

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



ITEM: 3.11
(ID # 22502)

MEETING DATE:

Tuesday, August 01, 2023

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Ratify and Approve Amendment No. 1 to the Professional Services Agreement with Brown White & Osborne, LLP for Legal Services for Indigent Conservatees and Minors in Guardianship Matters without seeking competitive bids for FY 23/24 through June 30, 2024; All Districts. [Total cost \$600,180; up to \$60,018 in additional compensation - 100% General Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and Approve Amendment No. 1 to the Professional Services Agreement with Brown White & Osborn, LLP for Legal Services for Indigent Conservatees and Minors in Guardianship Matters without seeking competitive bids for an annual amount of \$600,180 through June 30, 2024, and authorize the Chairman of the Board to sign the Agreement on behalf of the County.
2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved as to form by County Counsel to a) sign amendments that make modifications to the scope of services that stay within the intent of the agreement; and b) sign amendments to the compensation provisions that do not exceed the sum-total of ten percent (10%) of the Amendment.

ACTION:Policy

Juan C. Perez, Chief Operating Officer

7/27/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Perez, Washington, and Gutierrez
Nays: None
Absent: None
Date: August 1, 2023
xc: E.O.

Kimberly A. Rector
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	\$ 600,180	\$	\$ 600,180	\$ 0
NET COUNTY COST	\$ 600,180	\$	\$ 600,180	\$ 0
SOURCE OF FUNDS: General Fund			Budget Adjustment:	No
			For Fiscal Year:	23/24

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The County is obligated to pay the cost and expense of legal services for a ward, a proposed ward, an indigent conservatee, or a proposed indigent conservatee in guardianship or conservatorship proceedings. The County contracts with private attorneys and law firms to provide legal representation for wards, proposed wards, indigent conservatees, or proposed indigent conservatees in guardianship or conservatorship proceedings in the Superior Court of the County of Riverside when appointed by the Court as required by law, or upon a declaration that a conflict of interest exists with the Public Defender's Office or the Public Defender's Office is relieved by the Court for extraordinary reasons.

Brown, White & Osborn, LLP (formerly Brown, White, and Newhouse, LLP) is a large, established law firm, which has the resources including experienced attorneys and in-house investigators with child development backgrounds dedicated to serving the needs of the conservatees and the guardianship minors. This vendor has been providing this service to the county since 2012, when they were awarded the legal indigent conservatee and guardianship contract as the lowest responsive/responsible bidder.

The County is initiating a Request for Proposals (RFP) process to evaluate all available current vendors and determine which one would best provide these services to the County moving forward. Larson LLP conducted an independent review and provided a report of findings in July 2022 that covered a broad range of county safety net services for vulnerable children and adults, including the county's contract for conservatorship and guardianship representation. As part of this RFP process, the county will review and include recommendations made by Larson LLP to the contract for this service. Extension of the contract with Brown, White and Osborn will allow the County to continue to provide appropriate representation while we conduct the RFP process.

Impact on Residents and Businesses

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

Additional Fiscal Information

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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The cost of this contract was included in the department's adopted budget for the current fiscal year and no additional funding is 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 Riverside County geographical areas, (Desert, Western, and Mid-County) that was approved by the Board of Supervisors on December 18, 2012, on minute order 3.40.

ATTACHMENTS

ATTACHMENT A. Amendment #1 BWO exp 6.30.24

ATTACHMENT B. 24-001 EOARC Brown White Osborn



Meghan Hahn, Deputy Director of Procurement 7/20/2023

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR
LEGAL SERVICES FOR INDIGENT CONSERVATEES AND MINORS IN
GUARDIANSHIP MATTERS BETWEEN
COUNTY OF RIVERSIDE AND BROWN WHITE & OSBORN, LLP

Original Term of Performance:	July 1, 2020 through June 30, 2023
Term of Performance Extended To:	June 30, 2024
Effective Date of Amendment No. 1:	July 1, 2023
Annual Maximum Contract Amount:	\$600,180

This AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR LEGAL SERVICES FOR INDIGENT CONSERVATEES AND MINORS IN GUARDIANSHIP MATTERS BETWEEN COUNTY OF RIVERSIDE AND BROWN WHITE & OSBORN, LLP (herein referred to as "Amendment No. 1") is made and entered into by and between BROWN WHITE & OSBORN, LLP, a California limited liability partnership, (herein referred to as "ATTORNEY") and the COUNTY OF RIVERSIDE, a political subdivision of the State of California, (herein referred to as "COUNTY").

RECITALS

WHEREAS, COUNTY and ATTORNEY entered into that certain Professional Services Agreement for Legal Services for Indigent Conservatees and Minors in Guardianship Matters, approved August 25, 2020, Agenda Item 3.3, (herein referred to as "Agreement"); and

WHEREAS, COUNTY and ATTORNEY now desire to amend the Agreement to extend the term of performance;

NOW THEREFORE, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Term of Performance.** The first sentence of Section 2. TERM OF PERFORMANCE of the Agreement is hereby amended to extend the term of performance for one (1) year commencing on July 1, 2023 and continuing through June 30, 2024, as follows:

"This Agreement shall take effect July 1, 2020, and continues in effect through June 30, 2024, unless terminated sooner as provided herein or amended in writing by the parties."


3. **Miscellaneous.** All other terms and conditions of the Agreement not modified herein shall remain unchanged and in full force and effect.
4. **Effective Date.** This Amendment No. 1 shall be effective July 1, 2023.
5. **Counterparts; Electronic Signatures.** This Amendment No. 1 may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each party to this Amendment No. 1 agrees to

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR
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the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA") Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Amendment No. 1. The parties further agree that the electronic signatures of the parties included in this Amendment No. 1 are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code.

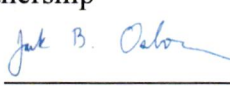
IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this Amendment No. 1.

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

By: 
Kevin Jeffries, Chair
Board of Supervisors

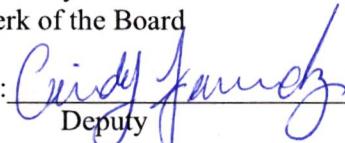
Dated: 08/01/2023

BROWN WHITE & OSBORN,
LLP, a California limited liability
partnership

By: 
Jack B. Osborn
Partner

Dated: 07/27/2023

ATTEST:
Kimberly A. Rector
Clerk of the Board

By: 
Deputy

APPROVED AS TO FORM:

Minh C. Tran
County Counsel

By: 
Deputy County Counsel









BWO Amendment #1 exp 6.30.24 Final

Final Audit Report

2023-08-01

Created:	2023-07-27
By:	Anna Marie Johnson-Earls (annjohnson@rivco.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA5mR0RjglOwbWW1CSHi912xnj45CMEAlr

"BWO Amendment #1 exp 6.30.24 Final" History

-  Document created by Anna Marie Johnson-Earls (annjohnson@rivco.org)
2023-07-27 - 10:29:10 PM GMT
-  Document emailed to Jack Osborn (josborn@brownwhitelaw.com) for signature
2023-07-27 - 10:45:51 PM GMT
-  Document emailed to Danielle Maland (dmaland@rivco.org) for signature
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-  Email viewed by Jack Osborn (josborn@brownwhitelaw.com)
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-  Document e-signed by Jack Osborn (josborn@brownwhitelaw.com)
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-  Email viewed by Danielle Maland (dmaland@rivco.org)
2023-08-01 - 3:15:49 PM GMT
-  Document e-signed by Danielle Maland (dmaland@rivco.org)
Signature Date: 2023-08-01 - 3:18:35 PM GMT - Time Source: server
-  Agreement completed.
2023-08-01 - 3:18:35 PM GMT



EXECUTIVE OFFICE

JEFFREY A. VAN WAGENEN, JR.
COUNTY EXECUTIVE OFFICER

JUAN C. PEREZ
CHIEF OPERATING OFFICER

DAVE ROGERS
CHIEF ADMINISTRATIVE OFFICER

SAYORI BALDWIN, ASSISTANT CEO
HUMAN SERVICES

CHARISSA LEACH, ASSISTANT CEO
PUBLIC WORKS & COMMUNITY SERVICES

MICHELLE PARADISE, ASSISTANT CEO
PUBLIC SAFETY

ZAREH SARRAFIAN, ASSISTANT CEO
HEALTH SYSTEMS

Date: 7/24/2023

From: Rebecca Cortez

To: Board of Supervisors/Purchasing Agent

Via: Andrew Johnson 951.955.8735

Subject: Single Source Procurement; Request for Legal Indigent Conservatee and Guardianship Services

The below information is provided in support of my Department requesting approval for a sole or single source. *(Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole or single source.)*

1. Supplier being requested: Brown White & Osborn

2. Vendor ID: 0000199976

3. Single Source Sole Source

(Single Source - is a purchase of a commodity or service without obtaining competitive bids although more than one source is available)

(Sole Source - is a purchase of a commodity or service that is proprietary or no other vendor is qualified or willing to meet the county specified requirements)

4. Have you previously requested and received approval for a sole or single source request for this vendor for your department? *(If yes, please provide the approved sole or single source number)*

Yes No
SSJ# 21-025

4a. Was the request approved for a different project?

Yes No

5. Supply/Service being requested:

(If this request is for professional services, attach the service agreement to this sole source request. The Purchasing Agent, or designee, is the signing authority for agreements unless the service is exempted by Ordinance 459, Board delegated authority or by State law. All insurance requirements must be met prior to work commencement. See the Risk Management website for vendor insurance requirements.)

This request is for legal indigent conservatees and guardianship services as required pursuant to the Welfare and Institutions Code Section 5000, wherein the Public Defender has declared a conflict. The County is obligated to retain legal services for the representation of indigent clients in the matters of indigent

conservatees, or proposed conservatees for probate matters, and for the legal representation of minors in probate proceedings.

- 6. Unique features of the supply/service being requested from this supplier.** *(If this sole source request is due to proprietary software or machinery, or hardware, provide a supporting letter from the manufacturer. If this is a single source request provide an explanation of how this provides the best value for the County by selecting this vendor.)*

This vendor has been providing this service to the county since 2012, when they were awarded the legal indigent Conservatee and guardianship contract as the lowest responsive/responsible bidder. This firm continues to provide satisfactory performance and willingness to cooperate with the County to reduce fees. In July 2020, the county successfully negotiated a 5% rate reduction with the firm to continue those services after previously negotiating a 5% rate reduction in July of 2017. The County and the Courts believe that the resources available to the vendor has enabled them to provide a valuable service that exceeds those provided by other companies. Continuity of service with a trusted vendor is important for this type of mandated service.

- 7. Reasons why my department requires these unique features from the vendor and what benefit will accrue to the county:**

Brown, White and Osborne, LLP is a large, established law firm, that has the resources including experienced attorneys and in-house investigators with child development backgrounds dedicated to serving the needs of the conservatees and the guardianship minors.

- 8. Period of Performance:** From: 7/1/2023 to 6/30/2024
(total number of years)

Is this an annually renewable contract? No Yes
Is this a fixed-term agreement: No Yes

(A fixed-term agreement is set for a specific amount of time; it is not renewed annually. Ensure multi-year fixed-term agreements include a cancellation, non-appropriation of funds, or refund clause. If there is no clause(s) to that effect, then the agreement must be submitted to the Board for approval. No exemptions shall apply.)

- 9. Identify all costs for this requested purchase. In addition, please include any single or sole source amounts previously approved and related to this project and vendor in the section designated below for current and future fiscal years. You do not need to include previous fiscal year amounts. If approval is for multiple years, ongoing costs must be identified below. If annual increases apply to ongoing costs such as CPI or other contract increases, provide the estimated annual cost for each consecutive year. If the annual increase may exceed the Purchasing Agent's authority, Board approval must be obtained. (Note: ongoing costs may include but are not limited to subscriptions, licenses, maintenance, support, etc.)**

Description:	FY24	Total
Ongoing Costs:		
Legal Services	\$498,180.00	\$498,180.00
Expenses	\$102,000.00	\$102,000.00
Total Costs	\$600,180.00	\$600,180.00

Note: Insert additional rows as needed

10. **Price Reasonableness:** *(Explain why this price is reasonable or cost effective – were you provided government discounted pricing? Is this rate/fee comparable to industry standards?)*

The vendor was previously the lowest most responsive responsible bidder. The county negotiated a 5% rate reduction in July of 2020 from the previous contract.

6. **Projected Board of Supervisor Date (if applicable):** 8/1/2023

(Draft Form 11s, service agreement and or quotes must accompany the sole source request for Purchasing Agent approval.)

M. Paradise
Department Head Signature
(or designee)

Michelle D. Paradise
Print Name

7/26/23²⁴
Date

The section below is to be completed by the Purchasing Agent or designee.

Purchasing Department Comments:

Approve

Approve with Condition/s

Disapprove

Condition/s:

Not to exceed:

One-time \$ _____

Annual Amount \$ 600,180 / per fiscal year through 6/30/24 (date)

(If Annual Amount Varies each FY)

FY _____: \$ _____
FY _____: \$ _____
FY _____: \$ _____
FY _____: \$ _____
FY _____: \$ _____

Meghan Hahn

6/29/23

24-001

Purchasing Agent

Date

Approval Number

(Reference on Purchasing Documents)