



City of Tacoma

Resolution No.:

Meeting Date: January 23, 2024

**Contract and Award Letter
Purchase Resolution —Exhibit "A"**

TO: Board of Contracts and Awards
FROM: Andy Cherullo, Director, Finance Department
Katie Johnston, Budget Officer, Finance Department
COPY: City Council, City Manager, City Clerk, EIC Coordinator, LEAP Coordinator, and
Tad Carlson, Finance/Purchasing
SUBJECT: Extension and Increase of Indigent Defense Legal Services Contract
Interlocal Agreement Contract No. CW2233487 – January 23, 2024 City Council
DATE: 12/20/2023

RECOMMENDATION SUMMARY:

The Office of Management and Budget (OMB) requests approval to increase and extend Interlocal Agreement Contract CW2233487, with the Pierce County Department of Assigned Counsel (DAC), Tacoma, WA, by \$4,257,910, plus applicable taxes, budgeted from the General Fund (0010), for the provision of legal services for individuals who otherwise would not be able to afford them. This increase will bring the contract to a cumulative total of \$12,223,038, plus applicable taxes, and will extend the contract term by two years to December 31, 2025.

STRATEGIC POLICY PRIORITY:

- Ensure all Tacoma residents are valued and have access to resources to meet their needs.

Access to legal services is important for anyone who appears before a court of law. The Sixth Amendment of the United States Constitution explicitly protects the right “to have the Assistance of Counsel.” Thus, access to legal advice is at the very heart of American democracy. As such, this contract fulfills the vision of equal access to legal advice, not merely for those who can afford it.

BACKGROUND:

The OMB works with the Pierce County DAC to update this contract on a yearly or biannual basis. The DAC provides data quarterly to the OMB to evaluate the performance of this contract, including caseload per attorney, types of cases handled by the DAC, and outcomes. This agreement is pursuant to Section five of the Interlocal Agreement by the City and Pierce County dated November 23, 2003. All services rendered by the DAC are for indigent individuals who appear before the Municipal Court.

ISSUE: Not all individuals are able to pay for legal advice. Legal proceedings affect individuals of all income levels which is why the United States of America and Washington State Supreme Courts have found that the provision of legal services is essential for those who may not be able to afford them. This contract ensures that individuals appearing before the City Municipal Court who may not be able to afford a lawyer have access to legal advice.

ALTERNATIVES: Alternatives include not approving this contract, which could lead to a potential service disruption, or seeking other service providers, which could lead to a potential conflict with the interlocal agreement with Pierce County.

COMPETITIVE ANALYSIS: This agreement is pursuant to Section five of the Interlocal Agreement by the City of Tacoma and Pierce County dated November 23, 2003.



CONTRACT HISTORY: This contract was originally awarded to Pierce County DAC as a result of an interlocal agreement between the City of Tacoma and Pierce County in the amount of \$4,305,291, plus applicable taxes, for providing legal services to indigent defendants appearing in the City's Municipal Court. The initial contract term was January 1, 2020 through January 1, 2022. Amendment No. 1 extended the term through December 31, 2022 and brought the cumulative total of the contract to \$6,108,102. Amendment No. 2 extended the term through December 31, 2023 and brought the cumulative total of the contract to \$7,965,128. This amendment will extend the valid end date through December 31, 2025 and will bring the cumulative total of the contract to \$12,223,038, plus applicable taxes.

SUSTAINABILITY: Not applicable

EQUITY IN CONTRACTING (EIC) COMPLIANCE: Not applicable

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE: Not applicable

FISCAL IMPACT:

EXPENDITURES:

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
0010 General Fund	659000	5311300	\$4,257,910
TOTAL			Up to \$4,257,910

REVENUES:

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
0010 General Fund	Various	Various	(\$4,257,910)
TOTAL			Up to (\$4,257,910)

FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: The requested contract increase would extend the contract term beyond the end of the current biennium. The estimated expenditures that would occur within the current biennium are \$2,077,260.

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes, the estimated expenditures of the requested contract increase that would occur within the current biennium are planned and budgeted.

IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED. OMB anticipates that the expenditures that would occur beginning in 2025 will be budgeted during the budget development process for the 2025-2026 biennium.