



Board Agenda Item 45

DATE: May 17, 2022

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Attorney Firm Agreement for General Liability, Auto Liability, Employment Law and Medical Malpractice Legal Services

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for obtaining the services of special counsel to assist the County; and**
- 2. Approve and authorize the Chairman to execute an Agreement with the firm Prentice Long to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services cases, effective May 17, 2022, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$7,500,000.**

There is no increase in Net County Cost associated with the recommended actions. Approval of the recommended actions will allow the County to maintain Employment Law, General Liability, Auto Liability and Medical Malpractice defense legal services at a maximum annual cost of \$1,500,000. The firm was interviewed and selected based on their experience with public entity tort claims filed against public Agencies that are similar to the County. Their services will be funded with annual budgetary contributions based on actuarial projections, with no additional Net County Cost. This item is countywide.

ALTERNATIVE ACTION(S):

The Board can reject the recommended firm; however, this would result in a reduction in the number of contracted vendors to handle the defense of General Liability related claims against the County.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to waive the competitive bidding process is consistent with Administrative Policy No. 34. The selected firm provides the specialized expertise and availability to effectively defend the County in high-profile General Liability litigated claims. The ISD-Purchasing concurs with the Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The costs associated with the attorney services are a part of the Risk Management Internal Service Fund (ISF), Org 8925, General Liability and Medical Malpractice Rates which are determined actuarially. Sufficient appropriations and estimated revenues for this agreement have been included in the Risk Management Org 8925 FY 2021-22 Recommended Budget and will be requested in future budgets for the duration of the term.

DISCUSSION:

On January 7, 2020, your Board approved Agreements No. 20-016 with Liebert, Cassidy, & Whitmore, No. 20-017 with McCormick Barstow, LLP, No. 20-018 with Overstreet & Associates, No. 20-020 with Weakley & Arendt, and No. 20-021 with Stammer, McKnight, Barnum & Bailey, and on August 24, 2021, your Board approved Agreements No. A-21-329 with Ferguson Praet and Sherman and Agreement A-21-330 with Aleshire & Wynder, LLP to provide General Liability Employment Law legal services for the County's General Liability Employment Law Program and malpractice legal services for the County's General Liability and Medical Malpractice Programs.

Since those Agreements were executed, one of the appointed firms dissolved, and another experienced the loss of a Partner to illness which greatly reduced their ability to take on County cases. As a result, the County has limited options of legal defense firm to assign General Liability litigated claims. The selected firm, Prentice Long, was identified to have the required experience in public entity tort claims and was also selected based on their prior involvement with cases that involved jail deaths, serious injuries, dangerous conditions and employment law, as well as officer-involved shootings. Further, the firm currently engages in legal service with County Counsel's office.

Your Board's approval of the recommended action will allow the County to continue to receive essential General Liability, Auto Liability, Employment Law and Medical Malpractice defense services for the County's Self-Insured General Liability Program.

REFERENCE MATERIAL:

BAI #33, August 24, 2021
BAI #26, January 7, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request Form
On file with Clerk - Agreement with Prentice Long

CAO ANALYST:

Yussel Zalapa