



METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: Administration Committee

DATE: September 6, 2017

FR: Executive Director

RE: Contract Amendment – Special CEQA Counsel: Thomas Law Group (\$100,000)

This memorandum requests Committee approval of a contract amendment to increase the legal services contract with the Thomas Law Group related to the California Environmental Quality Act (CEQA) with respect to Plan Bay Area 2040 in an amount not to exceed \$100,000.

Background

In 2009, MTC entered into a sole source contract with Remy, Thomas, Moose and Manley, LLP, to provide legal assistance to MTC and ABAG related to SB 375 (Steinberg), based on MTC's prior experience with a firm partner, Tina Thomas, a respected CEQA expert and litigator who served as Senator Steinberg's CEQA advisor when SB 375 was being written. In early 2012, Ms. Thomas formed her own firm (Thomas Law Group), and MTC approved the assignment of the contract to her firm. The Thomas Law Group subsequently advised ABAG and MTC on CEQA compliance throughout the process of adopting Plan Bay Area 2013, including issues related to SB 375.

With respect to Plan Bay Area 2040, the strategic update to Plan Bay Area 2013, the Thomas Law Group has provided legal assistance in sorting through the provisions of SB 375 and ensuring compliance with the CEQA in the context of greenhouse gas emissions pursuant to a sole source contract entered into under Executive Director contracting authority. This amendment, which would bring the total not to exceed contract amount to \$300,000, would cover the Thomas Law Group's fees through the recent adoption of Plan Bay Area 2040, including post-adoption advice.

Recommendation

I recommend that the Committee authorize the Executive Director or his designee to negotiate and enter into a contract amendment with the Thomas Law Group in an amount not to exceed \$100,000 for legal services related to CEQA with respect to Plan Bay Area 2040.



Steve Heminger

AW:ml

Attachment

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Summary of Proposed Legal Services Contract Amendment

Work Item No.:	1151
Law Firm:	Thomas Law Group Sacramento, CA
Work Project Title:	Special CEQA Counsel
Purpose of Project:	Legal services related to the California Environmental Quality Act (CEQA) and SB 375 as they relate to Plan Bay Area 2040.
Project Cost Not to Exceed:	\$200,000 (contract to date) \$100,000 (this amendment) Total contract: \$300,000
Funding Source:	General Fund
Fiscal Impact:	Funds included in the FY 2017-18 agency budget.
Motion by Committee:	That the Executive Director or his designee is authorized to negotiate and enter into a contract amendment with the Thomas Law Group for the purposes described above and in the Executive Director's September 6, 2017 memorandum, and the Chief Financial Officer is directed to set aside \$100,000 for such contract amendment.
Administration Committee:	<hr/> Federal D. Glover, Chair
Approved:	Date: September 13, 2017