



BRIEFING: FEBRUARY 14, 2017 BOARD MEETING AGENDA ITEM #5

TO: Chairman Richard and Board Members

FROM: Thomas Fellenz, Chief Counsel

DATE: February 14, 2017

**RE: Consider Approving a Legal Services Contract with Akin Gump Strauss
Hauer & Feld LLP**

Summary of Requested Action

Staff recommends that the Board authorize the Chief Executive Officer, or his designee, to execute an agreement with Akin Gump for a term of three years and a maximum contract value of \$1,000,000.00.

Background

As the California High-Speed Rail Authority (Authority) has advanced the delivery of the high-speed rail system from planning to implementation, the Authority's legal service needs have expanded. At the current time, the Authority is utilizing a combination of State staff (seven in-house attorneys plus legal support staff), State outside counsel (Attorney General's office and Caltrans legal department), and private outside counsel to address legal issues. Private outside counsel is only used for legal topic areas where the State does not have sufficient capacity and/or technical expertise. In the case of the proposed Akin Gump Strauss Hauer & Feld LLP (Akin Gump) contract, the firm will assist the Authority with the preparation for U.S. Congressional Committee hearings, including the review and advice about documents, correspondence and testimony, Federal legislation and other federal law matters.

Prior Board Action

There have been no prior actions taken by the Board on this matter.

Discussion

As set forth above, the proposed Akin Gump contract will allow the law firm to assist the Authority with the development of its legal strategy for Committee hearings, Federal legislation and other federal law matters. The intricacies of legal procedures and involved with Committee hearings are complex and multifaceted, especially when dealing with the nation's first high-speed rail system. Further, Federal legislation is expansive and constantly evolving and it is

essential to have lawyers in Washington, D.C. to help the Authority construct a legal strategy focused on developing and complying with Federal legislation impacting the Authority and the operation of the high-speed rail system.

Akin Gump has a Washington, D.C. office to focus on current legal issues involving government and law. With the proposed contract, the firm's D.C. office will focus on understanding the economic and political infrastructure of the Federal government as it relates to transportation infrastructure and high-speed rail and will utilize their firsthand, high-level government experience to assist the Authority in navigating the complex arena of Committee hearings, Federal legislation and other federal matters. These legal services are important for the success of high-speed rail in California and, given the focus on Washington, D.C., cannot be performed by State attorneys.

Legal Approval

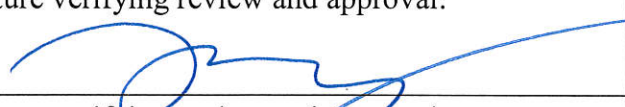
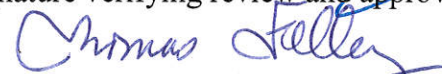
Chief Counsel, who is presenting this action item, approves the requested contract and affirms the Authority's ability to enter into said contract under state contracting law.

Budget Implications

The funds allotted to fund this agreement (\$1,000,000.00 through January 31, 2020) are within the budget for legal services and are consistent with the 2016 Business Plan estimate for Professional Services.

Recommendations

Staff recommends that the Board authorize the Chief Executive Officer, or his designee, to execute an agreement with Akin Gump for a term of three years and a maximum contract value of \$1,000,000.00.

REVIEWER INFORMATION	
Reviewer Name and Title: Russell Fong, CFO	Signature verifying review and approval: 
Reviewer Name and Title: Thomas Fellenz, Chief Counsel	Signature verifying review and approval: 

Attachments

- Draft Resolution #HSRA 17-07