



Board Agenda Item 42

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 to Provide Advice and Training on Labor and Employment Law

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 legal advice and training to the County Counsel and Department of Human Resources regarding labor and employment law, effective February 4, 2025, through February 3, 2028, with two optional one-year extensions (\$300,000).**

Approval of the recommended actions would allow the County Counsel and the Department of Human Resources (HR) to utilize legal advisory services provided by Liebert Cassidy Whitmore (LCW) for legal advice and training of County employees on labor and employment law. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If your Board were not to approve the recommended actions, the County would not have access to the specialized legal expertise of LCW in areas of labor and employment law, or access to LCW's training for the County to remain compliant with continual changes in labor and employment law. 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 bidding process based on the need to obtain special counsel to assist the County of Fresno (County). The General Services Department - Purchasing concurs with the Department's request to waive the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost (NCC) associated with the recommended actions. The estimated cost associated with the recommended actions is approximately \$300,000. Sufficient appropriations have been included in the Department of Human Resources Org 1010 FY 2024-2025 Adopted Budget and will be

included in subsequent budget requests.

DISCUSSION:

The State Legislature frequently passes, and the Governor signs into law, bills affecting the relationship between public sector employers and employees. LCW has been instrumental in assisting the County with implementing such new laws, as well as assessing their impact on County practices and policies. LCW also provides specialized legal advice on such matters on an expedited basis, bringing not just specialized legal expertise, but also industrywide experience and knowledge.

Additionally, LCW has provided training to the County covering a wide variety of labor, investigation, and workforce issues. The lawyers at LCW are subject matter experts in the field of labor and employment law, with industrywide experience and knowledge, and are able to provide necessary training for the County to remain compliant with changing laws affecting the employer-employee relationship.

Under the proposed agreement, all services of LCW will be engaged by County Counsel as needed. As appropriate, County Counsel will consult with HR regarding the need for services from LCW.

Your board approved the previous, similar, agreements via BAI #31 and BAI #27, on February 4, 2020, and January 9, 2018, respectively. LCW has satisfactorily performed its assigned duties to date and has had its contracts extended to the maximum allowed by each agreement.

REFERENCE MATERIAL:

BAI #31, 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