

FORM APPROVED COUNTY COUNSEL  
 BY: *S. B. Victor* 11/30/10  
 MARSHAL VICTOR DATE

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

853



**FROM:** Purchasing and Fleet Services Dept.

**SUBMITTAL DATE:**  
 November 17, 2010

**SUBJECT:** Approval of the Agreement with Virginia M. Blumenthal, a Professional Law Corp., to Provide Legal Indigent Defense Criminal Services for Riverside County

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve and execute the 18-month professional service agreement with Virginia M. Blumenthal, a professional law corporation, for \$8,778,400 annually (\$7,772,400 services plus \$1,056,000 ancillary), which contains the options to renew the agreement for two additional one-year periods, and;
2. Authorize the Purchasing Agent, in accordance with Ordinance 459.4, to exercise the renewal option, based on the availability of fiscal year funding, and to sign amendments that do not change the substantive terms of the agreement, including amendments to the compensation provision that do not exceed the annual CPI rates, and;
3. Direct the Clerk of the Board to return three (3) original signed agreements to Purchasing and Fleet Services.
4. Approve the shift of Legal Indigent Defense to the Public Defender for administrative oversight and budget responsibility.

(Continued on Page 2)

*[Signature]*  
 ROBERT J. HOWDY SHELL, DIRECTOR  
 Purchasing and Fleet Services Dept.

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$4,389,200	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$4,389,200	Budget Adjustment:	No
	Annual Net County Cost:	\$8,778,400	For Fiscal Year:	10/11

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

**C.E.O. RECOMMENDATION:** APPROVE

BY: *[Signature]*  
 Dean Deines

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept's Recomm.:  
 Per Exec. Ofc.:

Prev. Agn. Ref.: #3.13 Dated 7/15/08, #3.11 Dated 6/23/09, #3.67 Dated 8/31/10, #3.57C Dated 2/23/10, & #3.48 Dated 3/16/10  
 District: \_\_\_\_\_ Agenda Number: \_\_\_\_\_

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

3.46

## **BOARD OF SUPERVISORS**

### **FORM 11: Approval of the Agreement with Virginia M. Blumenthal, a Professional Law Corp., to Provide Legal Indigent Defense Criminal Services for Riverside County**

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## **BACKGROUND**

### **New Oversight and Service Need**

Recommended along with this contract is a shift in responsibility for budget and contract oversight. With the Board's concurrence, the Public Defender's control and responsibility for all aspects of this service will increase. Decisions affecting Indigent Defense will be made in the context of three budgets. Specifically, the Public Defender will be asked to put together a yearly budget that together covers the offices of the Public Defender, the Alternate Public Defender and indigent defense. It is expected that achieving present and planned cuts can best be accomplished by a single manager considering public defense as a unit.

Riverside County is required to retain legal services to represent indigent defendants for whom the Riverside County Public Defender's Office (PD) declares a conflict of interest, including misdemeanors, felonies and the Welfare and Institution Code Section 600 et. Seq. juvenile offenses.

The area serviced under this solicitation will be all branches of the Riverside Superior Court across three distinct regions: Western Riverside, which includes Riverside, Corona, Banning, and Moreno Valley courts; Mid-County, which includes Hemet, Temecula, the Southwest Justice Center, and East County, which includes Indio and Blythe. Matters to be handled include violation of probation hearings, misdemeanors, and felonies (including non-death penalty capital cases when the Public Defender and Capital Public Defender Offices declare a conflict), as well as other miscellaneous appointments by the court, wherein the Public Defender has declared a conflict and the defendant/party meets the Public Defender indigence standard, which is consistent with 45 Code of Federal Regulations 1611 et seq.

### **Recent Board Direction to Update the Indigent Defense Contract**

On March 16, 2010 the Board directed the legal indigent criminal defense services requirement to be re-solicited and that the process be conducted in a specified manner to promote confidence in the process in which the proposals were received, handled, evaluated and safeguarded throughout the procurement process.

- **RFP Steering Committee**

To ensure full compliance with the Board's direction, a steering committee was formed consisting of Purchasing, Executive Office, County Counsel, Public Defender and a representative from each Board of Supervisors was invited to participate. Many meetings were held to refine the statement of work, establish the evaluation criteria, establish the evaluation weighting factors, create a timeline for critical events and establish appropriate parameters for selecting an evaluation team.

In addition, the steering committee decided to remove the "death penalty" cases from the scope of services for a separate solicitation process.

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**BACKGROUND (Continued)**

The culmination of this effort resulted in a solicitation document which was presented to the Board on August 31, 2010, Agenda #3.67. The Board of Supervisors approved the solicitation (Request for Proposal (RFP) #EOARC019) to be released. In addition to the solicitation, the names of the evaluators selected as public defense subject matter experts from other California Counties, were identified and approved.

The Evaluation Team consisted of the following members:

- John Abrahams: Public Defender, Sonoma County; Past Chair, California Council of Chief Defenders; Over 25 years experience in Criminal Law Public Defense.
- John Digiacinto: Chief Defender, San Mateo County Private Defender (Contract); Board Member, American Council of Chief Defenders; Board Member, Defense Policy Group for the National Legal Aid and Defender Association; Over 25 years experience in Criminal Law Private Defense.
- Paulino Duran: Public Defender, Sacramento County; Chair, American Council of Chief Defenders; Past Chair, California Public Defender's Association; Over 30 years experience in Criminal Law Public Defense.

• **The RFP Evaluation Criteria and Weighting Factors, which were part of the RFP approved by the Board on August 31, 2010, agenda #3.67, are as follows:**

1. Overall responsiveness and general understanding of the RFP requirements -5%
  2. Contractor's capability, service methodology, experience, and ability – 35%
  3. Credential/Resumes/Licenses/Certifications – 20%
  4. Overall cost to the County – 40%
- Total Weighted Criteria = 100%
5. References with demonstrated success with similar work to the Scope of Service:  
**Pass or Fail**
  6. Financial status: **Pass or Fail**
  7. Clarification, Exceptions, or Deviations: **Pass or Fail**

• **Request for Proposal Release**

Purchasing released the RFP on September 2, 2010. The RFP was mailed to 110 vendors. The pre-bid conference was held at 9:00 a.m. on September 16, 2010, at 2980 Washington St., Riverside, CA in the Purchasing conference room, and nine vendor representatives attended.

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**BACKGROUND (Continued)**

• **Request for Proposal Receipt and Evaluation**

The RFP closed on October 6, 2010 at 1:30 p.m. and three proposals were received by the Clerk of the Board. The respondents are as follows:

- Criminal Defense Lawyers: Received via sealed submission on September 27, 2010 at 10:49 a.m.
- Law Offices of Barbara Brand: Received via sealed submission on October 10, 2010 at 2:29 p.m.
- Virginia M. Blumenthal Law Corp.: Received via sealed submission on October 6, 2010 at 1:13 p.m.

As part of the effort to obtain the fairest technical evaluation, the associated costs proposals were submitted separately and maintained by the Clerk of the Board in their safe until after the technical evaluation phase of the process.

The evaluation period was set for 9:00 a.m. on October 18, 2010 until 12:00 p.m. on October 20, 2010 and was conducted at 2980 Washington St., Riverside, CA in the Purchasing Conference Room. Instruction to evaluators was standard and no historical perspective was provided. Code-of-conduct forms were signed by all evaluators. All attempts were made to minimize outside contact with evaluators to prevent any perception of influence on the process. Likewise, sealing the cost proposals in a safe at the Clerk of the Board until the technical evaluation was completed, demonstrated there was absolutely no opportunity for the original cost information to be revealed or manipulated.

At the conclusion of the technical evaluation, the evaluation team and Purchasing met at the Clerk of the Board on October 19, 2010 at 3:30 p.m. to review the vendors' cost proposals. In attendance for the opening of the cost proposals were the following: John Digiacinto, Paulino Duran, John Abrahams, Lisa Boerner (Purchasing), and Jane Jennings (Clerk of the Board).

**Evaluation Summary**

The evaluation committee scoring for the technical portion, along with the addition of the scoring for the pricing, separated by the three geographic regions, is as follows:

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**BACKGROUND (Continued)**

**Western County Region**

Criteria:	Weight Factors	Virginia M. Blumenthal Law Corp.				Criminal Defense Lawyers (CDL)					
		#1	#2	#3	Weighted Average	#1	#2	#3	Weighted Average		
1. Overall Responsiveness	5	7	7	6	3.33	5	5	4	2.33		
2. Experience Ability	35	8	10	9	31.50	3	5	4	14.00		
3. Credential/Resume/Licenses/Certification	20	9	10	10	19.33	3	3	3	6.00		
4. Cost to the County											
* Average Cases Open Per Year		1463				1463					
Service Portion		\$3,823,237				\$3,732,437					
* Ancillary		\$480,000				\$480,000					
Total Cost to the County	40	\$4,303,237				39.16	\$4,212,437				40.00
5. References	Pass or Fail					Pass					Pass
6. Financial Status	Pass or Fail					Pass					Pass
7. Clarification, Exceptions or Deviations	Pass or Fail					Pass					Pass
	100	Total Group Score:				<b>93.32</b>	Total Group Score:				62.33

\*Specified by the County

Notes: 1 Virginia M. Blumenthal Law Corp. \$90,800 more than Criminal Defense Lawyers

2 Virginia M. Blumenthal Law Corp. 50% higher evaluation score

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**BACKGROUND (Continued)**

**Mid-County Region**

Criteria:	Weight Factors	Virginia M. Blumenthal Law Corp.				Criminal Defense Lawyers (CDL)					
		#1	#2	#3	Weighted Average	#1	#2	#3	Weighted Average		
1. Overall Responsiveness	5	7	7	6	3.33	5	5	4	2.33		
2. Experience Ability	35	8	10	9	31.50	3	5	4	14.00		
3. Credential/Resume/ Licenses/Certification	20	9	10	10	19.33	3	3	3	6.00		
4. Cost to the County											
* Average Cases Open Per Year		765				765					
Service Portion		\$1,999,163				\$1,696,563					
* Ancillary		\$480,000				\$480,000					
Total Cost to the County	40	\$2,479,163				35.12	\$2,176,563				40.00
5. References	Pass or Fail					Pass					Pass
6. Financial Status	Pass or Fail					Pass					Pass
7. Clarification, Exceptions or Deviations	Pass or Fail					Pass					Pass
	100	Total Group Score:				89.28	Total Group Score:				62.33

\*Specified by the County

- Notes: 1 Criminal Defense Lawyers reduced Ancillary Expenses by \$60,000; however, this is a pass-through and county specified the amount to utilize.  
 2 Virginia M. Blumenthal Law Corp. \$302,600 more than Criminal Defense Lawyers  
 3 Virginia M. Blumenthal Law Corp. 43% higher evaluation score

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**BACKGROUND (Continued)**

**Desert Region**

Criteria:	Weight Factors	Virginia M. Blumenthal Law Corp.				Law Office of Barbara Brand				
		#1	#2	#3	Weighted Average	#1	#2	#3	Weighted Average	
1. Overall Responsiveness	5	7	7	6	3.33	4	5	4	2.17	
2. Experience Ability	35	8	10	9	31.50	2	4	4	11.67	
3. Credential/Resume/Licenses/Certification	20	9	10	10	19.33	8	8	7	15.33	
4. Cost to the County										
* Average Cases Open Per Year		1250				1250				
Service Portion		\$1,900,000				\$1,920,000				
* Ancillary		\$96,000				\$96,000				
Total Cost to the County	<b>40</b>	\$1,996,000				<b>40</b>	\$2,016,000			
5. References	Pass or Fail					Pass				
6. Financial Status	Pass or Fail					Pass				
7. Clarification, Exceptions or Deviations	Pass or Fail					Pass				
	100	Total Group Score:				<b>94.17</b>	Total Group Score:			
							68.77			

\*Specified by the County

- Notes:
- 1 Virginia M. Blumenthal Law Corp. \$20,000 less than the Law Office of Barbara Brand
  - 2 Virginia M. Blumenthal Law Corp. 37% higher evaluation score

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**AWARD RECOMMENDATION**

It is recommended that the Board award the contract for all three geographic regions to Virginia M. Blumenthal, a professional law corporation, at an annual fee of \$8,778,400 (\$7,722,400 services plus \$1,056,000 ancillary). This firm was determined to be the most responsive and responsible vendor providing the best overall value to the county. This recommendation is supported by an independent evaluation conducted by experts in their field.