



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Report

Legistar File Number: A 15-100

June 09, 2015

Introduced: 5/6/2015

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 2 to the Duane Morris, LLP Agreement for Specialized Legal Services that provides for complex excess insurance, coverage contract and legal analysis, thereby increasing the total amount of the Agreement by \$150,000, for calendar years 2015, 2016, and 2017 (estimated \$50,000/per year) for a new total not to exceed \$249,900; and setting an expiration date of December 31, 2017.
- b. Approve and authorize County Counsel - Risk Management Division to implement the subject Amendment No. 2.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 2 to the Duane Morris, LLP Agreement for Specialized Legal Services that provides for complex excess insurance, coverage contract and legal analysis, thereby increasing the total amount of the Agreement by \$150,000, for calendar years 2015, 2016, and 2017 (estimated \$50,000/per year) for a new total not to exceed \$249,900; and setting an expiration date of December 31, 2017.
- b. Approve and authorize County Counsel - Risk Management Division to implement the subject Amendment No. 2.

SUMMARY/DISCUSSION:

Under the existing contract, the Duane Morris, LLP has provided assistance in analysis of complex insurance coverage, underwriting, regulatory and compliance issues impacting the County of Monterey's self-insured general liability; all risk property insurance; professional liability; and directors' and officers' liability programs. In addition, the firm has assisted in continuing professional education training and providing required MCLE credits for the County of Monterey attorneys and county staff in meeting their professional and continuing education goals.

Duane Morris, LLP was founded over 100 years ago, employs 700 lawyers in 24 offices in the United States and abroad. In addition, in recognition of the quality of its legal services, the firm was recently nationally ranked and honored as one of the top 50 law firms for retention and advancement for women; and it received a perfect score from the Human Rights Foundation.

The underlying agreement with Duane Morris, LLP was originally entered into on May 31, 2013, for \$90,000, subsequently amended on March 11, 2015, to a new "not to exceed" amount of \$99,900. However, based upon current needs, it is now requested that the Board of Supervisors approve Amendment No. 2, which would amend and establish new time and estimated money allocations of \$50,000 per year in 2015, 2016, and 2017 for an increase of \$150,000 over the next three years and amend the "not to exceed" amount to \$249,900.

The recommended increase is intended to cover new and ongoing work during the period of January 1, 2015, through December 31, 2017. The amount is consistent with the prior recent annual remittances, sufficient to pay for periodic underwriting and legal coverage analysis required by the County of Monterey's insurance and self-insurance programs.

OTHER AGENCY INVOLVEMENT:

Amendment No. 2 has been approved by County Counsel as to legal form; the Auditor-Controller as to fiscal terms; and Risk Management for insurance and indemnity provisions.

FINANCING:

Funds are budgeted and paid from the General Liability Internal Service Fund (475-1210-COU003-8408). There is no impact to the County's General Fund by approving this amendment.

Prepared by:

Steve Mauck, Risk Manager, x. 3006

Approved by:

Charles McKee, County Counsel, x. 5045

Attachments:

Duane Morris, LLP Amendment No. 2