

## **Request for Proposal**

### **Town of Plaistow Plaistow Police Department Full-Time Prosecution Services**

**January 14, 2019**

The Town of Plaistow is soliciting proposals for adult and juvenile criminal prosecution services.

#### **Limitations**

This request for a proposal (RFP) does not commit the Town of Plaistow to award a contract, to pay any costs incurred in the preparation of a response to this request or participation in the selection process, or to procure or contract for services, supplies, or equipment.

The Town reserves the right to waive any informalities, to negotiate with any proposer, to reject any and all proposals, and to cancel, in part or in its entirety, this RFP if in the best interest of the Town of Plaistow. No proposer may withdraw his proposal within ninety (90) days after the actual date of the opening thereof.

#### **Qualifications**

A candidate for this position must have a Juris Doctorate degree from an accredited law school and be admitted to the New Hampshire Bar Association. Three to five years of experience as a Prosecutor is preferred. A candidate must have a thorough knowledge of current New Hampshire Criminal Code, Motor Vehicle Code, Juvenile Code, Department of Motor Vehicles Rules and Regulations, Rules of Evidence, and District and Superior Court Rules. A candidate must possess the necessary skill and ability to effectively prepare for and prosecute cases in a court of law.

#### **Scope of Services**

Work to be performed is on a contractual, as-needed basis. However, the scope of services is anticipated to include, but not be limited to, the following: general prosecution services for adults and juveniles such as arraignments; hearings, criminal and motor vehicle trials; negotiating appropriate plea agreements, administrative license suspension (ALS) hearings; answering/filing motions, consultations with officers regarding cases and investigations.

In addition, the Plaistow Police Department is seeking a Prosecutor that also has experience with advising officers on the proper charges and experience in search and arrest warrants regardless of the investigation type. When available, response to crime

scenes for serious events and be available for legal advice during normal business hours and after hours for emergency questions from Officers.

Work may also consist of preparation of case files, developing strategies for a successful trial preparation with officers; understanding the cases with the recommendations of charges or additional charges; reviewing case files with officers; completing subpoenas of witnesses and expert witnesses; contact with defense attorneys, and providing other forms of technical assistance. It is expected that Prosecution services will include: providing written recommendations & reports of findings, attendance at public meetings, making presentations, interacting with County and State prosecutors on behalf of the Plaistow Police Department, annual legal update training, and assisting with the preparation of data collection for final yearly statistical purposes.

This position may have the opportunity to separately contract for services with two other police departments outside of Plaistow whose cases are also heard in the Plaistow District Court.

### **Proposal Requirements**

1. Identification of Key Staff & Statement(s) of Qualifications (if applicable):  
Proposals should include names and resumes for all personnel to be assigned work under the contract, to include current job titles, licenses and certifications. The proposal should also designate a Prosecutor to serve as the primary Prosecutor for the Plaistow Police Department.
2. Experience:  
Proposals should provide a list of specific experience and activities performed by the applicant which demonstrate competency and proof that the qualifications have been met.
3. References:  
Proposals must include the names and contact information/references for at least three (3) clients who can speak to areas including case management, trial work, assistance with investigations, etc.
4. Conflict of Interest Policy:  
Provide a statement on prevention or mitigation of any perceived conflicts of interest that may exist based on relationships with Plaistow Police Department, other Police Town officials, or other clients.
5. Insurance & Indemnification:  
Provide a copy of an insurance certificate and statement of indemnification to cover assigned personnel who will be engaged on behalf of the Plaistow Police Department. The Plaistow Police Department reserves the right, however, to negotiate additional terms and coverage upon acceptance of a proposal. In addition, the Plaistow Police Department will require an original certificate of insurance with a cancellation limitation

clause that identifies the Plaistow Police Department as an additional insured prior to the start of any actual work.

6. Proposed Subcontractors:

Provide a list of any known subcontractors that will be used to supplement the services that have been set forth in this RFP. Include names, resumes and experience for their key personnel.

7. Contract Proposal to include Waivers, Exclusions & Limitations:

Provide a sample contract form to be used as a basis for an agreement with the Plaistow Police Department, with the understanding that both parties reserve the right to negotiate all actual terms and conditions to achieve mutual agreement. Contract proposals should list all waivers, limitations and exclusions; however, it must be noted that the Plaistow Police Department will not agree to limit the professional liability of the Department Prosecutor to the value of the contract. Contract proposals should also include reference to this RFP as a basis of understanding, along with statements on document ownership and copyrights.

8. Fee Schedule:

Provide a list of current fees by personnel and/or position that will be applicable during the initial one (1) year contract. This may include travel time, reimbursements, equipment, etc.

It is the intention of the Plaistow Police Department to negotiate a contract with the Department Prosecutor to provide consulting on a case-by-case basis for all cases/investigations that require prosecution services under the terms and conditions of this RFP. Each case/activity will require the Plaistow Police Department Prosecutor to provide an estimate based upon identification of assigned staff, lists of tasks, hours of labor, the fee schedule, use of subcontractors, attendance at meetings and court time, contingencies, reimbursements, etc. to include (1) all aspects and subsequent hearings for adult violation and misdemeanor criminal cases from arraignment to resolution; (2) administrative license suspension (ALS) hearings; (3) case preparation and consultation with officers for cases and/or investigations to include search and arrest warrants and filing of charges; (4) juvenile case prosecution; (5) annual legal update training.

**Award of Contract:**

Any contract entered into by the Town will be in response to the proposal and subsequent discussions. It is the policy of the Town that contracts be awarded, among other considerations, only to responsive and responsible proposers. In order to qualify as responsive and responsible, the proposer must meet the following standards as they relate to this request:

1. Have adequate financial resources for performance or have the ability to obtain such resources as required during performance;

2. Have the necessary experience, organization, technical and professional qualifications, skills and facilities;
3. Be able to comply with the proposed or required time of completion or performance schedule;
4. Have a demonstrated satisfactory of performance;
5. Adhere to the specifications of this proposal and provide all documentation required of this proposal.

The contract will be awarded to a responsive and responsible proposer based upon cost and experience.

**Special Notation:**

This information is data for the last six (6) years on the number of cases/criminal charges prosecuted for the Plaistow Police Department only:

	Cases:	Charges:
2013 -	547	847
2014 -	500	772
2015 -	477	732
2016 -	386	576
2017 -	451	745
2018 -	506 (projected)	886 (projected)

**General Information:**

The Plaistow Police department desires a one (1) year contract proposal, with provisions for early termination and an automatic annual renewal.

**Submission:**

Proposals shall be in a sealed envelope, plainly marked "Prosecution Services" and addressed to:

Town of Plaistow, NH  
 Office of the Town Clerk  
 145 Main St.  
 Plaistow, NH 03865

All proposals must be submitted no later than 12:00 PM on Thursday, February 28, 2019. Proposals and/or modifications received after this time will not be accepted or reviewed. No facsimile produced proposals will be accepted. For further information or

questions, please contact Douglas P. Mullin, Interim Chief of Police by phone at 603-382-1200 x305 or by email at [dmullin@plaiستow.com](mailto:dmullin@plaiستow.com).