

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



The State Bar of California

OPEN SESSION AGENDA ITEM 4.1 SEPTEMBER 2024 BOARD OF TRUSTEES

DATE: September 19, 2024

TO: Members, Board of Trustees

FROM: Mayte Diaz, Director of General Services

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.

RECOMMENDED ACTION

Should the Board of Trustees concur in the proposed action, the Board of Trustees approves execution of the contracts listed herein.

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 | Finance | 3110 | General Fund | Macias, Gini, O'Connell, LLP ¹ | \$1,077,715 | Independent Financial Auditing Services |

¹ At the September 9, 2024, meeting, the Audit Committee recommended that the full Board of Trustees approve this contract

| Ref # | Office | Cost Center | Fund | Vendor | Contract Amount | Goods or Services |
|--------------|------------------------|--------------------|---------------------------|-------------------------------------|--|---|
| 2 | General Counsel | 4110 | General Fund | Hopkins & Carley, A Law Corporation | \$50,000 (total contract value \$100,000) | Legal Services |
| 3 | General Counsel | 4110 | General Fund | Mitchell, Silverberg & Knupp LLP | \$50,000 (total contract value \$150,000) | Legal Services |
| 4 | General Counsel | 4110 | General Fund | Meyers Nave | \$25,000 (total contract value \$75,000) | Legal Services (Workplace Investigations) |
| 5 | General Counsel | 4110 | General Fund | Richards, Watson & Gershon A.P.C. | \$50,000 (total contract value \$125,000) | Legal Services |
| 6 | Access & Inclusion | 8219 | Legal Services Trust Fund | Harbor Government Solutions, LLC | \$202,710 | Legal Operations, Technology and Artificial Intelligence (AI) Consultant |
| 7 | General Services | 5520 | General Fund | Allied Universal | \$711,470 | Los Angeles Office Security Services |
| 8 | General Services | 5691 | General Fund | Valley Relocation | \$110,800 | Office Furniture and Related Items Breakdown, Removal and Disposal Services |
| 9 | General Services | 5520 | General Fund | Konica Minolta Business Solutions | \$158,400 | Multifunction Copiers Leasing and Maintenance |
| 10 | Human Resources | 5210 | General Fund | Shaw Law Group, PC | \$45,000 (total contract value \$90,000) | Employee and Labor Relations Policy/Practice Assessment |
| 11 | Information Technology | 5310 | General Fund | 21Tech, LLC | \$25,000 (total contract value \$115,000) | Project Management Services |
| 12 | Information Technology | 5310 | General Fund | 21Tech, LLC | \$120,000 (total contract value \$1,311,350) | AS400 Programming Services |

| Ref # | Office | Cost Center | Fund | Vendor | Contract Amount | Goods or Services |
|-------|------------------------|-------------|-----------------|--|---|--|
| 13 | Information Technology | 5310 | General Fund | Tyler Technologies, Inc. | \$214,812 | Odyssey Case Management System Licenses |
| 14 | Information Technology | 5310 | General Fund | AST, LLC | \$161,120 | Oracle Cloud Application Support |
| 15 | Information Technology | 5310 | General Fund | Software Management Consultants, Inc. | \$24,440 (total contract value \$252,447) | Helpdesk Support Technician |
| 16 | Information Technology | 5310 | General Fund | Capo Solutions, Inc. | \$51,360 (total contract value \$453,282) | Odyssey CMS Support |
| 17 | Information Technology | 5310 | General Fund | Capo Solutions, Inc. | \$50,800 (total contract value \$358,034) | Salesforce Developer |
| 18 | Admissions | 8312 | Admissions Fund | ProctorU dba Meazure Learning (Experiment) | \$151,500 | Live, Remote Proctoring and Test Center Services (Bar Exam Experiment) |
| 19 | Admissions | 8312 | Admissions Fund | ProctorU dba Meazure Learning | \$4,108,500 | Live, Remote Proctoring and Test Center Services (Bar Exam and Legal Specialization Exam Administration) |

1. Macias, Gini, O'Connell, LLP

Vendor provides independent financial auditing services. The requested funds are for a three-year term with the options for two one-year extensions. The cost of this contract will be included in the annual budget for the Office of Finance, and Access & Inclusion in each respective year.

2. Hopkins & Carly, A Law Corporation

Law firm is engaged to represent State Bar in bankruptcy related litigation and appeal in re Albert-Sheridan (Case Nos. 18-10548-SC & BAP No.CC-23-1024-SFL). Approval is requested for the additional contact amount of \$50,000 for the appeal related services. The cost of this contract is included in the annual budget for the Office of General Counsel.

3. Mitchell, Silverberg & Knupp LLP

Law firm is retained to provide legal services in specialized area of copyright and intellectual property. Approval is requested for the additional contract amount of \$50,000. The cost of this contract is included in the annual budget for the Office of General Counsel.

4. Meyers Nave

Law firm is engaged to provide workplace investigation legal services. Approval is requested for the additional contract amount of \$25,000. The cost of this contract is included in the annual budget for the Office of General Counsel.

5. Richards, Watson & Gershon A.P.C.

Law firm is retained for legal services in connection with contract drafting, negotiation and related advice for exam development services. Approval is requested for the additional contract amount of \$50,000. The cost of this contract is included in the annual budget for the Office of General Counsel.

6. Harbor Government Solutions, LLC.

Vendor provides legal operations, technology and Artificial Intelligence (AI) consulting services. The cost of this contract is included in the annual budget for the Office of Access and Inclusion.

7. Allied Universal

Vendor provides security staff for the Los Angeles office. The requested funds are for a one-year term. These recurring services are part of core business operations in the Office of General Services and are included in the annual budget.

8. Valley Relocation & Storage, Inc.

Vendor provides office furniture and related items breakdown, removal and disposal services in connection with the building restack project at 180 Howard Street. The cost of this contract is included in the annual budget for the Office of General Services.

9. Konica Monica Business Solutions

Vendor provides networked, multifunction digital devices (copy/print/scan/fax). The requested funds are for the leasing and maintenance cost of such devices for San Francisco and Los Angeles offices for a 15-month term. These recurring services are part of core business operations in the Office of General Services and are included in the annual budget.

10. Shaw Law Group, PC

Vendor provides employee and labor relations policy/practice assessments. The cost of this contract is included in the annual budget for Office of Human Resources.

11. 21Tech, LLC

Vendor provides project management services. The cost for this contract is included in the annual budget for the Office of Information Technology.

12. 21Tech, LLC

Vendor provides extended warranty for programming services related to the AS400. The cost for this contract is included in the annual budget for the Office of Information Technology.

13. Tyler Technologies

Vendor provides the Odyssey Case Management System for use by the Office of Chief Trial Counsel, Office of Probation, and State Bar Court. The contract covers annual licensing and maintenance. These recurring services are part of core business operations in the Office of Information of Technology and are included in the annual budget.

14. AST, LLC

Vendor provides proactive monitoring, support, defect research and resolution, maintenance and enhancement for the State Bar's Oracle Cloud Finance and Human Resources system. The cost of the contract is included in the annual budget for the Office of Information of Technology.

15. Software Management Consultants, Inc.

Vendor provides information technology professionals. The contract is for a Helpdesk Support Technician to provide in-house support. The cost for this contract is included in the annual budget for the Office of Information Technology.

16. Capo Solutions, Inc.

Vendor provides information technology professionals. The contract is for Odyssey Case Management System support services. The cost for this contract is included in the annual budget for the Office of Information Technology.

17. Capo Solutions, Inc.

Vendor provides information technology professionals. The agreement is for a Salesforce developer to provide in-house support. The cost of this contract is included in the annual budget for the Office of Information Technology.

18. ProctorU dba Meazure Learning (November 2024 Experiment Exam)

Vendor provides live, remote proctoring and test center services. This agreement covers the administration of Phase One of the Bar Exam Experiment, including live, remote proctoring and test center services, scheduled to occur November 8, 2024. The State Bar is still in the process of negotiating appropriate terms with the vendor.

Accordingly, the staff report includes a separate resolution pertaining to this contract, to allow staff to negotiate appropriate terms and obtain any further input that may be necessary, including by Committee of Bar Examiners. The cost of this contract is included in the annual budget for the Office of Admissions.

19. ProctorU dba Meazure Learning (2025 Bar Exam and Legal Specialization Exam Administration)

Vendor provides cloud-based exam banking and proctoring services that will cover both remote, and in-person proctoring at test-centers, pop-up testing centers, and platform setup for the February 2025 California Bar Exam, the July 2025 California Bar Exam, and the 2025 Legal Specialization Exams, along with implementation and platform fees for exam delivery. This solution ensures secure, flexible, and efficient exam administration, meeting the State Bar's current and future needs. The State Bar is still in the process of negotiating appropriate terms with the vendor. Accordingly, the staff report includes a separate resolution pertaining to this contract, to allow staff to negotiate appropriate terms and obtain any further input that may be necessary, including by Committee of Bar Examiners. The cost of this contract is included in the annual budget for the Office of Admissions.

PREVIOUS ACTION

None

FISCAL/PERSONNEL IMPACT

Unless a different funding source is specified, the expenses above are included in the 2024 budget, or will be included in the budget for future years, for the cost centers noted, per the normal budget planning process.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

None – core business operations

RESOLUTIONS

Should the Board of Trustees concur, it is:

RESOLVED, that the Board of Trustees, with the exception of the two contracts with ProctorU, Inc. dba Meazure Learning (addressed below) approves execution of the contracts listed herein; and it is

FURTHER RESOLVED, that the Board of Trustees approves the contract amounts for ProctorU, Inc. dba Meazure Learning, as noted herein, and approves execution of the contracts with ProctorU, Inc. dba Meazure Learning, subject to the negotiation of appropriate contractual terms and any action that may be necessary from the Committee of Bar Examiners.

ATTACHMENT LIST

None