

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

245



FROM: Department of Mental Health

SUBMITTAL DATE:

July 21, 2008

SUBJECT: Ratify the First Amendment to the Legal Services Agreement with Filarsky and Watt, LLP.

RECOMMENDED MOTION: Move that the Board of Supervisors:

1. Ratify the First Amendment to the FY 07/08 Agreement with Filarsky and Watt, LLP for \$425,900 as a sole source procurement;
2. Authorize the Chairman of the Board of Supervisors to sign the Agreement for FY 07/08;
3. Authorize the Riverside County Purchasing Agent to renew and/or amend this agreement up to an approved amount of \$500,000 for FY 08/09.

BACKGROUND: 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.

(continued on page 2)

JW:DK

Jerry Wengerd

Jerry Wengerd, Director
Department of Mental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 500,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	07/08

SOURCE OF FUNDS: 100 % State	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

Debra Cournoyer
BY: Debra Cournoyer
Debra Cournoyer

County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 Dep't Recomm.: Consent
 Per Exec. Ofc.: Consent
 Policy
 Policy
 FORM APPROVED COUNTY COUNSEL BY *LARISA R-MCKENNA* DATE *7/17/08*
 Departmental Concurrence
 Purchasing: *Mark Sefler* Assistant Director

3.95

PAGE 2

SUBJECT: Ratify the First Amendment to the Legal Services Agreement with Filarsky and Watt, LLP.

BACKGROUND (Continued):

Under the IDEA, IDEA reauthorized Ed 504, Ch 26.5 federal and state regulations, the Department of Mental Health (DOMH) is mandated to provide legal services that handle compliance and due process complaints for school aged children, which can result in mediation, hearings and alternative dispute resolution activities between the educational agencies, the department, and the child and their parents/ guardians. Therefore, in compliance with the federal and state regulations, the DOMH procured legal services from Filarsky & Watt (F&W) to represent the DOMH in dispute resolution activities as they relate to the provision of mental health services under IDEA, and other related federal and state regulations and requirements.

For FY 07/08, the DOMH initially had a Blanket Purchase Order (BPO) with F&W for \$25,000 to provide the *aforementioned* legal services. However, with an influx of federal and state mandated due process activities, the DOMH experienced a considerable increase in the need for legal representation as it relates to the IDEA regulations, and had to obtain Board approval on November 20, 2007, Agenda Item 3.33, to increase F&W's BPO to a \$140,000 contract for service.

Due to the continued growth in legal services, on March 29, 2007 the DOMH issued their first Request For Proposal (RFP) #MHARC021. However, the DOMH only received one (1) response to the first RFP. A second RFP #MHAR029 was issued by the Purchasing Department on October 30, 2007, and three bids were received upon bid closing. While the RFP process continued, the DOMH experienced a significant increase in demand for legal services attributed to the following: 1) more due process filings by parents and educational advocates; 2) a change in the process and procedures when administrative oversight switched to the State Office of Administrative Hearings on June 1, 2005; and 3) the federal reauthorization of IDEA effective July 1, 2005 that mandates that recipients of state and federal IDEA funds make available due process services described herein.

Therefore, the DOMH is requesting that the Board ratify the First Amendment to F&W's FY 07/08 contract to cover services provided through June 30, 2008; and to allow for completion of on going cases started in FY 07/08, as well as new cases while the new year contracts resulting from the RFP are prepared and sent to the Board on a subsequent Form 11.

FINANCIAL IMPACT:

The First Amendment with F&W increases F&W's contract from \$140,000 to \$429,000 for services provided from July 1, 2007 to June 30, 2008. In addition, the DOMH is requesting authorization for Purchasing to renew and/or amend the FY 08/09 with F&W up to \$500,000 in order to allow for the completion of services and the closure of outstanding legal cases from FY 07/08. These legal services are fully funded by State SB90 funds.

JUSTIFICATION FOR DELAY:

The RFP process took longer than anticipated due to limited response.