



DATE: June 3, 2020 Item #9

TO: Board of Directors

FROM: Marlena Kohler *MK*
Purchasing Manager/DBE Officer

SUBJECT: CONSIDER AWARD OF CONTRACT TO BEST BEST & KRIEGER LLP
FOR GENERAL COUNSEL SERVICES

I. EXECUTIVE SUMMARY

A competitive bid process for General Counsel Services began with the issuance of Request for Proposal (RFP) 19-09 on February 10, 2020. The purpose of this RFP was to locate a qualified law firm and/or attorney to provide legal services for general counsel, and labor negotiations, as required by Gold Coast Transit District's Board of Directors. These services are for a two (2) year base period and three one-year option periods. The RFP was publicized in Transit Talent, on our website, and on the Public Purchase website. Three (3) proposals were received. All proposals were evaluated and considered responsive. An evaluation team independently evaluated and scored each proposal. At the conclusion of the evaluation process, Best, Best & Krieger received the highest score overall. Their proposal is considered fair and reasonable based on adequate competition.

It is therefore recommended the Board of Directors authorize award of a contract to Best, Best & Krieger for General Counsel Services for a two year base period and three one-year option periods for a total not-to-exceed amount of \$550,000 for the two-year base period, the three options years, if exercised and any contingencies that may arise in the course of the contract.

II. BACKGROUND

In September 2019, the Board approved a nine (9) month extension on Best, Best and Krieger LLP's contract in order to complete the procurement process. Staff began the competitive bid process with the issuance of Request for Proposal (RFP) 19-09 for General Counsel Services on February 10, 2020. The purpose of the RFP was to locate a qualified law firm and/or attorney that would perform general counsel services for Gold Coast Transit District. This would include attending all monthly and special meetings of the Board of Directors; oversee all matters having legal implications, and labor negotiations. The selected firm must be able to

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provide legal support, review documents and provide advice and guidance in any area of the law, including but not limited to Brown Act, litigation, California Public Records Act, applicable federal and state laws and regulations, Government Code, Public Utilities Code, and Federal Transit Administration laws, regulations, codes and policies.

The RFP was publicized in Transit Talent, on our website, and Public Purchase, where over sixty (60) firms were notified. Forty-eight (48) firms requested copies of our RFP.

The RFP required each firm to submit general background, firm experience and technical expertise, detailed resumes of the attorney and alternate who would be appointed as General Counsel, references and information regarding firm's integrity.

The following firms submitted a response by March 12, 2020 deadline:

- Best Best & Krieger LLP
- Caley Dehkoda & Qadri
- Thompson Coburn LLP

All responses were evaluated and considered to be responsive. The regulations require selection of the "most highly qualified" firm without consideration of price. An evaluation committee consisting of four (4) GCTD employees (Steve Brown, Vanessa Rauschenberger, Margaret Heath-Schoep and Debbie Williams) evaluated all three (3) submissions. Separately, each committee member evaluated and scored the submissions using the evaluation criteria identified in the RFP and listed below in their relative order of importance:

- Qualifications and Experience of Firm or Sole Practitioner (*worth 300 points*)
- Qualifications and Experience of Lead Attorney(s) Assigned (*worth 300 points*)
- Understanding and Approach (*worth 200 points*)
- Cost (*worth 200 points*)

Total possible points from all 4 evaluators: 4000. The results of the evaluations are as follows:

Firm	Total	Standing
Best Best & Krieger	3735	1
Caley Dehkoda & Qadri	2155	3
Thompson Coburn LLP	2915	2

Best, Best & Krieger received the highest score overall because of this and the fact BBK is the incumbent, staff determined that interviews were not necessary and concluded the evaluation process. A responsibility determination was

conducted on BBK. GCTD confirmed that BBK was not listed in the excluded parties' list system nor are there any complaints filed with the Better Business Bureau. BBK has provided excellent services during the five (5) years they have been under contract with GCTD and staff has no issues with continuing this partnership. The other references provided by BBK were contacted and provided no negative comments. As a result, BBK was determined to be a responsive, responsible firm capable of meeting GCTD's requirements.

On May 7, 2020, staff requested a Best and Final Offer from BBK. Successful negotiations concluded with BBK. As a result of these negotiations, BBK lowered their hourly rate for the Initial Term (Years 1 & 2) of the attorney assigned to our contract and of the other partners and Of Counsel and waived the travel fee on Board days.

An analysis was conducted on BBK's proposed rates. The following are the proposed hourly for the attorney to be assigned as GCTD'S General Counsel submitted by the three (3) firms for the base years 1 and 2:

Firm	Hourly
BBK	\$340.00
CDQ	\$275.00
Thompson	\$525.00

BBK's current contract rate is \$350/hr for the attorney assigned to our agency. CDQ's rates may be lower but their proposal showed no clear understanding of GCTD's needs. Thompson's rates were higher, and their proposal was rated mid-range, BBK was highest rated overall. Based on the rates submitted by all firms and the professional experience and knowledge of members of the Selection Committee, BBK's rates are determined to be fair and reasonable and in line with those generally charged in this area for professional services and other expenses similar to those being bid in the firm's proposal.

Additional hourly rates for other labor classifications such as Associate, Legal Assistant, clerical and other direct costs were submitted at a lower rate and also determined to be fair and reasonable and in line with those generally charged in this area for professional services and other expenses similar to those being bid in the firm's proposal.

Therefore, Best Best & Krieger's is determined to be a responsive, responsible firm capable of meeting GCTD's requirements.

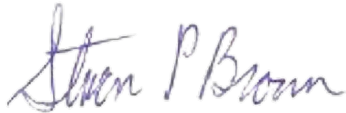
III. SUMMARY & RECOMMENDED ACTION

A Request for Proposal was issued and submissions were evaluated to determine the most highly qualified firm to provide General Counsel Services for Gold Coast Transit District. After an extensive evaluation process, Best Best & Krieger, LLP

received the highest overall score. BBK is considered a responsive, responsible bidder and their proposal is considered fair and reasonable.

It is therefore recommended the Board of Directors authorize award of a contract to Best Best & Krieger for General Counsel Services for a two year base period and three one-year option periods for a total not-to-exceed amount of \$550,000 for the two-year base period, the three options years, if exercised and any contingencies that may arise in the course of the contract.

GENERAL MANAGER'S CONCURRENCE

A handwritten signature in blue ink that reads "Steven P. Brown". The signature is written in a cursive style and is positioned above a horizontal line.

Steven P. Brown
General Manager