

Committee Report

Management Committee



Committee Meeting Date: May 25, 2022

For the Metropolitan Council: June 8, 2022

Business Item: 2022-73

Risk Management Liability Legal Services Master Contract

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.

Summary of Management Committee Discussion/Questions

Staff presented an overview of how the legal services provided by these contracts are related to the Council's self-administered liability claims. The Committee asked questions about the frequency of legal referrals and the average annual legal expense, which staff answered accordingly.

A motion was made by Council Member Barber, which was seconded by Council Member Muse, to approve the proposed action. Motion carried.



Business Item

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Risk Management Liability Legal Services Master Contract 22P001

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

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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 2022. To gain better efficiency, consistency, and more cost-effective pricing, Risk Management decided to issue a Request for Proposal (RFP) to better align the required services with the Council's needs.

The RFP was on January 6, 2022, and pre-proposal meeting was hosted by Council staff that outlined the solicitation requirements, discussed project specifications and responded to plan holder inquires. There were fourteen registered plan holders, thirteen law firms, two plan rooms and 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 which was comprised of Risk Management, Office of General Council, Metro Transit and Audit staff and 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.

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 lowest cost available over the next three years. The ability of these firms will also 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.