

BOARD MEETING DATE: December 2, 2016

AGENDA NO. 13

**PROPOSAL:** Establish List of Prequalified Legal Counsel to Provide Employee and Labor Relations Legal Services

**SYNOPSIS:** On September 2, 2016, the Board approved issuance of an RFP to prequalify outside legal counsel having expertise in handling employee and labor relations matters. The evaluation of responding firms has been completed. This action is to establish a list of prequalified counsel to advise and represent SCAQMD in employee and labor relations matters.

**COMMITTEE:** Administrative, November 18, 2016; Recommended for Approval

**RECOMMENDED ACTIONS:**

1. Approve the six law firms listed in the Attachment as prequalified to provide employee and labor relations services through December 31, 2019.
2. Authorize the Executive Officer to execute one-year contracts—with the option of two one-year extensions—with one or more of these firms, as needs arise, in a total amount not to exceed \$200,000 per fiscal year, contingent on sufficient funds being allocated in the budget for these years.

Wayne Natri  
Acting Executive Officer

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**Background**

Legal services provided by firms on the prequalified list may include advising and representing SCAQMD on various employee and labor relations matters, and providing expert legal advice and formal opinions with respect to employer-employee matters to assist SCAQMD in meeting its legal obligations as an employer and in achieving fair and effective relations with employees.

The current list of prequalified outside labor and employment legal counsel has expired. RFP #P2017-03 was released on September 2, 2016, to seek proposals from law firms interested in being prequalified to provide services over the next three-year period.

**Proposal**

This proposal is to establish a list, valid through December 31, 2019, of law firms that have been prequalified to provide employee and labor relations legal services for

SCAQMD. The recommended list of prequalified law firms is set forth in the Attachment. This proposal is also to authorize the Executive Officer to execute contracts (or extend an existing contract) with one or more of these firms, as needed, in a combined amount not to exceed \$200,000 per fiscal year over the term of the list.

Selection of a law firm for particular legal matters will be based on the individual firm's specific experience and expertise, as identified in its proposal, and on prior relevant experience, the needs of the particular project, and the firm's availability.

### **Outreach**

In accordance with SCAQMD's Procurement Policy and Procedure, a public notice advertising the RFP and inviting bids was published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, and Riverside County's Press Enterprise newspapers to leverage the most cost-effective method of outreach to the entire South Coast Basin.

Additionally, potential bidders may have been notified utilizing SCAQMD's own electronic listing of certified minority vendors. Notice of the RFP has been mailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations, the State of California Contracts Register website, and placed on the Internet at SCAQMD's website (<http://www.aqmd.gov>).

### **Bid Evaluation**

One hundred fifty-one copies of the RFP were mailed to law firms in California. Eighteen proposals were received by 1:00 p.m. on October 4, 2016, the deadline for submittal. An evaluation panel rated proposals according to criteria described in the RFP. The Attachment lists the firms that, based on a technical score cut-off of 56 out of 75, were deemed qualified to provide employee and labor relations legal services. While eight firms met the minimum qualifications, the six firms with the highest overall score are being recommended for inclusion on the prequalified list. These firms also received the highest technical scores in the evaluation process.

The three-member evaluation panel consisted of three SCAQMD employees — two Senior Deputy District Counsel staff and the Assistant Deputy Executive Officer of Administrative & Human Resources. Of these three panel members, one is Asian, two are Hispanic; two female, one male.

### **Resource Impacts**

An amount not to exceed \$200,000 per fiscal year for employee and labor relations legal services was included in the current budget. Funds for subsequent years will be included in subsequent budget requests.

### **Attachment**

Evaluation of Proposals for RFP #2017-03 -Prequalified Legal Counsel to Provide Employee and Labor Relations Legal Services

**ATTACHMENT**

**EVALUATION OF PROPOSALS FOR RFP #P2017-03**

**Prequalified Legal Counsel to Provide Employee  
and Labor Relations Legal Services**

<b>Rank*</b>	<b>Firm/Lead Attorney</b>	<b>Eval. Score</b>	<b>Cost Score</b>	<b>Add'l Pts</b>	<b>Total Score</b>
1	BROWN LAW GROUP, ALC	67	23	12	102
2	WILEY PRICE & RADULOVICH, LLP	70	21	10	101
3	RENNE SLOAN HOLTZMAN SAKAI	72	21	0	93
4	LIEBERT CASSIDY WHITMORE	71	18	2	91
5	FISHER & PHILLIPS LLC	75	13	0	88
6	BEST BEST & KRIEGER	68	19	0	87
	WOODRUFF, SPRADLIN & SMART	59	25	0	84
	JACKSON LEWIS	61	17	0	78

\*Firms ranked 1-6 are being recommended for the prequalified panel.