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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING RETENTION OF THE LAW FIRMS AND CONSULTING FIRMS DESCRIBED ON THE ATTACHED ATTACHMENT A IN CONNECTION WITH WORK DESCRIBED THEREIN AT A TOTAL INITIAL CUMULATIVE COMPENSATION NOT TO EXCEED \$5,895,000 FOR FISCAL YEAR 2018-19 SUBJECT TO ADJUSTMENT PURSUANT TO THE PORT ATTORNEY'S CONTRACTING AUTHORITY.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.6 dated June 28, 2018, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment;

WHEREAS, during its Board meeting of May 24, 2018, the Board received certain attorney-client communications regarding the nature of the matters needing outside counsel and related consultant legal advice in Fiscal Year 2018-2019 and the extent of such outside legal advice ("Attorney-Client Information");

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements with **the law firms and consulting firms described on the attached Attachment A** constitute agreements for obtaining professional, technical, and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from those parties listed on Attachment A and waiving competitive procurement requirements.

SECTION 2. The Board hereby:

A. Approves the appointment of **the law firms described on the attached Attachment A**, as Special Counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, as well as the consulting firms described on **Attachment A** to render expert assistance to the Port Attorney in connection with the matters described on **Attachment A**; the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and consultants to be made from time to time as

approved by the Port Attorney, up to, but not to exceed the amounts per firm per matter as provided in the Attorney-Client Information, in the initial total cumulative amount of \$5,895,000 for Fiscal Year 2018-19, all subject to adjustment during Fiscal Year 2018-2019 by the Port Attorney for additional amounts or for additional firms under his contracting authority or by further Board action.

B. Authorizes the Port Attorney to i) execute the agreements with the law firms and consulting firms listed on Attachment A, and (ii) make such terms, additions, modifications, or corrections as necessary to enter into the agreements or to correct errors, subject to the limitations set forth herein and provided that any such terms, addition, modification, or correction does not exceed the authorized amounts or actions authorized herein and in the Agenda Report.

SECTION 3. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

FURTHER RESOLVED, that this resolution shall be effective immediately upon adoption by the Board.

ATTACHMENT A

PORT ATTORNEY'S OFFICE
PROPOSED OUTSIDE COUNSEL AND CONSULTANT BUDGET
FOR FISCAL YEAR 18-19

LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
Anderson & Krieger LLP (Cambridge, MA)	
	Aviation Regulatory Matters
Andrada & Associates (Oakland)	
	Personal Injury/Property Damage Claims/Litigation
	Lima Tabrizi v. Port
	Letteer v. Port
Archer Norris (Walnut Creek)	
	Arreola v. Port
	Kane v. Port
	Personal Injury/Property Damage Claims/Litigation
Baseline Environmental Consulting (Emeryville)	
	Technical Expert Services on GASB 49 Cost Recovery Matters (Various Sites)
	Environmental Compliance/GASB 49 Management
Best Best & Krieger (Walnut Creek)	
	Power Supply Advice
	Power Supply Claims
Briscoe Ivester & Bazel (San Francisco)	
	Tideland Trust
	RWQCB - Notice of Violation (Material Management Site Enforcement)
	State Mandates
Brown Goldstein Levy LLP (Maryland)	
	Title VI /Section 504 Compliance

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LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
Bryan Cave (Chicago, IL)	
	Amtrak Elevator Hydraulic Release
Churchwell White (Sacramento)	
	Hearing Officer
Donahue Fitzgerald (Oakland)	
	Terminal Operators (PA, SSAT, etc) Lease/Contract Disputes and Claims
	Real Estate/Leasing Advice (Maritime)
	Real Estate/Leasing Advice (CRE)
	Real Estate/Leasing Advice (Aviation)
	Real Estate Litigation
Drinker Biddle & Reath LLP (Los Angeles)	
	Benefits
Edgcomb Law Group (San Francisco)	
	Schnitzer Steel
Farella Braun + Martel LLP (San Francisco)	
	General Risk Management and Cost Recovery Advice
	GASB 49 Cost Recovery Claims Against Insurance Carriers/Insurance Advice Related to Pollution Conditions
	EBMUD/Thibodeaux
	Stormwater
Fenwick & West LLP (Mountain View)	
	Employment Advice
	Employment Claims/Litigation
GSI Environmental Inc.	

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LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
	Technical Expert Services on GASB 49 Cost Recovery Matters (Various Sites)
Gordon Creed Kelly Holl & Sugerman (San Francisco)	
	David Mack v. Port
Gordon & Polland LLP (Oakland)	
	Litigation/Claim Strategies and Appeals
Hanna Brophy MacLean McLeer & Jensen, LLP (Oakland)	
	Workers' Compensation
Hanson Bridgett (San Francisco)	
	Employment Advice
	Employment Claims (Lakita Spencer, Valerie Zabb- Parmley)
	Ethics
	Sherri "Jean" Parks v. Port
	Copyrights/Trademarks/Intellectual Proprety Advice
Jarvis Fay Doporto & Gibson LLP (Oakland)	
	Public Works Contracting Advice (General)
	Bid/Proposal Protests Advice
	7th Street Grade Separation RFP/Construction Documents
	Fees/taxes/assessments
	Airport Projects
	Drinking Water
	Air Quality
	Title VI Complaint
JSP Associates (San Francisco)	

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LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
	Trespass & Business Interruption
Keker & Van Nest LLP (San Francisco)	
	Litigation
Laughlin Falbo Levy & Morell (Oakland)	
	Workers' Compensation
Lubin Olson & Niewiadomski (San Francisco)	
	Personal Injury/Property Damage Claims/General Commercial Litigation/Operational Continuity/Security Litigation
Meyers Nave (Oakland)	
	Construction Advice
	Airport Projects
	7th Street/GoPort Construction
Mullen & Filippi (Oakland)	
	Workers' Compensation
Nijman Franzetti LLP (Illinois)	
	GASB 49
Nossaman LLP (San Francisco)	
	Railroad/Surface Transportation Board Advice
	7th Street Grade Utility Relocation
O'Melveny & Myers LLP (Los Angeles)	
	Railyard Operator Contract
	Bond/Finance Matters
Orrick Herrington & Sutcliff (San Francisco)	

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LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
	Bond/Tax/Finance Matters
Papailias and Associates (Sacramento)	
	Title VI /Section 504 Compliance
Perkins Coie LLP (San Francisco)	
	General CEQA Advice
	General CEQA Litigation
	Administrative/Regulatory Advice & Claims (FEMA)
	Airport Projects
	7th Street Grade Separation
Ramsey Law Group (Lafayette)	
	General Commercial Collection and Litigation (Unlawful Detainers, etc.)
Richard Thorson Grave & Royer LLP (Oakland)	
	Workers' Compensation
Rudder Law Group (Alameda)	
	Aviation Regulations and Permitting
	EPA Administrative Order/Thibodeaux
Saul Ewing Arnstein & Lehr LLP (D.C.)	
	Shipping Act Advice; Terminal Leasing Efficiency Issues/Operations (Shipping Act/FMC Advice)
	Maritime Claims (including Bankruptcy)
Sloan Sakai Yeung & Wong LLP (Sacramento)	
	Labor Negotiations/Labor Advice
Spiegel & McDiarmid (D.C.)	

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LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
	Power Supply Claims
Sweet & Walker (San Francisco)	
	Existing Collection Matters (Contingent Fee; includes Compass Container & Javaherian)
	New Collection Matters (Contingent Fee)
	Compass Container Appeal (Hourly)
Wendel Rosen Black & Dean (Oakland)	
	Clean Water/Environmental Regulatory Advice
	PRP Cost Recovery
	General Construction
	Construction Claims and Litigation (including Trapac)
	Rolls Royce