

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 5/10/2023

Staff Report No. 20-349c

TO: AC Transit Board of Directors
FROM: Jill A. Sprague, General Counsel/Chief Legal Officer
SUBJECT: Outside Legal Services Contract

ACTION ITEM

AGENDA PLANNING REQUEST: ☐

RECOMMENDED ACTION(S):

Consider authorizing the General Manager to exercise Option 2 (Year 4) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2023 through September 30, 2024.

Staff Contact:
Jill A. Sprague, General Counsel/Chief Legal Officer

STRATEGIC IMPORTANCE:

This report is not relevant to the strategic plan.

BUDGETARY/FISCAL IMPACT:

The current fiscal year outside counsel legal budget, excluding Workers Compensation, is currently \$828,000. Actual expenditures vary depending on the number and complexity of pending cases against the District, as well as transactional legal work related to finance and/or legislation.

BACKGROUND/RATIONALE:

The Board approved the award of contracts for outside legal Services on September 23, 2020. Twenty-four (24) law firms were selected for the outside legal services panel. The District's current Outside Legal Services contracts will expire on September 30, 2023. This contract term is for a two (2) year base period with three (3) one (1) year options. The General Counsel would like to exercise the second one (1) year option.

Firms Providing Legal Services Other than Workers' Compensation: Apperson Crump; Atkinson, Anderlson, Loya, Ruud & Romo, Bergman Dacey Goldsmith, Bertrand Fox Elliot Osman & Wenzel, Hanson Bridgett, Jackson Lewis, Lafayette & Kumagai, Nixon Peabody LLP, Ogletree Deakins Nash Smoak & Steward, Olson Remcho, Renne Public Law Group, Wendel Rosen.

Firms Providing Workers' Compensation Legal Services: Coleman Chavez & Associates, Hanna Brophy, Laughlin Falbo Levy & Baroumian, Law Office of Janet A. Zamecki, Law Offices of Stacey L. Tokunaga, Michael

Sullivan & Associates LLP, Testan law; Valencia Wilberding & Romero, Wintersteen/Casarez, Witkop Law Group.

ADVANTAGES/DISADVANTAGES:

The advantage of having a panel of outside counsel is that it provides stand-by legal expertise for a variety of issues that in-house lawyers are unable to handle. It is often not feasible due to time constraints to do a new procurement each time outside legal counsel is needed. There is no disadvantage to having such a panel.

ALTERNATIVES ANALYSIS:

The alternative is to have in-house counsel handle all matters, which is not recommended as issues arise that are outside the normal scope of work and expertise of in-house counsel.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Staff Report 19-335 - Consider authorizing the District to issue a Request for Proposals (RFP) for on-call outside legal services.

Staff Report 20-349 - Authorize Solicitation for Outside legal Services

Staff Report 20-349a - Consider approving the award of contracts for outside legal services to the firms recommended in this staff report.

Staff Report 20-349b - Consider authorizing the General Manager to exercise Option 1 (Year 3) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2022 through September 30, 2023.

Board Policy 465 - Procurement Policy

ATTACHMENTS:

None

Prepared by:

Jill A. Sprague, General Counsel

In Collaboration with:**Approved/Reviewed by:**

Chris Andrichak, Chief Financial Officer

Jill A. Sprague, General Counsel/Chief Legal Officer