



## Interoffice Memorandum

March 13, 2023

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Carrie Mathes, CFCM, NIGP-CPP, CPPO, C.P.M., Manager II, Procurement Division

CONTACT: John Petrelli, Director, Risk Management Division  
407-836-9636

SUBJECT: Selection of Firm, Request for Proposals Y23-133-MM, Secondary General Liability/Tort Legal Counsel Services

### RECOMMENDATION:

Selection of one firm and an alternate to provide Secondary General Liability/Tort Legal Counsel Services, Request for Proposals Y23-133-MM, from the following firms listed alphabetically:

- Fisher Rushmer, P.A.
- Walker, Revels, Greninger, PLLC

Request the Board authorize the Procurement Division to negotiate and execute a contract in the total estimated amount of \$100,000 for a three-year term. Further request authorization for the Procurement Division to renew the contracts for two additional one-year terms. Further request authorization for the Procurement Division to formally terminate negotiations with the top ranked firm, if we were unable to come to a favorable negotiation agreement and commence negotiations with the alternate.

Proposals were evaluated by the Procurement Committee on March 1, 2023. Commissioner Christine Moore was assigned to the Procurement Committee.

### PROCUREMENT:

The firm shall provide legal representation to defend the County in tort lawsuits.

### FUNDING:

Funding is available through the claim loss fund.

### APPROVALS:

The Risk Management and Business Development Divisions concur with this recommendation.

DISCUSSION:

Orange County and its Tax Collector, Property Appraiser, Supervisor of Elections, Clerk of Court, and Comptroller are parties to the Interlocal Risk Management and Self-Insurance Agreement. The agreement sets forth the self-insurance program for the Board of County Commissioners and the constitutional officers identified above. The implementation and administration of the agreement through the Board, the several constitutional officers, the County's Risk Management Committee, and the Director is referred to as the "Program." The Program is a mechanism through which liability and tort issues are settled, litigated or denied. The Program is administered by the Risk Management Director and a third-party administrator responsible for the initial investigation and evaluation of claims.

The disposition of claims is made by the Director in conjunction with the Risk Management Committee composed of members appointed by the County. This includes claims defense litigation similar to that required by an insurance carrier or large self-insurer. Under this contract, the consultant will work closely with Risk Management and the County's lead tort counsel firms. Specific responsibilities of the firm include, but are not limited to, the following:

1. Provide competent and cost-effective legal defense, including appellate services in the area of general liability/tort law.
2. Provide legal advice and services unrelated to individual claims, such as drafting contract indemnity clauses, advice regarding insurance, and assistance in legislative tort issues.
3. Work with the County's lead tort counsel firms, Dean, Ringers, Morgan & Lawton, P.A., O'Connor & O'Connor, LLC and Hilyard, Bogan & Palmer, PA, under the guidance of the Director.

Two proposals were received in response to this Request for Proposals (RFP) and were evaluated in accordance with the criteria set forth in the RFP. The consensus scores of the Procurement Committee are attached.

Procurement Committee Meeting - March 1, 2023  
 Y23-133-MM, Secondary General Liability / Tort Legal Counsel

CRITERIA	Qual. of Staff	Qual of Firm	Technical Approach	Location	M/WBE Utilization	Dislocated Workers (B)	SDV (B)	Total Weighted Points
Weighted Value	30	30	20	10	10	5	15	120
(B) Indicates Bonus Points (Maximum Bonus Points Above)								
Fisher Rushmer, P.A.	150.00	120.00	100.00	50.00	0.00	0.00	0.00	420.00
Walker, Revels, Greninger, PLLC	120.00	120.00	80.00	50.00	25.00	0.00	0.00	395.00



**INTEROFFICE MEMORANDUM**

February 28, 2023

**TO:** Megan Miller, Contracting Agent  
Procurement Division

**FROM:** Kesi Warren, Senior Contract Administrator  
Business Development Division

**SUBJECT:** Business Development Division M/WBE Proposal Evaluation

**PROJECT:** Y23-133-MM / Secondary General Liability/Tort Legal Counsel

**APPROVED:** *Sheena Ferguson*

Below are the respondents to the subject RFP with their firm's certified Minority/Women Business Enterprise (M/WBE) sub-consultants, Minority Business Enterprise Workforce and Women Business Enterprise goals:

1. Fisher Rushmer, P.A.  
MAJORITY PRIME

M/WBE Sub-consultant(s)	M/WBE Classification	Projected %	Sub-consultants Role
*			

\* The Schedule of Sub-Contracting – M/WBE Participation form is blank. However, the M/WBE Letter of Intent (LOI) form state, "Not Applicable" Therefore, the evaluator cannot assess M/WBE points.

Total M/WBE Participation Proposed: 0%  
**M/WBE Sub consultant participation Weighted Score: 0**

Total M/WBE Workforce: 12%  
 Total WBE Workforce: 50%  
**Minority Workforce and Women Workforce Weighted Score: 0**

**Total M/WBE Participation Weighted Score: 0**

Registered Service-Disabled Veteran(s) (SDV) Sub-consultant	Points	SDV Sub-consultant Role
*		

\*\* The Schedule of Sub-Contracting – SDV Participation form is blank. However, the SDV Letter of Intent (LOI) form state, "Not Applicable" Therefore, the evaluator cannot assess SDV bonus points.

Registered SDV(s) Proposed: 0  
**SDV Bonus Points: 0**

Dislocated Worker(s) Proposed: 0  
**Dislocated Worker(s) Bonus Points: 0**

**Total Bonus Points: 0**  
*(Includes SDV & Dislocated workers)*

2. Walker, Revels, Greninger, PLLC  
 MAJORITY PRIME

M/WBE Sub-consultant(s)	M/WBE Classification	Projected %	Sub-consultants Role
*			

\* The Schedule of Sub-Contracting – M/WBE Participation and M/WBE Letter of Intent (LOI) forms were not submitted with the proposal. The proposer noted that the M/WBE participation is "Not Applicable." Therefore, the evaluator cannot assess M/WBE points.

Total M/WBE Participation Proposed: 0%  
**M/WBE Sub consultant participation Weighted Score: 0**

Total M/WBE Workforce: 20%  
 Total WBE Workforce: 42%  
**Minority Workforce and Women Workforce Weighted Score: 25**

**Total M/WBE Participation Weighted Score: 25**

Registered Service-Disabled Veteran(s) (SDV) Sub-consultant	Points	SDV Sub-consultant Role
*		

\*The Schedule of Sub-Contracting – SDV Participation and SDV Letter of Intent (LOI) forms were not submitted with the proposal. The proposer noted that the SDV participation is "Not Applicable." Therefore, the evaluator cannot assess SDV bonus points.

Registered SDV(s) Proposed: 0  
**SDV Bonus Points: 0**

\*Dislocated Worker(s) Proposed: 0

**Dislocated Worker(s) Bonus Points: 0**

\*The Dislocated Worker form was not submitted with the proposal. Therefore, the evaluator cannot assess dislocated worker bonus points.

**Total Bonus Points: 0**

*(Includes SDV & Dislocated workers)*