



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 upcoming contract negotiations with various bargaining units. LCW will act as Lead Negotiator and assist the County during MOU Negotiation.
2. Identify the selected vendor and contact person; include the address, phone number and e-mail address for each.
Liebert 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.
\$275,000
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 representatives during MOU negotiations. Furthermore, LCW has a track record of successfully negotiating thousands of agreements on behalf of many California counties.
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.
Fresno County will soon be negotiating successor Memoranda of Understanding with multiple bargaining groups, including FDSA, SEIU, and CNA. The Department of Human Resources does not have sufficient manpower to take on all upcoming negotiations, 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 reach agreement with each bargaining unit before their contracts expire.
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.
Every year the Department of Human Resources evaluates the need to contract with special counsel regarding employee-employer relations and negotiations, and to date, LCW is the only local firm that possesses the expertise and knowledge to administer services within the timeframes established. The Dept will be heading into negotiations with major employee organization such as FDSA and SEIU, where continuity of services are vital. LCW possesses familiarity with Fresno County services, experience working with the HR Dept, CAO, and County Counsel on complex labor issues. Additionally, LCW has a significant labor law presence in the Central Valley, including LCW's Regional Training Consortium that has been attended by hundreds of Fresno County employees, access to legal experts in all areas of labor law Statewide through their five offices, and lastly, has the full support and trust of County Counsel.

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Requested By:

HR Analyst III

Title

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

pnerland 1/14/2020 12:02:40 PM

Department Head Signature

[\[✕ Sign\]](#) Double click!

gcornuelle 1/15/2020 1:12:30 PM

Purchasing Manager Signature

[\[✕ Sign\]](#) Double click!