



Suspension of Competition Acquisition Request

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1. Fully describe the product(s) and/or service(s) being requested.

Risk Management wishes to engage the specialized legal services of outside counsel who are experts in legal matters involving tort claims civil litigation. Risk Management currently has limited attorney selection for general liability and medical malpractice lawsuits.

2. Identify the selected vendor and contact person; include the address, phone number and e-mail address for each.

William Camy
Porter Scott, APC
350 University Ave, Suite 200
Sacramento, CA 95825
916-929-1481

3. What is the total cost of the acquisition? If an agreement, state the total cost of the initial term and the amounts for potential renewal terms.

Not to exceed \$1.5 Million per year for the initial term, from December 12, 2023 through December 11, 2026, with an option for renewal up to two years.

4. Identify the unique qualities and/or capabilities of the service(s) and/or product(s) that qualify this as a Suspension of Competition acquisition.

Risk Management is seeking outside counsel for specialized cases that require extensive knowledge in civil cases both in State and Federal Courts. The firm selected specializes in law enforcement cases that potentially can expose the County to high dollar verdicts. This firm has a solid record with successful resolution, including jury trials.

5. Identify from Administrative Policy #34 what circumstances constitute a Suspension of Competition.

- ☐ In an emergency when goods or services are immediately necessary for the preservation of the public health, welfare, or safety, or for the protection of County property.
- ☐ When the contract is with a federal, state, or local governmental agency.
- ☐ When the department head, with the concurrence of the Purchasing Agent, finds that the cost of preparing and administering a competitive bidding process in a particular case will equal or exceed the estimated contract amount or \$5,000 whichever is more.
- ☐ When a contract provides only for payment of per diem and travel expenses and there is to be no payment for services rendered.
- ☒ When obtaining the services of expert witnesses for litigation or special counsel to assist the County.
- ☐ When in unusual or extraordinary circumstances, the Board of Supervisors or the Purchasing Agent/Purchasing Manager determines that the best interests of the County would be served by not securing competitive bids or issuing a request for proposal.

6. Explain why the unique qualities and/or capabilities described above are essential to your department.

Risk Management receives claims which ultimately become litigated lawsuits involving dangerous conditions and law enforcement cases, including claims from the jail. These specialized legal services are either not available or are not expected to be available in the County's Office of County Counsel. Risk Management has consulted with County Counsel Dan Cederborg to provide recommendations and vet conflicts. The selected attorney has to be a duly licensed attorney-at-law in good standing who has been admitted to practice law in California for at least five (5) years prior to appointment, must have public entity defense experience, must have trial experience as a lead attorney, and must be licensed through the California Bar Association to practice law in California State and Federal District Courts with extensive knowledge of the California Government Code.

7. Provide a comprehensive explanation of the research done to verify that the recommended vendor is the only vendor with the unique qualities and/or capabilities stated above. Include a list of all other vendors contacted, what they were asked, and their responses.

Risk Management has been working to actively expand the legal panel that defends the County in tort claim litigation. Since July of 2021, Risk has only added three firms to assist in the defense of such cases. These firms were interviewed and evaluated based on their experience with public entity tort claims, as well as their trial records. In response to increased litigation rates, it is necessary to add additional firms to defend the County in liability cases. After conferring with County Counsel, Porter Scott was identified as a potential firm that has similar experience and an excellent track records with public entity tort claims in many disciplines to expand the County's legal panel, and has will knowledge of County of Fresno agency operations.

jnthompson 11/6/2023 12:10:42 PM

Requested By:

Risk Manager

Title

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I approve this request to suspend competition for the service(s) and/or product(s) identified herein.

hmagill 11/6/2023 1:38:48 PM

Department Head Signature

[ Sign] Double click!

mvilanova 11/6/2023 2:17:59 PM

Purchasing Manager Signature

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