



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
8

Meeting Date: **JULY 12, 2012**

Subject:

Approve and Authorize the President/CEO to Execute Agreements for General Legal Services with Morrison & Foerster LLP and Best Best and Krieger LLP

Recommendation:

Adopt Resolution No. 2012-0074, approving and authorizing the President/CEO to execute an agreement for general legal services with Morrison & Foerster LLP, for a term of three (3) years, with two (2) additional one-year options, with a maximum amount payable not to exceed \$300,000.

Adopt Resolution No. 2012-0075, approving and authorizing the President/CEO to execute an agreement for general legal services with Best Best and Krieger LLP, for a term of three (3) years, with two (2) additional one-year (1) options, with a maximum amount payable not to exceed \$300,000.

Background/Justification:

On April 12, 2012, the Authority released a Request for Proposals ("RFP") to obtain the legal services of one or more qualified law firms to assist the Office of General Counsel with regard to general legal services. Responses to the RFP were due on May 9, 2012.

Eleven (11) law firms submitted timely proposals in response to the RFP. They were: (1) Alston Bird, (2) Andrews Lagasse Branch & Bell LLP, (3) Atkinson, Andelson, Loya, Ruud & Romo, APC (4) Best Best & Krieger LLP (5) Fisher & Phillips LLP, (6) Gibbs, Giden, Locher, Turner & Senet LLP, (7) Lincoln, Gustafson & Cercos LLP, (8) Meyers, Nave, Riback, Silver & Wilson, APC (9) Morrison & Foerster LLP, (10) Opper & Varco LLP, and (11) Stutz Artiano Shinoff & Holtz, APC.

An evaluation panel, comprised of four attorneys from the Office of General Counsel, reviewed the proposals submitted and selected a short list of four firms for interviews. This process reviewed the proposals to determine those proposals that were most responsive and which reflected the required relevant broad experience and qualifications.

On June 4, 2012, the evaluation panel, with a representative from the Procurement Department in attendance to facilitate the interviews, reviewed the written proposals and documents submitted and interviewed representatives of the four firms. At the conclusion of the interviews, the evaluation panel ranked the firms and concluded that

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the two best and most responsive proposers were Morrison & Foerster LLP and Best Best & Krieger LLP. The General Counsel recommends new legal services agreements for general legal services ("Agreements") be awarded by the Board to Morrison & Foerster LLP and Best Best & Krieger LLP. It is requested that the Board authorized the President/CEO to execute the agreements upon approval as to form by the General Counsel. The matrix, below, reflects the evaluations by the panel:

	Panel Member A	Panel Member B	Panel Member C	Panel Member D	Totals
Alston Bird	3	3	3	3	12
Atkinson, Andelson, Loya, Ruud & Romo, APC	4	4	4	4	16
Best Best & Krieger LLP	2	2	2	1	7
Morrison & Foerster LLP	1	1	1	2	5

Note to Matrix: 1 = Most qualified.

Morrison & Foerster LLP is a local law firm, with offices throughout California, the nation and the world. Founded in 1883, the firm employs more than 1,000 attorneys and has been providing legal services to local governments for many decades. It has a long established practice representing U.S. airports, including those in San Francisco, Atlanta, Los Angeles, San Diego and Mammoth Lakes. The firm's attorneys are experienced and knowledgeable regarding the many areas of state and federal law affecting the Authority and airports in general, particularly related to the environment, land use, litigation, employment, airport lease and use agreements, fuel consortia, and pensions. Zane Gresham of the firm is an authoritative resource regarding the formation of the San Diego County Regional Airport Authority, the preparation and execution of the documents transferring the Airport from the San Diego Unified Port District to the Authority, and the preparation and adoption of the Authority's Codes and Policies. The firm's proposed hourly rates vary depending on the attorney beginning at \$500+ hour.

Best Best and Krieger LLP is a local law firm, with eight other offices throughout California and a newly opened office in Washington, D.C. The firm employs 195 attorneys and has been providing local governments with legal services for 120 years. It currently represents numerous cities and local governments within the state and is well respected throughout California for providing professional legal services to local governments. The firm's attorneys are experienced in the many areas of state and federal law that affect the Authority and will be an informed and knowledgeable resource for the General Counsel's Office. The firm's proposed hourly rates vary depending on the attorney beginning at \$260+ per hour.

Subject to the Board's authorization, the new agreements with Morrison & Foerster LLP and Best Best and Krieger LLP each will have a term of three (3) years, with two (2) additional one year options. The options to extend the term may be exercised at the discretion of the President/CEO and the General Counsel. The amount payable under each agreement will not exceed Three Hundred Thousand Dollars (\$300,000).

Fiscal Impact:

Funds to cover the new Agreement in the amount of up to \$600,000 are in the FY2013 and proposed FY 2014 budgets under contractual services.

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

Environmental Review:

- A. California Environmental Quality Act (CEQA). This Board action is not a project that would have a significant effect on the environment as defined by CEQA, as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code § 21065.
- B. California Coastal Act Review. This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code § 30106.

Equal Opportunity Program:

The Authority's small business program promotes the use of small, local, disadvantaged, and other business enterprises, on all contracts, to provide equal opportunity for qualified firms. By providing education programs, making resources available, and communicating through effective outreach, the Authority strives for diversity in all contracting opportunities.

The Authority has a Disadvantaged Business Enterprise ("DBE") Plan as required by the Department of Transportation, 49 CFR Part 26. The DBE Plan calls for the Authority to submit an annual over-all goal for DBE participation on all federally funded projects.

This project does not use federal funds; therefore, it will not be applied toward the Authority's over-all DBE goal.

Prepared by:

BRETON K. LOBNER
GENERAL COUNSEL

RESOLUTION NO. 2012-0074

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY APPROVING AND AUTHORIZING THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT FOR GENERAL LEGAL SERVICES WITH MORRISON & FOERSTER LLP, FOR A TERM OF THREE (3) YEARS, WITH (2) ADDITIONAL ONE-YEAR (1) OPTIONS, WITH A MAXIMUM AMOUNT PAYABLE NOT TO EXCEED \$300,000

WHEREAS, the Authority has a continuing need for professional legal services in matters pertaining to general legal services; and

WHEREAS, the Authority released a Request for Proposals ("RFP") on April 12, 2012, to obtain the services of one or more qualified law firms to work in conjunction with and at the direction of the General Counsel to provide general legal services as needed; and

WHEREAS, the RFP specified that the Authority intended to enter an agreement with one or more law firms where said agreement would have a term of three (3) years with two (2) options, exercisable at the discretion of the General Counsel and President/CEO, to extend the agreement's term for one (1) additional year each and that the maximum amount payable under the agreement would be Three Hundred Thousand Dollars (\$300,000); and

WHEREAS, the Authority received eleven proposals in response to the RFP; and

WHEREAS, the Authority's evaluation panel, after reviewing the proposals and interviewing four of the law firms, recommended awarding an agreement to Morrison & Foerster, LLP; and

WHEREAS, the Board determines that awarding an agreement to Morrison & Foerster LLP is in the best interests of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves and authorizes the President/CEO to execute an agreement for general legal services with Morrison & Foerster LLP for a term of three (3) years, with two (2) additional one (1) year options that are exercisable at the discretion of the General Counsel and President/CEO to extend the term of the agreement and where the compensation shall not exceed \$300,000 during the term of the agreement.

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BE IT FURTHER RESOLVED this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 12th day of July, 2012, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
**DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK**

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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RESOLUTION NO. 2012-0075

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY APPROVING AND AUTHORIZING THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT FOR GENERAL LEGAL SERVICES WITH BEST BEST & KRIEGER LLP, FOR A TERM OF THREE (3) YEARS, WITH (2) ADDITIONAL ONE-YEAR (1) OPTIONS, WITH A MAXIMUM AMOUNT PAYABLE NOT TO EXCEED \$300,000

WHEREAS, the Authority has a continuing need for professional legal services in matters pertaining to general legal services; and

WHEREAS, the Authority released a Request for Proposals ("RFP") on April 12, 2012, to obtain the services of one or more qualified law firms to work in conjunction with and at the direction of the General Counsel to provide general legal services as needed; and

WHEREAS, the RFP specified that the Authority intended to enter an agreement with one or more law firms where said agreement would have a term of three (3) years with two (2) options, exercisable at the discretion of the General Counsel and President/CEO, to extend the agreement's term for one (1) additional year each and that the maximum amount payable under the agreement would be Three Hundred Thousand Dollars (\$300,000); and

WHEREAS, the Authority received eleven proposals in response to the RFP; and

WHEREAS, the Authority's evaluation panel, after reviewing the proposals and interviewing four of the law firms, recommended awarding an agreement to Best Best & Krieger, LLP; and

WHEREAS, the Board determines that awarding an agreement to Best Best & Krieger LLP is in the best interests of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves and authorizes the President/CEO to execute an agreement for general legal services with Best Best & Krieger LLP for a term of three (3) years, with two (2) additional (1) year options that are exercisable at the discretion of the General Counsel and President/CEO to extend the term of the agreement and where the compensation shall not exceed \$300,000 during the term of the agreement.

BE IT FURTHER RESOLVED this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 12th day of July, 2012, by the following vote:

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ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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