



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 3b

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Memorandum

TO: Administration Committee

DATE: May 2, 2018

FR: General Counsel

W.I.: 1151

RE: Legal Services Bench – Law Firms Pre-Qualified to Provide Legal Services to MTC, MTC SAFE, BATA, BAIFA, BAHA, 375 Beale Condominium Corporation, and ABAG and its Local Collaboration Programs through FY 2021-22 (\$400,000 per year):

- i. Atkinson, Andelson, Loya, Ruud & Romo, Pleasanton, CA
- ii. Best Best & Krieger LLP, Walnut Creek, CA
- iii. Farella Braun + Martel LLP, San Francisco, CA
- iv. Glynn & Finley, LLP, Walnut Creek, CA
- v. Hanson Bridgett LLP, San Francisco, CA
- vi. Meyers Nave Riback Silver & Wilson PLC, Oakland, CA
- vii. Orrick, Herrington & Sutcliffe LLP, San Francisco, CA
- viii. PC Law Group, Irvine, CA
- ix. Renne Public Law Group LLP, San Francisco, CA
- x. Thomas Law Group, Sacramento, CA

The Office of General Counsel requests the Committee's approval to create a bench of the ten pre-qualified law firms identified above to provide legal services on an as-needed basis through June 30, 2022 in the following areas of practice, as specifically indicated in Attachment A: Public sector employment law; civil rights law, including Title VI, Title VII and the ADA; public sector law, including but not limited to procurement, the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act, First Amendment, and federal requirements; contracts and related transactional work; environmental law, including NEPA and CEQA; construction law and California express lane development; transportation law; water law; litigation and government contract claims; privacy and data security; intellectual property; real estate transactions and commercial leasing; nonprofit corporation law; creation and governance issues pertaining to nonprofits and joint powers authorities; legislation and public affairs; election law; and housing.

Background

In 2014, MTC issued a Request for Qualifications (RFQ) to establish an on-call bench of pre-qualified law firms to provide legal services in specialized areas of law to MTC, the MTC Service Authority for Freeways and Expressways (MTC SAFE), the Bay Area Toll Authority (BATA), the Bay Area Infrastructure Financing Authority (BAIFA), the Bay Area Headquarters Authority (BAHA), and the Regional Administrative Facility Corporation (RAFC). As a result of the RFQ, this Committee approved a bench of eight law firms, the contracts for which will expire on June 30, 2018. The bench has served as an important and valuable resource to supplement the expertise of the attorneys in the Office of General Counsel (OGC). We propose to install a new bench to provide legal services to an expanded group of entities, including the Association of Bay Area Governments (ABAG) and its Local Collaboration Programs (LCPs), through today's proposed action. In addition to the specialized areas of law from the 2014 RFQ, we sought firms who could address the following new practice areas in light of the current needs of MTC-related entities and the addition of ABAG and the LCPs: Water law; nonprofit corporation law; creation and governance issues pertaining to nonprofits and joint powers authorities; legislation and public affairs; election law; and housing. Our goal was to anticipate the totality of OGC's workflow in the next four years so that we will minimize the need to conduct one-off procurements or sole source contracts for issues as they arise. Subject to future budgetary approval processes, a maximum amount of \$400,000 will be allocated for all contracts (excluding litigation costs) in each of the four fiscal years covered by this procurement. Contracts will be awarded in accordance with agency contracting procedures.

Procurement Process

On March 2, 2018, MTC issued an RFQ to provide legal services on behalf of itself, MTC SAFE, BATA, BAIFA, BAHA, the 375 Beale Condominium Corporation, and ABAG and its LCPs. The RFQ established minimum qualifications, including requiring at least five years of firm experience in each area of law for which a firm expressed an interest in its Statement of Qualifications (SOQ) and substantial experience representing government sector clients. MTC received SOQs from 15 law firms in response to the RFQ. Two firms did not meet the minimum qualifications because they did not have the required government sector experience. Three members of the Office of General Counsel served as the evaluation panel, reviewing the remaining 13 SOQs based on the following criteria, in descending order of relative importance: 1) qualifications and experience of attorneys who will be providing services in the areas of law to which the SOQ is directed, including relevant experience of the lead attorney and experience representing public agencies, especially public agencies involved in transportation matters; 2) depth and breadth of experience in relation to the subject matter for which the firm seeks to provide legal services; availability of qualified attorneys to work on multiple projects at the same time; and scope of services offered; and 3) hourly rates and cost effectiveness (including local presence of key personnel).

After reviewing the SOQs, the panel elected to interview 8 of the 13 firms. We are recommending ten firms for the pre-qualified legal services bench. These firms were highly rated based on the evaluation criteria and were best suited to our office's anticipated needs. Attachment A indicates the areas of practice in which each firm may be asked to provide legal support. Inclusion on the

prequalified bench will not necessarily result in award of a contract. One of the recommended firms, PC Law Group, is certified as a small business enterprise by the Metropolitan Water District of Southern California and as a disadvantaged business enterprise by the Los Angeles County Metropolitan Transportation Authority.

Recommendation

The Office of General Counsel recommends that the Committee approve the list of law firms identified in this memorandum to serve as the pre-qualified legal services bench for the areas of practice indicated in Attachment A, available to provide assistance on an as-needed basis through FY 2021-22. Subject to future budgetary approval processes, a maximum amount of \$400,000 (excluding litigation costs) will be allocated in each of the four fiscal years covered by this procurement. Contracts will be awarded in accordance with our agency contracting procedures.


Adrienne D. Weil

AW:lgm
Attachment

Attachment A

Legal Services Bench Eligibility

[illegible]

REQUEST FOR COMMITTEE APPROVAL
Summary of Pre-Qualified Law Firm Bench

Work Item No.: 1151

Law Firms: Atkinson, Andelson, Loya, Ruud & Romo, Pleasanton, CA
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
Orrick, Herrington & Sutcliffe LLP, San Francisco, CA
PC Law Group, Irvine, CA
Renne Public Law Group LLP, San Francisco, CA
Thomas Law Group, Sacramento, CA

Work Project Title: Pre-Qualified Law Firm Bench

Purpose of Project: To pre-qualify a list of law firms eligible through FY 2021-22 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.

Brief Scope of Work: Provide legal services in the areas of practice as identified in the General Counsel's memorandum dated May 2, 2018, Attachment A.

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 to be included in MTC's proposed FY 2018-19 budget, subject to approval. \$400,000 in each of the three fiscal years thereafter subject to approval of future agency budgets.

Motion by Committee: That the Committee approves a pre-qualified bench of law firms eligible 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 FY 2021-22, as described above and in the General Counsel's memorandum dated May 2, 2018, subject to applicable contract approval procedures and necessary budget approvals.

Admin Committee:

Federal D. Glover, Chair

Approved: Date: May 9, 2018