



Board Agenda Item 31

DATE: February 4, 2020

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Agreement with Liebert Cassidy Whitmore

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 counsel to assist the County; and,**
2. **Approve and authorize the Chairman to execute an Agreement with Liebert Cassidy Whitmore to provide legal counsel and training to the County Administrative Officer and Human Resources Department regarding employee-employer relations, effective February 4, 2020, through February 3, 2023 (\$100,000).**

Approval of the recommended actions would allow the County Administrative Officer (CAO) and the Department of Human Resources (HR) to utilize legal and advisory services provided by Liebert Cassidy Whitmore (LCW) regarding employer-employee relations matters.

ALTERNATIVE ACTION(S):

If your Board were not to approve the recommended actions, all employer-employee relations issues would be handled internally.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department requests to waive the competitive bidding process consistent with Administrative Policy No. 34 because LCW is the only local firm that possesses the expertise and knowledge to administer services within the timeframes established. The Department recommends that your Board waive the competitive bidding process based on the need to obtain special counsel to assist the County of Fresno (County). The Internal Services Department - Purchasing concurs with the Department's request to waive the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost (NCC) associated with the recommended actions. The estimated cost associated with the recommended actions is approximately \$100,000. Sufficient appropriations have been included in the Department of Human Resources Org 1010 FY 2019-20 Adopted Budget, and will be included in subsequent budget requests.

DISCUSSION:

In 2018 and 2019, Governor Jerry Brown signed into law many bills impacting public sector employers and

employees. LCW has been instrumental in assisting County management with smooth implementation of those new laws, as well as assessing their impact on County practices and policies.

Additionally, LCW has provided training to the County covering a wide variety of labor, investigation, and workforce issues. With the continuous shifting of labor laws affecting the employer-employee relationship, the County will need to rely on the subject matter experts of LCW to provide necessary training to County employees.

REFERENCE MATERIAL:

BAI #27, January 9, 2018 - Liebert Cassidy Whitmore Specialized Legal Services Agreement

ATTACHMENTS INCLUDED AND/OR ON FILE:

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

CAO ANALYST:

Debbie Paolinelli