

Executive Search Consulting Services

Scope of Services

AC Transit seeks to procure the services of an Executive Search Firm, capable of conducting a search for candidates qualified to serve as the General Counsel/Chief Legal Officer of AC Transit.

1. **BACKGROUND**

AC Transit is a rapid transit district created by the State of California in legislation passed in 1956. (Public Utilities Code Section 24501, et. seq.) The District began operating service in 1960 and is the largest public bus-only system in California, and the third largest bus-only transit agency in the United States. Based out of Oakland, California and multiple facilities throughout Alameda and Contra-Costa counties, AC Transit makes bus service available to 1.5 million East Bay residents that populate a 364 square mile service area. AC Transit operates a fleet of 640 buses and 6 facilities and is moving forward its zero-emission program as funding becomes available. Currently, AC Transit connects to 16 other public and private bus systems, 28 BART stations, 7 Amtrak stations and 3 ferry terminals. AC Transit's mission is to deliver safe, reliable, sustainable transit service that responds to the needs of our customers and community. AC Transit has an Annual Operating Budget of \$546 million and a Capital Improvement Program that supports the enhancement of major corridors and keeps facilities in a state of good repair.

AC Transit is unique in that it is one of only three transit agencies in the country governed by a directly elected Board of Directors. The Board consists of seven members, each serving a four-year term. Currently, two directors serve the District at-large, and five directors represent individual wards that encompass portions of the District; however, with the November 2024 election, the Board will transition away from at-large representatives in favor of a seven-ward election system. Three Board Officers report directly to the Board of Directors: the General Manager/Chief Executive Officer, the General Counsel/Chief Legal Officer and the Board Administrative Officer/District Secretary all of whom serve at the pleasure of the Board.

AC Transit employs approximately 2,338 employees, most of which are represented by one of three unions – ATU Local 192, AFSCME Local 3916 and IBEW Local 1245. ATU is the largest of the three unions with approximately 1,800 members.

2. **SCOPE OF SERVICES**

- a. Develop an understanding of AC Transit's history, organizational structure, responsibilities and requirements.

- b. Support and assist the Board of Directors and the Search Committee throughout all phases of the search and selection process.
- c. Review and recommend amendments, if necessary, to the classification specification for the General Counsel/Chief Legal Officer position.
- d. Survey Board Officers to gain perspective as to the role, responsibilities, qualities and characteristics of the position of General Counsel.
- e. Meet individually and collectively with the Board members to understand what each Director and the Board desires in a General Counsel.
- f. Identify recruitment strategies for minority and women candidates.
- g. Produce and distribute recruitment announcement to prospective candidates.
- h. Arrange and execute the placement of advertisements for the position, including relevant local, regional, national and statewide legal and transit publications.
- i. Provide a recruiting schedule, timeline of activities and process to seek out candidates who meet the Board's identified qualities for General Counsel/Chief Legal Officer and provide regular progress reports.
- j. Pre-screen candidates by providing a summary of any controversial and/or favorable newspaper/internet articles.
- k. Attend, as necessary, any closed sessions of the Board of Directors for the discussion of potential candidates; narrowing the number of candidates; interviews of candidates; and assist the Board in framing penetrating questions for the candidates selected for an interview.
- l. Manage the evaluation and selection process of final candidates.
- m. Conduct in-depth reference and requisite background checks of finalist candidates.
- n. Provide salary and benefit comparisons for similar positions in transit and other public entities.
- o. Understand the implications of the Public Employees' Pension Reform Act (PEPRA) and be prepared to brief candidates on how PEPRA affects employment at AC Transit.
- p. Assist and provide guidance to the Board of Directors with the final selection and negotiations with the selected candidate as directed by the Board.
- q. Provide disclosure of personal relationships between recruiter and candidates.
- r. The General Counsel search and selection process must be completed by July 1, 2024.

3. MINIMUM CONSULTANT QUALIFICATIONS

All proposers must meet the minimum qualifications:

- a. Have a minimum of 5 years of experience in public sector executive recruitment and placement.
- b. Maintain business insurance including professional liability, and errors and omissions insurance.

4. PROPOSAL REQUIREMENTS

Proposals shall include the following four elements:

- a. Firm Qualifications, including:
 - i. A brief history and description of the firm and the number of years in business.
 - ii. The firm's general philosophy and approach to finding top legal counsel candidates.
 - iii. The firm's qualifications and experience in identifying, recruiting, and successfully placing executive level employees in public sector positions in California similar to the General Counsel/Chief Legal Officer position at AC Transit.
 - iv. The firm's proposed strategy for finding a General Counsel/Chief Legal Officer for AC Transit.
 - v. Specific methodologies that will be used for the recruitment.
 - vi. The firm's interpretation of the ideal candidate.
 - vii. Approach if an employment agreement cannot be successfully negotiated with the selected candidate.
 - viii. Provision for a guarantee or warranty.

- b. Qualifications of the staff assigned to the recruitment, including:
 - i. History with the firm and resume outlining qualifications and experience.
 - ii. Experience with executive search and selection for public agencies, specifically transit agencies. Prior experience working with an elected board, city council or similar body is highly desirable.
 - iii. Prior experience in legal/public senior attorney recruitments.
 - iv. Include resumes for key personnel providing services and identify what tasks they will perform and their qualifications and experience.

- c. References:
 - i. Firms to provide information on the longevity of prior placements in similar positions.
 - ii. Firms to provide the names and contact information for three (3) direct client references who the firm directly worked with on a prior recruitment. References should be transit agencies or other similar public sector entities. The references must be available and willing to respond to the District's questions concerning the firm's past performance.

- d. Costs Proposal:
 - i. Firms to provide a firm, fixed price "not to exceed" proposal to complete all of the required tasks and services outlined in the scope of services. Pricing must be inclusive of all non-labor costs, hourly rates, expenses, and incidentals. Payment for services rendered upon completion of critical milestones.

5. EVALUATION PROCESS

| FACTOR | POINTS |
|--------------------------------------|---------------|
| Firm Qualifications | 35 |
| Qualifications of the assigned staff | 30 |
| References | 10 |
| Cost | 20 |
| Local Preference | 5 |
| Total | 100 |