



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
10

Meeting Date: **APRIL 7, 2011**

Subject:

Approve a Second Amendment to the Agreement with Godwin Ronquillo, P.C. and Authorize the President/CEO to Sign the Second Amendment to the Agreement

Recommendation:

Adopt Resolution No. 2011-0044, approving a Second Amendment to the Agreement for Professional Legal Services between the Authority and Godwin Ronquillo, P.C. and authorizing the President/CEO to execute the Second Amendment to the Agreement extending the term for one year to expire no later than March 31, 2012.

Background/Justification:

On April 1, 2007, the Authority entered into an agreement with Godwin Pappas Ronquillo, LLP ("Law Firm") (the name of the Law Firm later changed to "Godwin Ronquillo, P.C.") to provide professional legal services to provide professional legal services in connection with procurement and contracting policies which meet the objectives of the United States Department of Transportation's Disadvantaged Business Enterprise ("DBE") program under 49 CFR Parts 23 and 26. Specifically, the Authority sought assistance from the Law Firm for its expertise with regard to disparity studies. The original term of the Agreement was one year with two one-year extensions exercisable at the discretion of the President/CEO and the maximum amount of compensation under the agreement is \$50,000. Both one-year extensions were exercised. On April 1, 2010, the Authority Board approved the first amendment to the agreement extending the term for one year. (Resolution No. 2010-0041).

49 CFR Parts 23 and 26 require that each year the Authority establish a DBE goal for those projects that utilize federal funds. The Law Firm has expertise and knowledge with regard to Parts 23 and 26 and was involved in the legal review of the Authority's disparity study. Law Firm's expertise and knowledge of Parts 23 and 26 as well as the Authority's disparity study may be needed to assist the Authority in the establishment of the DBE goals under Parts 23 and 26 for the federal fiscal year ending September 30, 2011. For these reasons, the General Counsel recommends the extension of the term of the agreement for one year.

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Fiscal Impact:

Funds for this Agreement are in the FY2012 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, Pub. Res. Code §21065.

- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Equal Opportunity Program:

The Authority's small business program promotes the use of small, local, disadvantaged, and other business enterprises, on all contracts, to provide equal opportunity 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 over-all 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 over-all DBE goal.

Prepared by:

AMY GONZALEZ
DIRECTOR, COUNSEL SERVICES

RESOLUTION NO. 2011-0044

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY APPROVING A SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL LEGAL SERVICES BETWEEN THE AUTHORITY AND GODWIN RONQUILLO, P.C. AND AUTHORIZING THE PRESIDENT/CEO TO EXECUTE THE SECOND AMENDMENT TO THE AGREEMENT EXTENDING THE TERM FOR ONE YEAR TO EXPIRE NO LATER THAN MARCH 31, 2012.

WHEREAS, on April 1, 2007, the Authority entered into an agreement with Godwin Pappas Ronquillo, LLP ("Law Firm") (the name of the Law Firm later changed to "Godwin Ronquillo, P.C.") to provide professional legal services in connection with procurement and contracting policies which meet the objectives of the United States Department of Transportation's Disadvantaged Business Enterprise ("DBE") program under 49 CFR Parts 23 and 26. Specifically, the Authority sought assistance from the Law Firm for its expertise with regard to disparity studies; and

WHEREAS, the original term of the Agreement was one year with two one-year extensions exercisable at the discretion of the President/CEO and the maximum amount of compensation under the agreement is \$50,000; and

WHEREAS, both one-year extensions were exercised and on April 1, 2010, the Authority Board approved the first amendment to the agreement extending the term for one year (Resolution No. 2010-0041); and

WHEREAS, 49 CFR Parts 23 and 26 require that each year the Authority establish a DBE goal for those projects that utilize federal funds; and

WHEREAS, Law Firm has expertise and knowledge with regard to Parts 23 and 26 and was involved in the legal review of the Authority's disparity study; and

WHEREAS, Law Firm's expertise and knowledge of Parts 23 and 26 as well as the Authority's disparity study may be needed to assist the Authority in the establishment of the DBE goals under Parts 23 and 26 for the federal fiscal year ending September 30, 2011; and

WHEREAS, the Authority deems it to be in its best interest to continue its relationship with Law Firm to enable Law Firm to provide legal advice and counsel, as requested by the Authority's General Counsel, regarding Parts 23 and 26 and the disparity study.

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NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Second Amendment to the Agreement for Professional Legal Services between the Authority and Godwin Ronquillo, P.C. and authorizes the President/CEO to execute the Second Amendment and to take necessary actions to amend the Agreement to extend the term for one year to expire no later than March 31, 2012; and

BE IT FURTHER RESOLVED 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 7th day of April, 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

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