

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	3/23/15	Open	Action	03/04/15

Subject: Approval of Second Amendment to Legal Services with Weintraub Tobin

ISSUE

Whether to approve the Second Amendment to the Contract with Weintraub Tobin Chediak Coleman Grodin Law Corporation (Weintraub Tobin) for Legal Services.

RECOMMENDED ACTION

Adopt Resolution No. 15-03-____, Approve the Second Amendment to the Contract with Weintraub Tobin for Legal Services.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$ 100,000
Budget Source:	Operating	Next FY:	\$
Funding Source:		Annualized:	\$
Cost Cntr/GL Acct(s) or Capital Project #:	92/960034	Total Amount:	\$ 100,000
Total Budget:	\$ 350,000		

DISCUSSION

On July 11, 2014, RT entered into a Contract with Weintraub Tobin Chediak Coleman Grodin Law Corporation (Weintraub Tobin) to provide legal services to assist RT's Chief Counsel in the matter of Jones, et al. v. Sacramento Regional Transit District (Jones).

The lawsuit is ongoing and the total consideration allowable under the Principal Agreement will soon be exceeded because of the complexity of the case and the number of plaintiffs involved. Consequently, RT staff is requesting that the total contract consideration be increased by \$100,000, taking the total contract consideration to \$350,000.

As permitted under Section 1.405.B.3. of RT's Procurement Ordinance, RT's Chief Counsel selected Weintraub Tobin to assist with the Jones matter after performing an informal solicitation and seeking out bids from three different law firms specializing in Employment litigation. Weintraub Tobin's proposal was deemed by the Chief Counsel to be the most advantageous and responsive to RT's needs. The General Manager/CEO awarded a contract to Weintraub Tobin for an amount not to exceed \$100,000.

The total consideration is about to be exceeded and RT has a continuing need for Weintraub's services. Because of the nature of the services being provided, the Board has the authority under RT's Procurement Ordinance (Section 1.405.B.3 of Title I of RT's Administrative Code)

Approved:

Presented:

Final 03/11/15

General Manager/CEO

Chief Counsel

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to approve an amendment to a Contract awarded to a law firm pursuant to an informal solicitation without a sole source justification finding. Section 1.405.B.3. permits a sole source solicitation for services related to litigation against or by RT, including but not limited to expert witnesses and outside counsel, when the Chief Counsel or his designee determines that it is in the best interest of RT to solicit only one consultant or to amend an existing SERVICE Contract without compliance with the competitive solicitation procedures set forth in Article III.

RT Staff recommends that the Board approve the Second Amendment to the Contract with Weintraub Tobin increasing the total consideration by \$100,000 from \$250,000 to \$350,000.

RESOLUTION NO. 15-03-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

March 23, 2015

APPROVE THE SECOND AMENDMENT TO THE CONTRACT WITH WEINTRAUB TOBIN FOR LEGAL SERVICES

WHEREAS, pursuant to Section 1.405.B.3. of RT's Administrative Code, RT's Chief Counsel has determined that it is in RT's best interest to amend its contract with Weintraub Tobin Chediak Coleman Grodin Law Corporation (Weintraub Tobin) for legal services without compliance with RT's competitive solicitation procedures set out in Article III of Title I of RT's Administrative Code.

NOW THEREOFRE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Second Amendment to the Principal Agreement between RT and Weintraub Tobin to provide legal services as specified, whereby the total contract consideration is increased by \$100,000 to \$350,000, is hereby approved; and

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute the Amendment.

JAY SCHENIRER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary