

RESOLUTION AWARDING THREE YEAR PROFESSIONAL SERVICES CONTRACTS, WITH AN OPTION TO EXTEND FOR TWO ADDITIONAL ONE-YEAR PERIODS, TO NOSSAMAN LLP; MEYERS NAVE RIBACK SILVER & WILSON; AND WENDEL ROSEN LLP; IN A COMBINED AMOUNT NOT TO EXCEED \$150,000 FOR ON-CALL GENERAL LEGAL COUNSEL SERVICES AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE CONTRACT PAYMENT TERMS AND NON-MATERIAL CONTRACT TERMS AND CONDITIONS

WHEREAS, The Treasure Island Mobility Management Agency (TIMMA) is seeking professional services of legal firms experienced in matters related to the operation of public entities to provide on-call general legal counsel services; and

WHEREAS, TIMMA has a need for broad and deep access to specialized transportation legal services given the wide range of desired proficiencies and experience, the amount and complexity of TIMMA's and the San Francisco County Transportation Authority's (Transportation Authority's) work programs, as well as occasional conflicts of interest or availability that arise for specific efforts; and

WHEREAS, Staff propose to contract with multiple legal firms which will enable TIMMA and the Transportation Authority to enlist the services of a broad range of legal consultants on an on-call, as-needed basis; and

WHEREAS, On May 7, 2019, TIMMA and the Transportation Authority issued a joint Request for Qualifications (RFQ) for on-call general legal counsel services to support TIMMA's and the Transportation Authority's work programs over the next three years; and

WHEREAS, TIMMA and the Transportation Authority received six statements of qualifications in response to the RFQ by the due date of June 6, 2019; and

WHEREAS, A selection panel comprised of TIMMA staff evaluated the statements of qualifications based on qualifications and other criteria identified in the RFQ, and interviewed the three top-ranked firms on June 19, 2019; and

WHEREAS, Based on the competitive selection process defined in the RFQ evaluation criteria,



the selection panel recommended awarding contracts to the three highest-ranked firms of Nossaman LLP; Meyers Nave Riback Silver & Wilson; and Wendel Rosen LLP; and

WHEREAS, The selection panel recommended that TIMMA and the Transportation Authority both award contracts to the same three firms, as both agencies share legal resources, which will enhance staff efficiency in issuing task orders and supporting project needs; and

WHEREAS, TIMMA's portion of the scope of work described in the RFQ is anticipated in TIMMA's adopted Fiscal Year 2019/20 work program and budget, and sufficient funds will be included in future fiscal year budgets to cover the cost of these contracts; and

WHEREAS, The professional services contracts will be funded by a combination of local agency contributions from the Treasure Island Development Authority and Prop K sales tax funds; and

WHEREAS, At its July 16, 2019 meeting, the TIMMA Committee considered the subject request and unanimously recommended approval of the staff recommendation; now, therefore, be it

RESOLVED, That TIMMA hereby awards three-year professional services contracts, with an option to extend for two additional one-year periods, to Nossaman LLP; Meyers Nave Riback Silver & Wilson; and Wendel Rosen LLP; in a combined amount not to exceed \$150,000 for on-call general legal counsel services; and be it further

RESOLVED, That the Executive Director is hereby authorized to negotiate contract payment terms and non-material contract terms and conditions; and be it further

RESOLVED, That for the purposes of this resolution, "non-material" shall mean contract terms and conditions other than provisions related to the overall contract amount, terms of payment, and general scope of services; and be it further

RESOLVED, That notwithstanding the foregoing and any rule or policy of TIMMA to the contrary, the Executive Director is expressly authorized to execute agreements and amendments to agreements that do not cause the total agreement value, as approved herein, to be exceeded and that do not expand the general scope of services.



Attachment:

1. Scope of Services



The foregoing Resolution was approved and adopted by the Treasure Island Mobility Management Agency at a regularly scheduled meeting thereof, this 19th day of November 2019, by the following votes:

Ayes: Commissioners Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton and Yee (10)

Absent: Commissioner Safai (1)

 1/8/20

Matt Haney
Chair

Date

ATTEST:

 1/8/20

Tilly Chang
Executive Director

Date

Attachment 1
Scope of Services

TIMMA is seeking the legal services of firms experienced in matters related to the operation of public entities. The below example task types are representative of needs in the coming three years - additional undetermined task types are anticipated to be needed and not all task types listed below will necessarily be produced under these contracts. TIMMA may assign tasks on these qualifications as well as capabilities, experience, availability, and conflicts of interests, if any. Contractors are not guaranteed a task under these contracts.

Task Types:

1. **Parliamentary Procedure and Rules for TIMMA Board.** Attendance at board and committee meetings and consultation on Rules of Order, Ralph M. Brown Act, Administrative Code, City and County of San Francisco Elections Code, San Francisco Sunshine Ordinance, and conflict of interest issues. Contractor will be expected to attend the regular meetings of the TIMMA Board and Committee.
2. **Administration.** Personnel: As needed, advise regarding all labor-related issues such as benefits, hiring, discipline, termination, and review of internal policies and procedures. Contracts: As needed, review and/or draft legal documents including procurements, contracts, specifications, and standard grant agreements, including necessary legal opinions on restrictions, revisions, claims, default liability, protests and appeals. Public Records Act: As needed, advise on public records requests regarding scope of request, reviewing records, and approach to retrieving/releasing records.
3. **Financial.** Assist in the review of financial and budgetary matters, including financial presentations, representations and audit documents, and review of fiscal policies.
4. **TIMMA Program.** Review issues of jurisdiction and legal authority; support environmental requirements; develop, review and/or advise on policy and operating agreements; develop and/or review vendor and operator procurement documents and contracts; and advise on local, state, and federal requirements and legislation.
5. **Legislation.** Assist in drafting or reviewing legislation and the legislative process, from the local to the federal level.
6. **Litigation.** Prepare necessary documents, provide legal representation in court as required to initiate and prosecute or respond to lawsuits, and support mediation and negotiations (settlement) as needed.
7. **General Advice.** Provide verbal or written advice, as requested by TIMMA, on questions concerning the conformity of any contemplated action of TIMMA with applicable law and other matters, including providing guidance on TIMMA projects.
8. **Miscellaneous.** Provide verbal or written advice relating to California Environmental Quality Act/National Environmental Policy Act, construction (including construction manager general contractor), right of way, real estate and land use, state transportation finance, regional transportation planning and programming, and public private partnerships, among others.