



Board Agenda Item 61

DATE: December 9, 2025

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. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34) determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted, and that the best interests of the County would be served by entering into an Agreement with Manning Kass, LLP as they possess the specialized expertise and availability to defend the County in high-profile general liability litigated claims; and**
- 2. Approve and authorize the Chairman to execute an Agreement with the firm Manning Kass, LLP to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services, effective December 9, 2025, 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 General Liability, Auto Liability, Medical Malpractice, and Employment Law defense legal services at a maximum annual cost of \$1,500,000. 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 the reduction in the number of experienced contracted vendors to handle the defense of high-exposure general liability claims against the County. Should the Board reject the recommended firm, the cases assigned and to be assigned to the firm would need to be assigned to other firms that don't have the demonstrated success in excessive force and detention facility cases, potentially increasing exposure to the County.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

It is requested that the County find under AP No. 34 that an exception to the competitive bidding process is satisfied, and a suspension of competition is warranted due to unusual or extraordinary circumstances, and Manning Kass, LLP possesses the demonstrated expertise to defend the County in high-exposure liability cases, particularly in the area of excessive force and detention cases. Based on this, a letter of interest was not necessary. The General Services Department - Purchasing, concurs with the Department's assessment that this satisfies the exception to the competitive bidding process required by AP 34.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The costs associated with the attorney services are 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 the agreements are included in the Risk Management Org 8925 FY 2025-26 Adopted Budget and will be requested for future budgets for the duration of the term.

DISCUSSION:

On August 24, 2021, your Board approved agreement No. 21-239 with Ferguson, Praet & Sherman and Agreement No. 21-330 with Aleshire & Wynder, LLP. On May 17, 2022 your Board approved Agreement No. 22-211 with Prentice Long and on December 12, 2023 your Board approved Agreement No. 23-660 with Porter Scott. Lastly, on December 17, 2024, your Board approved Agreement No. 24-678 with Liebert, Cassidy and Whitmore, No. 24-677 with McCormick Barstow LLP, No. 24-676 with Weakley and Arendt, PC, and No. 24-679 with Litigation Engineered.

Since those Agreements were executed Ferguson, Praet & Sherman, who was retained due to their expertise in law enforcement cases, have been unable to take on County cases due to lack of capacity within their office. Additionally, due to the increase in litigation, the County has had limited options of legal defense firms to assign general liability litigation cases. The recommended firm, Manning Kass, LLP, has demonstrated expertise in public entity defense, particularly in excessive force and detention facility cases. The firm is currently engaged in defense of the County under a limited purchasing agreement, P-25-506, and is highly recommended by the County Counsel's Office.

Your Board's approval of the recommended action will allow the County to continue to benefit from the expertise of Manning Kass, LLP in providing essential liability defense services for the County's Self-Insured General Liability Program.

REFERENCE MATERIAL:

BAI #49, December 17, 2024
BAI #33, December 12, 2023
BAI #45, May 17, 2022
BAI #33, August 24, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request Form
On file with Clerk - Agreement with Manning Kass, LLP

CAO ANALYST:

Sevag Tateosian