



The State Bar *of California*

OPEN SESSION AGENDA ITEM 50-1 JANUARY 2019

DATE: January 24, 2019

TO: Members, Board of Trustees

FROM: Steve Mazer, Chief Administrative Officer

SUBJECT: Approval of Specified Contracts Pursuant to Business and Professions Code Sections 6008.6 and 6140.9

EXECUTIVE SUMMARY

This item requests approval to execute contracts for goods or services with a value in excess of \$50,000 (or, for I.T. goods and services, in excess of \$100,000) and to execute a memorandum of understanding with a nonprofit organization for lawyer assistance services.

BACKGROUND

Pursuant to Business and Professions Code Section 6008.6, the State Bar shall award no contract for goods, services, or both, for an aggregate amount in excess of fifty thousand dollars (\$50,000), or for information technology goods, services, or both, for an aggregate amount in excess of one hundred thousand dollars (\$100,000), except pursuant to the standards established in Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code and approval of the Board of Trustees.

Pursuant to Business and Professions Code Section 6140.9, on and after January 1, 2019, one dollar (\$1) of the ten-dollar (\$10) fee paid by each active licensee for the Lawyer Assistance Program shall be transferred by the State Bar to a statewide nonprofit corporation, established by attorneys that has, for the last 25 years or more, provided peer support to attorneys recovering from alcohol and substance abuse in a confidential and anonymous manner, to fund the support of recovery efforts of the nonprofit corporation.

DISCUSSION

A. Business and Professions Code Section 6008.6, Contracts for Goods, Services, or Both

The contracts listed below are in excess of \$50,000 (or for IT, in excess of \$100,000), and have met the standards established by Article 4 of the Public Contract Code, as implemented through the State Bar's Procurement Policy. These contracts require approval by the Board of Trustees in order to be executed.

Ref #	Dept.	Cost Center	Fund	Vendor	Contract Amount	Goods or Services
1	Admissions	20001	Admissions Fund	Research Solutions Group	\$50,000	Bar Exam and First Year Law Students' Exam Psychometric Services
2	Admissions	20013	Admissions Fund	Research Solutions Group	\$98,000	Bar Exam and First Year Law Students' Exam Grading Reporting Services
4	Information Technology	23600	General Fund	Spinnaker Support LLC	\$64,584 (\$331,243 total)	Oracle Support Services, 2019

1. Research Solutions Group

Research Solutions Group (RSG) produces grading results for all California Bar and First Year Law Students' examinations, using sophisticated statistical analysis techniques to account for the variables in the execution of the examination. RSG or its resources have performed these services for the State Bar for a number of years; they are intimately familiar with the components of the exam, analytic procedures and expectations of Admissions staff. RSG also provides psychometric services for exam development and conducts research as requested by the Office of Admissions.

2. Research Solutions Group

Same as above.

3. Spinnaker Support LLC

Spinnaker Support LLC provides third-party support for the current Oracle ERP system, including: analysis and resolution of issues that State Bar IT staff cannot resolve on their own; adverse events and system outages; and limited system configuration. Spinnaker was engaged in 2015 when the high cost of direct support from Oracle and the State Bar's use of

such support was reassessed, and third-party support was deemed a better, less costly option.

B. Business and Professions Code Section 6140.9, Transfer of Lawyer Assistance Program Funding to Statewide Nonprofit Corporation

The fee bill for the 2019 licensing year amended Business and Professions Code section 6140.9 to require that one dollar (\$1) of the ten dollar (\$10) fee paid by each active attorney licensee to support diversion and assistance programs for attorneys with substance use and mental health issues be transferred by the State Bar to a statewide nonprofit corporation, established by attorneys that has, for the last 25 years or more, provided peer support to attorneys recovering from alcohol and substance abuse in a confidential and anonymous manner, to fund the support of recovery efforts of the nonprofit corporation.

State Bar staff solicited proposals from potentially qualifying organizations. Two organizations, The Other Bar and Lawyers' LifeRing, submitted proposals. After careful consideration of both proposals, staff determined that only The Other Bar met the statutory criteria.

The proposed MOU with The Other Bar sets forth a schedule for disbursement of funds received by the State Bar and for the partner organization to report on the use of the funds.

FISCAL/PERSONNEL IMPACT

The expenses above are included in the 2019 budget for the cost centers noted, or will be included in the budgets for future years, per the normal budget planning process.

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

None

RECOMMENDATIONS

It is recommended that the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees approves execution of the contracts listed herein

ATTACHMENT(S) LIST

None