

M · E · M · O

Alameda Corridor Transportation Authority

June 10, 2021

To:	Governing Board
From:	Heather M. McCloskey, Co-General Counsel Lauren Misajon, Co-General Counsel
Subject:	<i>Approval of First Amendment to Agreement No. C0874 with Burke, Williams & Sorensen LLP (APPROVAL)</i>

Recommendation:

Approve the proposed first amendment to Agreement No. C0874 with Burke, Williams & Sorensen LLP (“Burke Williams”) to add funding to the Agreement in the amount of \$60,000 in order to allow the firm to complete current projects and provide any additional on-call legal services over the next year, and authorize the Chief Executive Officer or Chief Financial Officer to execute the proposed amendment.

Discussion:

ACTA has hired outside law firms to provide specialized legal services since 1997. Competitive selection procedures for the most recent agreements was undertaken in 2018. ACTA currently has twelve agreements with law firms for a variety of legal services, all with 5-year terms and expiring July 2023.

The Agreement with Burke Williams provides ACTA with on-call as-needed services for business and real property transactions, construction contracts and other areas of representation as requested. Over the past two years, the firm has provided extensive employment law services, assisting ACTA with the retirements and hiring of ACTA’s Chief Executive Officer and Chief Financial Officer. Currently, the firm is assisting in the review of ACTA’s employment policies and manual, which project is still on-going. The proposed amendment will increase the Agreement’s total not to exceed compensation from \$100,000 to \$160,000.

Transmittal 1 is the proposed first amendment.



Budget Impact:

The proposed amendment, increasing total not to exceed compensation from \$100,000 to \$160,000 will not modify ACTA's overall annual outside law firm services budget of \$580,000. The requested additional funds are available from other legal services agreements with funding allocations not otherwise expected to be needed during the upcoming fiscal year. The proposed funding increase is included in the legal services budget in the operating budget for FY 2021-2022 being reviewed by the Governing Board at its June 10, 2021 meeting.

Co-General Counsel:

ACTA's Co-General Counsel has reviewed and approved the proposed amendment as to form.

Transmittals:

Transmittal 1 - First Amendment to Agreement No. C0874