



Contra Costa County

To: Board of Supervisors
From: David Twa, County Administrator
Date: March 10, 2015

Subject: Contract Amendment/Extension Agreement with Buck Consultants

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with Buck Consultants, effective March 31, 2015, including modified indemnification, to extend the term from March 31, 2015 to March 31, 2016 and increase the payment limit by \$132,000 to a new payment limit of \$717,000 to continue providing support and consultation for employee health and benefits issues.

FISCAL IMPACT:

Program costs for these services will be paid from the Benefits Funds that receive revenues from monthly premiums charged to County Departments. Extending the current contract with Buck Consultants would save the costs associated with soliciting new proposals from consulting firms and the potential internal costs to educate a new firm, if selected, on the County's policies and programs.

BACKGROUND:

Over the past several years, the County has utilized the contractual services of Buck Consultants in the development and implementation of specific benefit programs, ongoing annual reviews of benefit programs, annual renewals of insurance contracts, assistance with

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/10/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor

ABSENT: Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 10, 2015

, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Craig Taylor, 925
335-1746

cc:

labor negotiations, and consultation services on the interpretation of new State and Federal laws as they pertain to employee benefits. To provide for a continuation of these services, County staff recommends that the contract be extended through March 31, 2016. The contract amendment also modifies the General Conditions by adding the following language:

BACKGROUND: (CONT'D)

"Notwithstanding any section or provision that may otherwise appear in conflict: Contra Costa County shall not assert or seek, and Buck Consultants shall not be liable to Contra Costa County for, any damages or other monetary claim or claims on any legal or equitable theory of liability or recovery exceeding, in the aggregate, the amount of the fees actually paid to Buck Consultants by Contra Costa County pursuant to this amended and restated Agreement equal to no more than five (5) times the amount of the annual paid fees under this Agreement. Contra Costa County hereby waives and agrees not to assert any claims for lost profits, indirect damages, consequential damages, special damages, incidental damages, exemplary damages, and punitive damages, regardless of whether such claims arise pursuant to this Agreement or pursuant to another legal or equitable claim or relationship between the parties. The provisions of this Section shall apply regardless of whether any such claim or claims arise by statute, contract, indemnity, this Agreement, or otherwise arising in law or equity in any jurisdiction. No act of Buck Consultants other than the execution of an express waiver of the provisions of this Section shall be effective to toll or extend the aforesaid one year limitation period or otherwise increase Buck Consultants liability with respect to any claims asserted against Buck."

CONSEQUENCE OF NEGATIVE ACTION:

Due to the multiple and complex programs and compliance issues on which Buck Consultants is currently providing guidance to the County, including retiree health care and the health care re-opener, it is necessary to execute a Contract Amendment/Extension Agreement with Buck Consultants in order to ensure the County continues to provide a comprehensive benefits package to our employees that remains in compliance with State and Federal laws.

CHILDREN'S IMPACT STATEMENT:

None.