



Board Agenda Item 27

DATE: January 9, 2018

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Liebert Cassidy Whitmore Specialized Legal Services Agreement

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 special counsel to assist the County; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Liebert Cassidy Whitmore to assist the County by providing specialized legal services during upcoming Memorandum of Understanding negotiations, effective upon execution, not to exceed two consecutive years, total not to exceed \$175,000.**

There is no additional Net County Cost associated with the recommended actions, which will allow Liebert Cassidy Whitmore (LCW) to act as consultants to the County and assist its representatives during upcoming Memorandum of Understanding (MOU) negotiations. This item is countywide.

ALTERNATIVE ACTION(S):

If the Board does not approve the recommended actions, all contract negotiations would continue to be handled internally.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process consistent with Administrative Policy No. 34 results from the fact that LCW is the only local firm that has the expertise and knowledge to administer the work within the short timeframes that have been established. The Department recommends that your Board waive the competitive bidding process based on obtaining special counsel to assist the County. The Internal Services Department - Purchasing concurs with the Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The estimated cost associated with the recommended actions is approximately \$175,000. Sufficient appropriations and estimated revenues are included in the Department of Human Resources Org 1010 FY 2017-18 Adopted Budget and will be included in the FY 2018-19 budget request.

DISCUSSION:

Each year the Department of Human Resources, Labor Relations Division, meets with those bargaining units whose contracts have or will be expiring in order to commence good faith negotiations. In 2018, negotiations will begin with 13 of 23 bargaining units within the County. In order to conduct efficient and effective negotiations with the various units in a timely manner, the Department recommends enlisting the services of LCW to represent the County during the upcoming negotiations.

LCW is recognized as a foremost authority and subject matter expert in Labor Relations and Collective Bargaining and has represented the County in various legal matters. The Department has determined that it is in the best interest of the County to utilize these services for the aforementioned contract negotiations.

This agreement differs from the County's model contract in that it contains a mutual hold harmless clause, which has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. The mutual hold harmless clause has been reviewed by Risk Management and deemed to be acceptable for this agreement between public entities.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with LCW
Suspension of Competition Acquisition Request

CAO ANALYST:

Sonia M. De La Rosa