



Legislation Text

File #: 17-329, Version: 1

MEMORANDUM

TO: Board of Supervisors

FROM: Carol J. Huchingson, County Administrative Officer

DATE: March 28, 2017

SUBJECT: 9:10 A.M. - Consideration of Request for Board Direction as to Public Defender Contract Negotiations

EXECUTIVE SUMMARY:

As you may be aware, our current Public Defender contractor has given notice, within the terms of the agreement, with the last day of service set for May 6, 2017. As the County is constitutionally mandated to provide Public Defender Services, our office issued a Request for Proposals to secure a new contractor. We received three proposals and interviewed representatives from each of the three proposers (not in ranked order):

Lake Indigent Defense

Proposal is based on impending partnership of two local attorneys, David Markham and Andrea Sullivan, who have worked under the outgoing contractor. Proposed partnership includes one partner who meets the requirements of the RFP (five years of experience in criminal law) and one who does not. Proposer intends to open a local office, with a "timeshare" approach to administration of the program with the two partners overseeing one week on/one week off, subcontracting with existing Public Defender attorneys who have been working under the outgoing contractor. Proposer's interview included emphasis on meeting the needs of the existing Public Defender contract attorneys. Since one partner does not meet RFP requirements, before moving forward with a contract, we would need assurance from the qualifying partner that he would commit to actively overseeing the program throughout the contract term (ending June 30, 2020) and that he would agree to accept final decision-making authority and responsibility. Total cost of proposal is second out of three.

Law Office of Joseph M. Ahart, Inc.

Proposer is based in Shasta County. and meets all requirements of the RFP. Proposer currently provides similar services under contract in Shasta County. Proposer intends to open a local office, managed by a Chief Public Defender, subcontracting with existing Public Defender attorneys who

have been working under the outgoing contractor. Proposer's interview included assurance that Lake County would bear no additional expense for conflict attorneys beyond the maximum contract compensation as well as an emphasis on prudently managing ancillary expenses. Proposer also presented a compensation plan intended to attract and retain the most qualified attorneys. Total cost of proposal is the lowest out of three.

Richard A. Ciummo & Associates

Proposer is based in Madera County and meets all requirements of the RFP. Proposer currently provides similar services under contract in many areas including Madera, Fresno, Amador, Calaveras and Modoc counties. Proposer intends to open a local office. Proposer's interview included emphasis on proposer's intention to hire existing attorneys who have been working under the outgoing contractor, put them on salary and provide them with health benefits and a retirement plan. Total cost of proposal is the highest out of three.

FISCAL IMPACT: ☒ None ☐ Budgeted ☐ Non-Budgeted

Estimated Cost:

Amount Budgeted:

Additional Requested:

Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative): None

STAFFING IMPACT (if applicable): None

RECOMMENDED ACTION:

Staff recommends proceeding with contract negotiations with the Law Office of Joseph M. Ahart, Inc. In staff's estimation, the Ahart proposal is the most comprehensive and cost effective of the three.

As you can imagine, time is of essence as the new contractor will be required to be operational on May 7, 2017. **Staff requests Board direction as to Public Defender Contract negotiations.**

Staff intends to return to your Board, on your next available agenda, for consideration and approval of the resulting contract.