



STEERING COMMITTEE

Agenda Report

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File #: 2023-3266

Agenda Date: 10/25/2023

Agenda Item No: 4.

FROM: Robert Thompson, General Manager
Originator: Laura Maravilla, Director of Human Resources

SUBJECT:

PROFESSIONAL CONSULTANT SERVICES AGREEMENTS FOR HUMAN RESOURCES LEGAL SERVICES

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Approve Professional Consultant Services Agreements with Liebert Cassidy Whitmore and Payne & Fears LLP for Human Resources Legal Services, Specification No. CS-2023-1412BD, for the period beginning November 1, 2023 through October 31, 2026 with two (2) optional one-year renewals.

BACKGROUND

The Human Resources (HR) Department is a full-service, centralized department comprised of 27 staff members who serve as a strategic partner to all Orange County Sanitation District (OC San) departments on employment, labor, and safety and health issues. There are three main functional areas including HR Operations, Employee and Labor Relations, and Risk Management. Together, these three groups are responsible for managing OC San's human capital, developing and administering programs to attract and retain top talent, and ensuring the health and safety of OC San's workforce, while also ensuring compliance with employment laws and regulations.

In March 2023, OC San's Board of Directors directed staff to enter into a professional services agreement with one or more legal firm(s) to provide a full range of legal services on human resources matters, with the understanding that more than one firm may be needed and called upon based on specialization, availability, and/or conflict of interest. Subsequently, a Legal Services Ad Hoc Committee was formed, comprised of three (3) Board members appointed by the Board Chairman. OC San staff was tasked with facilitating the Committee, drafting the Scope of Work, identifying viable legal firms, and executing the procurement. Through a Request for Qualifications (RFQ) process, OC San sought qualified labor and employment legal firms to serve as OC San's outside counsel to provide legal advice and defense on all human resources matters, including, but not limited to, employment and labor law; collective bargaining; disciplinary actions, investigations, claims, grievances, mediations, and arbitrations; and other legal advisory services on an as-needed basis.

RELEVANT STANDARDS

- Comply with applicable employment and labor laws
- Ensure the public's money is wisely spent
- Maintain positive employer-employee relations
- Provide a safe and collegial workplace

PROBLEM

OC San requires outside legal counsel to advise HR staff on employment and labor matters.

PROPOSED SOLUTION

Approve Professional Consultant Services Agreements with Liebert Cassidy Whitmore and Payne & Fears LLP.

TIMING CONCERNS

The RFQ process was initiated in July 2023 and completed in September 2023, resulting in two (2) legal firms being identified for consideration by the Board of Directors to provide HR legal services.

RAMIFICATIONS OF NOT TAKING ACTION

Without approval of the agreements, access to legal guidance and consultation from these firms on employment and labor matters will be delayed.

PRIOR COMMITTEE/BOARD ACTIONS

N/A

ADDITIONAL INFORMATION

A Request for Qualifications was issued on July 13, 2023 via PlanetBids. Statements of Qualifications (SOQs) were due on August 9, 2023. OC San received nine SOQs, which are valid for 180 calendar days from the SOQ due date.

Prior to receipt of proposals, an evaluation team was formed consisting of the Assistant General Manager, Director of Human Resources, and Human Resources Manager. The team was chaired by a Purchasing representative as a non-voting member. On August 15, 2023 the evaluation team met to discuss the policies and procedures for the evaluation process.

Individual scoring was the chosen method of evaluation for this procurement. Members of the team performed an independent review of the proposals and later met as a group with the assigned Purchasing representative to discuss their preliminary scores and discuss any questions/concerns they had. SOQs were evaluated based on the following criteria:

CRITERION	WEIGHT
1. Qualifications of Firm	35%
2. Staffing Qualifications	35%
3. Understanding of Work and Proposed Execution of Work	30%

The evaluation team reviewed and scored the proposals based upon the criteria listed.

Rank	Proposer	Criterion 1 (Max 35%)	Criterion 2 (Max 35%)	Criterion 3 (Max 35%)	Total Score (Max 100%)
1	Liebert Cassidy Whitmore	29%	29%	23%	81%
2	Burke, Williams & Sorensen, LLP	28%	27%	20%	75%
3	Jones Mayer	27%	27%	21%	75%
4	Payne & Fears LLP	25%	27%	21%	73%
5	Atkinson, Andelson, Loya, Ruud & Romo	21%	21%	16%	58%
6	Best Best & Krieger LLP	21%	20%	11%	52%
7	Aleshire & Wynder, LLP	21%	21%	9%	51%
8	Sloan Sakai Yeung & Wong LLP	20%	20%	11%	51%
9	Clark Hill LLP	20%	20%	10%	50%

The four highest ranking firms, Liebert Cassidy Whitmore; Burke, Williams & Sorensen, LLP; Jones Mayer; and Payne & Fears LLP were selected for interviews. The interviews were conducted on September 13, 2023. Following the interviews, the evaluation team updated their scores as noted below, based on the clarification received.

Rank	Proposer	Criterion 1 (Max 35%)	Criterion 2 (Max 35%)	Criterion 3 (Max 35%)	Total Score (Max 100%)
1	Liebert Cassidy Whitmore	30%	30%	23%	83%
2	Payne & Fears LLP	29%	29%	21%	79%
3	Burke, Williams & Sorensen, LLP	28%	26%	19%	73%
4	Jones Mayer	17%	18%	17%	52%

All proposals were accompanied by a sealed rate sheet. Only the rate sheets for the two highest ranked firms were opened and negotiated.

Based on these results, staff recommends approving Professional Consultant Services Agreements with Liebert Cassidy Whitmore and Payne & Fears LLP. The term of these agreements will begin November 1, 2023 through October 31, 2026, with two (2) optional one-year renewals.

CEQA

N/A

FINANCIAL CONSIDERATIONS

This request complies with authority levels of OC San's Purchasing Ordinance. This item has been budgeted in the FY 2023-24 budget.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Professional Consultant Services Agreements