



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
12

Meeting Date: **MAY 5, 2011**

Subject:

Approve and Authorize the President/CEO to Execute an Agreement for Bond Counsel Legal Services to Kutak Rock LLP

Recommendation:

Adopt Resolution No. 2011-0057, approving and authorizing the President/CEO to execute an agreement for Bond Counsel legal services with Kutak Rock LLP 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 February 25, 2011 to obtain bond counsel legal services. The RFP response deadline was March 25, 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 the Authority's bonds arise.

Six law firms submitted proposals in response to the RFP for bond counsel. They were: (1) Ballard Spahr LLP, (2) Hawkins Delafield & Wood LLP, (3) Kutak Rock LLP, (4) Nixon Peabody LLP, (5) Quateman LLP, (6) Sidley Austin LLP. The Authority's evaluation panel was comprised of three of the attorneys from the Office of the General Counsel and the Director of Finance with a representative from the Procurement Department in attendance to facilitate the interviews. The evaluation panel reviewed the proposals and interviewed all six firms. At the conclusion of the review and interviews, the evaluation panel ranked the 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.

Each of the four panelists ranked the law firms on their suitability to perform the services from one (best suited) to six (least suited) and ranked the best candidate as Kutak Rock LLP.

RANKING MATRIX

Law Firms	Total
Ballard Spahr LLP	9
Hawkins Delafield & Wood LLP	19
Kutak Rock	4
Nixon Peabody LLP	14
Quateman LLP	15
Sidley Austin LLP	23

As a result, the evaluation panel recommended that a new legal services agreement for bond counsel services ("Agreement") be awarded to Kutak Rock LLP.

Subject to the Board's authorization, the new Agreement with Kutak Rock LLP 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 budget.

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.

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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. 2011-0057

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT APPROVING AND AUTHORIZING THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT FOR BOND COUNSEL LEGAL SERVICES WITH KUTAK ROCK LLP 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 bond counsel legal services; and

WHEREAS, the Authority released a Request for Proposals (“RFP”) on February 25, 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 bonds; and

WHEREAS, the Authority received six (6) proposals in response to the RFP; and

WHEREAS, the Authority’s evaluation panel, after reviewing the proposals and interviewing all six law firms, recommend awarding the agreement to Kutak Rock LLP; and

WHEREAS, the Board determines that awarding the agreement to Kutak Rock LLP is in the best interest of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby APPROVES the award of an agreement with Kutak Rock LLP for bond counsel legal services and AUTHORIZES the President/CEO to take the necessary actions to execute the agreement; 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); and

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.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 5th day of May, 2011, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL