



# Maricopa County

Office of Public Defense Services

November 18, 2021

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Director

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Hello Everyone,

OPDS has seen an increase in requests for payments for services that have exceeded the number of approved hours. Vendors are notified via appointment sheet of the dollar amount and number of hours that have been approved. It is the vendor's responsibility to monitor his or her hours and notify the attorney if additional time is needed to complete the work prior to exhausting the approved time. It is then the attorney's responsibility to submit a request for additional time for the service provider before approved time is depleted. If the defendant is Pro Per, it is the responsibility of the Pro Per to submit the request.

OPDS staff have made diligent efforts to make all attorneys and service providers aware of these requirements. It is important that vendors be aware that OPDS is not obligated to pay invoices for hours worked that exceed the OPDS approved amount. In addition, approvals for funds cannot be applied retroactively to work that has already been performed. To date, OPDS has been making reasonable exceptions to these policies, particularly regarding non-contracted vendors. Currently, all vendors are notified on assignment sheets they receive for each ROF approval: "OPDS will not pay for services that have been rendered prior to OPDS approval." Contracted vendors should refer to the contract language that includes:

- *"If an approved vendor exceeds the OPDS approved amount for the expenditure, OPDS is not obligated to pay any such overage and it becomes the personal responsibility of the Contractor."* (Adult Criminal contract and Juvenile Attorney Services contract)
- *"Contractor's duties with regard to an assignment under this contract continue until the hours pre-approved by OCC are expended or the assignment is concluded, whichever occurs first. If the contractor exceeds the authorized hours, Maricopa County is under no obligation to award additional compensation."* (Private Investigator Services contract)
- *"Contractor's duties with regard to an assignment under this contract continue until the assignment is concluded. If a Contractor exceeds the authorized hours, however, OCC is under no obligation to ratify Contractor's conduct or give retroactive approval of any unauthorized work."* (Capital Mitigation Specialist contract)

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Beginning January 1, 2022, OPDS will no longer make exceptions for our contractors or for any non-contracted vendors regarding invoices submitted that are more than the approved amount available. OPDS will defer the vendor to the attorney handling the case for payment arrangements of overages above the approved amount. Pro Per matters will be addressed on a case-by-case basis but could result in non-payment to the vendor if procedures and the contract are not followed properly.

OPDS has been working on some automated reports to help vendors keep track of their remaining balances and are open to any other suggestions you may have to improve this process. In addition, vendors may email any of the OPDS staff listed below for a current approval balance. We appreciate your cooperation in this matter.

OPDS Staff:

Edward Lyons – [Edward.Lyons@maricopa.gov](mailto:Edward.Lyons@maricopa.gov)

Kim Bishop – [Kim.Bishop@maricopa.gov](mailto:Kim.Bishop@maricopa.gov)

David Jahntz – [David.Jahntz@maricopa.gov](mailto:David.Jahntz@maricopa.gov)

Sincerely,

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