

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

937



FROM: Department of Mental Health

SUBMITTAL DATE:

SUBJECT: Ratify FY 08/09 Legal Services Agreements

RECOMMENDED MOTION: Move that the Board of Supervisors:

1. Ratify the legal services agreements for FY 08/09 with Filarsky and Watt, LLP, and with Erickson, Beasley and Hewitt, LLP;
2. Authorize the Chairman of the Board of Supervisors to sign these agreements; and
3. Authorize County Purchasing Agent to renew, increase, decrease and/or execute ministerial amendments for these legal services contracts annually up to the approved, combined aggregate amount of \$770,000 through June 30, 2013.

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. 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. **(continued on page 2)**

JW:DK

Jerry Wenger

 Jerry Wenger, Director
 Department of Mental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 770,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	08/09

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

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: *Debra Courmoyer*
 Debra Courmoyer

FORM APPROVED COUNTY COUNSEL
 BY: *Carisa R. McKenna* 10/17/08 DATE
 Dept. CARISA R. MCKENNA
 Purchasing: Mark Soller, Assistant Director
 Policy Policy
 Dept't Recomm.: Consent
 Per Exec. Ofc.: Consent

3.26

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SUBJECT: Ratify FY 08/09 Legal Services Agreements

BACKGROUND (continued):

Therefore, in compliance with Federal and State regulations, the DOMH was required to retain legal services 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.

In FY 07/08, the DOMH used one primary legal organization, Filarsky & Watt, LLP, in order to fulfill its Federal and State regulatory obligations of having legal representation in dispute resolution matters as it relates to children's mental health services. In October 2007, due to the department's growing legal contractual obligations, the DOMH issued a Request for Proposal (RFP) in order to obtain the most qualified and cost effective legal representation for the department. A total of three bids were received during the RFP process; and subsequently, two (2) of the bids received by the DOMH for legal services were chosen. The successful bidders for FY 08/09 legal services were Filarsky & Watt, LLP (F & W) and Erickson, Beasley and Hewitt, LLP (E, B & H).

On July 29, 2008, Agenda Item 3.95, the Riverside County Board of Supervisors authorized the DOMH to renew the FY 07/08 legal services agreement with F & W in order to maintain legal representation for the DOMH until the newly awarded contracts were Board approved.

PERIOD OF PERFORMANCE:

Both legal services contracts have a period of performance for FY 08/09 that covers services from July 1, 2008 through June 30, 2009. These contracts may be renewed annually by the Purchasing Agent through June 30, 2013 upon availability of SB 90 funding.

FINANCIAL IMPACT:

The legal services contracts with F & W and E, B & H will be in the amount of \$350,000 each to start, which is a combined contract amount of \$700,000. Based on the historical performance of the DOMH's legal contracts, a \$70,000 reserve (or 10% of the combined aggregate) has been added for financial provisions for any increases in legal services that may occur throughout this fiscal year. The total aggregate amount for legal services for FY 08/09 will be \$770,000. All legal services are 100% reimbursable through the State's SB 90 mandate, and do not require any additional County funds.

PRICE REASONABLENESS:

It was determined through the RFP process that the cost for services to be provided by F&W and E, B & H are comparable with industry standards for these types of legal services and were considered to be the lowest, well qualified bidders.

JUSTIFICATION FOR DELAY:

The RFP process took longer than anticipated due to the initial limited response and the need to issue a second RFP to obtain enough well qualified bidders.