

**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 08/13/2015
Agenda Item: 5B5**

ACTION: Award one-year contracts with four, one-year renewal options, to Scott McAlister (Division I), Robert A. Butler (Division II), and Samantha Herd (Division III) who will provide public defender representation for indigent defendants whose cases are filed with the City of Tempe Municipal Court.

FISCAL IMPACT: Total combined cost of these contracts will not exceed \$300,000 during the one-year contract period. Sufficient funds have been budgeted in the General Fund – Cost Center 1410 (Judicial Division – Administration) – for the anticipated expenditures in the current fiscal year.

RECOMMENDATION: Award the contracts.

BACKGROUND INFORMATION: (RFP16-016) The City of Tempe issued a Request for Proposal (RFP) to establish contracts for Public Defenders. The law requires that people charged with crimes who face the possibility of being sentenced to jail have an attorney present to represent them if they cannot afford one. Additionally, the public defenders may provide representation for Seriously Mentally Ill (SMI) individuals. The City has contracted with public defenders in excess of twenty years to provide these services.

The Tempe Municipal Court contracts for three public defender positions. The attorneys assigned to Division I and Division II have a workload of approximately 500 annual cases each, the Division III position has a workload of approximately 300 annual cases. These attorneys also provide public defender services for indigent defendants who have been arrested and held to be seen at assigned in-custody dockets.

The Tempe Municipal Court has some of the lowest costs for indigent representation among municipal courts of similar size and seeks reimbursement, when possible, by assessing fees to some defendants to offset a portion of the costs attributed to their defense.

Evaluation Process

Thirteen proposals were received and evaluated by a committee comprised of City Staff and an outside attorney, a Tempe resident, on the following criteria:

Criteria	Weight
General	6 (50%)
Reputation	
Qualifications	
Experience as a Public Defender	
Reoccurring representation in Municipal Court	
References	
Ability to provide representation in Tempe Court	
Education and work synopsis	5 (42%)
Overall response to RFP	1 (8%)
Quality, composition & completeness	
Acceptance of terms and conditions	

Cost was not an evaluation criterion since the Court has established a fixed fee (\$150) per assigned case.

Results of Scoring

Each of the divisions has established work schedules so each of the submitting individuals were asked to indicate which division they were interested in securing.

Scoring was done individually for each division.

Division I

Candidate	Final Score
Scott McAlister	108.87
Robert Butler	108.72
Gregory Parzych	107.22
Keith Nelson	104.82
Tara Fuller	102.72
Mark Hawkins	99.42
Maxine Marshall	94.47

Division II

Candidate	Final Score
Robert Butler	108.72
Keith Nelson	104.82
Tara Fuller	102.72
Mark Hawkins	99.42
Maxine Marshall	94.47

The review committee decided that the scoring by the top candidates for Division I and Division II clearly established them as the most suitable candidates and as a result elected to not conduct formal interviews for these positions. The recommended individuals in these divisions are the incumbent Public Defenders who have demonstrated the required abilities and are able to successfully work within the requirements of the Tempe Municipal Court system.

Division III – Initial Scoring

Those individuals seeking the Division III position were scored by the review committee as follows:

Candidate	Initial Score
Michael Smith	107.37
Slade Lawson	107.37
Gregory Parzych	107.22
Samantha Herd	107.22
Keith Nelson	104.82
Leila Reynolds	104.22
Tara Fuller	102.72
Edward Maldonado	102.12
Mark Hawkins	99.42
Michelle Bell	97.17
Maxine Marshall	94.47

Since many individuals submitting for this division scored similarly, clearly met all requirements, and displayed the required experience, the committee conducted interviews with the top six scoring individuals before making a final decision.

Division III – Finalist Scoring

Candidate	Final Score
Samantha Herd	157.85
Slade Lawson	155.35
Gregory Parzych	155.20
Michael Smith	147.37
Keith Nelson	147.32
Leila Reynolds	139.22

Conclusion

It is the recommendation of the committee that contracts be awarded as follows:

Division	Recommended Individual
Division I	Scott McAlister
Division II	Robert Butler
Division III	Samantha Herd

The recommended individuals are the high scorers in each of their divisions. Each of the recommended individuals has met the requirements of the solicitation and have the required qualifications and experience to successfully carry out the duties as Public Defenders.

ATTACHMENTS: Vendor RFP Documents

STAFF CONTACT(S): Deborah Schaefer, Court Administrator, (480) 350-8252

Department Director: Renie Broderick, Internal Services Director

Legal review by: David Park, Assistant City Attorney

Prepared by: Tony Allen, CPPB, Procurement Officer