



Board Agenda Item 43

DATE: January 28, 2025

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources
Daniel C. Cederborg, County Counsel

SUBJECT: Agreement with Liebert Cassidy Whitmore for Specialized Legal Services in the Negotiation of MOUs with Bargaining Units

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to suspend the competitive bid process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances when obtaining the services of counsel to assist the County; and**
2. **Approve and authorize the Chairman to execute an Agreement for Specialized Legal Services with Liebert Cassidy Whitmore to provide specialized legal services as lead negotiator during upcoming Memorandum of Understanding negotiations, effective February 4, 2025, through February 3, 2028, with two optional one-year extensions (\$450,000).**

Approval of the recommended actions would allow Liebert Cassidy Whitmore (LCW) to assist and/or represent the County of Fresno (County) during upcoming successor Memorandum of Understanding (MOU) negotiations.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If your Board were not to approve the recommended actions, the County would not have the assistance of specialized legal assistance from LCW in the negotiation of MOUs. The County Counsel's office does not provide those specialized services.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department requests to waive the competitive bidding process consistent with Administrative Policy No. 34 because LCW is the only local firm that possesses the expertise and knowledge to administer services within the timeframes established. The Department recommends that your Board waive the competitive bid process based on the need to obtain special counsel to assist the County. The General Services Department - Purchasing concurs with the Department's request to waive the competitive bidding process.

FISCAL IMPACT:

There is no associated increase in Net County Cost (NCC) associated with the recommended actions. The estimated cost associated with the recommended actions is approximately \$450,000. Sufficient appropriations have been included in the Department of Human Resources Org 1010 FY 2024-25 Adopted Budget and will be included in subsequent budget requests.

DISCUSSION:

Each year, the Department of Human Resources, Labor Relations Division (LR), meets with those bargaining units whose contracts have or will be expiring in order to conduct good faith negotiations for successor MOUs. It is anticipated that all 22 units will begin negotiations in 2025. This does not include MOU reopeners and other matters managed by LR. The Department recommends engaging the services of LCW in order to conduct efficient and effective negotiations with the various units in a timely manner.

LCW is recognized as one of the foremost authorities in labor relations and collective bargaining and has represented the County in numerous legal matters. The Department believes that it is in the best interest of the County to utilize these services for the upcoming contract negotiations as need arises and as an augmentation to the expertise of the LR unit.

Under the proposed agreement, all services of LCW will be engaged by the Director of the Department of Human Resources as needed. As appropriate, and in compliance with Administrative Policy No. 34, the Director will consult with County Counsel regarding the need for services from LCW.

Your Board previously approved BAI's #30 and #27, on February 4, 2020, and January 9, 2018, respectively, and each time LCW has been found to have performed in a satisfactory manner.

REFERENCE MATERIAL:

BAI #30, February 4, 2020
BAI #27, January 9, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement with LCW

CAO ANALYST:

Paige Benavides