



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 19-1226, **Version:** 1

DATE: January 7, 2020

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Attorney Firms for General Liability, Auto Liability, Employment Law and Medical Malpractice Legal Services

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreements with the firms of Liebert Cassidy Whitmore, McCormick Barstow LLP, Overstreet & Associates, Parker, Kern, Nard & Wenzel PC, Weakley & Arendt PC, and Stammer, McKnight, Barnum & Bailey LLP, to represent the County and its employees in General Liability, Auto liability, Employment Law and Medical Malpractice legal services cases, effective January 13, 2020 through January 12, 2025.

Approval of the recommended action will allow the County to maintain Employment Law, General Liability, Auto Liability and Medical Malpractice defense legal services through January 12, 2025 (at a maximum annual cost of \$9,000,000.00). The firms responded to a Request for Statement of Qualifications (RFSQ). The firms' services include handling defense of Employment Law, General Liability, Auto Liability and Medical Malpractice 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, General Liability, Auto Liability and Medical Malpractice related claims against the County.

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 2019-20 adopted budget and will be requested in future budgets for the duration of the term.

DISCUSSION:

On January 31, 2017 your Board approved Agreement No. 16-1699 with McCormick Barstow LLP and Liebert Cassidy Whitmore to provide General Liability Employment Law legal services for the County's General Liability Employment Law Program. On January 13, 2015 your Board approved Agreement No. 15-0098 with Weakley & Arendt; Stammer, McKnight, Barnum & Bailey; and Overstreet & Associates to provide General Liability, Auto Liability and Medical Malpractice legal services for the County's General Liability and Medical Malpractice Programs.

In accordance with the County's formal bid process, a Request for Statement of Qualifications (RFSQ) for General Liability, Auto Liability, Employment Law and Medical Malpractice defense legal services for the Risk Management Liability Self-Insured Program was issued on October 23, 2019. The deadline for submitting proposals was November 13, 2019. Four proposals were received and reviewed by two (2) Human Resources Analysts and one (1) Chief Deputy County Counsel. All four attorney firms qualified and they are as follows:

1. Overstreet & Associates
2. McCormick Barstow LLP
3. Liebert Cassidy Whitmore
4. Parker, Kern, Nard & Wenzel PC

Risk Management is in need of additional general liability attorneys. Because of this need, we are requesting the service of two additional attorney firms which already handle claims for Risk Management. Those firms are as follows:

1. Weakley & Arendt PC
2. Stammer, McKnight, Barnum & Bailey LLP

Your Board's approval of the recommended action will allow the County to continue to receive essential General Liability, Auto Liability, Employment Law and Medical Malpractice 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
On file with Clerk - Agreement with Overstreet & Associates
On file with Clerk - Agreement with Parker, Kern, Nard & Wenzel PC
On file with Clerk - Agreement with Weakley & Arendt PC
On file with Clerk - Agreement with Stammer, McKnight, Barnum & Bailey LLP

CAO ANALYST:

Debbie Paolinelli