



Board Agenda Item 37

DATE: December 10, 2019
TO: Board of Supervisors
SUBMITTED BY: Daniel C. Cederborg, County Counsel
SUBJECT: Amendment I to McCormick Barstow, LLP Specialized Legal Services Agreement

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Amendment I to Agreement No. 18-597 with McCormick Barstow, LLP to represent the County of Fresno and its employees in Phillips v. State of California, et al., effective upon execution with no change in term to September 10, 2021 and increasing the maximum by \$400,000 to a total of \$750,000.

Approval of the recommended action will allow McCormick Barstow, LLP to continue providing specialized legal services and represent the County of Fresno and its employees in Phillips v. State of California, et al. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions as these specialized legal services are not available in the County Counsel's Office.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

Under the County's policies for obtaining services, competitive bidding is not required to select specialized legal counsel. This is a contract for specialized legal services. The law firm selected has specific experience in this type of litigation and such specialized legal services are not available in the County Counsel's Office.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Sufficient appropriations and estimated revenues for costs associated with this amendment are included in the FY 2019-20 Interest and Miscellaneous Expenditures Org 2540 Adopted Budget and will be included in future budget requests.

DISCUSSION:

The County and its employees are named defendants in Phillips v. State of California, et al. While the County Counsel's Office represented the County and its employees in this matter for several years, it was necessary to engage McCormick Barstow LLP to take over representation of the County and its employees in this matter when key personnel retired from the County Counsel's Office. Approval of the recommended action will increase the contract maximum and allow McCormick Barstow LLP to continue representing the County and its employees in this litigation.

REFERENCE MATERIAL:

BAI #28, October 23, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment I to Agreement No. 18-597 with McCormick Barstow, LLP

CAO ANALYST:

Yussel Zalapa