



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

Item No.  
**15**

Meeting Date: **DECEMBER 2, 2010**

**Subject:**

**Approve and Authorize the President/CEO to Execute an Agreement for Labor and Employment Legal Services to Paul, Plevin, Sullivan & Connaughton LLP**

**Recommendation:**

Adopt Resolution No. 2010-0140, approving and authorizing the President/CEO to execute an agreement for Labor and Employment legal services to Paul, Plevin, Sullivan & Connaughton 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 August 23, 2010, to obtain legal services related to issues of employment and labor law. The RFP response deadline was September 13, 2010. The purpose of the RFP was to obtain the services of a qualified law firm to assist the Authority's Office of General Counsel as labor and employment issues arise.

Five law firms submitted proposals in response to the RFP. They were: (1) Paul, Plevin, Sullivan & Connaughton LLP, (2) Brown Law Group, ALC, (3) Lincoln Gustafson & Ceros, LLP, (4) Luce, Forward, Hamilton & Scripps LLP, and (5) Klinedinst PC. The Authority's evaluation panel was comprised of attorneys from the Office of 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. 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 a presentation and the answering of nine standard questions about the firm's qualifications and expertise.

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Each of the four panelists ranked the law firms on their suitability to perform the services from one (best suited) to five (least suited) and unanimously ranked the best candidate as Paul, Plevin, Sullivan & Connaughton LLP.

#### Ranking Matrix

Law Firms	Total
Brown Law Group	12
Klinedinst Attorneys at Law	17
Lincoln Gustafson & Cercos	19
Luce Forward	8
Paul, Plevin, Sullivan, Connaughton	4

As a result, the evaluation panel recommended the new legal services agreement for labor and employment issues ("Agreement") be awarded to Paul, Plevin, Sullivan & Connaughton LLP.

Subject to the Board's authorization, the new Agreement with Paul, Plevin, Sullivan & Connaughton 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 up to \$300,000 are in the FY2011 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 §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:**

BRETON K. LOBNER  
GENERAL COUNSEL

RESOLUTION NO. 2010-0140

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

WHEREAS, the Authority has a continuing need for professional legal services in matters pertaining to labor and employment issues; and

WHEREAS, the Authority's released a Request for Proposals ("RFP") on August 23, 2010, 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 labor and employment issues; and

WHEREAS, the RFP specified that the Authority intended to enter an agreement with the selected law firm whereby said agreement would have a term of three (3) years with two (2) options, exercisable at the discretion of the President/CEO, to extend the agreement's term for one (1) additional year each and that the maximum amount payable under the agreement would be Three Hundred Thousand Dollars (\$300,000); 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, recommended awarding the agreement to Paul, Plevin, Sullivan & Connaughton LLP; and

WHEREAS, the Board determines that awarding the agreement to Paul, Plevin, Sullivan & Connaughton LLP is in the best interests of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby APPROVES the award of an agreement to Paul, Plevin, Sullivan & Connaughton LLP for legal services in matters pertaining to labor and employment issues, 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) options that are exercisable at the discretion of the President/CEO to extend the term of the agreement for one additional (1) year each and where the compensation shall not exceed \$300,000 for the term of the agreement.

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 special meeting this 2<sup>nd</sup> day of December, 2010, 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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