



San Bernardino County

Legislation Text

File #: 3062, Agenda Item #: 86

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

October 27, 2020

FROM

LEANNA WILLIAMS, Director, Department of Risk Management
MICHELLE D. BLAKEMORE, County Counsel

SUBJECT

Request for additional funds for Contracts for Public Liability Attorney Services

RECOMMENDATION(S)

Approve \$7,000,000 in additional funding for contracts with the following public liability attorney firms to increase the aggregate estimated cost by \$7,000,000, from \$33,000,000 to \$40,000,000, for the period April 15, 2017 to April 14, 2021 for the continued provision of legal defense services for the County's self-insured Public Liability program. (Four votes required).

1. Alvarez-Glasman & Colvin, City of Industry (17-156 A1)
2. Arias Law Corporation dba Arias & Lockwood, Attorneys At Law, San Bernardino (17-157 A1)
3. Dolen, Tucker, Popka & Abraham, Inc., Redlands (17-158 A1)
4. Bergman Dacey Goldsmith, PLC, Los Angeles (17-159 A1)
5. Berman Berman Berman Schneider & Lowary, LLP, Riverside (17-160 A1)
6. Burke, Williams & Sorensen, LLP, Los Angeles (17-161 A1)
7. Collins Collins Muir + Stewart LLP, Orange (17-162 A1)
8. Cummings, McClorey, Davis, Acho and Associates, P.C., Riverside (17-163 A1)
9. Dummit, Buchholz & Trapp, Los Angeles (17-164 A1)
10. Elizabeth M. Kessel, Inc., dba Kessel & Megrabyan, Los Angeles (17-165 A1)
11. Fagen Friedman & Fulfrost LLP, Riverside (17-166 A1)
12. Graves & King, LLP, Riverside (17-167 A1)
13. Gutierrez, Preciado & House, LLP, Pasadena (17-168 A1)
14. Law Offices of S. Henslee Smith, Orange (17-169 A1)
15. Lawrence Beach Allen & Choi, PC, Santa Ana (17-170 A1)
16. Lewis, Brisbois, Bisgaard & Smith LLP, San Bernardino (17-171 A1)
17. Lynberg & Watkins, APC, Orange (17-172 A1)
18. Manning & Kass, Ellrod, Ramirez, Trester LLP, Los Angeles (17-173 A1)
19. Sloan, Sakai, Yeung & Wong LLP, Sacramento (17-174 A1)
20. Rinos & Martin, LLP dba Rinos Martin & Sabongui, Riverside (17-175 A1)
21. Silver & Wright LLP, Ontario (17-176 A1)
22. Skane Wilcox LLP, Los Angeles (17-177 A1)
23. Smith Law Offices, LLP, Riverside (17-178 A1)
24. Stanzler Law Group, PC, Palo Alto (17-179 A1)
25. Thompson & Colegate LLP, Riverside (17-180 A1)

26. Wade & Lowe APC, Rancho Cucamonga (17-181 A1)
 27. Wagner, Zemming Christensen, LLP, Riverside (17-182 A1)
 28. Walker & Mann, LLP, Rancho Cucamonga (17-183 A1)
 29. Wesierski & Zurek LLP, Irvine (17-184 A1)
- (Presenter: LeAnna Williams, Director, 386-8621)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost) as the additional amount will be funded through the Department of Risk Management's (DRM) self-insurance funds. Sufficient appropriation has been included in DRM's 2020-21 budget. Since April 15, 2017, a total of \$30,558,660 has been spent on these contracts, and the estimated cost for these services from October 2020 through April 14, 2021 is approximately \$9,500,000.

BACKGROUND INFORMATION

DRM self-administers the County's Public Liability insurance program and contracts with specialized public liability attorney firms to service litigated claims that are not serviced by County Counsel, including medical malpractice, civil rights, employment liability and complex litigated cases. In today's litigious climate, and with recent legislative changes, it is critical that the County have well-experienced attorney firms at its defense. Contracting with specific specialized providers allows the County to control expenses by using standard, lower cost, and fixed rate schedules while ensuring representation with legal expertise. As it is difficult to predict the cost of future unexpected liability claims and litigation, expenditures for public liability attorney services have exceeded expectations. The recommended action will ensure uninterrupted legal services and sufficient appropriation to pay for the 29 contracted public liability attorney firms.

PROCUREMENT

On April 4, 2017 (Item No. 41), as a result of a competitive procurement process, the Board of Supervisors approved contracts with 29 public liability attorney firms in an aggregate amount not to exceed \$23,400,000, to provide legal defense and subrogation services for public liability and insurance related claims for the period of April 15, 2017 to April 14, 2020.

On November 7, 2019, request for proposals (RFP) No. RMG120-RMADM-3552 for Public Liability Attorney Services was released and posted to the County's Electronic Procurement Network (e-Pro). Only 28 complete responses were received by the deadline of December 16, 2019. As a result of the low number of responsive submittals, DRM elected to terminate the RFP process and recommended extending the current contracts for one year until a new RFP process could be completed and new contracts could be recommended.

On March 10, 2020 (item No. 54), the Board of Supervisors approved Amendment No. 1 to contracts with the 29 public liability attorney firms to extend the current contracts for one year, for a new term of April 15, 2017 to April 14, 2021, and to increase the aggregate estimated amount by \$9,600,000, from \$23,400,000 to \$33,000,000.

On July 24, 2020, request for proposals (RFP) No. RMG120-RMADM-3863 for Public Liability Attorney Services was released and posted to the County's Electronic Procurement Network (e-Pro). Thirty three complete responses were received by the deadline of August 31, 2020. DRM is currently evaluating the proposals and will recommend new contracts which will commence on April 15, 2021.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart W. Brizzee, Principal Assistant County Counsel, 387-8946) on September 30, 2020; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on October

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2, 2020; Finance (Monique Amis, Administrative Analyst, 387-4883 and Carl Lofton, Administrative Analyst, 387-5404) on October 7, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-4376) on October 7, 2020.