July 30, 2019

Dear Contract Administrator:

On February 22, 2019 the Public Defense Services Commission (PDSC) unanimously adopted a resolution to move away from the current case-credit model, and directed Executive Director Lane Borg to provide the PDSC with recommendations for a new contracting model. This change came about, in part, due to the Sixth Amendment Center study and report commissioned by the Legislature and the Office of Public Defense Services (OPDS). The requirement to change the contracting model and the unknowns during the 2019 legislative session required OPDS to wait until the end of session to move forward with the contracting process for 2020-21 contracts. We will contract separately for criminal and juvenile workloads in PCRP counties going forward. Please refer to the information below for expectations regarding each contract.

**CRIMINAL CONTRACT**

This letter serves as notice that OPDS intends to amend and extend your current contract for six (6) months. This amendment and extension removes the credit-based compensation. The contract value will be established based in part upon the number of cases and FTE required to perform the work and to meet the requirements of your current contract. An estimated number of cases, broken down by case type, will be established. Review of your contract status (above or below quota) will be factored into the value of the amendment. In addition, we will apply a five percent increase to the value of the workload for the six-month extension period. To properly advocate for additional resources from the legislature, PDSC must be able to report who is working under each contract and what each person’s compensation from contract funds is or has been.

Timeline to get to a signed extension:

August 30 (firm date) **ALL** required items (bullets below) returned to OPDS

September 3-30 OPDS reviews information, extension to contractor

October 15 Contract extension reviewed/signed by contractors

For the above reasons we are requiring the following information from each existing contractor:

* A copy of form 1099 issued to all persons doing work under the current contract for the year 2018, or the equivalent listing of attorney FTE and annual compensation.
* Documentation of the contract’s legal entity (LLC, LLP, etcetera).
* Documentation of the contract’s business registration with the Secretary of State.
* IRS Documentation confirming the tax ID entity name matches the business registry with the Oregon Secretary of State.
* A copy of all current member agreements. If your contract entity does not have a practice of entering into a written agreement for case assignments and compensation for members, please provide a written statement that the contract entity does not require member agreements.
* Appendix A and B, which is a request for specific information about (1) the number of public defense cases handled per attorney in your office, firm, consortium, and (2) the total amount of state contract dollars distributed to both attorneys and non-attorneys in your office, firm, consortium.

All items must be submitted to OPDS at mail@opds.state.or.us **by August 30th at 4:00 pm.**

Links for the Secretary of State and Internal Revenue Service as well as other information can be accessed at: [https://www.oregon.gov/opds/provider/Pages/contract-terms.aspx](http://staging.apps.oregon.gov/opds/provider/Pages/contract-terms.aspx)

**EXISTING PCRP CONTRACT**

Fortunately, because the PCRP is funded based on workload, rather than credits, we are able to continue contracting in the same manner.

Please consider this notice that we intend to issue a new two-year contract between you and the PDSC, beginning January 1, 2020, for your juvenile workload. We will increase the total value of your contract (annual amount) by five percent. Please notify your contract analyst by August 30th if there will be any changes in the attorneys working under your contract or the FTE each attorney is assigned.

You will receive a contract from OPDS by September 20 th. Please return the signed contract by October 10th.

Please contact your contract analyst with questions.