

# County of Glenn Personnel Department



Request for Qualifications  
For

## **Indigent Defense Services** Issued May 24, 2019

**SOQ Due Date:**  
Statements of Qualifications  
Will be accepted on an ongoing basis

### **Mail or Hand Deliver SOQ To:**

County of Glenn  
Personnel Department  
Linda Durrer, Personnel Director  
525 West Sycamore Street, Suite A1  
Willows, California 95988

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**SUMMARY**

The Glenn County Personnel Director, on behalf of the Glenn County Board of Supervisors, (hereinafter collectively referred to as “County”), is requesting Statements of Qualifications (SOQ) from qualified attorneys to provide indigent defense (public defender) services for the County of Glenn. This Request for Qualifications (RFQ) outlines the SOQ requirements and preferred formats, and presents the selection timetable.

Public Defender services in the County of Glenn have traditionally been provided by way of three individual contracts with attorneys who provide representation of indigent persons in criminal matters. Although this system has worked well in the past, the introduction of specialized court proceedings has revealed weaknesses in that system. Under the current system, each of the three public defenders must attend these specialized court proceedings which leaves little time to meet with clients and to prepare for upcoming hearings. Additionally, when a calendaring conflict arises, the Court is required to continue proceedings to accommodate that attorney which inhibits the Court’s ability to efficiently manage its caseload. Because the Ninth Amendment to Agreement for Legal Representation of Indigent Person is scheduled to end on June 30, 2019, the Board of Supervisors saw this as an opportunity to review the system and improve the way in which public defender services are provided.

After considering all of the alternatives, the Glenn County Board of Supervisors has elected to establish one (1) public defender position which will be a County employee and will serve at the pleasure of the Board of Supervisors. That individual will be the County’s Public Defender and will be the individual appointed to represent indigent individuals by the Court. The Public Defender will have a budget with which to provide office space, investigation services, training, and the engagement of independent contract attorneys to assist the Public Defender in fulfilling the duties of the office. Although the Public Defender will be a County employee with a County budget, it is anticipated that all services provided through that office, except those provided by the Public Defender personally, will be done so through independent contractor agreements.

By submitting a SOQ in response to this request, the respondent is indicating an interest in being appointed as the Glenn County Public Defender in accordance with the terms and conditions described herein and is willing to be responsible for the provision of public defender services in the County of Glenn. As stated above, the County anticipates that this solicitation will result in one individual being appointed as the Glenn County Public Defender, a County employee, who will subcontract with other attorneys, investigators and staff to provide public defender services. Accordingly, the SOQ should set forth with specificity, the method by which the respondent intends to fulfill those obligations (proposal).

Each SOQ received in response to this RFQ will be evaluated on the criteria described herein.

All SOQs must be sealed, clearly marked "SOQ – Public Defender" and must include all elements described in the **CONTENT AND FORMAT REQUIREMENTS** section of this RFQ. One original and three (3) copies of the SOQ must be delivered to the address on Page 1 before the date and time listed in the **APPOINTMENT SCHEDULE** section of this RFQ. The County will not be responsible for SOQs delivered to a person or location other than that specified herein, and reliance on the postal service will not excuse a late response.

Questions or requests for clarification of this RFQ must be submitted in writing. Any amendment or addendum to this RFQ is valid only if issued in writing by the Glenn County Personnel Department.

## 1. APPOINTMENT SCHEDULE

Publish RFQ	May 24, 2019
Submission Deadline	Ongoing
Appointment	July 1, 2019

## 2. GENERAL CONDITIONS

- 2.1. Prime Responsibility: The selected respondent will be required to assume full responsibility for all services and activities offered in his/her proposal, whether or not provided directly. The County will consider the selected respondent to be the sole point of contact with regard to the department and all contractual matters including payment of any and all charges resulting from the provision of services.
- 2.2. Assurance: All services provided must be carried out in full compliance with Title VI and VII of the Civil Rights Act of 1964 as amended, and Section 504 of the Rehabilitation Act of 1973 as amended. The respondent must guarantee that services provided will be performed in compliance with all applicable county, state and federal laws and regulations pertinent to the representation of indigent individuals. Prior to appointment, the respondent will be required to provide evidence substantiating the necessary skill to perform the duties through the submission of references.
- 2.3. Glenn County prohibits discrimination in employment or in the provision of services because of race, color, religion, religious creed, sex, age, marital status, ancestry, national origin, political affiliation, physical disability or medical condition. This clause does not require the hiring of unqualified persons.
- 2.4. The County reserves the right to reject any and all SOQs; to negotiate specific terms, conditions, compensation, and benefits for any appointment that may arise from this solicitation; to waive any informalities or irregularities in the proposals; and, to accept the SOQ that appears to be in the best interest of the County. In determining and evaluating the SOQs, costs will not necessarily be controlling; the experience of those who will be providing services, quality, equality, efficiency, utility, suitability of the services offered, and the reputation of respondents will be considered, along with other relevant factors.
- 2.5. Glenn County reserves the right to:
  - (a) Request clarification of any submitted information;
  - (b) Not make any appointment;

- (c) Not to select any respondent;
  - (d) Amend or cancel this process at any time; and/or
  - (e) Interview respondents prior to appointment and request additional information during the interview.
- 2.6. Prior to commencement of services by any contracted attorney working under the appointed Public Defender, the contracted attorney must provide evidence of the following insurance coverages: Worker's Compensation, Commercial General Liability (naming the County of Glenn as additional insured), Personal Automobile Insurance, Comprehensive Business or Commercial Automobile Liability for Owned Automobiles and Non-owned /Hired Automobiles, Errors and Omissions insurance; and Professional Liability or Malpractice Insurance. The contract attorney will be required to maintain the required coverages, at his/her sole cost and expense, throughout the entire term and any subsequent renewal terms of the contract.

### **3. BACKGROUND**

- 3.1. The County is required by law to appoint attorneys in criminal matters and to furnish legal services in conservatorships, guardianships, and juvenile matters. Representation by the Public Defender in indigent criminal cases ranges from first appearance date and pleas to re-trials, preliminary hearings, and jury trials. The cases for which the public defender may be appointed include misdemeanors, felonies, LPS Conservatorship and other matters where juvenile and adult indigent legal services are allowed by law.
- 3.2. The provision of quality indigent defense services, coupled with cost containment, is in the best interest of the citizens of the County of Glenn. The County desires to appoint one attorney as the public defender who will then establish independent contractor relationships with other attorneys to assist that individual in fulfilling the duties of the office and will provide cost-efficient, quality indigent defense services.

### **4. DESCRIPTION OF SERVICES REQUIRED**

- 4.1. The County is seeking SOQs from qualified attorneys to provide indigent defense services in Glenn County for all criminal and quasi-criminal matters subject to appointment by a Glenn County Superior Court Judge, including but not limited to the following:
- (a) Misdemeanor complaints and misdemeanor appeals;
  - (b) Felony complaints and indictments;
  - (c) Juvenile delinquency petitions pursuant to Welfare & Institutions Code Sections 601 and 602;
  - (d) Drug Court and Proposition 36 cases;
  - (e) Domestic violence cases;
  - (f) Mental Health Court cases;
  - (g) Sexually Violent Predator (SVP) cases;
  - (h) LPS and Probate Conservatorship cases;
  - (i) Child Support contempt proceedings; and
  - (j) All other matters for which indigent counsel is appointed or required.
- 4.2. Scope of Services to be Provided:
- (a) Respondent shall provide competent legal services in the defense of indigent defendants charged with one or more misdemeanors (including appeals), capital and noncapital felonies,

juvenile offenses, and any collateral civil proceedings related thereto, in the courts located in Glenn County, as assigned by the Glenn County Superior Court.

- (b) Respondent must agree that he/she shall not allow attorneys working under the respondent to accept appointments to matters for which that attorney is not qualified. Respondent, and all persons who perform services for or through respondent, shall exercise the care and judgment consistent with all applicable professional standards in the performance of the services required under this appointment. In some cases, respondent may not be available to represent a defendant in an assigned case because such representation would violate the Canons of Professional Ethics, and in such event, respondent will notify the Court of the conflict and will request that the Court alter the assignment of respondent. Respondent's proposal shall include an explanation of how the respondent intends to handle conflicts of interests and include suggestions on how the County may minimize costs in the appointment of conflict counsel.
- (c) All legal services required of respondent and any attorney working under or through the respondent must be provided in a manner fully consistent with all applicable laws regarding the provision of competent legal defense and with the Rules of Professional Conduct and other statutes, regulations, and rules of practice applicable to members of the State Bar of California.
- (d) In providing the legal services required by this appointment, respondent must agree to provide, within the allocated budget, all appropriate office and legal staff as necessary to provide competent legal services in the cases assigned to the Glenn County Public Defender. This staff may consist of such attorneys, paralegals, clerks, and any and all secretarial services, as are necessary to fully discharge, in a professional manner, all obligations herein assumed by the respondent. Respondent must agree that at all times his/her personnel shall be competent and that all services rendered will be sufficient to meet all constitutional requirements relating to legal services.

#### 4.3. Appointment and Compensation

The Public Defender shall be an appointed County Department Head who shall serve at the pleasure of the Glenn County Board of Supervisors. That individual shall receive a salary set by the Board of Supervisors and those benefits agreed upon which are set forth in the Glenn County Administrative Manual. The Public Defender will have a budget with which to provide office space, investigation services, training, and the engagement of independent contract attorneys to assist the Public Defender in the fulfilling the duties of the office. Although the Public Defender will be a County employee with a County budget, it is anticipated that all services, other than those provided by the Public Defender personally, shall be provided through independent contractor agreements.

#### 4.4. Private Practice

The individual appointed shall not be prevented from maintaining a private law practice; however, no private case, criminal or otherwise, shall be knowingly accepted, nor work done therewith, which would cause a conflict of interest to arise with a case currently assigned to the Public Defender. Additionally, the individual appointed shall not allow their private practice to, in any way, inhibit their ability to fulfill the obligations as the Glenn County Public Defender nor will that individual allow any County resources to be used for the respondent's private practice.

## 5. CONTENT AND FORMAT REQUIREMENTS

Interested respondents must submit an original plus three (3) copies of their SOQ to the location listed on Page 1 of this RFQ. To be considered responsive to this solicitation, a SOQ must address all of the following points, in the order presented below:

### 5.1. Personnel and Qualifications

- (a) Provide a detailed summary of the background, qualifications and professional experience of the respondent for the Public Defender position.
- (b) Provide a detailed summary of the background, qualifications and professional experience of all attorneys who will be providing services as independent contractors under the appointed Public Defender. If those services are to be provided by a firm, please identify the firm and identify the attorneys employed by that firm.
- (c) Provide a statement addressing whether or not each attorney is admitted to practice law in the State of California and a statement addressing whether or not any attorney is, or has in the past been, subject to disciplinary action by the State of California Bar Association. If so, explain.
- (d) Provide a list of five (5) professional references, including the names, addresses and telephone numbers of the contact persons for the respondent for the Public Defender position.
- (e) Provide a detailed summary of the background, qualifications and experience of other staff that would support the Public Defender, including support staff, paralegals, legal secretaries, etc.

### 5.2. Location from which services will be provided.

The Public Defender must maintain a staffed office in the County of Glenn, which must be open Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding holidays. Please ensure that the SOQ provides answers to the following questions:

- (a) What is the location(s) from which the proposed services will be provided?
- (b) Do you currently have office space that can be used in the Glenn County area? If not, when would office space be made available?
- (c) Does your office meet the requirements of the Americans with Disabilities Act (ADA) for accessibility? If not, do you have a location available off-site that would be ADA accessible for clients requiring such accessibility?

### 5.3. A detailed description of the method by which the respondent intends to provide public defender services to the County of Glenn including a proposed budget for implementation of respondent's proposal.

## 6. SELECTION PROCEDURES

A SOQs submitted will be reviewed by a panel of representatives from the County. Selection of respondents will be at the discretion of the Glenn County Board of Supervisors.

**7. INQUIRIES**

Direct all inquiries regarding the SOQ process or SOQ submissions to:

[ldurrer@countyofglenn.net](mailto:ldurrer@countyofglenn.net)

Or:

County of Glenn  
Personnel Department  
Linda Durrer, Personnel Director  
525 West Sycamore Street, Suite A1  
Willows, California 95988  
Phone: (530) 934-6451  
Fax: (530) 934-6452