



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Administration Committee

DATE: November 3, 2010

FR: General Counsel

W. I. 1151

RE: Legal Services Contracts: Law Firms Pre-Qualified to Provide Legal Services to MTC, MTC SAFE, or BATA through FY 2013-14

- i. Allen Matkins LLP
- ii. Glynn & Finley, LLP
- iii. Hanson Bridgett LLP
- iv. Meyers Nave, a Professional Law Corporation
- v. Nossaman LLP
- vi. O'Melveny & Myers LLP

The Office of General Counsel requests the Committee's approval to create a panel of six pre-qualified law firms identified above to provide legal services on an as-needed basis through June 30, 2014 in one or more of the following areas of practice, as specifically indicated in Attachment A:

- Public sector employment law
- Civil rights law, including Title VI, Title VII, and the ADA
- Public sector law, including procurement, the Ralph M. Brown Act, and the California Public Records Act
- Environmental law, including NEPA and CEQA
- Construction law and California express lane development
- Transportation law
- Litigation and government contract claims
- Privacy

The maximum amount currently available for all contracts in FY 2010-11 (not including litigation costs) is \$200,000. Subject to future budgetary approval processes, \$200,000 will be allocated for all contracts (excluding litigation costs) in each of the subsequent three fiscal years covered by this procurement. Contracts will be awarded in accordance with MTC, MTC SAFE and BATA contracting procedures.

Request for Qualifications and Evaluation

On September 16, 2010, MTC issued a Request for Qualifications (RFQ) for legal services. The RFQ established minimum qualifications, including at least five years of firm experience in each area of law for which the firm expressed an interest in its Statements of Qualification (SOQs). MTC received 14 SOQs in response to the RFQ. One of the submissions, from a firm formed in 2010, did not meet the minimum qualifications. All three members of the Office of General Counsel served as the evaluation panel, reviewing the remaining 13 SOQs based on the following criteria: 1) Qualifications and experience of attorneys who will be providing services in the areas of law to which the SOQ is directed, including relevant experience of the lead attorney and experience representing public agencies, especially public agencies involved in transportation matters; 2) Depth and breadth of experience in relation to the subject matter for which the firm seeks to provide legal services; availability of qualified attorneys to work on multiple projects at the same time; and scope of services offered; and 3) Hourly rates and cost effectiveness (including local presence of key personnel).

After reviewing the SOQs, the panel elected to interview 12 of the 13 firms. (The remaining firm, formed in 2009, did not score as well as the others based on their recent formation.) We are recommending six firms for the legal services prequalified bench. Attachment A indicates the areas of practice in which each firm may be asked to provide legal support. Inclusion on the prequalified bench will not necessarily result in award of a contract.

Recommendation

The Office of General Counsel recommends that the Committee approve the list of law firms identified in this memorandum to serve as the pre-qualified legal services bench for the areas of practice indicated in Attachment A, available to provide assistance on an as-needed basis through FY 2013-14. The maximum amount currently available for all contracts in FY 2010-11 is \$200,000 (not including litigation costs). Subject to future budgetary approval processes, \$200,000 (excluding litigation costs) will be allocated in each of the subsequent three fiscal years covered by this procurement. Contracts will be awarded in accordance with MTC, MTC SAFE and BATA contracting procedures.

Adrienne D. Weil

AW:MJM

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**Attachment A
Legal Services Bench Eligibility**

Law firm	Public Sector employment	Civil rights, inc. Title VI, VII ADA	Public sector law, inc. procurement, Brown Act PRA etc.	Environmental law	Construction law and CA express lane development	Transportation law	litigation and gov't. contract claims	privacy
Allen Matkins				x			x	
Glynn & Finley							x	
Hanson Bridgett	X	x	x	x	Construction only	x	x	x
Meyers Nave	X		x	x	Construction only		x	
Nossaman				x	x	x	x	
O'Melveny & Myers	x	x	x	x	Construction only		x	x

REQUEST FOR COMMITTEE APPROVAL
Summary of Pre-Qualified Law Firm Bench

Work Item No.: 1151

Consultant Teams: Allen Matkins LLP
Glynn & Finley, LLP
Hanson Bridgett LLP
Meyers Nave, a Professional Law Corporation
Nossaman LLP
O'Melveny & Myers LLP

Work Project Title: Pre-Qualified Law Firm Bench

Purpose of Project: To pre-qualify a list of law firms eligible through FY 2013-14 to provide legal services to MTC, MTC SAFE, or BATA on an as-needed basis.

Areas of Practice: As identified in the General Counsel's memorandum dated November 3, 2010, Attachment A.

Total Project Cost NTE: \$200,000 (not including litigation costs) per fiscal year for all contracts, subject to applicable contract procedures and future budget approvals.

Funding Source: TDA

Fiscal Impact: \$200,000 is included in MTC's budget for FY 2010-11; additional fiscal years subject to agency budgetary approval process.

Motion by Committee: That the Committee approves a pre-qualified bench of law firms eligible to provide legal services to MTC, MTC SAFE, or BATA on an as-needed basis through FY 2014, subject to applicable contract approval procedures and necessary budget approvals.

Admin Committee Chair:

Tom Bates

Approved: Date: November 10, 2010