



## Legislation Text

---

**File #:** 23-1969, **Version:** 1

---

Human Resources Department recommending the Board:

- 1) Make findings in accordance with County Ordinance 3.13.030(F) that contracting out is necessary to protect against a conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective;
- 2) Approve the continued use of services with Aleshire & Wynder from Request for Proposal 22-918-018 that was awarded in February 2022;
- 3) Approve and authorize the Purchasing Agent to sign Agreement 8167 with Aleshire & Wynder, LLP to provide professional legal services for the Civil Service Commission for a three-year term, incorporating rate increases with a not-to-exceed amount of \$225,000; and
- 4) Authorize the Purchasing Agent to execute any necessary amendments relating to Agreement 8167, excluding term extensions and increases to the not-to-exceed amount, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** General Fund.

### **DISCUSSION / BACKGROUND**

On February 4, 2022, Aleshire & Wynder, LLP was awarded Request for Proposal (RFP) 22-918-018 to provide professional legal services. Agreement 6435 was fully executed on March 21, 2022, for Aleshire & Wynder, LLP to provide professional legal services on an as-needed basis for the purpose of providing legal advice to the Civil Service Commission (CSC) for the Human Resources Department with a not-to-exceed amount of \$75,000 for the period of March 21, 2022, through March 20, 2023.

On December 29, 2022, Amendment I to Agreement 6435 was fully executed to extend the term by one year, through March 20, 2024.

On April 11, 2023, with Legistar item 23-0451, the Board authorized the Purchasing Agent to sign Amendment II to Agreement 6435 to increase the not-to-exceed amount by \$75,000, making the new not-to-exceed amount \$150,000, with no change to the rates.

Aleshire & Wynder, LLP and the Human Resources Department have agreed that the information provided in the original proposal submitted with RFP 22-918-018 is still valid and no significant changes have been made to the scope of work reflected in the original RFP. The rates provided by Aleshire & Wynder, LLP for the renewal agreement have increased compared to the rates submitted with RFP 22-918-018. The Partner rate has increased by 5%, the Associate rate has increased by 6%, the Paralegal rate has increased by 11%, and the Document Clerk rate has increased by 29%. These rates for the renewal agreement are considered to be within-reason by the Human Resources Department and Procurement and Contracts Division.

The proposed Agreement 8167 will allow for Aleshire & Wynder, LLP to continue providing professional legal services for the Civil Service Commission for a three-year term, with a not-to-exceed in the amount of \$225,000.

**ALTERNATIVES**

The Board could choose not to approve renewal Agreement 8167, however, this alternative would result in Human Resources having to find a new provider for professional legal services to advise the Civil Service Commission.

**PRIOR BOARD ACTION**

04/11/2023 Legistar item 23-0451

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement & Contracts and County Counsel

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

Funding for the Agreement is included in the Human Resources Budget for Fiscal Year 2023-24 and will be included in future year budgets as needed. Any department specific services will be charged back to that County department through internal charges.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Good Governance

**CONTACT**

Joseph Carruesco, Director of Human Resources