County of Monterey

Legislation Details (With Board Report)

File #:	15-1238	**Name:**	ADO Agreements Per RFP#10521
Type:	General Agenda Item	**Status:**	Passed
File created:	11/4/2015	**In control:**	Board of Supervisors
On agenda:	11/17/2015	**Final action:**	11/17/2015

Title: a. Approve and authorize the Contracts/Purchasing Officer to execute two Professional Services Agreements, with Jeremy Dzubay and William Pernik, to provide legal representation in indigent adult criminal cases through the Alternate Defender's Office, in the amount of $103,500 each, for the term of October 1, 2015 through June 30, 2016 each; and
b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) future amendments, extending the term of each of these Professional Services Agreements by one (1) fiscal year per amendment, in the amount of $138,000 per full fiscal year, provided there is no significant change to the scope of work or increase in cost. (ADDED VIA ADDENDUM)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Pernik FY15 16, 3. Dzubay FY15 16, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
11/17/2015	1	Board of Supervisors	approved	

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RECOMMENDATION:
a. Approve and authorize the Contracts/Purchasing Officer to execute two Professional Services Agreements, with Jeremy Dzubay and William Pernik, to provide legal representation in indigent adult criminal cases through the Alternate Defender's Office, in the amount of $103,500 each, for the term of October 1, 2015 through June 30, 2016 each; and

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SUMMARY:
The Monterey County Alternate Defender's Office (ADO) finds it necessary to assign qualified trial counsel to represent indigent defendants, other parties, or juvenile offenders in cases in which the Monterey County Public Defender has declared a conflict of interest and the courts appoint the ADO to serve as counsel.

To fulfill these alternate defense requirements, and to obtain qualified outside professional legal services, the ADO solicited qualifications from legal firms and/or attorneys to provide legal representation for adult criminal clients -Request for Proposals (RFP) #10521. Following the evaluation of qualifications submitted and an interview process, two attorneys were selected to provide criminal defense services. The ADO recommends that the Board execute contracts with the Law Office of Jeremy Dzubay, and the Law Office of William Pernik, for criminal defense services in the pro-rated amount of $103,500 for the remainder of fiscal year 2015/2016. The ADO further recommends that the Board authorize up to three, one-year extensions of these contracts by amendment, for one additional year per amendment, in the amount of $138,000 per full fiscal year.

DISCUSSION:
Language has been added to the proposed Professional Services Agreements to ensure that legal services are provided in compliance with ADO policies regarding legal representation and procedures. The proposed Professional Services Agreements are attached to this Board report and are on file with the Clerk to the Board's Office. To assist the ADO in meeting workload and legal indigent defense requirements, the proposed Professional Services Agreements also provide for the possibility of appointment in particular cases, not included in the contract, at specified additional compensation and includes provisions for compensation for extraordinary expenses.

OTHER AGENCY INVOLVEMENT:
The ADO worked with the Contracts/Purchasing Division during the RFP solicitation to ensure the process was fair and transparent. County Counsel and the Auditor-Controller have reviewed and approved these Agreements as to legal form and fiscal provisions respectively. All the insurance and indemnifications are compliant with the standard requirements set forth by the Risk Manager. The proposed contractors were formerly employed by the County Public Defender's Office. County Counsel has reviewed the contracting process and is satisfied that no issues arising under Government Code section 1090 or the Political Reform Act are posed by their selection.

FINANCING:
The annual compensation for each of the contracts is funded through Fund 001-Public Defender PUB001-2270-Budget Unit 8168-Court Assigned Counsel, as follows:

Contractor	**Maximum Annual Amount**	**Case Type**
Law Office of Jeremy Dzubay	$138,000.00	Heavy Felony
Law Office of William Pernik	$138,000.00	Heavy Felony

Funding for the Agreement is included in the **FY 2015-2016** Approved Budget and will be included in the FY 2016-17 Requested Budget, Budget Unit 8168-Court Assigned Counsel. Approval of the recommended actions will have no additional impact on the County General Fund.

Prepared by: Latasha Ellis, Management Analyst, ext.5082 _____

Approved by: Jim S. Egar, Public Defender, ext.5806_____

Attachments: 1 through 2

Attachment 1: Agreement Jeremy Dzubay

Attachment 2: Agreement William Pernik