

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 12/11/2019

Staff Report No. 19-335

TO: AC Transit Board of Directors
FROM: Denise C. Standridge, General Counsel
SUBJECT: Authorize Solicitation for Outside Legal Services

ACTION ITEM

RECOMMENDED ACTION(S):

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

STRATEGIC IMPORTANCE:

This report is not relevant to the strategic plan.

BUDGETARY/FISCAL IMPACT:

The outside counsel legal budget, excluding Workers Compensation, is currently \$828,000. Actual expenditures for the past three years have ranged between \$105,000. and \$731,000. The legal services expenditure varies 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 General Counsel's office utilizes outside legal services on an as needed basis, primarily in situations where the department does not have the specialized knowledge necessary for a legal issue. Additionally, outside legal services are used in the defense of employment cases on a regular basis. The last RFP was done in 2017, and the current contracts with outside counsel expire on June 30, 2020.

The purpose of this solicitation is to establish a new panel of outside counsel available to the General Counsel's Office when specialized services are needed and employment litigation arises. Outside counsel may also be utilized if there is an unexpected significant increase in the department's workload that cannot be accommodated by in-house counsel, or when a potential conflict arises in defending the District against claims.

The new panel would be valid for two years, with three one-year options. Because both legal issues facing the District and outside law firms are often evolving, a two-year contract term with options provides flexibility for the District and more opportunity for outside counsel to perform work on behalf of the District.

The panel of evaluators will include four District employees and one outside panel member. The evaluation criteria will be as follows: qualifications and experience of personnel providing services under the contract

(30%); expertise and experience in the specific areas of law to which the proposal is directed (25%); experience in representing public entities, particularly transit clients (25%); and fees (20%).

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. It would take too long for an attorney to become familiar with a particular area of law necessary to adequately represent the District.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Staff Report 17-018 - Authorize Solicitation for Outside Legal Services

ATTACHMENTS:

None

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