



## **Thurston County, Washington**

Community Planning and Economic Development  
2000 Lakeridge Dr SW  
Olympia, WA 98502-6045

### **REQUEST FOR PROPOSAL (RFP) Hearing Examiner/Administrative Hearing's Officer Professional Services Contract**

#### **Solicitation Documents**

This notice is not the full Request for Proposal. The full **REQUEST FOR QUALIFICATION** that contains the details of required services and minimum requirements can be downloaded at:

<https://www.thurstoncountywa.gov/tchome/Pages/rfprfq.aspx>

(LINK CORRECTED 9/1/2021)

#### **Proposals Due Date**

**Proposals are due by not later than: 3:00 p.m. PDT September 7, 2021**

#### **Proposal Acceptance Location**

**Sealed Proposals will only be received by:**

Jeremy Davis, Operations Manager  
Thurston County Community Planning and Economic Development Department  
Building Development Center  
Building 1, 2000 Lakeridge Drive SW  
Olympia, WA 98502

Thurston County reserves the right to reject any and all proposals, cancel this solicitation, and to waive any informalities or irregularities in procedure.

**REQUEST FOR PROPOSAL**  
**Hearing Examiner/Administrative Hearing’s**  
**Officer Professional Services Contract**

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**SECTION 1 – OVERVIEW OF SOLICITATION**

**1.1 PURPOSE**

Thurston County is seeking Statements of Qualifications to enable the selection of an individual to serve as Thurston County's Hearing Examiner and an additional individual to serve as the Pro Tem Hearing Examiner for cases related to the County's land use regulatory laws pursuant to Thurston County Code, Chapter 2.06, other implementing County ordinances and State of Washington statutes and regulations.

The Hearing Examiner must also serve as the Administrative Hearing's Officer for administrative hearings in accordance with Sections 8.1, 13.3, and 19.8 of Article I of the Thurston County Sanitary Code, Section 23.7 and 24.7 Article IV of the Thurston County Sanitary Code, Chapter 10.92 of the Thurston County Code, and any other matters referred, in writing, by the Chairman of the Board of Health.

**1.2 REQUIRED SERVICES AND SCOPE OF WORK**

As the Health Administrative Hearing Officer the proposer will conduct administrative hearings as required for appeals and waivers as required under Sections 8.1, 13.3, and 19.8 of Article I of the Thurston County Sanitary Code, Section 23.7 and 24.7 of Article IV of the Thurston County Sanitary Code, Chapter 10.92 of the Thurston County Code, and any other matters referred, in writing, by the Chairman of the Board of Health; Review hearing requests to determine completeness and adequacy, prehearing conferences and settlement agreements as described in Article 1, Section 8.4 and 8.5; Preparation of detailed written findings, decisions and orders; Preparation of rules of procedure for the hearing officer process; Preparation of an annual report to the Board of Health; and Staff training on hearing processes, if requested.

The Hearing Examiner conducts hearings related to the County's land use regulatory laws pursuant to Thurston County Code, Chapter 2.06, and other implementing County ordinances and State of Washington statutes and regulations, and to conduct hearings on those matters listed below. In this regard, the proposer shall act as the Thurston County Hearing Examiner and conduct all business of the office, including but not limited to the following:

Conduct all pre-hearing activity which shall include, but not be limited to, working with staff to schedule hearings, conducting pre-hearing conferences, making decisions on pre-hearing motions; if necessary viewing the site before or after the hearing, traveling to and from the hearing, and any other activity required for the conduct of a hearing. Receive and examine all available information as part of hearing preparation. Conduct public hearings and create an administrative record at the hearing for the following matters: Matters prescribed by the Thurston County Subdivision Ordinance (Title 18, Thurston County Code), matters prescribed by the Thurston County Zoning Ordinances (Titles 20, 21, 22, and 23 Thurston County Code), matters prescribed by the Critical Areas Ordinance (Chapter 17.15, Thurston County Code) and Shoreline Master Program: All matters except text amendments and map redesignation, plat vacations or amendments (pursuant to Chapter 58.17 RCW). Right-of-way vacations. Appeals of

Threshold determinations pursuant to Sections 17.09.160 of the Thurston County Code.

Other types of matters which a Hearing Examiner is authorized to decide by law or contract (e.g. non-land use, administrative appeals under local health or sanitary ordinances, grievances under labor contracts) which may be referred by the Board of County Commissioners. Draft and enter written Findings, Conclusions and Decisions for every hearing that has been held. Draft and enter written Findings, Conclusions and Decisions for every appeal in which there has been no hearing, but the County and the Appellant have stipulated to the administrative record. Provide written recommendations and decisions on appeals to the Board of County Commissioners when required by ordinance or law. Provide and draft modifications, amendments, reconsideration orders, clarification orders and any other similar documents for a Decision or Recommendation or Order that has been previously issued.

Thurston County provides a Land Use Clerk to coordinate, notice, and otherwise assist on setting up public hearings.

### **1.3 BUDGET AND CONTRACT PERIOD**

Compensation will be established by negotiation between the successful applicant(s) and Thurston County. Demand for services will drive the compensation model. Options include establishing a competitive hourly rate for various functions, or establishing a fixed monthly rate to provide all services. The tentative contract duration will be for a period of three (3) years with an option to extend.

### **1.4 MINIMUM QUALIFICATIONS**

- Law degree preferred.
  
- Five years' experience adjudicating land use and health code decisions as outlined in this RFP, including conducting public hearings.
  
- Experience presenting land use proposals or adjudicating land use cases in Washington State.
  
- Registered and licensed business in Washington State.

## **SECTION 2 – INFORMATION FOR PROPOSERS**

This section provides information and instructions for proposers responding to this solicitation. The County reserves the right, at its sole discretion, to reject the proposal of any proposer that fails to comply with the instructions outlined herein.

### **2.1 SOLICITATION DOCUMENTS**

All solicitation documents, including any addenda, are published on the Thurston County “Legal Notices and Announcements of Public Hearings” website at: (LINK CORRECTED 9/1/2021)

<https://www.thurstoncountywa.gov/tchome/Pages/rfprfq.aspx>

### **2.2 COUNTY CONTACT**

Jeremy Davis, Operations Manager  
Thurston County Community Planning and Economic Development Department  
Building 1, 2000 Lakeridge Drive SW  
Olympia, WA 98502  
Email: [Jeremy.davis@co.thurston.wa.us](mailto:Jeremy.davis@co.thurston.wa.us)

### **2.3 PROPOSAL SUBMITTALS**

Submit three (3) copies (1 original and 2 copies) of the proposal in time to be received by **3:00pm, on September 7, 2021**. Late proposals will not be considered.

All correspondence shall be directed to:  
Jeremy Davis, Operations Manager  
Thurston County Community Planning and Economic Development  
Building 1, Floor 2  
2000 Lakeridge Dr. SW  
Olympia, WA 98502

### **2.4 EXPENSES INCURRED**

The County will not be responsible for any costs associated with participation in this RFP including, but not limited to, preparation, submission, or presentation; interviews, if held; negotiation process; and contract execution. All expenses related to the proposal are the sole responsibility of the proposer.

### **2.5 REFERENCES AND REQUIRED RESOURCES**

Each proposer may be required, before the award of any contract, to show to the complete satisfaction of the County that it has the necessary facilities, ability, insurance, and financial resources to comply with the contract and furnish the services, materials, or goods specified herein in a satisfactory manner. Each proposer may also be required to provide history and references that will enable the County to be satisfied as to the proposer's qualifications and resources. Failure to meet the afore mentioned requirements may cause the County, at its sole discretion, to reject a proposal.

## 2.6 CONTRACT AWARD IS IN THE BEST INTEREST

Thurston County shall award the contract to the applicant whose proposal will best serve the interest of the County, taking into account, but not limited to, experience and expertise.

## SECTION 3 – PROPOSAL INFORMATION AND CONTENT

This Section provides the requirements for preparing and submitting the proposal. Proposal contents shall be assembled, identified, and arranged as specified below. Failure to include any of the requested contents and arrange the contents in the order specified shall be cause for rejection of the proposal as nonresponsive. All documents and electronic media submitted to the County pursuant to this solicitation shall, upon receipt by the County, become the property of the County.

### 3.1 PROPOSAL PROCEDURES

**All proposals must be in a sealed envelope and clearly marked “Proposal for Hearing Examiner and Administrative Hearing’s Officer of Thurston County”.**

- Submit three (3) copies (1 original and 2 copies); and
- No faxed, emailed, or telephone proposals will be accepted.

Proposals must be received by the County not later than 3:00 P.M. Tuesday September 7, 2021. Late proposals will not be accepted or considered. Timely submission is solely the responsibility of the respective proposer.

Sealed proposals must be delivered via certified mail, express delivery, or courier to:

Thurston County Community Planning and Economic Development  
Department  
Building 1, 2000 Lakeridge Drive SW  
Olympia, WA 98502

### 3.2 PROPOSAL CONTENT

Each proposal shall include the following information, with each response labeled as indicated below:

- A. A CV that details academic and professional preparation (Law Degree preferred).
- B. Detail your previous experience conducting public hearings related to land use regulations and/or sanitary codes (limited to two pages).
- C. Demonstrated experience and knowledge of State of Washington land use statutes and regulations, and the Thurston County Code, including but not limited to the following matters:
  - a) Subdivision Ordinance
  - b) Critical Areas Ordinance
  - c) Shoreline Master Program
  - d) Road vacations
  - e) State Environmental Policy Act
  - f) Zoning Ordinances
  - g) Mineral Extraction Code

- h) Forest Land Conversion Ordinance
  - i) Comprehensive Plan
  - j) Growth Management Act
  - k) Sanitary Codes.
- D. A copy of a recent written decision that is related to a land use and/or zoning proposal, as well as related to a sanitary code proposal, as available.
- E. At least two professional references, including phone numbers and other contact information. This is limited to one page.
- F. Provide a list of all positions that may be assisting and describe their responsibilities for this work. Include professional qualifications/resumes of each member of the team responsible for performing work and issuing decisions.

## SECTION 4 – EVALUATION AND SELECTION

This request does not constitute an offer of employment or to contract for services. The County reserves the option to retain all proposals, whether selected or rejected. Once submitted, the proposals and any supplemental documents become property of the County. The County reserves the right to reject all proposals and re-advertise the RFP.

Selection will be made on the basis of the proposals as submitted. The Selection Committee members are not to be contacted by the proposers. Final approval will be by the Thurston County Board of County Commissioners.

<b>EVALUATION CRITERIA</b>	<b>Scoring Maximum</b>
<b>Minimum Qualifications identified in paragraph 1.4 have been met.</b>	10 Points
<b>Firm’s Qualifications, Experience, and Past Performance</b> Firm is a registered licensed business in Washington State which has demonstrated knowledge in Washington State land use laws and processes. Firm has proven ability to meet deadlines required by code. County will review proposal and demonstrated experience outlined in the proposal (paragraph 3.2).	40 Points
<b>Recent Legally Defensible Decisions</b> Review and scoring of decision on a land use case. Review and scoring of decision on a sanitary code case.	20 Points
<b>Public Hearings</b> The respondent has direct experience conducting public hearings on land use and/or sanitary code cases.	10 Points
<b>Cost, Fee Structure and Organizational Capacity</b> The Proposal cost is reasonable, demonstrates an understanding of scope, and is an exceptional value for the county. Rates are reasonable.	20 Points
<b>TOTAL</b>	100 Points

Interviews for select candidates are expected to take place in late September 2021 with a view to having the position filled by the end of October 2021. Interviews will be scored by the interview panel. Staff will collaborate with individual(s) selected to develop a mutually acceptable plan of work, including hearing schedule and implementation strategy.

<b>INTERVIEW and REFERENCES SCORING</b>	<b>Scoring Maximum</b>
<b>References</b>	20 Points
<b>Interview</b>	80 Points
<b>TOTAL</b>	100 Points



