



County of Fresno

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Legislation Text

File #: 16-1699, **Version:** 1

DATE: January 31, 2017

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Attorney Firms for General Liability Employment Law Legal Services

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreements with the firms of Liebert Cassidy Whitmore and McCormick Barstow Sheppard Wayte and Carruth, LLP (McCormick Barstow), to represent the County and its employees in General Liability Employment Law legal services cases, effective February 21, 2017 through January 12, 2020 (\$3,000,000).

Approval of the recommended action will allow the County to maintain employment law defense legal services through January 12, 2020 (at a maximum annual cost of \$1,500,000). The firms were selected following a competitive bidding process. The firms' services include handling defense of employment law related claims filed against the County and are funded with annual budgetary contributions based on actuarial projections, with no additional Net County Cost.

ALTERNATIVE ACTION(S):

The Board can reject the recommended firms; however, this would result in a lack of contracted vendors to handle the defense of employment law related claims against the County. The Board may also choose to select one of the other bidders for service that were not recommended by the review committee.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. The costs associated with these attorney services are a part of the Risk Management Internal Service Fund (ISF), Org 8925, General Liability and Medical Malpractice Rates which are determined actuarially. Sufficient appropriations and estimated revenues for this agreement have been included in the Risk Management Org 8925 FY 2016-17 adopted budget and will be requested in future budgets for the duration of the term.

DISCUSSION:

On February 21, 2012 your Board approved Agreement No. 12-084 with McCormick Barstow to provide legal services for the County's General Liability Employment Law and Medical Malpractice Programs. The agreement had a three-year base period with an automatic extension for up to two years. The rates were fixed during the initial three years.

In accordance with the County's competitive bid process, a Request for Proposal (RFP) for Employment Law Legal Services for the Risk Management Liability Self-Insured Program was issued on August 25, 2016. The deadline for submitting proposals was September 29, 2016. Eleven proposals were received and reviewed by a committee facilitated by Internal Services Department - Purchasing Division consisting of representatives from the Human Resources Employment Services and Risk Management Divisions, as well as County

Counsel. The 11 firms that submitted proposals are:

1. Denise Eaton-May;
2. Prentice Long and Epperson;
3. Sutton Hague Law Corporation;
4. Renne Sloan Holtzman Sakai;
5. Atkinson, Andelson, Loya, Ruud and Romo;
6. Liebert Cassidy Whitmore;
7. Betts and Rubin;
8. Kimball, Tirey and St. John;
9. Lozano Smith;
10. Wood, Smith, Henning and Berman, LLP; and,
11. McCormick Barstow.

The review committee assessed the efficiency of the bidding firms based on their management structure, experience level, scope of work proposal, proposed rates and the overall content of their proposal. The committee evaluated whether or not the firms had a staffed Central Valley office with experience in litigating public entity employment law liability cases. The rating scale allowed for a total of 60 possible points that could be allocated to each vendor.

Based on the review committee's assessment of the candidates, McCormick Barstow and Liebert Cassidy Whitmore received the highest overall rankings. The committee made a recommendation to award the contract to those vendors, noting the following strengths in the McCormick Barstow and Liebert Cassidy Whitmore proposals.

- A well-established local presence and experience in litigation of public entity employment law cases.
- Reasonable rates for the quality of services to be provided.
- Strong familiarity with the County's culture and claims experience.
- McCormick Barstow is our current provider of employment law defense services.

Your Board's approval of the recommended action will allow the County to continue to receive essential employment law defense services for the County's Self-Insured General Liability Program.

REFERENCE MATERIAL:

BAI #29, December 15, 2015, Second Amendment to Agreement No. 12-084

BAI #51, August 19, 2014, First Amendment to Agreement No. 12-084

BAI #36, February 21, 2012 - Agreement No. 12-084

BAI #28, January 13, 2009 - Agreement No. 09-014

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Liebert Cassidy Whitmore

On file with Clerk - Agreement with McCormick, Barstow, LLP

CAO ANALYST:

Sonia De La Rosa