



## Suspension of Competition Acquisition Request

1. Fully describe the product(s) and/or service(s) being requested.  
Represent COF in Phillips et al v. State of California, County of Fresno, Case #15CECG02201.
2. Identify the selected vendor and contact person; include the address, phone number and e-mail address for each.  
McCormick Barstow LLP, 5 River Park Place East, Fresno CA 93720
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 \$350,000
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.  
The selection of legal counsel for the County is the responsibility of the County Counsel and requires assessment of the particular expertise possessed by each firm in a manner not conducive to a competitive bidding in most circumstances.
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 \$2,500 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.  
While the County Counsel has been handling the litigation in-house thus far, the Deputy County Counsel handling the litigation will be retiring soon and the County Counsel's Office will no longer have the expertise or resources to handle this litigation internally. McCormick Barstow has the necessary expertise regarding the County of Fresno's structure and the legal parameters it works within to pick up the handling of this litigation mid-case.
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.  
Several firms were considered for hire: Moscone, Embridge & Otis; Porter Scott and Whitney, Thompson & Jeffcoach.  
Only McCormick has the capacity and is local to take on a case mid-way through the litigation and work closely with this office and the County clients.

dcederborg 9/17/2018 1:53:32 PM

Requested By:

Title

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

dcederborg 9/17/2018 1:53:36 PM

Department Head Signature

gcornuelle 9/19/2018 7:48:16 AM

Purchasing Manager Signature