



Board Agenda Item 30

DATE: September 11, 2018

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Amendment 3 to Legal Services Agreement with Epstein, Becker & Green, PC

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Amendment 3 to Agreement P-17-077-Q with Epstein, Becker & Green, PC, for outside legal services to represent the County of Fresno in appeals of federal and state disallowances of cost reimbursement claims, with no change in term to December 31, 2019 and increasing the maximum by \$50,000 to a total of \$300,000.

ALTERNATIVE ACTION(S):

There are no viable alternative actions.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

This is a contract for specialized legal services. The law firm selected has specific experience in matters appealed before the Department of Health & Human Services Departmental Appeals Board and in federal court.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Sufficient appropriations are included in the Org 2540 FY 2018-19 Recommended Budget.

DISCUSSION:

The County pursued an appeal before the Departmental Appeals Board (DAB) of the United States Department of Health and Human Services (DHHS) challenging the disallowance of \$6,271,287 in pension obligation bond costs by DHHS for Fiscal Years 2015 and 2016. In January of 2018, the Departmental Appeals Board filed its decision denying the County's appeal. Epstein, Becker & Green PC was retained to represent the County in the DHHS appeals board process and will continue to provide legal services in a federal court challenge to the DAB decision. Approval of the recommended action will allow Epstein, Becker & Green PC to continue to represent the County in the federal court litigation challenging the DAB decision.

REFERENCE MATERIAL:

BAI #26, March 6, 2018

BAI #32, April 25, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On File with Clerk - Amendment 3

CAO ANALYST:

Yussel Zalapa