

BOARD MEETING DATE: May 7, 2021

AGENDA NO. 7

**PROPOSAL:** Establish Lists of Prequalified Counsel to Represent and Advise SCAQMD on Legal Matters Related to Environmental Law and General Governmental Matters.

**SYNOPSIS:** On January 8, 2021 the Board approved issuance of an RFP to pre-qualify outside counsel having expertise in the California Environmental Quality Act, South Coast AQMD rulemaking and planning procedures, administrative law, general governmental law, and related issues for the South Coast AQMD. The evaluation of responding firms has been completed. This action is to establish two lists of prequalified counsel - one to represent South Coast AQMD in environmental law matters and one to represent South Coast AQMD in general governmental matters.

**COMMITTEE:** Administrative, April 9, 2021; Recommended for Approval

**RECOMMENDED ACTIONS:**

1. Approve the firms *Shute, Mihaly & Weinberger, LLP; Halpern, May, Ybarra Gelberg LLP, and Woodruff, Spradlin & Smart* as prequalified law firms having expertise in the California Environmental Quality Act, South Coast AQMD rulemaking and planning procedures, issues relating to statute and rule interpretation, air quality laws, and complex environmental litigation, that General Counsel may use to represent the South Coast AQMD in future litigation and for advice.
2. Approve the firms *Shute, Mihaly & Weinberger, LLP, Best, Best & Krieger, LLP, and Woodruff, Spradlin & Smart* as prequalified law firms having expertise in the Brown Act, administrative law, representation of government agencies, constitutional issues, and general governmental matters to provide representation and advice as required by the South Coast AQMD.
3. Authorize the Chairman of the Board or the Executive Officer, depending on whether the amount exceeds \$100,000, to execute contracts with any of the above-named firms, as the need arises, for a total not to exceed amounts authorized in the budget or by subsequent Board action annually for up to three years.

Wayne Nastri  
Executive Officer

## **Background**

On January 8, 2021, the Board approved issuance of an RFP for up to \$250,000 for South Coast AQMD to solicit proposals from outside litigation counsel having particular expertise and experience in the California Environmental Quality Act, South Coast AQMD rulemaking and planning procedures, issues relating to statute and rule interpretation, air quality laws, administrative law, representation of government agencies, constitutional issues, the Brown Act, general governmental matters, and complex environmental litigation. In the past, South Coast AQMD has faced, and likely will face in the future, litigation and other matters requiring such specialized expertise. A rapid response is needed in such situations, and it is not possible to go through the RFP process as new cases arise. Establishing prequalified lists ensures that South Coast AQMD can quickly select counsel for representation as needed.

## **Outreach**

In accordance with South Coast AQMD'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 South Coast Basin. Also, potential bidders were notified by sending notification to various individual law firms and bar associations.

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

## **Evaluation**

Bid responses for the Environmental Law RFP were received from nine (9) law firms. A summary of the responses is provided in Attachment A. An evaluation panel was convened to evaluate proposals for the General Counsel's office. The South Coast AQMD panel consisted of three South Coast AQMD employees: three General Counsel attorneys; one male, two females; one African American, one Caucasian, and one Asian.

## **Proposal**

Establish two lists for South Coast AQMD, valid from May 7, 2021, through May 31, 2024, of prequalified outside counsel for advice and representation in areas related to environmental law and general governmental law.

For South Coast AQMD (Environmental):

Shute Mihaly & Weinberger LLP  
Halpern May Ybarra Gelberg LLP  
Woodruff Spradlin & Smart

For South Coast AQMD (General):

Shute Mihaly & Weinberger LLP

Best, Best & Krieger, LLP

Woodruff Spradlin & Smart

**Resource Impacts**

Sufficient funds exist in the annual budget for fiscal year 2020-21 and the proposed budget for 2021-22 for outside counsel, which may be allocated to one or more selected contractors as the need arises based on future litigation, the availability of counsel, and the needs of South Coast AQMD. Selection may also be made for occasional assignments in subject areas of the firms' expertise that do not involve litigation.

**Attachment**

A – Summary of Responses to RFP #2021-03

**ATTACHMENT A**

**RFP #2021-03**  
**(CEQA / Environmental Law)**

BIDDER	LOCAL FIRM	BID AMOUNT (per hour)	TOTAL POINTS
Shute Mihaly & Weinberger LLP	N	\$405	106
Halpern May Ybarra Gelberg LLP	Y	\$600	97
Woodruff Spradlin & Smart	Y	\$425	97
Best Best & Krieger, LLP	Y	\$350	93
Duncan, Weinberg, Genzer, & Pembroke, P.C.	N	\$420	82
Kaufman Legal Group	Y	\$455	80
Hahn & Hahn	Y	\$595	80
Sloan, Sakai, Yeung & Wong	N	\$400	78
KTBS Law, LLP	N	\$1445	60

**RFP #2021-03**  
**(General Governmental)**

BIDDER	LOCAL FIRM	BID AMOUNT (per hour)	TOTAL POINTS
Shute Mihaly & Weinberger LLP	N	\$405	106
Best Best & Krieger, LLP	Y	\$350	102
Woodruff Spradlin & Smart	Y	\$425	96
Kaufman Legal Group	Y	\$455	90
Sloan, Sakai, Yeung & Wong	N	\$350	87
Duncan, Weinberg, Genzer, & Pembroke, P.C.	N	\$420	78
Halpern May Ybarra Gelberg LLP	Y	\$600	78
Hahn & Hahn	Y	\$595	78
KTBS Law, LLP	N	\$1445	54