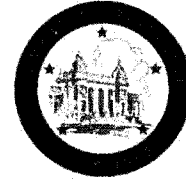


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.5
(ID # 5890)

MEETING DATE:

Tuesday, December 12, 2017

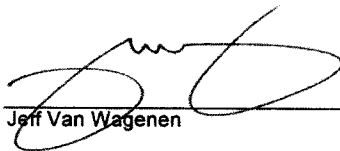
FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approve Amendment No.6 to the Agreement for Legal Indigent Conservatee and Guardianship Services with Brown, White and Osborne, LLP., [All Districts]; [\$1,513,800 Total]; [\$626,400 annually]; 100% General Fund

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and execute Amendment No.6 for Legal Indigent Conservatee and Guardianship Services with Brown, White and Osborne, LLP., to extend the agreement to June 30, 2020, as follows:
FY 17/18 for an amount of \$261,000;
FY 18/19 for an amount of \$626,400;
FY 19/20 for an amount of \$626,400; and,
2. Authorize the Purchasing Agent, in accordance with statutory limits, Ordinance No. 459, and the terms of the contract, and based on the availability of fiscal funding and as approved by County Counsel to: (a) sign amendments that do not change the substantive terms of the original Agreement; (b) sign amendments to compensation provisions that do not exceed CPI annually.

ACTION:




Jeff Van Wagenen

11/21/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Perez and Ashley
Nays: None
Absent: Washington
Date: December 12, 2017
xc: EO, Purchasing

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:
COST	\$261,000	\$626,400	\$1,513,800	\$
NET COUNTY COST	\$261,000	\$626,400	\$1,513,800	\$
SOURCE OF FUNDS: Department Indigent Defense Budget 100% General Fund			Budget Adjustment:	No
			For Fiscal Year: FY17/18- FY19/20	

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

Legal representation is required for legal proceedings pursuant to the Welfare and Institutions Code Section 5000 et seq. commonly known as LPS Conservatorships (Lanterman-Petris-Short Act), wherein the Public Defender has declared a conflict. Therefore, the County is obligated to retain legal services for the representation of indigents in the matters of indigent conservatees, or proposed conservatees for probate matters, and for the legal representation of minors in probate proceedings. Pursuant to Probate Code Section 1470 (c) (3), guardianship counsel is appointed to represent a minor in a legal proceeding to establish the guardianship of the person of the minor upon the Court's determination.

The amendment has been approved as to form by County Counsel.

The department is requesting the extension based on satisfactory performance and the willingness of the contractor (Brown, White and Osborne, LLP.) to reduce fees.

Impact on Citizens and Businesses

Indigent Defense provides legally required representation, which is part of the legal system that benefits the community.

Additional Fiscal Information

Fees are paid from the department's general fund allocation. There is no new general fund being requested.

Contract History and Price Reasonableness

In July 2012, Purchasing released a Request for Proposal (RFP PDARC-011) on behalf of the Law Offices of the Public Defender, mailing solicitations to 110 legal firms, and advertised on the County's Purchasing Website, with four proposals received at the Clerk of the Board of Supervisors with sealed cost proposals. The recommendation of award of the contract went to Brown, White, and Newhouse, LLP, as the lowest responsive/responsible bidder for all

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

Riverside County geographical areas, (Desert, Western, and Mid-County) that was approved at the Board of Supervisors on December 18, 2012 on minute order 3.40.

Judges in Probate and Family Law courts of the Superior Court of Riverside County appoint attorneys from the Board approved firm to represent indigent conservatees, proposed conservatees and minors in guardianships when the Law Office of the Public Defender declares a conflict. Since FY13/14, the Executive Office has administered this agreement.

On February 1, 2013, The Purchasing Agent signed Amendment No.1 to amend Section 5, Compensation in the approved Agreement.

On February 1, 2014 The Purchasing Agent signed Amendment No.2 to amend Section 2, Term of Performance to the approved Agreement. February 1, 2014 through January 31, 2015.

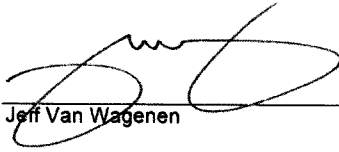
On February 1, 2015 The Purchasing Agent signed Amendment No.3 to amend Section 2, Term of Performance to the approved Agreement. February 1, 2015 through January 31, 2016 and Amend Section 23 Notices.

On February 1, 2016 The Purchasing Agent signed Amendment No.4 to amend Section 2, Term of Performance to the approved Agreement. February 1, 2016 through January 31, 2017.

On February 1, 2017 The Purchasing Agent signed Amendment No.5 to amend Section 2, Term of Performance to the approved Agreement. February 1, 2017 through January 31, 2018.

The Executive Office and County Purchasing and Fleet Services are working together to negotiate with indigent defense firms to accept a reduction in rates for two years in exchange for an additional two years on their contract. In July 2017, County Purchasing and Fleet Services successfully negotiated with Brown, White and Osborne LLP a 5% rate reduction in the monthly fee. The new monthly rate effective February 2018 will be \$43,700 per month, down from \$46,000 per month. The additional case rate is \$800 and will be reduced down to \$768. The negotiated reduction will provide an estimated savings of \$27,600 annually.

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



Jeff Van Wagenen

12/5/2017



Tina Grande, Assistant Purchasing Director

11/29/2017



Gregory V. Priamos, Director County Counsel

11/30/2017

COUNTY OF RIVERSIDE
AMENDMENT NO.6 TO THE AGREEMENT
WITH
Brown, White and Osborne LLP

Original Contract Term:	February 1, 2013 through January 31, 2018
Amended Contract Term:	February 1, 2018 through June 30, 2020
Effective Date of Amendment:	February 1, 2018
Original Annual Maximum Contract Amount:	(\$654,000)
Amended Annual Maximum Contract Amount:	(\$626,400)

The Agreement between County of Riverside, herein referred to as COUNTY and Brown, White and Osborne LLP, herein referred to as ATTORNEY, entered into as of February 1, 2013, is amended as follows:

1. Section 2 "TERM OF PERFORMANCE": Change to an expiration date of June 30, 2020.
2. Section 5 "COMPENSATION" delete the first paragraph and replace with the following:

The parties agree that the total number of cases is uncertain. As a performance range, the COUNTY and ATTORNEY agree that between Forty (40) and Sixty (60) conservatorship cases, and/ or, guardianship cases will be assigned to ATTORNEY during the term of this Contract and ATTORNEY shall be compensated forty six thousand dollars (\$43,700) per month for all cases within the specified ranges, wherein ATTORNEY is appointed hereunder, plus expenses during the term of this Agreement as set out in Section 6. Should the cases assigned to ATTORNEY fall outside the ranges set forth herein, the parties agree that the cases are compensated at the following rates - conservatorship cases will be \$768.00 per case, including expenses, and guardianship cases will be \$768.00 per case, including expenses. It is expected that if the caseload does not fall within the ranges set forth herein, ATTORNEY and COUNTY shall make adjustments to the Contract as necessary to determine payback by ATTORNEY to COUNTY for the ATTORNEY falling below the agreed case range and possible reduction in the future caseload range and associated compensation. If the caseload as set forth herein is exceeded, ATTORNEY and COUNTY shall make adjustments to this Contract as necessary to determine additional compensation due ATTORNEY at the Contract rate for the additional caseload, and possible adjustment in the future caseload range and associated compensation.

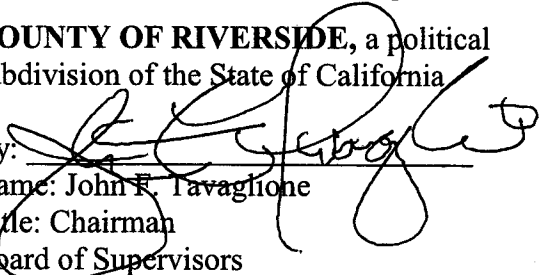
COUNTY OF RIVERSIDE
AMENDMENT NO.6 TO THE AGREEMENT
WITH
Brown, White and Osborne LLP

3. All other terms and conditions of the Agreement not modified herein shall remain unchanged.

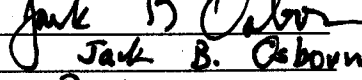
IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

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


COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: 
Name: John F. Favaglione
Title: Chairman
Board of Supervisors

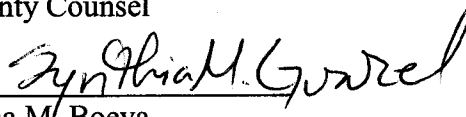
CONTRACTOR NAME HERE
Brown, White and Osborne LLP

By: 
Name: Jack B. Osborn
Title: Partner
Dated: 9/12/2017

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: 
Elena M. Boeva,
Deputy County Counsel