



Suspension of Competition Acquisition Request

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1. Fully describe the product(s) and/or service(s) being requested.
Specialized legal services, provided by Liebert Cassidy Whitmore (LCW), in regards to legal advice and training in the context of employer-employee relations.
 2. Identify the selected vendor and contact person; include the address, phone number and e-mail address for each.
Lieber Cassidy Whitmore
POC: Shelline Bennett
5250 N. Palm Ave. #310
Fresno, CA 93704
Ph: 559 256 7800
 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.
\$200,000 first 3-yr term, +\$50,000 per one year extension, maximum two extensions, total NTE \$300,000.
 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.
LCW is one of the foremost leading authorities in Labor Relations and Collective Bargaining, and is uniquely qualified due to their familiarity with Fresno County as they have represented the County in various labor related matters such as arbitration, mediation, and contract bargaining. They have also acted as consultants to County representative during MOU negotiations. Furthermore, LCW has a track record of successfully negotiating thousands of agreements on behalf of many California counties. Further, the legal landscape surrounding employers has dramatically shifted in the wake of COVID; each month, new and difficult-to-interpret legislation is introduced at the State and Federal levels with direct and indirect impacts on employment practices. As many of the legislators authoring such pieces remain ignorant of the jurisdictional impacts and underpinnings of other areas of labor law, legal experts such as LCW who possess complete mastery in all areas of labor are required. Absent the advice of such professionals, the County may fall afoul of the increasing number of statutes which cover employment.
 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.
Fresno County has had to rapidly interpret and iterate on a slew of legislation passed in the last several years in the wake of COVID. The laws which impact employees and employers have been conflicting and complex in their interpretation and implementation. There has been a rapid acceleration in the number of labor-related bills introduced at the State and Federal level which has threatened to outpace the County's ability to absorb and implement required policy. The Department of Human Resources does not have sufficient manpower to take on all upcoming legislative actions and new court precedents, nor does County Counsel have sufficient manpower with sufficient labor law expertise. It is imperative that the Department of Human Resources obtain specialized legal services from a law firm familiar with the County of Fresno and its Labor Relations practices in order to successfully navigate the changing labor landscape.
 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.
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Each year, the Department of Human Resources evaluates the need to contract with special counsel regarding employee-employer relations and legislation and LCW is the only local firm that possesses the expertise and knowledge to administer the required services within the timeframes established. The department will be heading into a year of new laws, such as AB 2561, that require professional legal interpretations and strategies, where continuity of service and institutional knowledge are vital. LCW possesses said familiarity with the County's labor history and is richly experienced in interfacing with the HR department, CAO, and County Counsel on complex labor issues. Additionally, LCW has significant labor law presence in the Central Valley, including LCW's Regional Training Consortium, attended by thousands of Fresno County employees, as well as access to legal experts in all areas of labor law, Statewide through their offices. They further have the full trust and support of County Counsel.

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Requested By:

Title

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

jbarr 1/15/2025 10:09:27 AM

[\[✕ Sign\]](#) Double click!

Department Head Signature

rblackburn 1/16/2025 1:38:14 PM

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Purchasing Manager Signature