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**County Of Imperial**

**OFFICE OF COUNTY COUNSEL**

**Indigent Defense Program**

**Amended Request For Qualifications**

**Level 2 Felony Flat-Rate Contract Attorneys**

**Final Date for Submission has been extended to:**

**Monday, July 16, 2021 by 4:30 pm**

**IMPERIAL COUNTY OFFICE OF COUNTY COUNSEL**

**INDIGENT DEFENSE PROGRAM**

1. **STATEMENT OF PURPOSE**

The Imperial County (County) Office of County Counsel (County Counsel) is soliciting Qualification Statements from attorneys (Contractor) pursuant to this Request for Qualification (RFQ) for the provision of criminal defense services for indigent defendants charged with a felony and with whom the Imperial County Public Defender has a conflict in representation.

In responding to this RFQ, all Contractors are required to adhere to all of the requirements provided herein.

This RFQ references the following attachments, which are included with the RFQ:

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| --- | --- |
| **Attachment** | **Document Description** |
| **A** | Administrative Policy Memorandum issued by the Superior Court of California County of Imperial on May 22, 2005 and as revised on March 7, 2008 and January 15, 2013 entitled “Criteria for Court Appointment of Indigent Defense Counsel” |
| **B** | Sample Agreement (Superior Court Felony Contract - \_\_\_) |
| **C** | County of Imperial Felony Contract Conflict Report and Felony Contract Report |
| **D** | Confidential Ancillary Services Request Form |

1. **DESCRIPTION**

Attorneys for indigent defendants are appointed based on local area needs and at the discretion of the Imperial County Superior Court (Superior Court) in the following manner:

Level 1: Appointment of the Public Defender

Level 2: Appointment of overflow flat-rate contract attorneys

Level 3: Appointment of overflow hourly contract attorneys

This RFQ seeks Qualification Statements from Contractors for Level 2, flat-rate services, felony contracts.

There will be four Level 2 Felony contracts awarded, for which there are two vacancies. . Compensation for Level 2 Felony contracts is $6,320.00 per month as well as additional offsets as detailed in Attachment “B.”

# PERFORMANCE GOALS AND EXPECTATIONS

Contractors will be expected to provide professional services, advice and legal representation to indigent defendants charged with felony cases set before the Imperial County Superior Court in which he/she is appointed during the term of any Agreement.

Contractors will be expected to exceed the minimum requirements and obligations set forth by the Superior Court in Attachment “A”(Administrative Policy Memorandum) issued by the Superior Court of California County of Imperial on May 22, 2005 and as revised on March 7, 2008, as well as the document entitled “Criteria for Court Appointment of Indigent Defense Counsel” dated January 15, 2013.

It is expected that Contractor will meet all requirements of their contract as detailed in Attachment “B”.

# QUALIFICATIONS

# All Qualification Statements must meet and provide proof of the following requirements for consideration to receive a contract:

# All Contractors must hold a valid State Bar of California license.

1. All Contractors and all attorneys appearing on behalf of Contractor pursuant to a contract must meet the minimum qualifications as set forth in Attachment “A”: Administrative Policy Memorandum issued by the Superior Court of California County of Imperial on May 22, 2005 and as revised on March 7, 2008 and January 15, 2013, entitled “Criteria for Court Appointment of Indigent Defense Counsel”.
2. All Contractors must agree to accept the terms and conditions of the draft contract, as set forth in Attachment “B”.
3. All Contractors must provide proof of liability insurance as detailed in Attachments “B”.
4. All Contractors must fully and satisfactorily answer all questions in Section 7 “RFQ Content”.

**Current Contractors who wish to be considered for a contract renewal may submit a letter of interest addressing items “a” through “d”, but are not required to address item “e”.**

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# RFQ SCHEDULE

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| --- | --- |
| ***Event*** | ***Date*** |
| RFQ Release Date | May 10, 2021 |
| Deadline to Submit Qualification Statements | May 31, 2021 |

# RFQ RESPONSES

Please refer to the above Schedule for applicable deadlines. The Schedule is subject to change, and the County does not send notifications of changes to this RFQ to Contractors. County is not responsible for failure of any Contractor to receive notification of any change. Contractor must take the following actions in order to participate in this process.

1. Contractors who intend to respond are requested to notify County Counsel by sending an email to [countycounsel@co.imperial.ca.us](mailto:ImperialCountyCounsel@gmail.com), with the RFQ name in the subject line. This is not mandatory but is strongly encouraged to assist the County in managing the RFQ process. Please include the name, address, telephone, fax number, e-mail address of the Contractor, and contact person.
2. All questions regarding this RFQ shall be submitted by sending an email to [countycounsel@co.imperial.ca.us](mailto:countycounsel@co.imperial.ca.us) with the RFQ name in the subject line.
3. Qualification statements should provide straightforward, concise information that satisfies the requirements noted in this RFQ. Expensive binding, color displays, and the like are discouraged. Emphasis should be placed on brevity, conformity to the instructions and selection criteria of this RFQ, and completeness and clarity of content.
4. Qualification Statements must be submitted on white 8 ½ inches by 11 inches paper with no less than one inch margins at the top, bottom, left, and right. Typeface must be no more than twelve (12) characters per inch. Each page, including attachments and exhibits, must be clearly and consecutively numbered at the bottom of the page. Qualification submittals must be collated and bound with staples.
5. **Six (6) copies** of the qualification submittal, plus one (1) original, bearing original signatures must be submitted. Qualification Statements are not to be submitted orally, by facsimile or e-mails. Qualification statements may be sent by US mail service certified mail, or overnight delivery carrier, or may be delivered in person. The Contractor assumes all risk of loss regarding any delivery method it chooses to use, and the County shall not be held responsible for any failure of any delivery service/method. The Contractor is solely responsible for ensuring delivery no later than the date and time specified. The County will return unopened, any proposal received after the time specified in the most current RFQ Schedule.
6. Qualification Statements must be submitted by **May 31, 2021, at 4:30 pm to County of Imperial Office of County Counsel, Attn: Adam G. Crook, County Counsel, 940 W. Main Street, Suite 205, El Centro CA 92243.**
7. All Qualification Statements, supporting documentation, and materials submitted become the property of the County.
8. Qualification statements must be submitted in the format described hereafter. Emphasis should be on conformance to the RFQ instructions, responsiveness to the RFQ requirements, and on completeness and clarity of content.
9. **RFQ CONTENT**

All Qualification Statements must adhere to the following format. Please ensure that all questions are addressed within your Qualification Statement. Enter the page numbers where your response to each of the following statements can be found within your response.

**The answers given and representations made in response to these questions will be incorporated into any contract and will become contractual obligations.**

**Current contractors may submit a letter of interest with updated information in lieu of providing a full Qualification Statement if they are applying for the same type of contract they currently have. (See Section 4 above.)**

1. **Introduction.** 
   1. Provide brief introduction of Contractor, including, but not limited to, the following information:
      1. Business/Firm Name
      2. Business/Firm Address
      3. Telephone Number
      4. Fax Number
      5. Email Address
      6. Years Business/Firm has been in existence
   2. Provide the name of all attorneys that would appear in Superior Court on behalf of Contractor.
2. **Qualifications.** 
   1. Provide a resume for each attorney that would appear on behalf of Contractor in Superior Court.
   2. Detail how each attorney listed in 7(A)(c) above meets the minimum qualifications as set forth in Attachment “A”: Administrative Policy Memorandum issued by the Superior Court of California County of Imperial on May 22, 2005 and as revised on March 7, 2008 and January 15, 2013 entitled “Criteria for Court Appointment of Indigent Defense Counsel.”
   3. Are you able and willing to complete any and all steps necessary to comply with California Assembly Bill No. 703, adding section 634.3 to the Welfare and Institutions Code, and any resulting rules of court pursuant to Welfare and Institutions Code section 634.3(b)?
3. **Conflicts.**
   1. Describe under what circumstances you would consider it necessary to declare a conflict and decline representation of an indigent defendant.
   2. Describe any current circumstances in your legal practice, which may lead you to declare a conflict and/or decline representation of an indigent defendant.
   3. Are you able to comply with the following contract provision, as applicable:
      1. Felony: Paragraph 16 “Interest of Contractor” of the “Draft Agreement (Superior Court Felony Contract - \_\_\_)”, (Attachment “B”)?
   4. Describe your firm’s current process for determining potential conflicts.
   5. Describe what methods/efforts you will use to minimize conflicts from arising.
   6. If applying for the felony contract, will you comply with section 10 of the “Draft Agreement (Superior Court Felony Contract - \_\_\_)”, (Attachment “B”)?
   7. If applying for the felony contract, are you able to timely complete the “County of Imperial Felony Contract Conflict Report” attached hereto as “Attachment “D”?
4. **Trial.**
   1. Is there any reason you would not be willing or able to take a case to jury trial should the individual circumstances warrant? If yes, please detail those circumstances. If no, affirm that there is no reason that you would not be willing to take a case to jury trial should the individual circumstances warrant.
5. **Local Rules of Court.**
   1. Have you read and are you familiar with the Superior Court of California County of Imperial Local Rules of Court?
6. **Availability.**
   1. Are you available to appear at any branch of the Imperial County Superior Court on any day in which the Superior Court is open, from 8:30 a.m. until 5:00 p.m., within one hour of a request from the court?
   2. Detail how you would maintain coverage when you schedule time off (personal/vacation).
   3. Do you intend to dedicate certain number of attorney(s) to only indigent defense cases? If so, how many attorneys do you intend to reserve for indigent defense cases (e.g., half an attorney, one attorney, etc.)? If you do not plan to dedicate a certain number of attorneys, how do you intend to handle coverage of appointed indigent defense cases?
   4. Provide the average number of non-indigent defense cases handled by your firm on a monthly basis.
7. **Ancillary Service Requests.**
   1. Are you willing to adhere to process for requesting ancillary services as detailed in the Administrative Policy Memorandum issued by the Superior Court of California County of Imperial on May 22, 2005 and as revised on March 7, 2008 and January 15, 2013 entitled “Criteria for Court Appointment of Indigent Defense Counsel,” attached hereto as Attachment “A”? If your answer is no, please explain.
   2. Describe the process by which you determine ancillary services are necessary and decide to submit an Ancillary Services Request.
   3. Are you or one of the attorneys listed in 7(A)(c) above willing to personally complete the Ancillary Services Request forms? If your answer is no, please explain.
   4. Describe how you manage the time of your investigator to best utilize the hours allotted to you pursuant to an Ancillary Services Request.
   5. When requesting investigative ancillary services are you willing to accept the assignment of an investigator (as opposed to requesting a specific investigator)?
8. **Contract.**
   1. Do you accept **all** terms and conditions as set forth in the following draft agreement, as applicable:
      1. Felony: “Draft Agreement (Superior Court Felony Contract - \_\_\_),” (Attachment “B”)?
   2. Affirm that you understand and agree thatthe answers given and representations made within your response to this RFQ will be incorporated into any contract and will become contractual obligations.
   3. Insurance. Provide proof that you meet the insurance requirements as detailed in Attachment “B”, as applicable.
9. **EVALUATION AND CONTRACT AWARD**

County Counsel will review all Qualification Statements. A contract may be the result of this RFQ and could be awarded based on the Qualification Statements received and local area needs. The contents of the successful Qualification Statements will become contractual obligations, and failure to accept these obligations in a contractual agreement may result in cancellation of award.

Submittal of a Qualification Statement does not guarantee an award. County reserves the right, in its sole discretion, to take any of the following actions: waive informalities or minor irregularities in any Qualification Statement received, reject any and all Qualification Statements, cancel the RFQ, or modify and re-issue the RFQ. Failure to furnish all information requested or to follow the format requested herein may disqualify the Contractor, in the sole discretion of the County. False, incomplete, misleading or unresponsive statements in a Qualification Statement may also be sufficient cause for a Qualification Statement’s rejection.