



The State Bar of California

OPEN SESSION AGENDA ITEM 50-1 NOVEMBER 2023

DATE: November 16, 2023

TO: Members, Board of Trustees

FROM: Steve Mazer, Chief Administrative Officer

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

EXECUTIVE SUMMARY

This item requests approval to execute contracts for goods or services with a value in excess of \$50,000 or, for information technology (IT) goods and services, in excess of \$100,000.

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 \$50,000, or for information technology (IT) goods, services, or both, for an aggregate amount in excess of \$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.

DISCUSSION

The contracts listed below are in excess of \$50,000 (or for IT goods and services, 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. The contracts require approval by the Board of Trustees in order to be executed.

Ref #	Office	Cost Center	Fund	Vendor	Contract Amount	Goods or Services
1	Chief Trial Counsel	6120	General Fund	Stacia Laguna	\$247,000	Special Deputy Trial Counsel Administrator Services
2	Legal Services Trust Fund Administration	8219	Legal Services Trust Fund	Ernst & Young, LLP	\$250,000	Auditing Protocol Services
3	Finance	3110	General Fund	Macias Gini & O'Connell, LLP	\$191,935	Independent Financial Auditing Services
4	General Counsel	4110	General Fund	Musick, Peeler & Garrett, LLP	\$75,000	Legal Services
5	Information Technology	5310	General Fund	California Department of Technology	\$690,000	Microsoft Azure Cloud Licenses
6	Information Technology	5310	General Fund	GSPANN Technologies, Inc.	\$12,760 total contract value (\$111,760)	.NET Application Developer
7	Information Technology	5310	General Fund	NextPhase.ai	\$35,960 total contract value (\$134,960)	Data Analytics Development and Support
8	Information Technology	5310	General Fund	NTT America, Inc.	\$292,555	Managed Services for Contact Center
9	Admissions	8311	Admissions	National Center for Civic Innovation, Inc	\$125,000	Productive Mindset Intervention Program
10	Admissions	8311	Admissions	ACS Ventures	\$144,000	Calculation of Data and Production of Reports
11	Admissions	8311	Admissions	ACS Ventures	\$60,000	Psychometric and Statistical Analytic Projects
12	Admissions	8313	Admissions	John Hosterman, PhD	\$100,000	Testing Accommodations Consulting Services

Ref #	Office	Cost Center	Fund	Vendor	Contract Amount	Goods or Services
13	Admissions	8312	Admissions	Prometric, LLC	\$70,000	October 2023 First-Year Law Students' Exam Remote Proctoring Licenses and Support Services
14	Admissions	8312	Admissions	Edlen Electrical Exhibition Services of California, Inc.	\$79,383	February 2024 Bar Exam Testing Site AV/Electrical Services

1. Stacia Laguna

State Bar Rules of Procedure, rule 2201 (Rule 2201), governs the recusal of the Office of Chief Trial Counsel (OCTC) in specified discipline matters involving individuals with close ties to the State Bar. Such conflict cases are referred by the chief trial counsel (CTC) to the special deputy trial counsel (SDTC) administrator, who assigns cases to SDTCs for investigation and prosecution, as appropriate. Since June 1, 2022, Ms. Laguna has been serving as the new SDTC administrator, and also carries an SDTC caseload. She was selected by the chair and vice-chair of the Regulation and Discipline Committee (RAD), following interviews of multiple candidates. The requested funds are for a one-year term and are included in the annual budget for the Office of Chief Trial Counsel.

2. Ernst & Young, LLP

Pursuant to Business and Professions Code section 6210.5(g) the State Bar is required to develop a program to audit a representative sample of grant awards each year to ensure that awards made by the Legal Services Trust Fund Commission (a subentity of the State Bar) are consistent with applicable statutes, rules, and other governing authority. Vendor develops and executes auditing protocol services. The cost of this contract is included in the annual budget for the Office of Access & Inclusion.

3. Macias, Gini, O'Connell, LLP

Vendor provides independent financial auditing services. The requested funds are for a one-year term and are included in the annual budget for the Office of Finance.

4. Musick, Peeler & Garrett, LLP

Vendor provides legal services in connection with the analysis of insurance coverage under a cyber policy. The cost of this contract is included in the annual budget for the Office of General Counsel. This contract was previously on the agenda in September and approved by the Board at that time, but the contract amount listed was incorrect. The correct total amount of the contract is \$75,000.

5. California Department of Technology

Vendor provides Microsoft Azure cloud management support. These recurring services are part of core business operations in the Office of Information of Technology and are

included in the annual budget.

6. GSPANN Technologies, Inc.

Vendor provides information technology professionals. The contract is for a .NET application developer to assist with developing in-house applications. The cost for this contract is included in the annual budget for the Office of Information Technology.

7. NextPhase.AI

Vendor provides information technology professionals. The contract is for a data analytics professional to assist with the Microsoft Azure data migration project. The cost for this contract is included in the annual budget for the Office of Information Technology.

8. NTT America, Inc.

Vendor provides managed services for Contact Center. The cost of the contract is for a one-year term and is included in the annual budget for the Office of Information Technology.

9. National Center for Civic Innovation, Inc.

The Office of Admissions offers a productive mindset intervention to all California Bar Exam applicants. This initiative has proven to improve the pass rates for many first-generation Bar Exam takers who complete all portions of the program. The Board of Trustees has included this initiative in its strategic plan as part of the State Bar's effort to diversify California's attorney pool. Vendor provides the Productive Mindset Intervention program. The cost of this contract is included in the annual budget for the Office of Admissions.

10. ACS Ventures

Vendor provides calculation of data and production of reports related to the grading of the California Bar Exams and First-Year Law Students' Exams. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget.

11. ACS Ventures

Vendor provides psychometric and statistical analytic projects for the California Bar Exams and the First-Year Law Students' Exams. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget.

12. John Hosterman, PhD

Vendor is an accomplished leader in the disability and diversity fields. He will provide testing accommodation consulting services for the California Bar Exam and First-Year Law Students' Exam. The cost of this contract is included in the annual budget for the Office of Admissions.

13. Prometric, LLC

Vendor provides online exam administration with live proctor monitoring. The contract is for the remote administration and support of the October 2023 First-Year Law Students' Exam. The cost of this contract is included in the annual budget for the Office of Admissions.

14. Edlen Electrical Exhibition Services of California, Inc.

Vendor provides audio visual and electrical services for the February 2024 Bar Exam. These recurring services are part of core business operations in the Office of Admissions and are included in the annual budget.

FISCAL/PERSONNEL IMPACT

Unless a different funding source is specified, the expenses above are included in the 2023 budget for the cost center noted, or will be included in the budget for future years per the normal budget planning process.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal: None – core business operations

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

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

ATTACHMENT LIST

None