

**City of Seattle**

**Department of Policy and Management  
Office of Professional Accountability Auditor  
Request for Proposals**

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## PURPOSE AND BACKGROUND

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### **Purpose:**

The viability of our public safety system depends on providing professional and efficient public safety services. The purpose of this position is to assess the thoroughness, fairness and timeliness of OPA investigations and consider other Police Department policies and practices related to police accountability and police professional conduct. The City of Seattle's Office of Policy and Management (OPM) is seeking proposals from individuals who have a reputation for integrity and professionalism; a commitment to and knowledge of the need for and responsibilities of law enforcement; and the need to protect the basic constitutional rights of all affected parties. Proposals meeting the requirements of this Request For Proposal ("RFP") will only be accepted from those individuals that meet the requirements set forth in this RFP.

### **Background:**

The Office of Professional Accountability Auditor ("OPA Auditor") is appointed by the Mayor, subject to confirmation by the City Council. The OPA Auditor provides review and assessment of Office of the Professional Accountability (hereinafter "OPA") complaints and Police Department policies and practices related to police accountability and professional conduct. The OPA Auditor shall serve a term of three-years and may be reappointed to two subsequent three-year terms by the Mayor, subject to confirmation by the City Council.

The highly political nature of this position constitutes a communication challenge. The OPA Auditor will be expected to analyze and develop opinions on very complex issues related to the police department. Inherent in this analysis the OPA Auditor must determine the ability of the City to fund and deliver programs to continue to ensure public safety. All recommendations are expected to be realistic and fit within reasonable resource requirements and are expected to quantify the benefits or rate of return on the City's investment of public resources. The Office of Professional Accountability (OPA) Auditor will perform the duties as described in the Seattle Municipal Code Sections 3.28.850-870.

Complaints of police misconduct are investigated by the Office of Professional Accountability. The OPA Auditor will manage the Office of Professional Accountability Auditor program to provide review and assessment of Office of Professional Accountability (OPA) complaints. The person in this position reviews all of the OPA investigations before completion.

The OPA Auditor shapes Police Department policy by making independent policy recommendations to the Mayor, Council and Police Chief. The OPA Auditor performs in-depth reviews of substantive policies, procedures and/or training that impact police accountability and/or the disciplinary system. The Auditor, in consultation with the OPA Director and OPA Review Board, identifies substantive policy or procedural areas that will be the subject of enhanced review.

## PROPOSAL PROCESS

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By responding to this RFP, the Proposer acknowledges that it has read and understood the terms and requirements set forth in these documents.

### **CONTACTS**

The City RFP Coordinator is:

Bob Scales, Senior Policy Analyst  
Office of Policy and Management  
P.O. Box 94745  
Seattle, WA 98124-4745  
600 4<sup>th</sup> Avenue  
Seattle, WA 98104  
Telephone: 206-684-8050; Fax 206-233-0085  
Email: [Bob.Scales@seattle.gov](mailto:Bob.Scales@seattle.gov)/ Agency website:  
<http://www.seattle.gov/financedepartment/>

The Office of Policy and Management (OPM) is located on the sixth floor of Seattle City Hall (600 Fourth Avenue between Cherry and James).

### **OVERVIEW**

#### **Communications**

All Proposer communications concerning this RFP should be directed in writing to Bob Scales, the RFP Coordinator. A “carbon copy” (cc :) should be sent to [RMLabelle@Seattle.Gov](mailto:RMLabelle@Seattle.Gov). No other City officials or employees are empowered to speak for the City with respect to this Project. Proposers who seek to obtain information, clarification, or interpretation from other City officials or employees are advised that such material is used at the Proposer’s own risk, and the City will not be bound by any such representations. Any attempt to bypass the RFP Coordinator or this RFP process may be grounds for rejection of the Proposer’s proposal.

Following the Proposal submittal deadline, Proposer’s shall not contact the City RFP Coordinator or any other City employee, except to respond to a request by the City RFP Coordinator. The Proposer may obtain status of the project on the Office of Policy Management Web site at: <http://www.seattle.gov/financedepartment/>

#### **RFP Schedule**

OPM reserves the right to change the dates as needed:

- Publish Request for Proposals: **February 9, 2009**
- Deadline to receive questions in writing (email is preferred) **February 13, 2009**
- Pre-Proposer's Conference: **February 18, 2009**
- Answers issued to respondents’ questions: **February 20, 2009**
- Due date for project proposals: **March 9, 2009 (4:00 pm)**
- Oral presentations: **March 12-13, 2009**
- Notice of Intent to Award: **March 16, 2009**
- Contract negotiations with Successful Consultant: **March 26, 2009**

**OPTIONAL PRE-PROPOSAL CONFERENCE**  
**February 18, 2009**  
**at 2:00 pm**

Seattle Office of Policy and Management  
600 Fourth Avenue, 6<sup>th</sup> Floor  
Seattle, WA 98124-4745

**Proposers' Conference**

To assist firms or individuals in the preparation of their proposals, the City shall conduct an *optional* Pre-Proposal Conference at the time, date and place provided above. Proposers are highly encouraged to attend but, are not required to attend in order to be eligible to submit a Proposal. The purpose of the meeting is to answer questions potential Proposers may have regarding the solicitation document and to discuss and clarify any issues. This meeting will be your best opportunity to get your questions answered and to raise concerns regarding specifications, terms, conditions, and any requirements of this solicitation. Failure to raise concerns over any issues at this opportunity will be a consideration in any protest filed regarding such items that were known at the Pre-Proposal Conference. If you are unable to attend this meeting you may submit questions in writing to Bob Scales. Questions must be received by **February 13, 2009, 4:00 pm** to be accepted. Questions will be documented, answered in written form, and posted on the Office of Policy and Management website ([www.seattle.gov/financedepartment/](http://www.seattle.gov/financedepartment/)) by **February 20, 2009**. Should any changes need to be made in the RFP, an addendum will be published and posted on the Office of Policy and Management website: <http://www.seattle.gov/financedepartment/>; and eBid which can be accessed from the City's Public Access Network. (PAN)

Prior to the Pre-Proposal Conference, Proposers are encouraged to submit questions or comments, or make requests for information or clarification. **The RFP Coordinator would like to receive all questions, comments, and requests, via e-mail (e-mail preferred) or fax, no later than February 13, 2009, 4:00 pm.** This will allow the RFP Coordinator time to review the questions and prepare responsive information prior to the Pre-Proposal Conference. Proposers may also ask questions, make comments, or request information during the Pre-Proposal Conference. It is the responsibility of the Proposer to assure that it received responses to its questions.

Please submit questions to:

Bob Scales, RFP Coordinator  
P.O. Box 94745  
Seattle, WA 98124-4745  
Telephone: 206-684-8050  
Email: [Bob.Scales@seattle.gov](mailto:Bob.Scales@seattle.gov)  
Fax: 206-233-0085  
"carbon copy" (cc :) [RMLaBelle@Seattle.Gov](mailto:RMLaBelle@Seattle.Gov)

### **How to Receive Addenda and RFP Information**

Proposers who wish to receive hard copies of addenda to this RFP (if any), answers to questions posed by other Proposers, and related information, must submit a Letter of Intent to the RFP Coordinator **no later than February 13, 2009, 4:00 pm.**

The Letter of Intent must designate the officer, employee, or agent who will be the Proposer's contact for all communications regarding this RFP. The following information should be provided for this individual:

Name  
Title  
Firm  
Mailing Address  
Telephone  
Fax Number  
Email Address

### **Proposal Submittal**

An original and six (6) copies of each proposal must be submitted in a sealed envelope and delivered to:

Bob Scales, Senior Policy Analyst  
Office of Policy and Management  
600 Fourth Avenue, 6<sup>th</sup> Floor  
Seattle, WA 98104

or if mailed:

Bob Scales, RFP Coordinator  
P.O. Box 94745  
Seattle, WA 98124-4745  
Telephone: 206-684-8050

Proposals may be mailed or delivered in person, but must be received at the above address **no later than March 9, 2009, 4:00 pm.** Late proposals will not be accepted. Faxed or emailed copies will not be accepted. Proposers are solely responsible for ensuring that Proposals are delivered on time. Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the deadline for the receipt of Proposals.

**The Proposer shall submit the following with the Proposal:**

- Cover letter;
- Completed Equal Benefits Compliance Declaration; (Attachment 1)
- Proposal Response: Provide a two page document that clearly lists each Minimum Qualification, and exactly how you achieve each minimum qualification. Remember that the determination that you have achieved all the minimum qualifications is made from this two page document. The RFP Coordinator is not obligated to check references or search other materials to make this decision. Elements of this document will be scored by the Evaluation Committee;
- Brief description of your organization including history and mission. Include similar information for any partners you are including as part of proposal.
- Declaration; (Attachment 2)
- Industrial Insurance coverage, if required
- Evidence of UBI Number.
- Employment Security Number.
- State Excise Tax Registration Number.
- Professional/client references

**Proposal Cover Page:** Must include the following information in your cover page:

- Name of Proposer
- Address and Phone
- Contact Person (include phone number and email address)
- Proposer contact information if different than above Contact Person (include phone number and email address)

**FORMAT**

The proposal response should be:

1. Presented in PDF or Microsoft Word application;
2. Formatted as follows:
  - a. Font size 12 in Times New Roman;
  - b. Single line spacing with double space between paragraphs;
  - c. Margins of 1” on left, top, bottom and right;
3. All pages must be numbered sequentially.
4. Please print double-sided.
5. Questions must be answered in the order presented in the RFP.

**Insurance:**

Proposers with the City of Seattle must carry the following coverages and limits of liability:

- General Liability with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
- Automobile Liability covering owned and non-owned vehicles with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
- Professional Liability (Errors, and Omissions) with a minimum limit of liability of \$2,000,000 each claim.

- Workers' Compensation per statutory requirements of the Washington industrial insurance RCW Title 51.

### **Period of Performance:**

The OPA Auditor shall serve a term of three years and may be reappointed to two subsequent three year terms by the Mayor, subject to confirmation by the City Council. No individual may serve more than three, three year terms as OPA Auditor. Should an OPA Auditor take office at any time after commencement of a regular term, the expiration of that term shall remain unaffected. The OPA Auditor may be removed from office for cause by the Mayor by filing a statement of reasons for removal with the City Council.

### **Funding Available:**

This is a competitive bid process. The OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City's annual budget.

### **General Guidelines and Requirements**

- This RFP should be interpreted in a manner consistent with SMCs 3.28.850-870, the terms of this RFP and any Rules of Professional Conduct governing attorneys.
- It is the Proposer's responsibility to carefully review all specifications, requirements, General Conditions, insurance requirements, and other requirements herein. Submittal of a Proposal is conclusive evidence that the Proposer understands all requirements and specifications without exception. The City is under no obligation to accept any exceptions requested or marked by the Proposer to the RFP and the City may choose to disregard any such exceptions.
- This RFP does not, under any circumstances, commit the City to pay any costs incurred by any Proposer in the submission of a proposal. The Proposer is responsible for all costs associated with its response to this RFP.
- The City reserves the right to reject any or all proposals at any time with no penalty and to waive immaterial defects and minor irregularities in proposals.
- All materials submitted in response to this RFP will become the property of the City upon delivery to the RFP Coordinator.
- All provisions of this RFP will become part of the Contract. The Proposer's written response to the RFP may also become a part of the Contract. The City reserves the right to reject items in the response to the RFP.
- The City reserves the right to revise the RFP schedule, to revise the RFP and/or to issue addenda to the RFP. The City reserves the right to cancel or to reissue the RFP in whole or in part prior to the execution of a contract. The City also reserves the right to refrain from contracting with any and all firms or individuals and/or to contract with a qualified firm at a date later than the date specified in this RFP. The release of the RFP does not compel the City to enter into any contract pursuant to the RFP.

- If a Proposer wishes to withdraw its response, they must submit a written request to the RFP Coordinator expressing their desire to withdraw its response. Any Proposer that withdraws from this RFP process understands that its written proposal to the RFP will not be returned.
- As part of the evaluation process, and at the discretion of RFP Coordinator and/or Review Committee, Proposers may be asked to clarify specific points in their respective responses. The City reserves the right to request oral presentations from applicants. The City's requests for a clarification of a Proposer's response shall not be construed as giving that Proposer the right to amend its response or to provide additional written materials, unless expressly requested by the City and/or the review panel.
- The City may attempt to negotiate a contract with the Proposer selected on terms that it determines to be fair and reasonable and in the best interest of the City, including the best interests of the population served by the contract. If the City is unable to negotiate such a contract with the Proposer first selected on terms that it determines to be fair and reasonable and in the best interest of the City, including the best interests of the population served by the contract, negotiations with that Proposer shall be terminated or suspended and another qualified Proposer may be selected in accordance with the procedures set forth in this RFP. If the City decides to continue the process of selection, negotiations shall continue with a qualified Proposer in accordance with this RFP at the sole discretion of the City until an agreement is reached with one of the Proposers. The process may be repeated until an agreement is reached.
- Any contract resulting from this RFP will be between the City of Seattle's Office of Policy Management and the Proposer. It is required that the selected Proposer will provide all services and will not subcontract or otherwise assign any of the work awarded through this contract without formal, written authorization from the RFP Coordinator. This does not apply to the use of expert services.
- The selected Proposer will be required to maintain administrative books, records, documents, and other evidence directly related to performance of the work and financial records in accordance with generally acceptable accounting procedures, including any reports required by SMC 3.28.860. Such disclosure shall not include information which falls within attorney/client privilege. All such records must be retained for a period of seven years after completion of work. The City of Seattle, or any of its duly authorized representatives, shall have access to any such books, records and documents for inspection, audit and copying during the contract and retention periods.
- Proposers participating in this RFP shall not coordinate or discuss their bids to provide auditing services to the City of Seattle. Federal and Washington State antitrust laws make it per se illegal for such competitors to agree to fix prices, reduce output, allocate customers, or rig bids. See 15 U.S.C. § 1; RCW 19.86.030. Any agreement to, for example, coordinate bids, refuse to bid, or establish the rates at which services would be offered, would be a per se violation of the antitrust laws and could subject the participants to criminal penalties. Any firms or individuals participating in such activities shall be disqualified from the RFP process. *See Federal Trade Commission v. Superior Court Trial Lawyers Association*, 493 U.S. 411 (1990) (Antitrust laws prohibit lawyers from colluding as to the amount they would charge the District of Columbia government for their services.)

## Public Disclosure

- The City requests that Proposers refrain from requesting public disclosure of Proposal/Bid information until a Notice of Intent to Award is announced, as a measure to best protect the solicitation process, particularly in the event of a cancellation or re-solicitation. With this preference stated, the City shall continue to properly fulfill all public disclosure requests for such information as required by State Law.
- Proposers and Bidders should understand that any records (including but not limited to Proposal submittals, the Agreement, and any other Contract materials) they submit to the City become public records under Washington State law (See RCW 42.56, the Public Disclosure Act, at <http://www1.leg.wa.gov/LawsAndAgencyRules>. Public records must be promptly disclosed upon request unless a statute exempts disclosure. Exemptions from disclosure include trade secrets and valuable formulas (See RCW 42.56.540 and RCW 19.108). However, public-disclosure exemptions are narrow and specific. Proposers and Bidders are expected to be familiar with any potentially-applicable exemptions, and the limits of those exemptions.
- All proposals and materials submitted under this RFP shall be considered public documents at the time of the proposal deadline and may be reviewed by appointment by anyone requesting to do so. If a Proposer considers any portion of their Proposal to be protected under Washington State law, the Proposer shall separately bind and clearly mark any proposal or proposal records they believe are exempt from disclosure with words such as “CONFIDENTIAL,” “PROPRIETARY” or “BUSINESS SECRET.” Proposers should mark as “CONFIDENTIAL” “PROPRIETARY” or “BUSINESS SECRET” only that information they believe legitimately fits within a public-disclosure exemption. The City may reject solicitation responses that are marked proprietary in their entirety.
- If a request is made for disclosure of such portion, the City will determine whether the material should be made available under Washington State law. If the material does not appear to be exempt from public disclosure under the law, the City will notify the Proposer of the request and allow the Proposer five (5) days to take whatever action it deems necessary to protect its interests. Further, if the City receives a public disclosure request for records that a Proposer has marked as “proprietary information,” the City may notify the Proposer of this request and postpone disclosure briefly to allow the Proposer to file a lawsuit to enjoin disclosure. However, this is a courtesy of the City and not an obligation.
- If the Proposer fails or neglects to take such action within said period, the City will release the portion of the Proposal deemed subject to disclosure. By submitting a Proposal, the Proposer assents to the procedure outlined in this paragraph and shall have no claim against the City on account of actions taken under such procedure.
- The City has no obligation to assert an exemption from disclosure. If the Proposer believes that its records are exempt from disclosure, the Proposer is obligated to seek an injunction under RCW 42.56.450. By submitting a Proposal the Proposer acknowledges this obligation; the Proposer also acknowledges that the City will have no obligation or liability to the Proposer if the records are disclosed.

## Addenda

- Addenda may be issued to modify or clarify the RFP Documents. A change may be made by the City if, in the sole judgment of the City, the change will not compromise the City’s

objective of this RFP. A change to this RFP will be made by formal written addendum issued by the City. Addenda shall become part of this RFP and included as part of the Contract.

- Questions regarding the meaning or intent of the RFP Documents shall be submitted to the City in writing. Modifications or clarifications will be provided by addenda and only questions answered by formal written addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.
- It is the responsibility of the interested Proposers to assure that they have received addenda if any are issued. Notification of Addenda will be sent to persons or organizations who obtained RFP documents via the OPM Web site <http://www.seattle.gov/financedepartment/>. And eBid which is accessible through the City's Public Access Network. The City will make efforts to provide courtesy notices, reminders, addenda and similar announcements directly to interested Proposers. Notwithstanding efforts by the City to provide such notice to known Proposers, it remains the obligation and responsibility of the Proposers, to learn of any addenda, responses, or notices issued by the City. Such efforts by the City to provide notice or to make it available on the Web site do not relieve the Proposers, from the sole obligation of learning of such material.
- The Proposer should check with Bob Scales, RFP Coordinator the day before Proposals are due to confirm the number of addenda issued. Bob Scales can be reached at (206) 684-8050 or [Bob.Scales@Seattle.Gov](mailto:Bob.Scales@Seattle.Gov).

### Equal Benefits

In order to contract with the City, the selected Proposer must comply with the requirements of the Equal Benefits Program, Seattle Municipal Code Ch. 20.45, and related Rules. The law requires certain consultants to the City to provide the same or equivalent benefits ("equal benefits") to its employees with domestic partners as the consultant provides to its employees with spouses. At the City's request, the selected Proposer shall provide complete information about their benefits programs, including verification of compliance with this non-discrimination requirement. We encourage Proposers to contact the City in advance of proposing if you have any concerns about whether or not your benefits program does or can be brought into compliance with this requirement. For further information about the Equal Benefits Program or to review the Equal Benefits Compliance Worksheet, call 206-684-0430 or review program information at <http://www.cityofseattle.net/contract/equalbenefits/default.htm>.

Compliance to the Equal Benefits statements made by the Proposers is required for the duration of the Contract. If the Proposer indicates they provide Equal Benefits, and then discontinues during the term of the Contract, this can cause Contract termination and/or a Proposer's debarment from future City contracts. Equal Benefits may be audited at any time prior to Contract award or during the Contract:

- Proposers must submit an Equal Benefits (EB) Compliance Declaration with their Proposal (Attachment 1). If the EB Compliance Declaration is not submitted with the Proposal, the Proposal will be rejected. If the Proposer is not required to comply with Equal Benefits and does not intend to do so, the EB Compliance Declaration must still be submitted with the Proposal.

- Proposers must fill out the EB Compliance Declaration completely and properly. A Proposer's standing in the evaluation process is dependent on this, so it is important to understand and complete the Form properly.
- The RFP Coordinator can answer most questions. However, any questions regarding the EB Compliance Declaration may be addressed to either the RFP Coordinator or the Contracting Services Section at: 206.684.0430 to ensure Proposers correctly completes the Compliance Declaration before submittal of its Proposal. If a response is not received within the time frame required to submit the Proposal by the due date, contact the RFP Coordinator for direction.
- There are 6 options on the Compliance Declaration. They range from full compliance (Options A, B, C), to several alternatives that require advance authorization by the City before you submit your Proposal (Option D, E), to Non Compliance. Select the option that is true of your company's standing at the time you submit your Proposal. You are not allowed to revise the Compliance Declaration after you submit the Proposal.
- Option D and Option E are used only if you have an official waiver from the City before you submit your Proposal. Waivers are issued by the Contracting Services Section at 206-684-0430. You must request and receive the waiver before you submit your Proposal. If the waiver is not attached with your Proposal, the RFP Coordinator may change your status to non-compliance.
- The Compliance Declaration provides the RFP Coordinator with your declared EB status. However, the City issues the final determination of your EB status for purposes of Proposal evaluation.
- If information on your Compliance Declaration is conflicting or not clearly supported by the documentation that the City receives, the RFP Coordinator may reject your Proposal or may seek clarification to ensure the City properly classifies your compliance.

**Equal Benefits makes a significant difference in your standing as a Proposer. Here are the evaluation steps:**

If one or more Proposers comply (having properly selected any options from A through E) based on the Equal Benefits Compliance Declaration, then:

- Only EB compliant Proposers continue towards evaluation.
- Any non-compliant Proposer will be rejected and no further evaluation will be made. These include Proposers that select the option of "Non Compliance" (they do not comply and do not intend to comply) or those that the City finds Non-Compliant upon review (such as those that select Option D or E and do not have a waiver from the City to select that option, or where the form is blank, or where the Proposer Compliance Declaration proves non-compliance even if they checked a compliance option).

The City occasionally receives responses where every Proposer is non-compliant to EB. If every Proposer is non-compliant then:

- All Proposals that are otherwise responsive and responsible will continue forward for scoring and evaluation.
- This option is only used when every Proposer either selects Non Compliance (that they do not comply and do not intend to comply) or is found by the City as Non-Compliant upon review.

### Non-Collusion Requirement

The Proposer, by submitting its Proposal, declares that they have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in the preparation and submission of its Proposal to the City for consideration in the Award of Contract for the Office of Police Accountability RFP. The original Proposal, as modified in writing and received prior to the time designated for receipt of Proposals, will be accepted as the official Proposal. A Proposal may not be modified by the Proposer after it is submitted.

### Irregular Proposals:

A Proposal will be considered irregular and non-responsive, and will be rejected if:

- The Proposer has not submitted the completed Equal Benefits Compliance Declaration with the Proposal; or
- The Proposal does not constitute a definite and unqualified offer to meet the material terms of the RFP; or
- The Proposer has been disqualified or otherwise debarred from doing business with the City of Seattle; or
- A Proposer is a member of a Joint Venture or partnership and the Joint Venture or partnership submits a Proposal for the same Project (in such an instance, both Proposals may be rejected)

### Disqualification of Proposers

At the sole discretion of the City, a Proposer may be deemed not responsible and its Proposal rejected and the Proposer disqualified if:

- More than one Proposal is submitted for the same Project from a Proposer under the same or different names; or
- Evidence of collusion exists with any other Proposer or potential Proposer. Participants in collusion will be restricted from submitting further Proposals and may be debarred pursuant to SMC 20.70; or
- A Proposer, in the opinion of the City, is not qualified for the Work specified; or
- An unsatisfactory performance record exists as shown by past or current Work for the City, or for others, as judged from the standpoint of conduct of the Work, environmental or safety compliance records, workmanship, progress, affirmative action, or equal employment opportunity practices; or
- There is uncompleted work (City or otherwise) which might hinder or prevent the prompt completion of the Work; or
- The Proposer failed to settle bills for labor or materials on past or current contracts; or
- The Proposer has failed to complete a public contract or has been convicted of a crime arising from a previous public contract; or
- The Proposer is unable, financially or otherwise, to perform the Work; or
- A Proposer is not authorized to do business in the State of Washington; or
- The Proposer does not submit the Equal Benefits Compliance Declaration, indicating compliance with SMC Ch. 20.45 and the Equal Benefit Program Rules; or
- The Proposer failed to meet the Affirmative Efforts requirements of SMC Ch. 20.42; or

- The Apparent Successful Proposer fails to have or immediately obtain a City of Seattle Business License; or
- For any other reason deemed proper by the City.

Rights of the City:

In addition to such other rights as may be reserved elsewhere in the Contract, the City reserves the right to:

- Reject any or all Proposals,
- Waive informalities or immaterial irregularities in the Proposal,
- Correct arithmetical errors in a Proposal,
- Re-advertise for Proposals,
- Revise or cancel the RFP.

Mandatory Seattle Business Licensing and Associated Taxes: Seattle Business License:

The Selected Proposer must obtain a Seattle Business License number and have taxes due to date paid before the Contract is signed. All costs for any licenses, permits and Seattle Business License taxes owed shall be borne by the Proposers and not be charged separately to the City. Sub-Proposers performing work within the City of Seattle shall possess a City of Seattle Business License.

- If the Selected Proposer does not have a current Seattle Business License, they shall immediately obtain the License and ensure all City taxes are current, unless exempted by City Code. Failure to do so will result in rejection of the Proposal.
- If the Proposer believes it is exempt, the Proposer must provide an explanation to the RFP Coordinator and/or confirmation by the Revenue and Consumer Affairs Office (RCA). Out-of-state and foreign-owned businesses are NOT exempt.
- Questions and Assistance: The City Revenue and Consumer Affairs (RCA) is the office that issues business licenses and enforces licensing requirements. The main phone number is 206-684-8484. You may also contact RCA staff for assistance: Anna Pedroso at 206-615-1611, [anna.pedroso@seattle.gov](mailto:anna.pedroso@seattle.gov), Wendy Valadez at 206-684-8509, [wendy.valadez@seattle.gov](mailto:wendy.valadez@seattle.gov), or Brenda Strickland, [brenda.strickland@seattle.gov](mailto:brenda.strickland@seattle.gov) at 206 684-8404.

The licensing Web site is <http://www.seattle.gov/rca/taxes/taxmain.htm>

Ethics:

- The Seattle Ethics Code provides rules about employee work activities, business relationships, and the use of City resources. The City requires that Proposers who contract with the City, or are interested in pursuing a Contract, comply with the City Ethics Code. Proposers shall not directly or indirectly offer gifts and resources to any person employed by the City that is intended, or may reasonably appear intended, to benefit the Proposers by way of award, administration, or in any other way to influence contracting decisions of the City. This includes, but is not limited to, OPM and City employees that have decision-making for this RFP and its Scope of Services. The Proposers shall not offer meals, gifts, gratuities, loans, trips, favors, bonuses, donations,

special discounts, work, or anything of economic value to any such City employees. This does not prohibit distribution of promotional items that are less than \$25 when provided as part of routine business activity such as trade shows.

- It is also unlawful for anyone to offer another such items to influence or cause them to refrain from submitting a Proposal.
- Proposers must strictly adhere to the statutes and ordinances for ethics in contracting and purchasing, including RCW 42.23 (Code of Ethics for Municipal Officers) and RCW 42.52 (Ethics in Public Service). This is applicable to any business practice, whether a contract, solicitation or activity related to City business.
- The Web site for the Code of Ethics is: [http://www.seattle.gov/ethics/etpub/et\\_home.htm](http://www.seattle.gov/ethics/etpub/et_home.htm)
- Upon receipt of an Intent to Award, Proposer shall promptly notify the City, in writing of any person who is expected to perform any of the Work and who, during the twelve months immediately prior to the expected start of such work, was an official, officer or employee of the City. Proposers shall ensure that no Work related to this contract is performed by such person, to the extent that such work is disallowed by the City.
- Proposer confirms that it does not have a business interest or a close family relationship with any City elected official, officer or employee who was, is, or will be involved in the Proposer's selection, negotiation, drafting, signing, administration or evaluating the Proposer's performance. Should any such relationship exist, Proposers shall notify the RFP Coordinator in writing and the City shall make sole determination as to compliance.

#### Nondiscrimination in Employment, Contracting and Benefits:

The Proposer that is selected by the City as a result of this RFP will be required to comply with all applicable federal, state, and local non-discrimination laws, particularly the requirements of Seattle Municipal Code Ch. 20.42. This Code encourages the use of Women and Minority Business Enterprises and women and minority employees in all City contracts, and encourages outreach efforts to include women and minorities in employment, contracting, and subcontracting opportunities.

#### Contract Negotiations:

The City intends to complete contract negotiations with the firms or individuals by **March 31, 2009**, 2009. It is estimated that this Agreement will be executed by **April 1, 2009** and work to begin by **April 6, 2009**. Further, in the event of a negotiation impasse with any firm, OPM reserves the right without penalty and at its sole discretion to:

1. Reject the Proposer's proposal and select the next preferred Proposer, or
2. Take no further action to continue the award and/or execution of contracts under this RFP, or
3. Reissue the RFP with any changes OPM deems appropriate.

## **SELECTION PROCESS**

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### **Proposal Review Process**

The purpose of the selection process is to determine which Proposer is the best fit for the Office of Police Accountability Auditor position. The selection process consists of an evaluation and selection of the most qualified Proposer based on Proposals submitted in response to this RFP and the presentation/interview. The Evaluation Committee determines the most qualified Proposer by scoring the Proposals based upon the criteria and requirements contained in this RFP. If additional information or clarification is requested by the Committee, City staff may contact the Proposers to obtain this information. The Evaluation Committee may also choose to interview one or more of the Proposers. The Evaluation Committee panel will then make a recommendation to the RFP Coordinator who will select the successful Proposer. City staff may conduct telephone interviews as needed to clarify information provided in a Proposer's response.

### **Most Favorable Terms**

The City reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted on the most favorable terms. If awarded, a Proposer should be prepared to accept the terms they proposed for incorporation into a contract resulting from this RFP.

### **Proposal Scoring:**

Proposals will be rated according to the following criteria. Proposers should address the criteria in their proposals as delineated in the following sections.

#### **Criteria for Evaluation Committee points**

1. Response meets the minimum qualifications.
2. All questions are answered.
3. Agency responses are thorough and requested examples are included.

<b>Criteria</b>	<b>Maximum Points</b>
Responsiveness to Proposal Requirements	30
Ability and qualifications of professional personnel	30
Proposer's experience and past performance	20
Ability to meet time and budget requirements	10
References	10
<b>Total Points</b>	<b>100</b>

The Evaluation Committee will evaluate the Proposals and verify that the Proposer has demonstrated compliance with the Minimum Qualifications outlined in the RFP. The Evaluation

Committee will score the Proposers based on the presentation/interview. Proposers will be ranked by totaling the total points scored. The Proposer with the highest adjusted points will be the highest ranked Proposer.

Proposers should be prepared to discuss the following issues in the presentation/interview:

- WMBE Outreach – Discuss your approach to identifying, soliciting, and utilizing WMBE Sub-Proposers/Consultants;
- Timely submittal of reports – Discuss how you will ensure timely submittal of all reporting requirements;
- How will you meet the Scope of Services;
- Describe your entity (e.g. are you a sole proprietor, Limited Liability Company, a C corporation, etc.).
- Have you performed auditing services in the past? Please provide a description of those services.
- How long has your company been in existence?
- Do you employ any other staff members? If so, how many?
- Do you or anyone employed by your firm have any conflicts of interest with the City of Seattle?
- Please include a copy of any city or county contract compliance reviews or any other audits completed in, 2006, 2007 or 2008. Please note if there are any audits (in addition to any OPM Contract Compliance Reviews, and/or annual audits of your financial statements by a CPA) that will be undertaken in 2008 and whether the audit was initiated by your firm or by another agency.
- Have you or your firm ever had a contract that was terminated partly or wholly for performance? In the last five years, have you or your firm been placed on corrective action? If yes, please identify the contract involved and describe the reason for the termination or corrective action and the outcome.
- Are there any pending lawsuits that have been filed against you or your firm for any reason? If so, what is the amount of damages sought in the lawsuit? In the event of an adverse judgment, how would you or your firm pay the damages? How much would be covered by an insurance policy and how much would the firm pay out of pocket?
- Are there any pending Washington State Bar Association Bar complaints filed against you? If so, what is the status of the complaint(s)?
- Are there any pass Washington State Bar Association Bar complaints filed against you? If so, what was the resolution or outcome of the complaint(s)?

The City is seeking innovative responses on how to best provide OPA auditing services. We want to know how you or your firm would provide those services.

- Describe your experience and the experience of any one that will be working on the Scope of Work defined in this RFP.

- How do you “self-audit”? In other words what methods would you use to ensure compliance with the scope of work in this RFP?

Making effective use of support staff is important to the City. Will you be using any support staff to accomplish the Scope of Work in this RFP? If so, which tasks will you assign to support staff?

The OPA Auditor strongly influences the nature and scope of the program direction; advises the Mayor, Council and Police Chief; makes recommendations that address both citizen and law enforcement officer concerns; and builds confidence and credibility in police-community relations in Seattle. Keeping that in mind:

- What steps would you take to ensure that you are addressing the concerns of the public, law enforcement officers and improving police relations in Seattle?
- Describe how you would build confidence and credibility in police community relations in Seattle?
- What steps would you take to ensure that your reviews and recommendations are impartial?
- Provide examples of how you would implement your auditing review procedures?
- What is your firm’s capacity for working with non-English speaking clients?

#### Overall Philosophy

- Describe your firm’s general philosophy in providing auditing services.
- How do you measure success for your clients?
- Describe your general philosophy concerning situations where your client refuses or fails to follow your recommendation?

#### **References**

1. Please provide three references (with name, title, address and phone number) who can speak to you or your firm’s ability to provide the services as defined in this RFP. Include a brief statement describing the relationship between you or your firm and the reference.
2. The City may go beyond these references and seek additional references from people who have experience with your firm.

If there is a tie for any rank, the Evaluation Committee will reconvene for continued deliberations until the tie is broken.

The City does not conduct a bid opening for RFP responses. The City will announce the Intent to Award on the Office of Policy Management’s Web site at <http://www.seattle.gov/financedepartment/> and eBid which is accessible through the City’s Public Access Network (PAN).

The City requests that Proposers refrain from requesting Proposal information concerning other

respondents until an Intent to Award is announced, as a measure to best protect the solicitation process, particularly in the event of a cancellation or re-solicitation. With this preference stated, the City shall continue to properly fulfill all public disclosure requests for such information, as required by RCW 39.10.470.

## APPEAL PROCESS

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At the end of the evaluation process, OPM will notify all Proposers in writing of the status of their proposal(s). Written appeals may be made to the : Director-Contracting Services, Department of Executive Administration: PO Box 94687, Seattle, WA 98124-4687 (with a “carbon copy” (cc:) to the RFP Coordinator) within ten business days of official Notice of Intent to Award. The appeal will be reviewed as soon as possible and The Department of Executive Administration will respond to appeals within twenty business days. If additional time is required, the appealing party will be notified.

An appeal must clearly state a rationale based on one or more of the following criteria:

- Violation of policies or guidelines established in the Request for Proposals
- Failure to adhere to publicized criteria and/or procedures in carrying out the RFP process.

### Appeal Procedures:

1. Firms or individuals appealing this process must follow the procedures described herein. Appeals that do not follow these procedures will not be considered. This appeal procedure constitutes the sole administrative remedy available under this RFP.
2. All appeals must be in writing and signed by the appealing party. The appeal must state all facts and arguments on which the appealing party is relying. All appeals shall be addressed to the Department of Executive Administration with a “carbon copy” (cc :) to the RFP Coordinator.
3. Only appeals setting forth an issue of fact concerning a matter of bias, discrimination, conflict of interest, or non-compliance with procedures described in the RFP shall be considered. Appeals based on non-procedural matters will not be considered.
4. In the event an appeal may affect the interest of other firms or individuals who submitted a RFP, such firms or individuals will be given an opportunity to submit their views and any relevant information on the appeal to the Department of Executive Administration.
5. Upon receipt of an appeal, an appeal review will be conducted by the Director of the City’s Contracting Services Division/Department of Executive Administration, or its delegee, to review the RFP process. This appeal review is not a review of responses submitted or the evaluation scores received. The purpose of the appeal review is to insure that procedures described in the RFP document were followed, all requirements were met and all firms or individuals were treated equally and fairly.
6. Appeals will not be accepted prior to selection of the successful firm or individual. Appeals may be sent by mail, fax or be hand-delivered. **They must be received by the Department of Executive Administration no later than 5:00 pm, March 25, 2009.** Firms or individuals are solely responsible for ensuring that appeals are delivered on time. Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the deadline for the receipt of Appeals.

## **SCOPE OF SERVICES**

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The City of Seattle is seeking Proposals from individuals for the Office of Professional Accountability (OPA) Auditor to provide review and assessment of Office of Professional Accountability (hereinafter "OPA") complaints and of Police Department policies and practices related to police accountability and professional conduct. Generally, the responsibilities of the OPA Auditor include the following areas: regularly advising the Chief, as well as the Mayor and City Council, on all matters involving the Police Department's investigatory and disciplinary functions and on Police Department policies and practices related to police accountability and professional conduct; evaluating the internal investigation process; and making recommendations on strategies and policies to improve complaint gathering and investigative procedures.

The OPA Auditor shall review OPA complaint classifications and complaint investigations. Every week the OPA shall notify the Auditor of the complaint classifications made and complaint investigations completed in the previous week and shall make the case files available to the Auditor. The Auditor may recommend to the OPA that it change a complaint classification or further investigate a complaint, or, as specified elsewhere in this section, require further investigation. The OPA Auditor may review a completed case file after the OPA has referred the case file to the subject officer's chain of command, but in these instances the OPA Auditor shall not require further investigation. The Auditor shall issue public reports on the results of such audits. The Auditor shall determine the topics, scope and frequency of such audits after consulting at least annually with the OPA Director and OPA Review Board.

The OPA Auditor is expected to coordinate with OPA and the Review Board on other functions, such as Outreach.

### **Screening:**

The Proposer represents that they have the qualities and characteristics required in Chapter 3.28.SMC and that they will faithfully perform the duties of the OPA Auditor.

### **Reporting:**

The OPA Auditor shall prepare a semiannual report of his or her audit activities and submit the report to the City Council, Chief of Police, City Attorney, Mayor, OPA Review Board, and City Clerk for filing as a public record. The OPA Auditor's report shall be prepared in accordance with the following provisions. The OPA Auditor's report shall contain a general description of the files and records reviewed, and should include, but not be limited to:

1. The number of cases reviewed by the OPA Auditor;
2. The number of and a description of OPA cases in which the Auditor requested or required further investigation and a description of the OPA's responses;
3. The number of and a description of OPA complaints for which the OPA Auditor requested reclassification or further investigation and a description of the OPA's responses;

4. A summary of issues, problems and trends noted by the OPA Auditor as a result of his or her review;
5. Any recommendations that the Department consider additional officer training, including recommendations that the Department consider specialized training for IIS investigators;
6. Any recommendations the Department consider policy or procedural changes; and
7. Any findings from audits of OPA records or the OPA Director's reports.

The OPA Auditor's report shall not contain any recommendations concerning the discipline of any particular police officer, nor shall the report comment upon or make any recommendation concerning potential civil or criminal liability of any employee, police officer, or citizen.

The OPA Auditor shall deliver a preliminary draft of his/her semiannual report to the OPA Director and Chief of Police for review and comment. The OPA Director and Chief of Police shall review and comment on the preliminary report within 10 working days after receipt of the report. The OPA Auditor shall submit the final report within 10 working days after receipt of the Director's and Chief's comments.

The Auditor may issue other reports as set forth in the Consultant Agreement.

Payment to the Consultant may be withheld if reports are not submitted on time, without prior approval by the City.

**SMC 3.28.870 Confidentiality of files and records:** In discharging his or her responsibilities, the OPA Auditor shall protect the confidentiality of Department files and records to which s/he has been provided access in the same manner and to the same degree as s/he would be obligated to protect attorney-client privileged materials under legal and ethical requirements. The OPA Auditor shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act (RCW Chapter 10.97) and Public Disclosure Act (RCW Section 42.17.250 et seq.). The OPA Auditor shall not identify the subject of an investigation in any public report required by this chapter.

The City of Seattle, or any of its duly authorized representatives, shall have access to any such books, records and documents for inspection, audit and copying.

### **Conflict of Interest:**

In the event any Proposer of selected Proposer has a conflict of interest, then they must notify the RFP coordinator immediately. Conflict of Interest shall be defined by The Washington State Rules of Professional Conduct.

## **B. MINIMUM QUALIFICATIONS**

The following are minimum qualifications that the Proposer must meet in order to be eligible to submit a Proposal. Responses must clearly demonstrate how the Proposer meets or exceeds these minimum qualifications. The selected Proposer should possess the following qualifications and characteristics at the time of appointment and throughout his or her term. Responses that do

not clearly address these minimum qualifications will be rejected by the City without further consideration:

- A reputation for integrity and professionalism, as well as the ability to maintain a high standard of integrity in the office;
- A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights of all affected parties;
- A commitment to the statement of purpose and policies in this chapter;
- A history of demonstrated leadership experience and ability;
- The potential for gaining the respect of complainants, Police Department personnel, and the citizens of this City;
- The ability to work effectively with the Mayor, City Council, City Attorney, Chief of Police, OPA, other Police Department personnel, OPA Review Board, other public agencies, private organizations, and citizens;
- The ability, as shown by previous experience, to work with diverse groups and individuals; and
- The ability to maintain fairness and objectivity in an environment where controversy is common.
- The OPA Auditor must be a graduate of an accredited law school and member in good standing of the Washington State Bar Association;
- Prior to appointment, have at least five years of experience in the practice of law or in a judicially related field;

The Chief of Police shall cause a thorough background check of nominees for OPA Auditor identified by the Mayor and shall report the results to the Mayor.

**END OF RFP**

**ATTACHMENT 2**

**DECLARATION**

- A. **BID:** If I am the selected Proposer, I agree to perform the Work in this RFP, as amended.
- B. **NON-DISCRIMINATION:** I agree to ensure equal opportunity for employment and to engage in Affirmative Efforts if required, in the solicitation of women and minorities and WMBE firms or individuals for participation on this Contract in accordance with SMC Ch. 20.42 and RCW 35.22.650 and in RCW 39.10.440 and .450.
- C. **NON COLLUSION:** I have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in the preparation and submission of this Proposal to the Owner for consideration in the award of a contract.
- D. My proposal takes into account my waiver, with respect to the Owner only, the Proposer's immunity under RCW Title 51, (Industrial Insurance) of the Revised Code of Washington.
- E. I agree to comply with the requirements regarding subcontracting, and the purchase of supplies or materials from firms or individuals that are not disqualified or otherwise debarred from doing business with the City under the provisions of SMC Ch. 20.42 or SMC Ch. 20.70.
- F. **Responsible Bidder Requirements:** My bid acknowledges that I have a UBI number; industrial insurance coverage, if required under Title 51 RCW; an employment security number under Title 50; and a state excise tax registration number under Title 82. I affirm I am not disqualified from bidding on any public works contract under RCW 39.06 or RCW 39.12.065(3). I will provide proof of these requirements if requested.

Business Name of Proposer \_\_\_\_\_

Business Address \_\_\_\_\_

City/State \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Name of Official Primary Contact Person \_\_\_\_\_

E-mail Address of Primary Contact \_\_\_\_\_

City of Seattle Business License Number \_\_\_\_\_

Proposer's State of Washington Registration Number \_\_\_\_\_

Employment Security Department Number \_\_\_\_\_

Federal Tax Identification Number \_\_\_\_\_

WA State Uniform Business Identifier (UBI) Number \_\_\_\_\_

NOTE: If bidder is a Corporation, indicate below and write "State of Incorporation"; if a Partnership, indicate below and give full names, addresses and telephone numbers of all partners.

Name of Corporation \_\_\_\_\_

State of incorporation \_\_\_\_\_

Name of Partnership \_\_\_\_\_

Names of Partners \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OFFICIAL AUTHORIZED TO SIGN FOR BIDDER:**

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above information is true and correct":	
Location or Place Executed: (City, State)	Print Name and Title
Date:	Signature: