




Purchasing Department
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To: Steve Rapson

From: Ted L. Burgess 

Date: March 23, 2023

Subject: Contract #2200-P: Fayette County State Court Public Defender

The State Court of Fayette County was created in 1994 by local legislation of the Georgia General Assembly (Ga. L. 1994, p 4980). Historically, the Circuit Public Defender Office of the Griffin Judicial Circuit has represented indigent defendants appearing before the Fayette County State Court, although state statute does not require them to do so. The Public Defender has made the decision to no longer represent defendants in state court when the current contract between the Circuit Public Defender Office and Fayette County ends on June 30, 2023. The decision was made in part due to caseloads and available resources. After that date, the State Court plans to provide indigent services by contracting with a qualified law firm.

The Purchasing Department issued Request for Proposals (RFP) #2200-P to identify a qualified law firm for this purpose. Notice of the opportunity was sent to the Bar Associations of Fayette, Henry, and Spalding Counties, and to two firms that had requested notification. Another 600 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity codes #91874 (Legal Consulting), #96149 (Legal Services, Attorneys), #96150 (Legal Services Including Depositions & Expert Witness Testimony, and #96258 (Professional Services). The offer was also advertised through Georgia Local Government Access Marketplace, the Fayette County News, Comcast local access Channel 23, and the county website.

Two responsive law firms submitted proposals. A third firm submitted a proposal after the due date and time, resulting in it not being accepted. The two responsive firms were:

- The Jewkes Firm, LLC
- Lister, Holt, & Dennis, LLC

An Evaluation Committee was convened, consisting of representatives from the Fayette County State Court, State Court Solicitor's Office, Sheriff's Office, Purchasing Department, and an attorney from a private practice. The Committee evaluated and scored the proposals using the

criteria enumerated in the RFP: Understanding and approach, qualifications, firm’s expertise and experience, and proposed price (please see attached).

Award is recommended to the law firm of Lister, Holt, and Dennis, LLC. They had initially proposed the price of \$684,968.00 annually, but the final negotiated price is \$609,869.00. They have not previously contracted with the county, so a Contractor Performance Evaluation is not available. Purchasing Department staff checked their references, which provided favorable responses.

Specifics of the proposed contract are as follows:

Contract Name	#2200-P: Fayette County State Court Public Defender	
Contractor	Lister, Holt, & Dennis, LLC	
Type of Contract	Annual, with 2 renewals (total 3 years)	
Contract Amount	\$609,869.00	
Budget:		
Fund	100	General Fund
Org Code	10020800	Public Defender
Object	523865	Lower Court Contract Fees
Available	\$609,869.00	Upon approval of FY 2024 Budget

**RFP #2200-P: State Court Public Defender
EVALUATION SCORES**

TECHNICAL MERIT:	MAX POINTS	Lister, Holt & Dennis, LLC	The Jewkes Firm, LLC
1 Project understanding & the proposed approach	30	27.8	23.6
2 Qualifications	20	18.4	13.6
3 Primary Firm's Qualifications	20	19.4	14.8
Total Technical Merit	70	65.6	52.0

PROPOSED PRICE:

\$684,968.00

\$500,000.00

Technical Merit Score	70	65.6	52.0
Proposed Price Score	30	18.9	30.0
Total Score		84.5	82.0

NOTE: Lister, Holt, & Dennis' original proposed price was \$684,968.00. This is the amount that must be used for calculating their total score. After the best-scoring proposal was determined, the firm agreed to the negotiated price of \$609,869.00 annually.

Griffin District Public Defender

Current Level of Effort – Fayette County Share

Fiscal Year 2023

	<u>FTE</u>	<u>Amount</u>
UPPER COURT		
Fayette Co Share ¹		\$324,628.00
 LOWER COURT		
Attorney Staff	1.775	219,928.00
Support Staff	5.140	52,697.00
Operating	-	9,604.00
Total Lower Court	6.915	\$282,229.00
 TOTAL	 6.915	 \$606,857.00

¹Fayette County 27.3% Caseload

Fayette County Public Defender Future Level of Effort Fiscal Year 2024

	FY 2023 Level of Effort		Original Offer From Lister, Holt & Dennis		Negotiated Amount		Variance	
	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>Amount</u>	<u>%</u>
UPPER COURT								
Fayette Co Share ²		\$324,628.00		\$420,244.00		\$420,244.00	\$95,616.00	29.5%
LOWER COURT								
Attorney Staff	1.78	219,928.00	3.33	388,395.00	3.33	388,395.00	168,467.00	
Support Staff	5.14	52,697.00	1.75	90,506.00	1.75	90,506.00	37,809.00	
Operating	-	<u>9,604.00</u>	-	<u>205,968.00</u>	-	<u>130,968.00</u>	<u>121,364.00</u>	
Total Lower Court	6.92	\$282,229.00	5.08	\$684,869.00	5.08	\$609,869.00	\$327,640.00	116.1%
TOTAL	6.92	\$606,857.00	5.08	\$1,105,113.00	5.08	\$1,030,113.00	\$423,256.00	69.7%

²Fayette County 30.1% Caseload