

**Metropolitan Transportation Commission
Administration Committee**

June 8, 2022

Agenda Item 2h - 22-0897

Contract Amendments - Specialized Legal Services for MTC, MTC SAFE, BATA, BAIFA, BAHA, 375 Condominium Corporation and ABAG and its Local Collaboration Programs: Best Best & Krieger, LLP; Farella, Braun + Martel, LLP; Glynn & Finley, LLP; Hanson Bridgett, LLP; Meyers Nave Riback Silver & Wilson PLC; Renne Public Law Group, LLP; Thomas Law Group (\$400,000 for FY 2022-23)

Subject:

Staff requests the Committee authorize the Executive Director or designee to enter into contract amendments for a cumulative total amount not to exceed \$400,000 with the law firms listed above and extend the terms of each agreement to June 30, 2023, subject to approval of the FY 2022-23 MTC budget.

Background:

Following a competitive procurement process, in May 2018, the Administration Committee approved a pre-qualified bench of law firms to provide legal services to MTC, MTC SAFE, BATA, BAIFA, BAHA, 375 Beale Condominium Corporation and ABAG and its Local Collaboration Programs on an as-needed basis through fiscal year 2021-22, subject to applicable contract approval procedures and necessary budget approvals. The pre-qualified bench included ten law firms. Of those ten law firms, the MTC has entered into a professional services agreement with seven law firms for legal services. The law firms include:

- Best Best & Krieger, LLP for public sector law, contracts and related transactional work, environmental law, construction law, transportation law;
- Farella, Braun + Martel, LLP for real estate transactions/commercial leasing, nonprofit corporation law; and creation and governance issues for nonprofits and joint powers agreements;
- Glynn & Finley, LLP for civil rights law, and litigation and government claims;
- Hanson Bridgett, LLP for civil rights law, public sector law, contracts and related transactional work, transportation law, litigation and government claims, privacy and data security, intellectual property, nonprofit corporation law, creation and governance issues for nonprofits and joint power agreements, legislation and public affairs;
- Meyers Nave Riback Silver & Wilson PLC for construction law/express lanes, water law, litigation and government claims, real estate transactions/commercial leasing, creation

and governance issues for nonprofits and joint powers agreements, election law, and housing;

- Renne Public Law Group, LLP for public sector employment law, litigation and government claims and election law; and
- Thomas Law Group for environmental law.

Per the terms of the procurement process and this Committee's approval, the pre-qualified bench expires on June 30, 2022. Staff is requesting approval to extend the bench and the term of the professional services agreements for another fiscal year by executing amendments to the agreements on a sole source basis. Resolution No. 3619 provides that the Executive Director may negotiate and execute agreements without prior Committee approval, provided such contracts are less than \$200,000. EDMM 352 provides that a contract may be awarded without competition if there is a compelling business reason to do, provided there are no federal funds involved. With respect to the professional services agreements at issue, the total amount of compensation under each contract will not exceed \$200,000, paid from non-federal funds. Accordingly, the Executive Director could extend the term of the contracts executed with the law firms that are on the pre-qualified bench, but given that the Committee approved the initial bench, staff is seeking the Committee's approval regarding the extension of these contracts.

Under their respective professional services agreements, all the firms listed above are providing legal services on matters that staff anticipates may extend into fiscal year 2022-23. Transitioning these matters to new law firms would delay the projects and result in unanticipated additional costs, as the prior law firm transitions the matter to the new law firm, and the new law firm reviews the file and otherwise familiarizes itself with the matter. Ensuring continuity is essential for rendering timely legal services and avoids unnecessary costs, both of which are compelling business reasons to sole source an extension of the existing professional services agreements for another fiscal year. Furthermore, during the upcoming fiscal year, staff will be considering whether to propose modifications to EDMM 352, and any such modifications, if adopted, could impact the procurement for legal services. In line with each of the previous years of the legal services bench, staff requests authority for a cumulative amount of \$400,000 for the contract

amendments. Should any individual contract amendment exceed the \$200,000 Executive Director contracting authority, staff will return to this Committee for approval.

Issues:

None.

. Recommendations:

Staff recommends that the Committee authorize the Executive Director or designee to negotiate and enter into contract amendments for a cumulative total amount not to exceed \$400,000 with the law firms listed above and to extend the terms of each agreement to June 30, 2023, subject to approval of the FY 2022-23 MTC budget.

Attachments:

- Request for Committee Approval – Summary of Proposed Contract



Therese W. McMillan

Request for Committee Approval

Summary of Proposed Contract Amendments

Work Item No.: 1151

Consultant: Best Best & Krieger, LLP, Walnut Creek, CA,
Farella, Braun + Martel, LLP, San Francisco, CA
Glynn & Finley, LLP, Walnut Creek, CA
Hanson Bridgett, LLP, San Francisco, CA
Meyers Nave Riback Silver & Wilson PLC, Oakland, CA
Renne Public Law Group LLP, San Francisco, CA
Thomas Law Group, San Francisco, CA

Work Project Title: Extension of Contracts with Law Firms From The Pre-Qualified Law Firm Bench

Purpose of Project: To extend existing contracts with law firms from the pre-qualified law firm bench through fiscal year 2022-23 for legal services to MTC, MTC SAFE, BATA, BAIFA, BAHA, 375 Condominium Corporation and ABAG and its Local Collaboration Programs on an as-needed basis

Project Cost Not to Exceed: \$400,000 (not including litigation costs) per fiscal year for all contracts, subject to applicable contract procedures and future budget approvals

Funding Source: General Fund

Fiscal Impact: \$400,000 is subject to approval of the FY 2022-23 MTC budget.

Motion by Committee: That the Committee authorizes the Executive Director or designee to negotiate and execute amendments to the agreements with law firms listed above to extend the terms of each agreement to June 30, 2023, for legal services as described above and in the Administration Committee Summary Sheet dated June 9, 2022, and the Chief Financial Officer is authorized to set aside \$400,000 for such amendments, subject to approval of the FY 2022-23 MTC budget.

Administration Committee:

Federal D. Glover, Chair

Approved: Date: June 9, 2022