



**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT**

Item No.
10

Meeting Date: **OCTOBER 7, 2010**

Subject:

Authorize the Award of an Agreement to Gatzke, Dillon & Ballance LLP for ALUC and Airport Noise Legal Services

Recommendation:

Adopt Resolution No. 2010-0107, authorizing the award of an agreement to Gatzke, Dillon & Ballance LLP for ALUC and Airport Noise legal services for a term of three (3) years with two (2) one-year options to extend the term for one (1) additional year each and with a maximum amount payable of \$300,000.

Background/Justification:

The Authority released a Request for Proposals ("RFP") on July 16, 2010, to obtain legal services related to the Airport Land Use Plans ("ALUCP") and airport noise issues. The RFP response deadline was August 20, 2010. The purpose of the RFP is to obtain the services of a qualified Law Firm to work in conjunction with and at the direction of the General Counsel on legal issues relating to the drafting and adoption of ALUCPs for San Diego International Airport, NAS North Island and NOLF Imperial beach, the amendment of existing ALUCPs (if necessary), and airport noise issues.

Two law firms submitted proposals in response to the RFP. They were Gatzke, Dillon & Ballance LLP and Mayers Nave. The Authority's evaluation panel, comprised of attorneys from the Office of General Counsel and a representative from the Procurement Department, reviewed the proposals and interviewed both firms. At the conclusion of the review and interviews, the evaluation panel awarded the best score to Gatzke, Dillon & Ballance LLP and recommended the new legal services agreement for ALUCP and airport noise issues ("Agreement") be awarded to Gatzke, Dillon & Ballance LLP.

Subject to the Board's authorization, the new Agreement with Gatzke, Dillon & Ballance LLP will have a term of three (3) years with two options for extending the term an additional year each. The options to extend the term may be exercised at the discretion of the President/CEO acting on the recommendation of the General Counsel. The maximum amount payable under the Agreement will be Three Hundred Thousand Dollars (\$300,000).

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Fiscal Impact:

Funds to cover the new Agreement in the amount of up to \$300,000 are in the FY2011 budget.

Environmental Review:

- A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA, Pub. Res. Code §21065.

- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Equal Opportunity Program:

The Authority's small business program promotes the use of small, local, disadvantaged, and other business enterprises, on all contracts, to provide equal opportunity for qualified firms. By providing education programs, making resources available, and communicating through effective outreach, the Authority strives for diversity in all contracting opportunities.

The Authority has a Disadvantaged Business Enterprise ("DBE") Plan as required by the Department of Transportation, 49 CFR Part 26. The DBE Plan calls for the Authority to submit an annual over-all goal for DBE participation on all federally funded projects.

This project does not use federal funds; therefore, it will not be applied toward the Authority's over-all DBE goal.

Prepared by:

AMY GONZALEZ
Director, Counsel Services

RESOLUTION NO. 2010-0107

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AUTHORIZING THE AWARD OF THE AN AGREEMENT TO GATZKE, DILLON & BALLANCE LLP FOR ALUC AND AIRPORT NOISE LEGAL SERVICES FOR A TERM OF THREE (3) YEARS WITH TWO (2) ONE-YEAR OPTIONS TO EXTEND THE TERM FOR ONE (1) ADDITIONAL YEAR EACH AND WITH A MAXIMUM AMOUNT PAYABLE OF \$300,000

WHEREAS, the Authority has a continuing need for professional legal services in matters pertaining to Airport Land Use Compatibility Plans ("ALUCP") and airport noise issues; and

WHEREAS, the Authority's released a Request for Proposals ("RFP") on July 16, 2010, to obtain the services of a qualified law firm to work in conjunction with and at the direction of the General Counsel to provide legal advice pertaining to the drafting and adoption of ALUCPs for San Diego International Airport, NAS-North Island and NOLF- Imperial Beach, amendments (if needed) to existing ALUCPs, and airport noise issues; and

WHEREAS, the RFP specified that the Authority intended to enter an agreement with the selected law firm whereby said agreement would have a term of three (3) years with two (2) options, exercisable at the discretion of the President/CEO, to extend the agreement's term for one (1) additional year each and that the maximum amount payable under the agreement would be Three Hundred Thousand Dollars (\$300,000); and

WHEREAS, the Authority received two proposals in response to the RFP; and

WHEREAS, the Authority's evaluation panel, after reviewing the proposals and interviewing both law firms, recommended awarding the agreement to Gatzke, Dillon & Ballance LLP; and

WHEREAS, the Board determines that awarding the agreement to Gatzke, Dillon & Ballance LLP is in the best interests of the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the President/CEO to take necessary actions to award an agreement to Gatzke, Dillon & Ballance LLP for legal services in matters pertaining to ALUCPs and airport noise where said agreement shall have a term of three (3) years with two (2) options that are exercisable at the discretion of the President/CEO to extend the term of the agreement for one additional (1) year each and where the compensation shall not exceed \$300,000 for the term of the agreement.

BE IT FURTHER RESOLVED this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 7th day of October, 2010, by the following vote:

AYES: Board Members:
NOES: Board Members:
ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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