

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 10/22/2025

Staff Report No. 25-516

TO: AC Transit Board of Directors
FROM: Aimee L. Steele, General Counsel/Chief Legal Officer
SUBJECT: Outside Legal Services Contract Award

ACTION ITEM

AGENDA PLANNING REQUEST:

RECOMMENDED ACTION(S):

Consider approving the award of contracts for outside legal services to the firms recommended in this staff report.

Staff Contact:
Aimee L. Steele, General Counsel/Chief Legal Officer

STRATEGIC IMPORTANCE:

Goal - High-Performing Workforce

Establishing and maintaining a panel for outside legal services ensures the District has a panel of legal experts available to the District for matters not handled by in-house counsel.

BUDGETARY/FISCAL IMPACT:

Approval of these agreements has no immediate fiscal impact. Expenditures will occur only when services are ordered and will be charged to the requesting department's operating budget.

The outside counsel legal budget, excluding Workers Compensation and current BRT litigation, is \$828,000 for FY 25-26. Actual expenditures vary depending on the number and complexity of pending cases against the District, the need for transactional legal work handled by outside counsel and the legal staffing within the Office of General Counsel.

CONTRACT AWARD SUMMARY:

No. Registered Vendors:	28
Contract Summary:	
# Proposals/Bids Received:	22
Award Type:	Over 70% technical evaluation points

Independent Cost Estimate Range:	\$350-\$800/hour
Recommended for Award***:	Detailed below
Small Business Type:	4
DBE/SBE Utilization %:**	4 of 22 (18.18% of awarded contracts only)

*** Neither SBE, nor DBE**

Levine Act Disclosure

California Government Code § 84308, commonly referred to as the “Levine Act,” precludes an Officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$500 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract. This prohibition applies to contributions to the Officer, or received by the Officer on behalf of any other Officer, or on behalf of any candidate for office or on behalf of any committee. The Levine Act also requires disclosure of such contributions by a party to be awarded a specified contract. Disclosure is not required for contracts that are competitively bid, contracts under \$50,000; contracts between two or more government agencies; contracts where no party receives financial compensation; and periodic review or renewal of development agreements or competitively bid contracts with non-material modifications.

***Recommended for award: Allen, Glaessner, Hazelwood Werth, LLP; Apperson Crump PLC; Atkinson, Andelson, Loya, Ruud & Romo; BDG Law Group, A Professional Law Corporation; Bertrand Fox Elliot Osman & Wenzel; Hanson Bridgett; Jackson Lewis P.C.; Laughlin, Falbo, Levy & Moresi LLP; Law Office of Janet A. Zamecki, P.C.; Meyers Nave; Michael Sullivan & Associates; Nixon Peabody LLP; Nossaman LLP; Ogletree Deakins; Olson Remcho LLP; Oppenheimer Investigations Group LLP; Renne Public Law Group; RTGR; Thompson Coburn LLP; and Witkop Law Group.

BACKGROUND/RATIONALE:

Staff released a Request for Proposals (RFP) 2026-1677 for Outside Legal Services on July 25, 2025 to augment the District’s in-house capacity across several practice areas and to ensure timely, specialized support on an as-needed basis. The competition was strong: the District received proposals on August 22, 2025, from twenty firms representing a broad range of public-sector and transit experience.

A three-member Technical Evaluation Panel included two attorneys and one staff from the Workers Compensation Program. They all conducted independent evaluations. Each panelist signed conflict-of-interest and confidentiality certifications and scored proposals solely on their contents. Scores were documented with brief narratives to support the numeric ratings. The Contracts team reviewed the score sheets for completeness and compiled the final evaluation record. Technical results were then combined with the cost evaluation to produce each proposer’s total evaluation score.

The technical evaluation followed the weighting published in the RFP: (1) Qualifications/Capabilities/Experience/References (30%); (2) Expertise in the specific areas of law identified in the proposal (25%); (3) Experience with public entities, particularly transit clients (25%); and (4) Reasonableness of Cost/Fees (20%). This structure balanced depth of public-sector experience with subject-matter expertise and price, reflecting the District’s need for both quality and value on task-ordered work.

Even though there was no Small Business Enterprise goal on this procurement, Small Business participation was notable. Four proposers identified as certified small businesses: Allen, Glaessner, Hazelwood Werth, LLP; Bertrand Fox Elliot Osman & Wenzel; Oppenheimer Investigations Group LLP; and RTGR. Overall, the pool provided a healthy bench across labor and employment, investigations, public contracting, litigation, and related specialties.

Based on the evaluation record, staff recommends awarding on-call contracts to all proposers. Contracts will be a base of two years, with three one-year options, which is the same as the Board awarded in 2020, the last time these services were solicited. A multi-award structure gives the District flexibility to match specific assignments with the best-qualified firm, maintains competition at the task-order level, and ensures continuity of service when conflicts arise. Each agreement will be as-needed with no minimum guarantee; work will be issued by task order within approved budgets and in accordance with the District's contracting controls.

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 legal matters, which is not recommended as issues arise that are outside the normal scope of work and expertise of in-house counsel or current staffing levels do not allow for the handling of matters by in-house counsel.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Staff Report 20-349a - Consider Approving the Award of Contracts for Outside Legal Services to the Firms Recommended in this Staff Report.

ATTACHMENTS:

None.

Prepared by:

Aimee Steele, General Counsel

Approved/Reviewed by:

Fred Walls, Director of Procurement & Materials

Chris Andrichak, Chief Financial Officer

Salvador Llamas, General Manager/Chief Executive Officer

Aimee L. Steele, General Counsel/Chief Legal Officer