



San Bernardino County

Legislation Text

File #: 4271, Agenda Item #: 41

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

June 8, 2021

FROM

MICHELLE D. BLAKEMORE, County Counsel

LEANNA WILLIAMS, Director, Department of Risk Management

SUBJECT

Increase Purchase Order with Reed Smith LLP for Specialized Legal Services

RECOMMENDATION(S)

Authorize the Purchasing Agent to increase Purchase Order No. 4100186407 with Reed Smith LLP by \$40,000, from \$200,000 to \$240,000, for the provision of continuing legal services in connection with legal research, analysis, and advice on a strategy for procuring insurance coverage in connection with recent litigation settlements (Four votes required).

(Presenter: Michelle D. Blakemore, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

This item will not result in the use of additional Discretionary General Funding (Net County Cost). The costs for the identified legal services to obtain insurance coverage are included in the Risk Management-General Liability Fund (7310004096). Sufficient appropriation and revenue are included in the 2020-21 budget.

BACKGROUND INFORMATION

Approval of this item will allow the County to continue to utilize Reed Smith LLP (Reed Smith) for legal services associated with advising on strategy for procuring insurance coverage in connection with recent litigation settlements. The legal services required to perform this work has involved the review of every possible policy covering every potential level of exposure over a fourteen-year period to determine coverage limits, exceptions, and remedy requirements. The settlements for which the County is seeking coverage have also required significant legal research that has consumed more time than originally expected. This work, however, is necessary for the County to ensure appropriate coverage for multiple claims.

It was determined that an increase to Purchase Order (PO) No. 4100186407 with Reed Smith by \$40,000, from \$200,000 to \$240,000 is necessary to prepare appropriate materials for presenting this extremely dense and complex material to the Board of Supervisors with related recommendations.

PROCUREMENT

Due to an immediate need for specialized legal services, on March 2, 2021 the County Counsel's Office

requested a non-competitive purchase order (Purchase Order No. 4100186407) in the amount of \$150,000 to retain Reed Smith. The firm recently participated in a competitive procurement process completed by County Counsel and Risk Management for similar legal services. Reed Smith was selected due to their availability and experience with similar legal matters. On March 26, 2021, the purchase order was increased by \$50,000, from \$150,000 to \$200,000.

Pursuant to Title 1, Division 2, Chapter 19, Section 12.1908 of the County Code, County Counsel is authorized to select and retain through a purchase order, specialized counsel for a particular matter not to exceed \$200,000 per fiscal year. Contracts for services in excess of that amount require Board approval.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Laura L. Crane, Supervising Deputy County Counsel, 387-5455, and Robin Simon, Chief of Administration, 387-5455) on May 6, 2021; Purchasing Department (Leo Gomez, Purchasing Manager, 387-2063) on May 13, 2021; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 19, 2021; and County Finance and Administration Robert Saldana, Deputy Executive Officer, 387-5423) on May 19, 2021.