelope with APPEAL AUTHORITY RFP and submission deadline date.
- Submission Deadline: October 31, 2018, 5:00 p.m. MST.
- Submit to: Dana McKim, City Recorder
212 N. Toquerville Blvd
Toquerville, Utah 84774

PROPOSALS RECEIVED AFTER THE 5:00 P.M. DEADLINE WILL BE PLACED IN THE FILE UNOPENED AND WILL NOT BE CONSIDERED.

VI. ACCEPTANCE

1. Any proposal shall be considered an offer, which may be accepted by Toquerville City based upon the initial submission without discussions or negotiations.

2. By submitting a proposal in response to this Request, proposer agrees that any proposal it submits may be accepted by Toquerville City at any time within sixty (60) days from the date of the submission deadline.
3. Toquerville City reserves the right to reject any or all proposals and to waive minor technicalities and irregularities in proposals received, and to accept any portion of the offer if deemed in the best interest of Toquerville City. Failure of the proposer to provide in its proposal any information requested in the RFP may result in rejection for non-responsiveness.

VII. REVIEW OF PROPOSALS

Each proposal will be reviewed by City officials and/or staff. Oral interviews may be conducted with one or more proposers. The successful proposer may be appointed by the Toquerville Mayor, with the advice and consent of the City Council.

VIII. SOURCES OF INFORMATION

Heath Snow, City Attorney, may be contacted at (435) 656-1900 or heath@binghamsnow.com for information.

IX. ADDITIONAL INFORMATION

For information concerning the Request for Proposal and regulations, i.e., submission deadlines, forms required, etc., or the Americans with Disabilities Act (ADA) accommodations, interested parties may contact Heath Snow, City Attorney, (435) 656-1900 or heath@binghamsnow.com.

X. CONFIDENTIALITY

All responses, inquiries, and correspondence relating to this RFP and all reports, charts, displays, schedules, exhibits, and other documentation produced by the proposer that is submitted to Toquerville City, as part of the proposal or otherwise, shall become the property of Toquerville City when received by Toquerville City and may be considered public information under applicable law. Toquerville City is subject to the disclosure requirements of the Government Records Access and Management Act, (“GRAMA”) Title 63G, Chapter 2, Utah Code Annotated. Toquerville City generally considers proposals and all accompanying material to be public and subject to disclosure. Any material considered by the proposer to be proprietary must be accompanied by a written claim of confidentiality and a concise written statement of reasons supporting the claim, as required by GRAMA §§ 63G-2-305 and -309. Blanket claims that the entire RFP is confidential will be denied. Toquerville City cannot guarantee that any information will be held confidential. If the proposer makes a claim of confidentiality, Toquerville City, upon receipt of a request for disclosure, will determine whether the material should be classified as public or protected, and will notify the proposer of such determination. The proposer is entitled under GRAMA to appeal an adverse determination. Toquerville City is not obligated to notify the proposer of a request, and will not consider a claim of confidentiality, unless the proposer’s claim of confidentiality is made in a timely basis and in accordance with GRAMA.

XI. CERTIFICATION

The proposer certifies that it has not: (1) provided an illegal gift or payoff to a Toquerville City officer or employee or former officer or employee of Toquerville City, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; or (3) knowingly influenced, and hereby promises that it will not knowingly influence, any City officer or employee or former officer or employee of Toquerville City to breach any ethical standards set forth in Toquerville City's conflict of interest and ethics policy or any of the provisions of Utah Code, Title 10, Chapter 13.

[END OF REQUEST FOR PROPOSALS]
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ATTACHMENT 1 – PROPOSAL RESPONSE COVERS SHEET

Failure to return this form may result in no further communication regarding this:

RFP TO SERVE AS TOQUERVILLE CITY
APPEAL AUTHORITY

Please complete this confirmation form and submit with the copies of the Request for Proposals.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Title: _____

Phone No: _____ Fax No: _____

E-Mail Address: _____

I have received a copy of the above noted RFP. _____ Yes _____ No

I authorize Toquerville City to send further correspondence.

Signature: _____

Title: _____ Date: _____

If you have any questions concerning the RFP please list them below (answers will be sent to all proposing individuals):