



**SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
STAFF REPORT**

Item No.  
**9**

Meeting Date: **MARCH 1, 2012**

**Subject:**

**Approve and Authorize the President/CEO to Execute an Agreement for Environmental Legal Services with Meyers Nave**

**Recommendation:**

Adopt Resolution No. 2012-0028, approving and authorizing the President/CEO to execute an agreement for Environmental Legal Services with Meyers Nave for a term of three (3) years with two (2) additional one-year options to extend the term with a maximum amount payable not-to-exceed \$300,000.

**Background/Justification:**

The Authority released a Request for Proposals ("RFP") on November 30, 2011 to obtain environmental legal services. The RFP response deadline was December 29, 2011. The purpose the RFP was to obtain the services of a qualified law firm to assist the Authority's Office of General Counsel as issues related to environmental issues and laws arise.

Five law firms submitted proposals in response to the RFP for environmental legal services. They were: (1) Gatzke Dillon & Ballance LLP; (2) Morrison & Foerster; (3) Murchison & Cumming LLP, (4) Meyers Nave; and (5) Nossaman LLP. The Authority's evaluation panel was comprised of three of the attorneys from the Office of the General Counsel with a representative from the Procurement Department in attendance to facilitate the interviews. The evaluation panel reviewed the proposals and interviewed all five firms. All firms were interviewed and evaluated; however, because the Authority has existing contracts with Morrison & Foerster and Gatzke Dillon & Ballance LLP that allow these firms to provide environmental legal services, the panel decided to not rank them. These two firms will continue to provide environmental legal services under their existing contracts when directed by the General Counsel. The General Counsel determined that, in this instance, awarding an agreement to a firm not already under contract with the Authority would be in the best interest of the Authority because it allows the General Counsel the flexibility of choosing between three firms for environmental legal services.

At the conclusion of the review and interviews, the evaluation panel ranked the remaining three law firms based upon each firm's written responses to a uniform Counsel Questionnaire Form and interview consisting of presentation and answering of standard questions about the firm's qualifications and expertise.

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Each of the three panelists ranked the remaining three law firms on their suitability to perform the services from one (best suited) to three (least suited) and ranked the best candidate as Meyers Nave.

Firm Name ▼	P-1	P-2	P-3	▼Total ▼	Final ▼Rank ▼
<b>Gatzke, Dillon &amp; Ballance*</b>	-	-	-	-	-
<b>Meyers Nave</b>	1	1	1	3	1
<b>Nossaman</b>	2	2	2	6	2
<b>Murchison</b>	3	3	3	9	3
<b>Morrison &amp; Foerster*</b>	-	-	-	-	-

\*not ranked due to existing contract

As a result, the evaluation panel recommended that a new legal services agreement for environmental legal counsel services ("Agreement") be awarded to Meyers Nave. Subject to the Board's authorization, the new Agreement with Meyers Nave will have a term of three (3) years with two (2) additional one-year options for extending the term. The options to extend the term may be exercised at the discretion of the President/CEO acting on the recommendation of the General Counsel. The amount payable under the Agreement will not exceed three hundred thousand dollars (\$300,000).

### **Fiscal Impact:**

Funds to cover the new Agreement in the amount of \$300,000 are in the FY2012 and FY2013 budgets.

### **Environmental Review:**

- A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA"), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code Section 21065.
- B. California Coastal Act Review: This Board action is not a development as defined by the California Coastal Act. Pub. Res. Code Section 30106.

### **Equal Opportunity Program:**

The Authority's small business program promotes the utilization of small, local, disadvantaged, and other business enterprises, on all contracts, to provide equal opportunities for qualified firms. By providing education programs, making resources available, and communicating through effective outreach, the Authority strives for diversity in all contracting opportunities.

The Authority has a Disadvantaged Business Enterprise ("DBE") Plan as required by the Department of Transportation, 49 CFR Part 26. The DBE Plan calls for the Authority to submit an annual overall goal for DBE participation on all federally funded projects.

This project does not use federal funds; therefore it will not be applied toward the Authority's overall DBE goal.

No small business preference was applied in this solicitation because all firms were interviewed.

**Prepared by:**

BRETON K. LOBNER  
GENERAL COUNSEL

RESOLUTION NO. 2012-0028

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT APPROVING AND AUTHORIZING THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT FOR ENVIRONMENTAL LEGAL SERVICES WITH MEYERS NAVE FOR A TERM OF THREE (3) YEARS WITH TWO (2) ADDITIONAL ONE-YEAR OPTIONS TO EXTEND THE TERM WITH A MAXIMUM AMOUNT PAYABLE NOT-TO-EXCEED \$300,000

WHEREAS, the Authority has a continuing need for professional environmental legal counsel services; and

WHEREAS, the Authority released a Request for Proposals ("RFP") on November 30, 2011, to obtain the services of a qualified law firm to work in conjunction with and at the direction of the General Counsel to provide legal advice pertaining to environmental issues and laws; and

WHEREAS, the Authority received five (5) proposals in response to the RFP; and

WHEREAS, the Authority's evaluation panel, after reviewing the proposals and interviewing all five law firms, recommend awarding the agreement to Meyers Nave; and

WHEREAS, the Board determines that awarding the agreement to Meyers Nave is in the best interest of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves and authorizes the President/CEO to execute an agreement for environmental legal services with Meyers Nave; and

BE IT FURTHER RESOLVED that said agreement shall have a term of three (3) years, with two (2) one-year options to renew that are exercisable at the discretion of the President/CEO and a compensation amount that shall not exceed three hundred thousand dollars (\$300,000).

BE IT FURTHER RESOLVED that this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

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PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 1<sup>st</sup> day of March, 2012, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL

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