

**Whatcom County
Request for Proposals
RFP #26-40**

Notice is hereby given that sealed proposals will be received by Whatcom County Administrative Services Finance/Purchasing at the office located on the fifth floor of the Whatcom County Courthouse, 311 Grand Avenue, Suite 503, Bellingham, WA 98225, for the following:

PROFESSIONAL HEARING EXAMINER SERVICES

UNTIL: 2:30 PM, Tuesday, July 28, 2026

At which time and place the responses will be publicly opened (live/virtual via Zoom), and the names of the submitters read aloud. All interested people are invited to attend the live proposal opening via Zoom. Late submittals will not be considered.

Whatcom County is requesting proposals from qualified individuals or firms to provide professional hearing examiner services.

Further information is contained in the solicitation document, which can be downloaded at no charge from the Whatcom County Purchasing website at <https://www.co.whatcom.wa.us/Bids.aspx>, see "Related Documents" at the bottom of the solicitation posting page. If you are unable to download the pdf documents from this website, contact Purchasing at FN_Purchasing@co.whatcom.wa.us (preferred), or phone (360) 778-5330.

Whatcom County affirms it will not discriminate against, or grant preferential treatment to any individual or group on the basis of age, race, color, creed, religion, sex, sexual orientation (including gender identity), marital status, color, disability, political affiliation, veteran status, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Whatcom County encourages disadvantaged, minority, by and for, and women owned firms to respond. Persons with disabilities may request this information be prepared and supplied in alternate forms by contacting Purchasing at (360) 778-5330.

Whatcom County reserves the right to reject any or all proposals and to waive any irregularities.

Publication Date(s): June 17, 2026.

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GENERAL INFORMATION

Whatcom County is seeking the services of a qualified independent contracted attorney or firm to act as the County Hearing Examiner on behalf of the County.

The Planning and Development Services Department processes applications to manage land development for upcoming projects in conjunction with federal, state, and county regulations. The Hearing Examiner independently performs the duties as specified in [Whatcom County Code Chapter 2.11](#). A county staff member serves as the Hearing Examiner Coordinator and manages the administrative functions of the hearing examiner's office including setting hearing schedules, preparing agendas, publishing meeting notices, attending, and recording hearings, and maintaining the hearing examiner's office website.

SCOPE OF SERVICES

The information contained in this section describes the scope of the duties and services that the Contractor is expected to complete.

A) Hearing Examiner Requirements as contained in several sections of the Whatcom County Code

See 'Attachment A' for a listing of included Code sections.

B) Frequency of Hearings

The Contractor must be prepared to schedule a minimum of 12 hearing days during any twelve-month period during which a contract will be in force. The number of cases scheduled per hearing will vary. On average, approximately 27 decisions per year may be rendered. Whatcom County prefers a regular monthly hearing date be established as mutually agreed upon.

C) Submission of Decisions

Decisions must be submitted within the timeframe as provided by law. It will be the responsibility of the contractor to provide decisions to the County in a format as may be mutually agreed upon. All content and materials that will be posted to the county website must be checked for accessibility and meet WCAG 2.1 level AA standards.

D) Term of Contract

The County anticipates offering a two-year contract with an option for an additional annual renewal for up to three total contract years. The contract term will begin on January 1, 2027.

CONTRACTOR REQUIREMENTS

- A) The Contractor must have experience performing similar quasi-judicial duties relating to planning and land use for other firms or agencies.
- B) Possession of a degree in law from an accredited college or university and admission to the Washington State Bar is required. Whatcom County will be the sole judge of qualifications for this contract.
- C) The Contractor will be required to maintain general liability insurance, professional liability insurance, and worker's compensation liability insurance with limits of no less than \$1 million per occurrence and \$2 million aggregate. Such coverage will be a condition of the contractual relationship between the County and the successful applicant.
- D) The Contractor must have adequate technology and equipment to receive records electronically and participate in hearings remotely as needed.
- E) The Hearing Examiner may be required at their expense to make site visits.
- F) The Hearing Examiner and/or Pro Tempore Hearing Examiner shall be prepared to recuse themselves from any case where a potential conflict of interest exists.
- G) The Contractor will have their own clerical staff as needed to perform their role as Hearing Examiner and will write their own decisions with no clerical assistance from county staff.
- H) The proposer must submit their State of Washington UBI number and comply with all local and state business

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regulations.

- I) The Contractor must provide a price for the services to be provided. The County reserves the right to negotiate a lower price with the successful contractor through modification of the scope of services.

Please note the following services will be completed by county staff:

- A) The County will provide hearing rooms, recording devices, and supplies necessary for in-person and/or remote/virtual hearings.
- B) The County's Hearing Examiner Coordinator will schedule hearings, post agendas, publish hearing notices, assist at hearings, maintain the Hearing Examiner's Office webpage, and provide general support to the public. The Contractor will not have managerial control over the Hearing Examiner Coordinator employed by the county.

REQUIRED PROPOSAL CONTENTS

Please provide the following elements, in the order listed, in no more than 10 pages, excluding writing samples:

- Cover Letter** A cover letter addressed to Kirsten Smith, Deputy Clerk, c/o Whatcom County Purchasing, 311 Grand Avenue Suite 503, Bellingham WA 98225 must be submitted.
- The letter must state the proposer's ability to comply with all the stipulations of this Request for Proposals and should point out the proposer's particular strengths and why they should be chosen to supply the service needed. If there are areas in which the proposer cannot or may not comply, the letter must specify and explain them.
- Provide a statement asserting that no conflict of interest exists with other clients in relation to the provision of Hearing Examiner services on behalf of Whatcom County.
- The letter must be wet-signed by a person legally able to commit to the project.
- History & Experience** Provide a brief history of the firm and identification of ownership.
- Provide examples of similar work performed, including descriptions of relevant projects and samples of written reports.
- Describe your familiarity with Whatcom County Code.
- Qualifications/Staff** Provide names and qualifications of those persons that will be assigned to serve as the Hearing Examiner, detailing their background and experience.
- Provide names and qualifications of those persons that may be assigned as Hearing Examiner Pro Tempore should you or your firm have a conflict of interest.
- References** Provide at least three (3) professional references, including listing projects you worked on and/or services provided.
- Writing samples** Provide at least two (2) writing samples, consisting of administrative decisions. Writing samples submitted with the RFP response should be no more than 20 pages in length, as it is merely a sample of the proposer's writing skills. During the review of proposals, the evaluation committee might reach out to respondents for further information, including an electronic version of the full writing sample, if applicable.
- Price** Provide the proposed compensation.
- The following is a list of final decisions made by the Hearing Examiner, as per [WCC 2.11.210](#):
- A) Appeals from any order, permits, decisions or final determinations made by an administrative official or committee in the administration of this title, WCC Title 15, except for building and fire code requirements, WCC Title 16, Environment, WCC Title 17, Flood Damage Prevention, WCC Title 20, Zoning, WCC Title 21, Land Division Regulations, WCC Title 22, Project Permit Procedures, WCC Title 23, Shoreline

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Management Program, or WCC Title 24, Health Code.

- B) Appeals from a decision of the administrator of the shoreline management program.
- C) Applications for zoning ordinance conditional use permits.
- D) Applications for variances from the terms of the zoning ordinance.
- E) Applications for shoreline management substantial development permits not accompanied by a major project permit when an open record hearing is required.
- F) Applications for variances from the terms of the Whatcom County shoreline management program.
- G) Applications for variances from the terms of Chapter 16.16 WCC, Critical Areas.
- H) Applications for reasonable use permits under the terms of Chapter 16.16 WCC when an open record hearing is required.
- I) Applications for shoreline management program conditional use permits.
- J) Applications for flood damage prevention variances.
- K) Appeals from SEPA determinations of significance, determinations of nonsignificance, and mitigated determinations of nonsignificance.
- L) Preliminary subdivisions and subdivision variances.
- M) Preliminary binding site plan proposals.
- N) Revocation proceedings involving previously approved zoning conditional use permits, shoreline management substantial project permits and shoreline conditional use permits.
- O) Applications to continue operations of nonconforming adult businesses pursuant to WCC 20.83.015.
- P) Appeals of decisions relating to water service issues under Section 9.2 of the Coordinated Water System Plan.
- Q) Appeals from any orders, requirements, permits, decisions, or determinations made by an administrative official relating to essential public facilities. (Ord. 2018-032 § 1 (Exh. B)).
- R) In 2024, the Hearing Examiner assumed the role of the former Board of Appeals and now also hears and decides appeals on decisions or building code interpretations made by the Building Official or Fire Marshal.

Additional tasks may include prehearing conferences, continued hearings, and supplemental hearings.

PROPOSAL SUBMITTAL

Submit **one (1) unbound, wet-signed original** of the proposal in a sealed package marked on the outside as follows:

- Name of Submitter
- RFP #26-40, Hearing Examiner Services

Send or deliver the proposal to:

Attn: Sara Winger, Senior Purchasing Coordinator
Whatcom County, AS Finance/Purchasing
311 Grand Avenue, Suite 503
Bellingham WA 98225

The proposal must be received **no later than 2:30 PM, Tuesday, July 28, 2026. Late submittals will not be considered.** Responses transmitted directly to Whatcom County electronically or by fax will not be considered.

Proposals shall be deposited at the designated location prior to the date and time for receipt of proposals as

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indicated in the Invitation, or such revised date as may be specified by an addendum.

No oral, telephone, or electronically submitted proposals or modifications will be considered.

It is the submitter's responsibility to deliver the document to the proper address by the assigned time. Whatcom County accepts no responsibility for lost or misdirected submittals.

All proposals, received on time, will be opened in a public format via Zoom, immediately following collection of all submittals received by the deadline time. All interested people are invited to attend the live solicitation opening via Zoom as follows:

Join Zoom Meeting:
<https://us06web.zoom.us/j/84126397248>
Meeting ID: 841 2639 7248
One tap mobile
+12532050468,,84126397248# US

QUESTIONS

All questions regarding this matter should be directed in writing via email by 5:00 PM, Monday, July 13, 2026 to:
Kirsten Smith, ksmith@co.whatcom.wa.us

EVALUATION AND SELECTION

The selection of a contractor for this project will be made from the qualified proposers responding to this RFP. All firms responding will be evaluated, scored, and ranked. The top evaluated proposers may be invited for an interview with Whatcom County to select the most qualified.

Consultants will be evaluated and ranked based on the following criteria:

1. Firm background and experience in the provision of similar services (25%)
2. Experience and qualifications of persons doing the work (25%)
3. Adequacy and effectiveness of samples of prior work (25%)
4. Responsiveness and completeness of proposal (10%)
5. Price and fee structure (15%)

The County assumes no obligation of any kind for expenses incurred by any respondent to this solicitation. If the RFP does not include these items, is not submitted on time, or exceeds the specified page length limit, it will be deemed non-responsive and will not be eligible for further consideration. All submittals become the property of Whatcom County and will not be returned.

Whatcom County reserves the right to negotiate with the selected vendor to clarify details and to achieve the best overall services for the County.

Whatcom County reserves the right to reject any or all proposals, and to waive any irregularities.

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Attachment A

Duties of the Whatcom County Hearing Examiner per Whatcom County Code (full text for each referenced section available at <https://ecode360.com/48035182>) include but are not limited to:

WCC	TITLE OF CHAPTER
TITLE 2	ADMINISTRATION AND PERSONNEL
2.11	Hearing Examiner
2.100	Objection Process for Lake Management District Rates and Charges or Special Assessments
TITLE 8	HEALTH AND SAFETY
8.15.090	Solid Waste Disposal Sites – Suspension of Revocation
8.32.030	Notice of a hearing
8.32.040	Determinations and Burdens of Proof
8.32.050	Abatement
8.32.060	Abatement by owner
8.32.070	Costs of abatement
8.34.020	Airport Disclosure – Definitions
TITLE 9	PUBLIC PEACE, MORALS, AND WELFARE
9.52	Erotic Dance Studios
TITLE 14	USE OF NATURAL RESOURCES
14.02.050	Right to Farm – Agreement to Refrain from Legal Action
TITLE 16	ENVIRONMENT
16.05.157	Denial without environmental impact statement (EIS)
16.08.170	State Environmental Policy Act (SEPA) – Appeals
16.16.240	Critical Areas – Technical Administrator and Hearing Examiner Authority
16.16.265	Critical areas protective measures
16.16.270	Reasonable use exceptions
16.16.285	Penalties and enforcement
16.32.080	Establishing Regulations for Fertilizer Application on Residential Lawns in Lake Whatcom and Lake Samish Watersheds – Penalties and Enforcement
16.36.060	Illicit Discharge Detection and Elimination Program – Penalties and Enforcement
16.40.060	National Pollutant Discharge Elimination System (NPDES) – Penalties and Enforcement
TITLE 17	FLOOD DAMAGE PREVENTION
17.12.040	Administration: Variances – Process
TITLE 20	ZONING
TITLE 21	LAND DIVISION REGULATIONS
21.02	Variances, Appeals, and Amendments
21.03	Exempt Land Divisions and Boundary Line Adjustments
21.04	Short Subdivisions
21.05	Preliminary Long Subdivisions
21.07	Preliminary Binding Site Plans
21.08	General and specific binding site plans
TITLE 22	LAND USE AND DEVELOPMENT PROCEDURES
22.05	Project permit procedures
TITLE 23	SHORELINE MANAGEMENT PROGRAM
23.60	Shoreline Permits and Exemptions
23.70	Administration
TITLE 100	FLOOD CONTROL ZONE DISTRICTS
100.07	Birch Bay Watershed and Aquatic Resources Management District Funding Mechanism