

REQUEST FOR PROPOSAL (RFP) FOR A HEARING OFFICER

1. REQUEST FOR PROPOSAL:

North Ogden City (“the City”) requests proposals for the services of an Administrative Hearing Officer. Each response to this Request for Proposal (“RFP”) must contain all of the information solicited in order for the applicant to be considered for appointment.

2. BACKGROUND:

The City will retain a Hearing Officer to perform the duties described in the duties and responsibilities (Exhibit A). The Hearing Officer is appointed by the Mayor and confirmed by the City Council. They serve at the will of the Mayor and works under the direct supervision of the Mayor and City Manager. The level of service required of the Hearing Officer shall include attendance at hearings and other meetings as requested by City Administration.

3. SCOPE:

The Hearing Officer shall operate under relevant provisions of the City and State Code. City Code sections include 11-1-5, 11-2-3, 11-2-16, 11-4-3 11-6, 11-27-8, and others. Specifically, the handling of appeals related to Land Use Decisions, which are non-criminal in nature. The scope of work for the Hearing Officer position is attached to this RFP as Exhibit A. The scope of work also describes the preferred qualifications for the position.

4. REMUNERATION:

The Hearing Officer is an independent contractor who receives no employee benefits, no workers compensation coverage from the City and no Internal Revenue Service withholdings are made from pay. The successful applicant will be expected to enter into a contract with the City upon appointment by the Mayor and confirmation by the City Council. The City will pay for services per contract. The applicant shall propose the compensation to be offered by the City.

5. QUALIFICATIONS:

Applicants shall provide information regarding their education and experience that qualify them to perform the services described in the scope of work. Candidates with significant experience with administrative hearings and providing legal or planning services to municipalities or similar government entities will be given preference.

6. SUBMITTAL REQUIREMENTS:

The statement of qualifications shall be accompanied by:

- a. a list of at least three (3) professional references who can attest to the applicant's character and ability;
- b. a current resume reflecting work experience and educational attainments.

The applicant shall sign and date the statement of qualifications.

7. RECOMMENDATIONS:

To be considered, the proposal must respond to all requirements in the RFP. Any other information believed to be relevant, but not applicable to the remunerated categories, should be provided as an appendix to the proposal. If publications are provided, the document and page number shall be referenced. The proposal shall be divided into sections as indicated below:

Sealed Proposal: Each proposal shall be submitted to the Office of the City Recorder at 505 E. 2600 N., North Ogden, Utah 84414 on or before September 5, 2025 by 12:00 pm Mountain Daylight Savings Time. No additional proposals will be received thereafter.

Proposals must not exceed twenty-five (25) pages. Two (2) hard copies of each proposal must be submitted and one (1) electronic copy that is emailed to the City Recorder at recorder@northogdencity.gov. The proposal will remain valid for at least thirty (30) days.

8. CRITERIA FOR SELECTION:

- a. Based upon a review of the City of all submissions, an undetermined number of finalists may be invited to participate in an interview with the City selection committee comprised of City Elected Officials and staff.
- b. Following the interviews (if held) the selection committee will use "The Choosing By Advantages Decision Making System" (CBA) to rank the proposals.
- c. The City will enter into contract negotiations with the applicant selected by the selection committee.
- d. In the event the City is not able to negotiate a mutually acceptable contract with the successful applicant, it reserves the right to terminate negotiations and then undertake negotiations with one of the other finalists.
- e. The following areas will be considered in the selection:
 - i. **Understanding the Position: (30 Points)**
This refers to the applicant's understanding of the City of North Ogden's needs, objectives of the RFP, and the duties and responsibilities involved.
 - ii. **Applicants Qualifications: (50 Points)**
This includes the ability of the applicant to meet the needs of the RFP, particularly time constraints, experience as a hearing officer, understanding of Utah codes, and relevancy of Total Experience and Municipal Experience of similar nature completed by the consultant.

iii. **Professional Personnel: (20 Points)**

Written communication, professional appearance, and ability to manage a dignified hearing to provide applicants with the opportunity to be heard in a meaningful way by an impartial body.

9. RIGHT TO REJECT ALL STATEMENTS OF PROPOSAL:

There is no guarantee that a candidate will be appointed to fill the Hearing Officer position. The City reserves the right to reject any or all statements of qualifications.

10. ADDENDA TO THE REQUEST FOR PROPOSALS:

In the event that it becomes necessary to revise any part of this RFP, addenda will be provided to all applicants invited to respond.

11. LATE PROPOSALS:

Late proposals will not be accepted. It is the responsibility of the consulting firm to ensure that the proposal arrives prior to 12 pm Mountain Daylight Savings Time on September 5, 2025.

12. ACCEPTANCE OF PROPOSAL CONTENT:

The contents of the proposal of the successful applicant may become contractual obligation if the City wishes to execute a contract based on the submitted proposal. Failure of the successful applicant to accept these obligations in a contract may result in cancelation of the award and such applicant may be removed from future solicitations.

13. REFERENCE CHECKS:

The City reserves the right to contact any reference or any client listed in the documents for information which may be helpful to the City in evaluating the applicant's performance on previous assignments.

14. WRITTEN AGREEMENT:

The successful applicant will be required to enter into a written agreement with the City in a form acceptable to the City.

15. ADDITIONAL INFORMATION:

For additional information regarding the services specified in this request for proposal, contact Rian Santoro, North Ogden City Recorder, 505 E. 2600 N., North Ogden, Utah, 801-782-7211 recorder@northogdencity.gov.

END OF DOCUMENT

Exhibit A

HEARING OFFICER DUTIES AND RESPONSIBILITIES

The Hearing Officer is appointed by the Mayor with the advice and consent of the City Council and serves at the will of the Mayor.

The Hearing Officer will function as the North Ogden Land Use Appeal Authority and shall act and conduct hearings and appeals for land use decisions and other areas as outlined by the North Ogden City Code. Hearings will be scheduled by City staff according to the Hearing Officer's schedule and conducted in a quasi-judicial manner as required by Utah Code. The Hearing Officer will be required to issue official written decisions within five (5) business days of the hearing. All required notices, documentation, and paperwork will be processed by North Ogden Staff.

The Hearing Officer must be able to articulate and follow appropriate procedures for conducting hearings, including rules and deadlines governing the submission of documents and other information to create professional hearings while protecting property rights, due process, and other legal rights of parties involved.

The Hearing Officer will be available for consultation with City officials during normal City business hours and attend meetings, hearings and at other appointments as requested.

The Hearing Officer should have significant experience in Utah Land Use Law, the process of making quasi-judicial decisions, hearing procedures, and other legal standards including rules regarding ex parte communications. Preference will be given to individuals who have professional certifications, licenses, or other qualifications which are particularly suited for the position. The Hearing Officer is free from a history of disciplinary action by professional associations to which they belong.

The Hearing Officer complies with all laws, rules of professional conduct and City policies regulating their position and profession.

The Hearing Officer performs their work in a prompt, timely and professionally competent manner reflecting the urgency of the need by City officials for the particular legal service.

The Hearing Officer enforces state laws and local ordinances within the corporate limits of North Ogden, Utah.

The Hearing Officer understands Utah Land Use Law and is responsible to provide prompt, timely, and competent legal opinions as outlined by the North Ogden Code in a manner that is consistent with state statute and case law so that decisions by the Hearing Officer are likely to be upheld by a court if challenged.

The Hearing Officer is a representative of the City who communicates, cooperates, and collaborates, in a professional manner that reflects well on the image of the City in their interactions with: elected officials, appointed officials, employees, representatives of other government entities, judges, attorneys, professionals, businesses, civic groups, and individuals.