



ITEM #11

**DATE:** September 10, 2014  
**TO:** Board of Directors  
**FROM:** Marlena Kohler  
Purchasing Manager/DBE Officer  
**SUBJECT:** CONSIDER AWARD OF CONTRACT TO BEST BEST & KRIEGER LLP FOR  
GENERAL COUNSEL SERVICES

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## I. EXECUTIVE SUMMARY

A competitive bid process for General Counsel Services began with the issuance of Request for Proposal (RFP) 14-06 on April 15, 2014. The purpose of this RFP was to locate a qualified law firm and/or attorney to provide legal services for general counsel, labor negotiations and major capital/construction project involvement, 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 The Daily Journal, Transit Talent, on our website, and on the Public Purchase website and the local bar association was asked to post an announcement to their members. Eight (8) proposals and one (1) no-bid were received. All proposals were evaluated and considered responsive. An evaluation team independently evaluated and scored each proposal. The top five (5) highest rated firms from the evaluation were invited to present/interview to the Selection Panel. At the conclusion of the interview process and upon combining the evaluation and interview scores, 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 \$260,000 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

GCTD's current contract with Anderson Kill, LLP (AKCA) expires on September 30, 2014. Staff began the competitive bid process with the issuance of Request for Proposal (RFP)

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14-06 for General Counsel Services on April 15, 2014. 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, labor negotiations and major capital/construction involvement. The selected firm must be able to 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 The Daily Journal, Transit Talent, on our website, Public Purchase, where over thirty (30) firms were notified and the local bar association was asked to post an announcement to their members. Twenty-three (23) 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.

Eight (8) responses and one (1) no-bid were received by May 14, 2014. 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 five (5) GCTD employees (Marlena Kohler, Claire Johnson-Winegar, Vanessa Rauschenberger, Alex Zaretsky, and Margaret Heath) evaluated all eight (8) 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 5 evaluators: 5000. The results of the evaluations are as follows:

<b>Firm</b>	<b>Total</b>	<b>Standing</b>
Best Best & Krieger	4265.0	1
Lewis Brisbois Bisgaard & Smith LLP	4200.0	2
Myers Widders Gibson Jones & Feingold	3840.0	3
Anderson Kill	3558.3	4 (tie)
Atkinson, Andelson, Loya, Ruud & Romo	3558.3	4 (tie)
Arnold LaRouche Mathews VanConas & Zirbel	3178.3	5
Schneiders & Associates	3150.0	6
Natalie Panossian-Bassler	1848.3	7

As a result, the top five (5) qualified firms were invited to present to the Selection Panel. The Selection Panel consisted of:

- Steve Brown – GCTD General Manager
- Steve Rosenberg – GCTD Director of Finance and Administration
- Paul Blatz –Councilmember, City of Ojai-Vice Chair, GCTD Board of Directors
- Bryan MacDonald-Councilman, City of Oxnard-GCTD Board of Directors

The presentations took place in June 2014. Each firm was given approximately 1 ½ hours to present. The resulting selection would be based on presentation and qualification documents provided by each firm.

Forms listing the selection criteria and provided for scoring of each firm’s presentation, were independently completed after each presentation. The panel met following the completion of all presentations to discuss overall scoring. As a result of the discussions, the panel decided a second interview was required of the top two (2) firms in order to gather additional information pertaining to the key attorneys that would be assigned to GCTD. Following each interview, each panel member evaluated and scored each firm using the following criteria:

- Presentation
- Questions and Answers
- Overall (understanding and ability to meet GCTD’s requirements-SOW)

Total possible points: 2000. Upon further review, and after the follow-on interviews were conducted, the overall scoring, which includes the evaluations scores, are as follows:

<b>Firm</b>	<b>Total</b>	<b>Standing</b>
Best Best & Krieger	6065.0	1
Lewis Brisbois Bisgaard & Smith LLP	5733.3	2
Atkinson, Andelson, Loya, Ruud & Romo	5175.0	3
Myers Widders Gibson Jones & Feingold	5106.7	4
Anderson Kill	4991.7	5

At the conclusion of the interview process and upon combining the evaluation and interview scores, Best Best & Krieger received the highest score overall. 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. Four (4) references 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 June 10, 2014, staff requested a Best and Final Offer from BBK. Successful negotiations concluded with BBK once mutually agreed upon contract rates, terms and conditions were satisfied. As a result of these negotiations, BBK lowered their hourly rate and waived the travel fee on Board days.

An analysis was conducted on BBK’s proposed rates. The following are the proposed hourly and Board Meeting travel rates for the attorney to be assigned as GCTD’S General Counsel submitted by the five (5) interviewed firms for the base years 1 and 2:

Firm	Hourly	Board Meeting Travel Rate
AALRR	\$375.00	\$100.00
Anderson Kill	\$250.00	\$250.00
BBK	\$335.00	waived
LBB&S	\$220.00	waived
MWGJ&F	\$175.00	\$175.00

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.

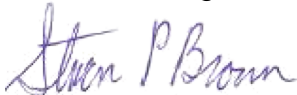
Additional hourly rates for other labor classifications such as Associate, Legal Assistant, clerical and other direct costs were submitted at a lower rate and also determined to be fair and reasonable and in line with those generally charged in this area for professional services and other expenses similar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

### 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 which included evaluations and interviews, 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 \$260,000 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




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Steven P. Brown