

# Business Item



Committee Meeting Date: May 25, 2022

For the Metropolitan Council: June 8, 2022

## Business Item: 2022-73

Risk Management Liability Legal Services Master Contract 22P001

<b>District(s), Member(s):</b>	All
<b>Policy/Legal Reference:</b>	FM 14-2 - Expenditures for the Procurement of Goods, Services, and Real Estate Policy
<b>Staff Prepared/Presented:</b>	Phil Walljasper, Enterprise Risk Officer, Risk Management 651-602-1787
<b>Division/Department:</b>	Regional Administration / Risk Management

### Proposed Action

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Contracts 22P001A with Brendel & Zinn, LTD., 22P001B with Arthur Chapman Kettering Smetak & Pikala, P.A., and 22P001C with Lommen Abdo, P.A., for legal defense services related to tort and property damage claims, in an aggregate amount not to exceed \$1,350,000.

### Background

One of the primary functions of the Risk Management department is to administer the Metropolitan Council's self-insured claims. With this claim administration, there are times when defense counsel is needed for legal proceedings or other legal work. There are currently three law firms that are under contract with the Council to provide these legal services. These contracts are set to expire at the end of August 2022. To gain better efficiency, consistency, and more cost-effective pricing, Risk Management, in consultation with the Office of General Counsel, decided to issue a Request for Proposal (RFP) for a three-year contract term to better align the required services with the Council's needs.

The RFP was on January 6, 2022, and a pre-proposal meeting was hosted by Council staff that outlined the solicitation requirements, discussed project specifications, and responded to plan holder inquiries. There were fourteen registered plan holders, thirteen law firms, and two plan rooms. Four plan holders identified as minority, woman, small or disadvantaged business enterprises. The Council received eight proposals to be evaluated for the consideration of award and used proposer quality, proposer qualifications, experience, and price and the ability to meet current and future claims defense needs as the criteria for evaluation. The evaluation panel reached consensus that the three proposals being recommended for contract award provide the best overall value to the Council.

### Rationale

Legal service contracts with a total value of \$500,000 or more require Metropolitan Council approval. Master contracts should be issued to these three firms because of the benefits that provides to the Council, and based upon the panel's findings that these firms were the best value to the Council.

### **Thrive Lens Analysis**

Authorization to enter these contracts for Tort & Property claims supports the Thrive outcome of Stewardship by providing outside legal services at the best value to the Council over the next three years. These firms are well qualified to provide quality defense and favorable outcomes for the Council.

### **Funding**

Included in the Unified Operating Budget.

### **Small Business Inclusion**

The Office of Equity & Equal Opportunity (OEEO) thoroughly reviewed this procurement for Metropolitan Council Underutilized Business (MCUB) opportunities in accordance with applicable state laws and regulations as well as contract specifications. Upon conclusion of OEEO's research and analysis, no MCUB goal was set.

