

ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

The following action was taken by the Alameda County Board of Supervisors on 10/03/2023

Approved as Recommended ☒

Other ☐

Unanimous ☒ Tam: ☐ Haubert: ☐ Miley: ☐ Márquez: ☐ Carson: ☐ - ☒

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

Contract: C-902303,C-25994,C-25995

File No. _____
Item No. 40

Copies sent to:

Cindy Wong

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Clerk of the Board
Board of Supervisors

By: Rhonda Bailey
Deputy



COUNTY ADMINISTRATOR

SUSAN S. MURANISHI

September 11, 2023

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

**SUBJECT: AWARD CONTRACTS FOR CONFLICT DEFENSE COUNSEL; MASTER
CONTRACT NO. 902303; AMOUNT: \$538,200**

Dear Board Members:

RECOMMENDATION:

Authorize the Purchasing Agent, or her designee, to execute Master Contract No. 902303 to provide conflict defense counsel services for the term of 11/1/23 – 10/31/26, in the pooled amount of \$538,200, with the following contractors:

- A. Castillo, Moriarty, Tran & Robinson, LLP (Principal: Patrick Moriarty; Location: Daly City); Procurement Contract No. 25994; and
- B. Rivera Hewitt Paul LLP (Principal: Jonathan B. Paul; Location: Gold River); Procurement Contract No. 25995.

DISCUSSION/SUMMARY:

The County of Alameda (County) administers its claims (tort/auto liability, civil rights, employment practices, medical malpractice) through a Third-Party Administrator (TPA). These claims are insured by the County through a combination of self-insurance and participation in a risk-sharing pool of public agencies and programs through Public Risk Innovation, Solutions, and Management. Litigation is handled by outside legal defense firms and attorneys within the County's Office of the County Counsel in coordination with the County's Risk Management Unit (RMU) and the TPA.

In certain litigated cases, a material conflict may exist between one or more individually named County employee defendants and one or more other individually named County employee defendants and/or the County or a County department or agency. In such cases (referred to as “conflict” or “conflict of interest” cases), the County may hire separate legal defense counsel(s) for the individually named County employee or employees(s). The County’s RMU determined that it would be more efficient to have a panel of such “conflict” defense counsel available to defend the individually named County employee defendant(s) when a potential or actual conflict may exist.

SELECTION CRITERIA/PROCESS:

RMU has determined that Alameda County does not currently have the resources to provide conflict defense counsel services.

RMU worked with General Services Agency–Procurement to develop a Request for Proposal (RFP), which was issued on May 10, 2023, posted on the website for 34 days, emailed to the Chambers of Commerce e-mail group, and sent to the E-Gov Professional Services – Current Contract Opportunities mailing service. The RFP was also advertised in the Inter-City Express on May 12, 2023, and in the Oakland Post on May 17, 2023. A vendor outreach was conducted on May 17, 2023, followed by one networking/bidder’s conference on May 18, 2023, which was attended by one vendor.

On June 13, 2023, two bidders submitted responses to the RFP. Both responses were evaluated, and the vendors were interviewed by the County Selection Committee. A maximum total of 550 evaluation points was available for this RFP. The total evaluation points include 50 preference points derived from a 5% preference for local vendors and a 5% preference for certified Small Local Emerging Business (SLEB) vendors, for a total of 10%.

Castillo, Moriarty, Tran, & Robinson, LLP and Rivera Hewitt Paul LLP are being recommended for award.

Castillo, Moriarty, Tran, & Robinson, LLP is not a certified SLEB and is subcontracting 20% of the contract with Interceptor Legal Support Services Inc. (Principal: Hugh Rutherford; Location: Oakland; Certified Small: 04-90604; Expiration: 3/31/25) to provide professional process services; public records search, retrieval; county and government agency filings.

Rivera Hewitt Paul, LLP is not a certified SLEB and is subcontracting 20% of the contract to Quintero Deposition, LLC (Principal: Dolly Quintero Landreth; Location: Oakland; Certified Small: 17-00072; Expiration: 6/30/24) to provide County reporting/interpreting services.

The following is the evaluation summary:

EVALUATION SUMMARY

<i>Vendor</i>	<i>Location</i>	<i>Local</i>	<i>SLEB</i>	<i>Evaluation Points</i>
<i>Rivera Hewitt Paul, LLP</i>	<i>Gold River, CA</i>	<i>N</i>	<i>N</i>	<i>397</i>
<i>Castillo, Moriarty, Tran, & Robinson, LLP</i>	<i>Daly City, CA</i>	<i>N</i>	<i>N</i>	<i>388</i>

FINANCING:

Appropriations for this contract are included in the RMU Fiscal Year 2023-24 Approved Budget and will be requested in future budget years. No additional appropriations are required, and there will be no increase in net County cost.

VISION 2026 GOAL:

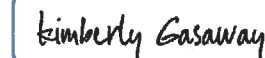
The conflict defense counsel services meet the operating principles of Access and Equity.

Very truly yours,



Susan S. Muranishi
County Administrator

DocuSigned by:



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Kimberly Gasaway
Director, General Services Agency

Attachment

KG\AR\vp\I:\Board Letters\Purchasing\FY 2023-24\902303 BL-Conflict Defense Counsel.docx

cc: Auditor-Controller
County Counsel

CONTRACT SUMMARY
CONFLICT DEFENSE COUNSEL
 MC No. 902303
 November 1, 2023 – October 31, 2026

Vendor	Location	Pool Dollar Value of Contract Award	Small and Local Participation	
			<i>Percentage</i>	<i>Pool Dollar Amount</i>
Castillo, Moriarty, Tran & Robinson, LLP Principal: Patrick Moriarty	75 Southgate Avenue Daly City, CA 94015	\$538,200	20%	\$107,640
Rivera Hewitt Paul, LLP Principal: Jonathan B. Paul	11341 Gold Express Drive, Suite 160 Gold River, CA 95670			

SLEB Subcontracting Information			
SLEB Subcontractor for Castillo, Moriarty, Tran & Robinson, LLP Interceptor Legal Support Services Inc Principal: Hugh Rutherford Certified Small: 04-90604 Expiration: 3/31/25	55 Santa Clara Ave., Suite 146 Oakland CA 94610	20%	Pool Amount of \$107,640
SLEB Subcontractor for Rivera Hewitt Paul, LLP Quintero Deposition, LLC Principal: Dolly Quintero Landreth Certified Small: 17-00072 Expiration: 6/30/24	220 Fourth Street, Suite 200 Oakland CA 94607		