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Title: AWARD OF WORKERS' COMPENSATION DEFENSE ATTORNEY SERVICES CONTRACT FOR THREE YEAR TERM TO DABBAH, HADDAD & SULEIMAN (CITY COUNCIL)

Sponsors:

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Attachments: 1. Ex 1 - WC Defense Attorney RFP, 2. Ex 2 - WC Defense Attorney Hourly Fees, 3. Ex 3 - DabbahHaddadRFPCarson, 4. Ex 4 - Agreement Dabbah Haddad Suleiman, 5. File Summary

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, May 01, 2018

Consent

SUBJECT:

AWARD OF WORKERS' COMPENSATION DEFENSE ATTORNEY SERVICES CONTRACT FOR THREE YEAR TERM TO DABBAH, HADDAD & SULEIMAN (CITY COUNCIL)

I. SUMMARY

The City is self-insured for its Workers' Compensation Program and contracts with a third party administrator ("TPA") to administer the self-insured workers' compensation program. The City presently contracts separately with two law firms to defend the City against litigated workers' compensation claims. Staff has sought new defense attorneys to provide legal defense against litigated workers' compensation claims, and now asks Council to consider awarding a three year contract to Dabbah, Haddad and Suleiman.

II. RECOMMENDATION

CONSIDER TAKING the following actions:

1. AWARD a three-year \$360,000 contract for workers' compensation defense attorney services to Law Offices of Dabbah, Haddad & Suleiman, with two one-year extension options at City discretion, and

2. AUTHORIZE the Mayor to execute the contract after approval as to form by the City Attorney, and
3. AUTHORIZE the City Manager to execute each of the optional extensions in one year increments.

III. ALTERNATIVES

1. KEEP both (or one) of the two current law firms providing workers' compensation defense services to the City
2. SELECT another firm as the City's worker compensation defense attorney.
3. REJECT the proposals and DIRECT staff to reissue the RFP.
4. TAKE any other lawful action the City Council deems appropriate.

IV. BACKGROUND

Staff sent out a Request for Proposals ("RFP") through the City's online bidding site ("Planet Bids") and published the RFP in Our Weekly. (See Exhibit 1.) The RFP was opened on May 11, 2017 and emailed to 13 firms. The City received eight 8 responses.

The 8 law firms that electronically submitted proposals through Planet Bids are: Adelson, Testan, Brundo, Novell & Jimenez; Barragan & Satzman; Black & Rose; Bradford & Barthel; Dabbah, Haddad & Suleiman; Laughlin, Falbo, Levy & Moresi; Michael Barnard; and, Mullen & Filippi. The proposed fees from these eight firms are attached as Exhibit 2. The proposal from Dabbah, Haddad & Suleiman is attached as Exhibit No. 3.

The City Council on September 5, 2017 approved the two law firms of Bradford & Barthel, and Laughlin, Falbo, Levy & Morsei to provide workers' compensation defense attorney services to the City. Subsequent to the selection of the two current law firms providing workers' compensation defense attorney services, the City took under consideration replacement of these two law firms with a new law firm to provide workers' compensation defense services.

Carson Municipal Code Section 2611 (Exceptions to Bidding Requirements for Purchases Other Than for Public Projects) provides that purchase of certain services shall not require compliance with the bidding requirements of the Carson Municipal Code, including (in subsection (c)) for Professional and Personal Services Procurement, and states in part that: "The procurement of the professional services of any ... attorney, or other provider of professional services involving a high degree of technical or individual skill shall be based

on demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services, and a fair and reasonable price, after notice to a number of potential offerors adequate to permit reasonable competition consistent with the nature and requirements of the procurement.”

After review by the City, and pursuant to Carson Municipal Code Section 2611, staff asks Council to consider awarding a three year contract for workers’ compensation defense attorney services to Dabbah, Haddad and Suleiman.

Dabbah, Haddad and Suleiman have agreed to provide services at the lower fees charged by Laughlin, Falbo, Levy & Morsei (one of the two law firms selected on September 5, 2017), and they have agreed to the same contract terms for services to be provided, as agreed to by the two firms selected prior. (See Exhibit 4.)

Staff believes that litigated claim work can be provided in an amount not to exceed \$360,000 over the three-year contract period.

The recommended \$360,000 three-year contract amount is based on the attorney time and expense needed to resolve longstanding litigated and complicated claims in the California workers’ compensation system. California Labor Code Section 3202 *requires* the courts to interpret workers’ compensation law liberally, with the purpose of extending benefits to the injured worker which is why aggressive defense is critical for the City.

V. FISCAL IMPACT

The FY17-18 General Fund budget includes \$100,000 for legal services related to Workers’ Compensation in 01-11-000-014-6004. The draft FY18-19 budget included the same \$100,000 allocation; and should be increased to \$120,000 for the next budget workshop.

VI. EXHIBITS

1. Workers’ Compensation Defense Attorney Services RFP (pp 4-20)
2. Workers’ Compensation Defense Attorney Hourly Fee Table (p. 21)
3. Dabbah, Haddad & Suleiman Proposal (pp. 22-120)
4. Dabbah, Haddad & Suleiman Agreement (pp. 121-149)

Prepared by: City Attorney's Office