

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

437



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

**SUBMITTAL DATE:**  
January 31, 2014

**SUBJECT:** AMEND THE AGREEMENTS WITH THE LAW OFFICES OF BARBARA M. BRAND, VIRGINIA M. BLUMENTHAL, A PROFESSIONAL LAW CORP., AND CRIMINAL DEFENSE LAWYERS, TO PROVIDE LEGAL INDIGENT DEFENSE CRIMINAL SERVICES FOR RIVERSIDE COUNTY. DISTRICTS – ALL [ATTORNEY FEES \$31,777,483, TRUST FUND \$2,788,000, TOTAL \$34,565,483]

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

1. Approve and authorize the Chairman of the Board to sign the amendments for the indigent defense contracts with an adjustment of rates effective March 1, 2014 and with extensions and annual amounts as shown in the table below, and;

CONTRACTOR	# OF YEARS EXTENSION	AMOUNT
Barbara Brand	3	\$1,900,996
Virginia Blumenthal	5	\$3,395,000
CDL	5	\$2,377,499
<b>TOTAL ANNUAL COST</b>		<b>\$7,673,495</b>

(Continued on Page 2)

*[Signature]*  
Robert J. Howdyshell, Director  
Purchasing & Fleet Services Dept.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per.Exec. Office)
COST	\$ -307,500	\$ 7,673,495	\$ 34,565,483	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ -307,500	\$ 7,673,495	\$ 34,565,483	\$	

**SOURCE OF FUNDS:** Indigent Defense Budget

Budget Adjustment: No  
For Fiscal Year: 13/14

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

**APPROVE**

BY: *[Signature]*  
Stephanie Persi

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended with the exception of the amendment to the agreement with Barbara M. Brand.

and

On motion of Supervisor Benoit, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the amendment to the agreement with Barbara M. Brand is continued to March 11, 2014.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: February 25, 2014

Kecia Harper-Ihem  
Clerk of the Board  
By: *[Signature]*  
Deputy

Prev. Agn. Ref.: Purchasing COB Item 3.13 on 2/1/2011 | District: ALL | Agenda Number:

**3-28**

FORM APPROVED COUNTY COUNSEL  
BY: *[Signature]* DATE: 2/13/14  
PAMELA J. WALLS

Departmental Concurrence

- Positions Added
- Change Order
- A-30
- 4/5 Vote

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: AMEND THE AGREEMENTS WITH THE LAW OFFICES OF BARBARA M. BRAND, VIRGINIA  
M. BLUMENTHAL, A PROFESSIONAL LAW CORP., AND CRIMINAL DEFENSE LAWYERS, TO PROVIDE  
LEGAL INDIGENT DEFENSE CRIMINAL SERVICES FOR RIVERSIDE COUNTY. DISTRICTS – ALL  
[ATTORNEY FEES \$31,777,483, TRUST FUND \$2,788,000, TOTAL \$34,565,483]**

**DATE: January 31, 2014**

**PAGE: 2 of 3**

**RECOMMENDED MOTION: (Continued)**

2. Authorize the Purchasing Agent, in accordance with Ordinance 459.4, to exercise the renewal Options for a maximum of five years in one-year increments to June 30, 2019, based on the availability of fiscal year funding and the performance of the contractors as determined by the County, and;
3. Authorize the Purchasing Agent to also sign amendments that do not change the substantive terms of the agreement and that do not increase the compensation initially approved for each vendor.

**BACKGROUND:**

In September 2010, County Purchasing issued a formal RFP #EOARC-019 to obtain indigent defense legal services. Three proposals were received and after several months of negotiations, the County entered into five year contracts with these three firms. These agreements are set to expire on June 30, 2014. Because these contracts have run extremely well and there are no other additional known firms to take on these services, the County has negotiated a reduction in the fixed monthly fee with each firm along with a significant reduction on the cap for pass through expenses for outside services in exchange for extending the contract for up to five additional one-year periods. If approved, the new rates will go into effect March 1, 2014 and provide additional savings in the current fiscal year. Approval of these contract amendment will provide the County \$2,730,000 in direct savings for the fixed monthly fees, as well as a \$2,000,000 reduction in pass through trust fund costs over the term of these amendments.

**Impact on Citizens and Businesses**

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.

The area serviced under this current agreement is defined as 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.

**Contract History and Price Reasonableness**

The County entered into negotiations with the Law Offices of Barbara M. Brand, Virginia M. Blumenthal, a Professional Law Corp., and Criminal Defense Lawyers to review attorney's fees on the current agreements. Because the vendors are exercising excellent management controls for their outside contract efforts, we have been able to reduce the potential expenditures through the trust funds by \$2,000,000 over the life of these extensions. The County successfully negotiated new proposed fees that would become effective on March 1, 2014 and remain fixed for three (3) years for Barbara Brand and for five (5) years for Virginia Blumenthal and CDL.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: AMEND THE AGREEMENTS WITH THE LAW OFFICES OF BARBARA M. BRAND, VIRGINIA  
M. BLUMENTHAL, A PROFESSIONAL LAW CORP., AND CRIMINAL DEFENSE LAWYERS, TO PROVIDE  
LEGAL INDIGENT DEFENSE CRIMINAL SERVICES FOR RIVERSIDE COUNTY. DISTRICTS – ALL  
[ATTORNEY FEES \$31,777,483, TRUST FUND \$2,788,000, TOTAL \$34,565,483]**

**DATE: January 31, 2014**

**PAGE: 3 of 3**

<b>SAVINGS</b>	<b>AMOUNT</b>
Rate Adjustment for Current Contracts	\$174,167
Rate Adjustment for Extensions	\$2,422,499
Trust Fund Adjustment for Current Contracts	\$133,334
Trust Fund Adjustment for Extensions	\$2,000,000
<b>TOTAL SAVINGS</b>	<b>\$4,730,000</b>

Total Savings for executing an adjustment in rate and change in Trust Fund March 1, 2014 for the four months remaining of the current contracts and executing a three (3) year extension for Barbara Brand and five (5) year extensions for Virginia Blumenthal and CDL:

**Total Projected Savings: \$4,730,000**

**Percent Savings over Current Contracts: 12%**

**COUNTY OF RIVERSIDE  
AMENDMENT NO.4 TO THE  
INDIGENT DEFENSE AGREEMENT  
WITH  
CRIMINAL DEFENSE LAWYERS**

**CONTRACTOR:** Criminal Defense Lawyers  
Contract Term: February 1, 2011 through June 30, 2014  
Effective Date of Amendment: March 1, 2014

The Agreement between Riverside County, herein referred to as COUNTY and Criminal Defense Lawyers, herein referred to as ATTORNEYS, is amended as follows:

1. On page 3 of the Agreement, amend Section 2 the "Term of Performance":  
To amend all reference to the Term of Performance from expiration of June 30, 2014 to a Term of Performance of Board Approval through June 30, 2019, renewed in one-year increments, unless terminated as specified in Section 9 TERMINATION. All other terms of the Term of Performance in the Agreement shall apply.
2. On page 9 of the Agreement, amend Section 7 the "COMPENSATION";  
Monthly rate shall be \$177,292 (one hundred seventy seven thousand, two hundred ninety two dollars dollars). Annual amount shall be \$2,127,499 (two million one hundred twenty seven thousand four hundred ninety nine dollars)
3. On page 9 of the Agreement, amend Section 8 the "EXPENSES";  
Monthly rate shall be twenty thousand eight hundred thirty three dollars (\$20,833). Annual amount shall be two hundred fifty thousand dollars (\$250,000).
4. All other terms and conditions of the Agreement are to remain unchanged.

**IN WITNESS WHEREOF**, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

**County**

Board of Supervisors  
4080 Lemon Street, 4<sup>th</sup> Floor  
Riverside, CA 92504

**Attorneys**

Criminal Defense Lawyers  
7095 Indiana Street, Suite 200  
Riverside, CA 92506

ATTEST:  
By: Jeff Stone  
**CHAIRMAN BOARD OF SUPERVISORS**  
Name: JEFF STONE

By: Paul Grech, Jr.  
Name: Paul Grech, Jr.

Title: Chairman of the Board

Title: Principal / Contractor / Attorney

Date: FEB 25 2014

Date: Feb 04, 2014

FORM APPROVED COUNTY COUNSEL

BY: Pamela J. Walls 2/13/14  
PAMELA J. WALLS DATE 1

RFP# EOARC-019  
BOS agenda # & Date: 3.13 on 2/01/2011  
Form #116-311 Revision Date: 04/21/09

By: KECIA HARPER-IHEM  
DEPUTY CLERK

**COUNTY OF RIVERSIDE  
AMENDMENT NO.3 TO THE  
INDIGENT DEFENSE AGREEMENT  
WITH**

**VIRGINIA M. BLUMENTHAL, a PROFESSIONAL LAW CORPORATION**

**CONTRACTOR:** Virginia M. Blumenthal, a Professional Law Corporation  
Original Contract Term: February 1, 2011 through June 30, 2014  
Effective Date of Amendment: March 1, 2014

The Agreement between Riverside County, herein referred to as COUNTY and Virginia M. Blumenthal, a Professional Law Corporation, herein referred to as ATTORNEYS, is amended as follows:

1. On page 3 of the Agreement, amend Section 2 the "TERM OF PERFORMANCE": To amend all reference to the Term of Performance from expiration of June 30, 2014 to a Term of Performance of Board Approval through June 30, 2019, renewed in one-year increments, unless terminated as specified in Section 9 TERMINATION. All other terms of the Term of Performance in the Agreement shall apply.
2. On page 9 of the Agreement, amend Section 7 the "COMPENSATION"; Monthly rate shall be \$262,083 (two hundred sixty two thousand and eighty three dollars). Annual amount shall be \$3,145,000 (three million one hundred forty five thousand dollars)
3. On page 9 of the Agreement, amend Section 8 the "EXPENSES"; Monthly rate shall be twenty thousand eight hundred thirty three dollars (\$20,833). Annual amount shall be two hundred fifty thousand dollars (\$250,000).
4. All other terms and conditions of the Agreement are to remain unchanged.

**IN WITNESS WHEREOF**, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

County

Board of Supervisors  
4080 Lemon Street, 4<sup>th</sup> Floor  
Riverside, CA 92501

Attorneys

Virginia M. Blumenthal, a Professional Law Corporation  
3993 Market Street  
Riverside, CA 92501

By: Jeff Stone  
**CHAIRMAN, BOARD OF SUPERVISORS**  
Name: JEFF STONE

Title: Chairman of the Board  
Date: FEB 25 2014

By: Virginia M. Blumenthal  
Name: VIRGINIA M. BLUMENTHAL  
Title: PRESIDENT  
Date: 02-04-14

RFP# EOARC-019  
BOS agenda # & Date: 3.13 on 2/01/2011  
Form #116-311 Revision Date: 04/21/09

FORM APPROVED COUNTY COUNSEL  
BY: Pamela J. Walls 2/13/14  
PAMELA J. WALLS DATE

ATTEST:  
By: KECIA HARPER-JHEM, Clerk  
DEPUTY

**COUNTY OF RIVERSIDE  
AMENDMENT NO.3 TO THE  
INDIGENT DEFENSE AGREEMENT  
WITH  
LAW OFFICE OF BARBARA M. BRAND**

**CONTRACTOR:** Law Office of Barbara M. Brand  
Contract Term: February 1, 2011 through June 30, 2014  
Effective Date of Amendment: March 1, 2014

The Agreement between Riverside County, herein referred to as COUNTY and Law Office of Barbara M. Brand, herein referred to as ATTORNEYS, is amended as follows:

1. On page 3 of the Agreement, amend Section 2 the "Term of Performance":  
To amend all reference to the Term of Performance from expiration of June 30, 2014 to a Term of Performance of Board Approval through June 30, 2017, renewed in one-year increments, unless terminated as specified in Section 9 TERMINATION. All other terms of the Term of Performance in the Agreement shall apply.
2. On page 9 of the Agreement, amend Section 7 the "COMPENSATION";  
Monthly rate shall be \$150,416 (one hundred fifty thousand four hundred sixteen dollars).  
Annual amount shall be \$1,804,996 (one million eight hundred four thousand nine hundred ninety six dollars)
3. On page 9 of the Agreement, Section 8 the "EXPENSES";  
Monthly rate shall be eight thousand dollars (\$8,000). Annual amount shall be ninety six thousand dollars (\$96,000).
4. All other terms and conditions of the Agreement are to remain unchanged.

**IN WITNESS WHEREOF**, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

County  
Board of Supervisors  
4080 Lemon Street, 4<sup>th</sup> Floor  
Riverside, CA 92501

Attorneys  
Law Office of Barbara M. Brand  
82-500 Highway 111, Suite 5  
Indio, CA 92201

By: \_\_\_\_\_

By: Barbara Brand

Name: \_\_\_\_\_

Name: BARBARA BRAND

Title: Chairman of the Board

Title: OWNER

Date: \_\_\_\_\_

Date: 2-10-14

RFP# EOARC-019  
BOS agenda # & Date: 3.13 on 2/01/2011  
Form #116-311 Revision Date: 04/21/09

FORM APPROVED COUNTY COUNSEL  
BY: Pamela J. Walls 2/13/14  
PAMELA J. WALLS DATE