

Management Committee

For the Metropolitan Council meeting of July 24, 2019

Subject: Legal Contracts for Risk Management Tort Claims

Proposed Action

That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute three contracts for legal defense related to tort and property damage claims, in an aggregate amount not to exceed \$1,200,000.00 over the two-year term of the contracts.

Summary of Committee Discussion/Questions

Question about average cost of claims. We are researching to provide an answer.

Motion by Lee and seconded by Gonzalez; motion carried

Management Committee

Meeting date: July 10, 2019

For the Metropolitan Council meeting of July 24, 2019

Subject: Legal Contracts for Risk Management Tort Claims

District(s), Member(s): All

Policy/Legal Reference: Minn. Stat. § 473.129, subd. 3

Staff Prepared/Presented: Dave Larrabee, Manager, Risk Management & Casualty Claims,
(651) 602-1773

Division/Department: Risk Management

Proposed Action

That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute **three** contracts for legal defense related to tort and property damage claims, in an aggregate amount not to exceed \$1,200,000.00 over the **two-year** term of the contracts.

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 council is needed for legal proceedings or other legal work. There are currently three law firms that are under contract with the Council to provide service. These contracts are set to term at the end of August 2019. To gain better efficiency, consistency, and more cost-effective pricing, Risk Management and the Office of the General Counsel decided to issue a Request for Proposal (RFP) to better align the required services with the Council's needs. The RFP was advertised on the Council and QuestCDN websites. An advertisement of the project was sent by email to alert targeted MCUB, DBE firms and the following affinity bar associations; Hispanic, American Indian, Black, Black Women, Lavender and Asian Pacific. Of the eight registered RFP plan holders, five identified as DBE, MBE, WBE, SBE or TGB firms.

Rationale

The RFP evaluation panel which was comprised of Risk Management and Office of General Council staff, reviewed a total of **seven** proposals. The panel not only looked at pricing, but also experience and the ability to meet the Council's needs in claim defense. Based upon this evaluation, the panel recommends the **three** firms, as it was felt they were most advantageous to the Council:

<u>Law Firm</u>	<u>Requested Contract Amount</u>
Brendel Zinn Sofio	\$700,000
Tewksbury & Kerfeld	\$250,000
Arthur Chapman	\$250,000

Thrive Lens Analysis

Authorization to enter into these contracts for Tort & Property claims supports the Thrive outcome of Stewardship by providing outside legal services at the lowest cost available over the next **two** years.

Funding

Included in the Unified Operating Budget.

Known Support / Opposition

N/A