



**Notice of Application #2017-716 Indigent Defense Attorney
County Court at Law 1
Gregg County, Texas**

Publications: Longview News Journal July 28, 2017 & August 6, 2017

County Website: Post July 28, 2017

Applications emailed to Gregg County Bar: July 28, 2017

Contract Period: October 1, 2017 – September 30, 2018

Deadline to submit sealed applications: 2:15 pm Monday, August 14, 2017

Label Submission Envelopes: 2017-716 Attorney Application

Gregg County is soliciting applications for licensed attorneys to provide indigent defense for misdemeanor cases for a term of 12 months. All applications shall be sent to

Gregg County Purchasing Department
Attn: Kelli Davis, CPPB
2nd Floor, Gregg County Courthouse
101 E. Methvin, Ste 205, Longview, TX.

Any bid received after the date and/or hour set for bid opening will not be accepted. Bidder will be notified and will advise Gregg County Purchasing as to the disposition by either pick up, return at Bidder's expense, or destroyed with written authorization of the Bidder. If bids are sent by mail to the Purchasing Department, the Bidder shall be responsible for actual delivery of the bid to the Purchasing Department before the advertised date and hour for opening of bids. If mail is delayed either in the postal service or in the internal mail system of Tarrant County beyond the date and hour set for the bid opening, bids thus delayed will not be considered and will be disposed of as authorized.

Gregg County appreciates your time and effort in preparing an application for these services. Please note that all responses must be received at the designated location by the deadline shown. Responses received after the deadline will not be considered for award and will be returned unopened. If an Applicant is selected, the governing body will approve a contract with the Applicant based on the rate of compensation stated in this Notice.

Responses may be withdrawn by the attorney at any time prior to the official opening, but must be withdrawn in person. Alterations may not be made to an application once submitted, but a new

application may be submitted if the substitution occurs before the opening time. After the official opening, applications may not be amended or altered and may not be withdrawn without the approval of the Board of Judges.

Definitions:

- **NOA** shall mean Notice of Applications
- **BOJ** shall mean the Gregg County Board of Judges consisting of the District Court Judges and the County Court at Law Judges.
- **Appointing Authority** shall mean the Gregg County Board of Judges, who has authority to establish an indigent defense plan and approve attorneys to represent indigent defendants in criminal cases under Article 26.04, Code of Criminal Procedures.
- **Contracting Authority** shall mean Gregg County, Texas, acting by and through its duly elected County Judge and Commissioners Court.
- **Attorney** shall mean an attorney contracted with following the NOA and award process.
- **Applicant** shall mean the attorney responding to the NOA who is seeking a contract with the County.

1. Application – The Application required for submission is attached.

Applications shall address qualifications, experience, and past performance along with any further relevant information.

2. Evaluations - Interviews may be requested with an applicant. All applications will be evaluated and ranked on the following:

- (a) Applicant's experience and qualifications - 25 pts.;
- (b) Applicant's past performance in representing defendants in criminal cases including but not limited to successfully completing cases, meeting deadline, accessibility, office amenities - 40 pts.;
- (c) Applicant's disciplinary history with the state bar - 10 pts.;
- (d) Applicant's ability to comply with the terms of the contract -10 pts.;
- (e) Additional information – Include any additional information that you did not include in the application that supports your application or enhances your experience - 15 pts.

Following the review and ranking of all applications the Appointing Authority shall by majority vote select contractor(s), specify the types of cases each contractor is qualified to handle, and authorize the contracting authority to enter into a contract.

3. Scope: Attorney shall be responsible for the representation of County Court at Law #1 Misdemeanor Cases in the Gregg County County Court System, excluding appeals. Gregg County intends to extend a contract to two (2) attorneys for annual indigent defense services for misdemeanor cases in the County Court at Law #1. It is desirable that the attorney would handle

misdemeanor cases to include Non-English speaking defendants (“Contracted Bilingual Attorney”).

4. **Compensation.** Attorney awarded a contract will receive the sum of **\$5,416.67** per month, for a total of **\$65,000** annually for the term of the contract (unless the Contract is terminated sooner).
5. **Case Load.** Attorney may be appointed a maximum of 425 cases per year (not number of defendants). If the total number of case appointments reaches 425 cases for the year, the attorney is responsible for notifying the court so appointments will no longer be made to that attorney. For the rest of the contract period, appointments will be distributed to the remaining contract attorneys until their appointments reach the maximum.

Gregg County Historical Data of Total Misdemeanor Appointments

<u>Year</u>	<u>Appts</u>	<u>Non-English Speaking</u>
FY16	1663	
FY15	1538	
FY14	1433	
FY13	1393	31 approx.
FY12	1185	
FY11	1130	

The totals above include appointments made on all misdemeanors including cases filed, cases not filed, dismissals and revocations.

6. **Expense Reimbursement.** Contracted counsel shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts consistent with Texas Code of Criminal Procedure art. 26.05(d), and travel outside of Gregg County, separate from the Attorney’s compensation. All expenses to be reimbursed must be itemized in writing, supported by invoices and /or vouchers, and submitted to the presiding judge for approval along with the order to approve the reimbursement. Prior trial court approval must be obtained.
7. **Other Information and Requirements**

Attorneys must have a principal office in Gregg County, Texas.

Any attorney awarded a contract is restricted from placement on any other criminal indigent wheel in Gregg County Courts and any other county’s criminal wheel with the following exceptions – Due to the shortage of bilingual attorneys in Gregg County, a Contracted Bilingual Attorney shall be permitted to seek additional appointments on Gregg County Criminal “Specialty” Wheels.

Contracted Attorneys may seek appointments in Family Court or any other Gregg County noncriminal appointment list.

Attorney will not be an employee of the County, and is, at most, an independent contractor, who shall complete the requirements of a contract by Attorney’s own means and methods of work, and

in accordance with the Attorney's independent professional legal judgment, which shall be in the exclusive charge and control of the Attorney, and is not subject to control or supervision of the County or any judge, except as specified in contract.

Contracted Attorney must meet the minimum attorney qualification requirements of the local indigent defense plan for criminal misdemeanor cases. Therefore, the attorney shall:

1. Be a member in good standing with the State Bar of Texas;
2. Professionally perform duties and responsibilities of a licensed attorney for the State of Texas;
3. Complete annually such Continuing Legal Education programs as required by the Texas Judicial Council and local rules of Gregg County for attorneys representing indigent accused persons, which shall include at least 8 hours of Continuing Legal Education in handling criminal cases.

Contracted Attorneys must have a minimum of three (3) years' experience in the practice of criminal law.

Subject to the approval of the BOJ, each contract shall have the option for five (5) one-year renewals.

Gregg County and/or the Gregg County Board of Judges expressly reserves the right to accept or reject any or all applications submitted and to waive any technicalities or formalities, considered to be in the best interest of Gregg County and/or the Gregg County Indigent Defense Program and appoint according to the wheel system.

Additional contract requirements can be found within a copy of the proposed contract enclosed for your review along with a copy of the monthly statement that is required.

Please submit written questions to the Purchasing Department at purchasing@co.gregg.tx.us. Written questions will be accepted and a reply returned from the Purchasing Department.

ANY ATTORNEY THAT INTENDS TO BE AWARDED A CONTRACT BY GREGG COUNTY WILL BE ASKED TO COMPLETE THE FOLLOWING **PRIOR** TO CONSIDERATION FOR AWARD BY THE GREGG COUNTY COMMISSIONERS COURT. THE PURCHASING DEPARTMENT WILL CONTACT YOU TO RETRIEVE THE NECESSARY FORM.

Certificate of Interested Parties (Form 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added Section 2252.908 of the Government Code. The law states that a government entity may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the government entity. The disclosure of interested parties will be submitted online via Form 1295 and must be submitted to the governmental entity prior to any signed contract and/or vote by the governing authority.

The Filing Process:

1. Prior to award by Commissioners Court, your firm will be required to log in to the Texas Ethics Commission, https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm and fill out the Electronic Filing Application.

2. Once submitted, the system will generate an electronic Form 1295 displaying a “Certificate Number.” Your firm must print, sign and notarize Form 1295.
3. **Within ten (10) business days** from notification of pending award by the Gregg County Purchasing Agent, the completed Form 1295 **must** be submitted to Gregg County.
4. Your firm will need to repeat this process and obtain a separate Form 1295 each time you enter into a new contract, renew a contract or make modification and/or amendments to a Gregg County contract.

Instructions and information are available at <https://www/ethics.state.tx.us/tec/1295-Info.htm> or you may call the Texas Ethics Commission at (512) 463-5800.