

BOARD MEETING DATE: January 10, 2025

AGENDA NO. 10

**PROPOSAL:** Establish List of Prequalified Counsel to Represent and Advise South Coast AQMD on Legal Matters Related to Environmental Law and General Governmental Matters

**SYNOPSIS:** In June 2024, 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 South Coast AQMD. The evaluation of responding firms has been completed. This action is to establish a list of prequalified counsel to represent South Coast AQMD in environmental law matters and general governmental matters.

**COMMITTEE:** Administrative, December 13, 2024; Recommended for Approval

**RECOMMENDED ACTIONS:**

1. Approve the firms: Shute, Mihaly & Weinberger, LLP; Best Best & Kreiger, LLP; and Woodruff & 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, the Brown Act, administrative law, representation of government agencies, constitutional issues, general governmental matters, and complex environmental litigation, that General Counsel may use to represent South Coast AQMD in future litigation and for advice; and
2. Authorize the Executive Officer 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 Natri  
Executive Officer

## **Background**

In June 2024, the Board approved issuance of an RFP for the South Coast AQMD General Counsel 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 a prequalified list 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 were received from eight (8) 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 attorneys.

## **Proposal**

Establish the following list, valid from January 10, 2025 through December 31, 2027, of prequalified outside counsel for advice and representation in areas related to environmental law and general governmental law:

Shute, Mihaly & Weinberger, LLP  
Best Best & Kreiger LLP  
Woodruff & Smart

**Resource Impacts**

Sufficient funds exist in the annual budget for FY 2024-25 and the proposed budget for FY 2025-26 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**

Summary of Responses to RFP #2024-12

**RFP # 2024-12**  
**SCORES AND COSTS MATRIC FOR**  
**QUALIFYING FIRMS**

FIRM NAME	TECHNICAL SCORE	COST SCORE	ADDITIONAL POINTS	TOTAL SCORES	COST (HIGHEST HOURLY RATE)
Shute, Mihaly & Weinberg	70	27.2		97.2	\$465
Best, Best & Krieger	64	30		94	\$425
Woodruff & Smart	65	24.7		89.7	\$500
Halpern May	59	12.7	10	71.7	\$670