

Management Committee

For the Metropolitan Council meeting of April 8, 2020

Subject: Legal Contracts for Risk Management Workers' Compensation Claims

Proposed Action

That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute three contracts for legal defense related to Workers' Compensation claims, in an aggregate amount not to exceed \$1,425,000.00 over a three-year term of the contracts.

Summary of Committee Discussion/Questions

No questions posed.

Motion Carried.

Business Item 2020-103:

Motion FG Second JJ

Roll Call	Yes	No	Abstain	Absent
Barber	x			
Ferguson	x			
Gonzalez	x			
Johnson	x			
Lee	x			
Lilligren	x			
Muse				x



Management Committee

Meeting date: 3/25/2020

For the Metropolitan Council meeting of 4/8/2020

Subject: Risk Management Workers' Compensation Claims, Contracts 19P025A, 19P025B, 19P025C

District(s), Member(s): All

Policy/Legal Reference: Minn. Stat. § 473.129 subd. 3, Council Expenditure Policy 3-3, Procurement of Goods and Services

Staff Prepared/Presented: Debra Driver, Supervisor of Workers' Compensation Department, Risk Management, (651) 602-1784.

Proposed Action

That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute 3 contracts for legal defense related to workers' compensation claims, in an aggregate amount not to exceed \$1,425,000 over a 3-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 contact with the Council to provide service. 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 Office of Equal Opportunity (OEO) did not set a Metropolitan Council Underutilized Business (MCUB) goal. No MCUB or targeted businesses downloaded the plans or attended the pre-proposal meeting.

Rationale

A RFP was advertised and posted on the Council and Quest CDN websites. A pre-proposal meeting was held on September 24, 2019 and there were 6 plan holders in attendance and on October 15, 2019 all plan holders submitted a proposal that was evaluated by a 5 member evaluation panel which was comprised of Risk Management, Office of General Council and Finance staff. The panel not only looked at pricing, but also experience and the ability to meet the Council's needs in claim defense. The panel determined that the 3 firms selected have extensive knowledge in the specific and multiple areas the Council is currently defending on a more frequent basis. Based upon the evaluation, the panel recommends the following 3 firms, as it was felt they were most advantageous to the Council: Fitch, Johnson, Larson & Held, Cousineau, Waldhauser & Kieselbach P.A., McCollum, Crowley, Moschet, Miller & Laak.

Thrive Lens Analysis

Authorization to enter into these contracts for Workers' Compensation claims supports the Thrive outcome of Stewardship by providing outside legal services at the lowest cost available over the next three years.

Funding

Included in the 2020 Unified Operating Budget.



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C O U N C I L

Known Support / Opposition

Risk Management and General Council business units supports this project. There is no known opposition.



*5 year average = \$417,305 per year

\$1,425,000 contract total / 3 firms / 3 years