



Board Agenda Item 29.1

DATE: July 8, 2025

TO: Board of Supervisors

SUBMITTED BY: Peter J. Wall, Interim County Counsel

SUBJECT: Specialized Legal Services Agreement for Litigation and General Advisory Counsel

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted to obtain the services of special legal counsel to assist the County, and that the best interests of the County would be served by entering into an agreement with Best Best & Krieger LLP; and**
- 2. Approve and authorize the Chairman to execute an agreement with Best Best & Krieger LLP to act as special legal counsel in connection with specialized municipal litigation and general advisory matters, effective July 8, 2025 through June 30, 2026, with one optional one-year extension, total not to exceed \$500,000.**

Approval of the recommended actions would allow the County Counsel to utilize legal services provided by Best Best & Krieger LLP (BBK) pertaining to specialized municipal litigation and general advisory matters. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If your Board were not to approve the recommended actions, the County would not have access to the specialized legal expertise of BBK in the areas of specialized municipal litigation and general advisory matters.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

Under AP 34, competitive bidding is not required to engage specialized legal counsel. That is because the policy deems a contract to obtain the services of special legal counsel to assist the County a circumstance that constitutes a suspension of competition.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. Sufficient appropriations and estimated revenues are included in the FY 2025-26 Org 2540 Interest and Miscellaneous Expenditures and Department of Behavioral Health Org 5630 Recommended Budget request.

DISCUSSION:

County Counsel recommends that your Board authorize the County to engage BBK to provide

specialized municipal litigation or advisory services.

BBK has a wide range of municipal legal practitioners and is capable of quickly staffing County requests for specialized municipal litigation or advisory matters. For example, the recommended Agreement would allow the County Counsel's Office to obtain specialized representation regarding possible eminent domain litigation, and other litigation services if that litigation is undertaken.

Under the recommended agreement, all of BBK's services will be engaged by County Counsel as needed. As appropriate, County Counsel will consult with the affected County department regarding its need for BBK's specialized legal services. Under the recommended Agreement, County Counsel may authorize specialized municipal litigation or advisory matters between July 8, 2025, and June 30, 2026 (Initial Term). The parties may also agree to extend the initial term through June 30, 2027 (Extension Term).

BBK will render specialized legal services at the hourly rates of \$365 for associate attorneys, \$440 for partner attorneys, and \$200 for paralegal work, during the Initial Term. All hourly rates will be increased for the Extension Term by the positive change in the U.S. Department of Labor in its All Urban Consumers Index set forth in the San Francisco-Oakland-Hayward cost of living for the most recently published 12 month period. This adjustment shall not be lower than zero percent (0%), nor more than five percent (5%).

BBK is required to notify County Counsel whenever BBK's fees and eligible expense exceed 80% of the total maximum compensation payable under the recommended Agreement, whether during the Initial Term or the Extension Term, whether or not such fees or expenses have been billed to the County. Charges for BBK's specialized legal services shall not exceed the potential term's maximum compensation amount of \$500,000.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition
On file with Clerk - Agreement with BBK

CAO ANALYST:

Amy Ryals