

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

848



**FROM:** Department of Mental Health

**SUBMITTAL DATE:**  
November 9, 2007

**SUBJECT:** Ratify a Single Source contract for legal services

**RECOMMENDED MOTION:** Move that the Board of Supervisors ratify a single source contract with Filarsky & Watt for legal services.

**BACKGROUND:** The Department of Mental Health works in concert with local educational agencies and others to meet the requirements established under federal and state statutes and regulations. Within these regulations, provisions are made for the handling of compliance complaints and due process concerns, which can result in due process hearings, mediation and alternative dispute resolution activities between the educational agencies, the department, and the child and their parents/guardians.

The Federal Education for All Handicapped Children Act (EHA) of 1975 (P.L.94-142) was enacted to ensure that children with disabilities receive a free and appropriate public education. The EHA, through a series of amendments, has become the Individuals with Disabilities Education Act (IDEA). The Rehabilitation Act of 1973, Section 504 (Ed 504) contains additional federal safeguards for individuals with disabilities, including a mental health disability.  
(Cont'd on page 2)

JW:ED:KS

*Jerry Wengerd*  
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Jerry Wengerd, Director  
Department of Mental Health

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 140,000	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year:

<b>SOURCE OF FUNDS:</b> 73% Federal & 27% State	Positions To Be Deleted Per A-30	<input type="checkbox"/>
<b>APPROVE</b>	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**  
BY: *Debra Cournoyer*  
Debra Cournoyer

**County Executive Office Signature**

Purchasing: *Billy Cornett*  
Billy Cornett, Purchasing Manager

FORM APPROVED COUNTY COUNSEL  
BY: *Larisa R-Mckenna*  
LARISA R-MCKENNA  
DATE: 11/9/07

Dep't Recomm.:  Consent  
Per Exec. Ofc.:  Consent  
 Policy  
 Policy

Prev. Agn. Ref.:      District: All      Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3 . 33

**SUBJECT:** Approval of a Single Source contract

**BACKGROUND:** cont'd

In 1984, the California Legislature enacted AB3632 (Chapter 1747, 1984), which created Chapter 26.5 of the California Government Code. Chapter 26.5 and the regulations contained therein outline a specific process by which local education agencies and County mental health departments interact to identify and serve children with special needs who require mental health services. When a legal issue arises, legal services from an outside attorney are necessary to ensure the appropriate legal counsel is provided for these complex and sensitive cases.

**Single Source Justification & Justification for Delay:** On March 29, 2007, the Department of Mental Health issued a Request for Proposals (RFP) to find qualified attorneys to provide legal services for the dispute resolution activities as they relate to the provision of mental health services under the Federal Individuals with Disabilities Education Act (IDEA) and other related federal and state requirements. Bids closed on May 3, 2007 with one proposal received. After reviewing the one bid received and consulting with County Counsel, the department determined in July 2007 that the RFP requirements needed to be revised to modify the scope of work to reissue the RFP in hopes for additional bids to be received. This process is expected to be completed by January 2008.

Given that legal services are still required in the interim, the department is requesting approval of this single source contract with Filarsky & Watt to be effective through January 2008, at which time the RFP process for these services will be completed and contracts awarded. Filarsky & Watt has provided legal services for the County in the past for these types of proceedings and hearings and are familiar with the process and the County's goals related to these legal actions.

**Price Reasonableness:** The cost for services provided by Filarsky & Watt is comparable with the industry standards for these types of legal services. These legal services are 100% reimbursable through the state's SB 90 mandates claiming process and supplemented with the Individuals with Disabilities Education Act (IDEA) funding through the Riverside County Office of Education.