

**ORDINANCE/RESOLUTION REQUEST**

Please email requests to the Mayor’s Legislative Team

at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by **3:00pm on Monday**. Contact the Mayor’s Legislative team with questions

**Date of Request: 08/02/21**

Please mark one:  Bill Request or  Resolution Request

**1. Type of Request:**

- Contract/Grant Agreement     Intergovernmental Agreement (IGA)     Rezoning/Text Amendment
- Dedication/Vacation             Appropriation/Supplemental             DRMC Change
- Other:

**2. Title:** (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

**A resolution approving a proposed Agreement between the City and County of Denver and Bettenberg, McGuire, & Associates LLC. To extend the term and increase the contract amount to continue services for the indignant residents of the City and County of Denver.**

**3. Requesting Agency:** Office of the Municipal Public Defender

**4. Contact Person:**

Contact person with knowledge of proposed ordinance/resolution-	Contact person to present item at Mayor-Council and Council
Name: Alice Norman	Name: Alice Norman
Email: alice.norman@denvergov.org	Email: alice.norman@denvergov.org

**5. General description or background of proposed request. Attach executive summary if more space needed:**

An agreement between the City and County of Denver and Bettenberg McGuire & Associates LLC to extend the terms of the contract to 6/30/2022 and increase the funds by \$224,000 for a total of \$632,840. The funds will be used to reimburse in whole or part, costs associated with the provision of defense counsel to defendants at their first appearance in municipal courts as required, effective July 1, 2018, under Colorado Revised Statute (CRS) § 13-10-114.5

**6. City Attorney assigned to this request (if applicable):**

**Jill Ferguson / Josh Roberts**

**7. City Council District: all districts represented**

**8. \*\*For all contracts, fill out and submit accompanying Key Contract Terms worksheet\*\***

*To be completed by Mayor’s Legislative Team:*

Resolution/Bill Number: RR21 0891

Date Entered: \_\_\_\_\_

**Key Contract Terms**

**Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):**

**Professional Services > \$500K**

**Vendor/Contractor Name: BETTENBERG MAGUIRE & ASSOCIATES LLC**

**Contract control number: DOMPD-202159513**

**Location: City and County of Denver**

**Is this a new contract?**  Yes  No **Is this an Amendment?**  Yes  No **If yes, how many?** 4

**Contract Term/Duration (for amended contracts, include existing term dates and amended dates):**

Existing Term Date: 1/1/2018 – 6/30/2021

Amended Date: 1/1/2018 - 6/30/2022

**Contract Amount (indicate existing amount, amended amount and new contract total):**

<i>Current Contract Amount (A)</i>	<i>Additional Funds (B)</i>	<i>Total Contract Amount (A+B)</i>
408,840	224,000	632,840

  

<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>
1/1/2018 – 06/30/2021		06/30/2022

**Scope of work:**

Contract attorneys will provide representation Per Colorado Revised Statute (CRS) § 13-10-114.5 At the time of first appearance on a municipal charge, if the defendant is in custody and the charged offense includes a possible sentence of incarceration, the court shall appoint counsel to represent the defendant for purposes of the initial appearance unless, after a full advisement pursuant to C.M.C.R. 210 and C.R.S. § 16-7-207, the defendant makes a knowing, intelligent, and voluntary waiver of his or her right to counsel. The OMPD has neither that physical office space nor the allocation of FTE's to cover First Appearances. OMPD continues representation of said defendants throughout the life of the case.

**Was this contractor selected by competitive process?** NO **If not, why not?**

When Office of the Municipal Public Defender (OMPD) was opened in 2015, the initial general funds budgeted soon did not provide enough FTE attorneys to cover the clients that OMPD was constitutionally required to represent. The City then added more courtrooms that OMPD was legally mandated to appear in and clients to appear with. Bettenberg office

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was used initially as in a minor way as fill-in as contract counsel. OMPD was legally mandated to expand their use when our work expanded without notice or time to bid this out

Has this contractor provided these services to the City before?  Yes  No

Source of funds: The General fund budget allocated to OMPD is reimbursed by this First Appearance Grant Program

Is this contract subject to:  W/MBE  DBE  SBE  XO101  ACDBE  N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract? None

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