



AGENDA STAFF REPORT

Control: 26001201

MEETING DATE: 05/19/2026

LEGAL ENTITY TAKING ACTION: Board of Supervisors and Orange County Flood Control District

BOARD OF SUPERVISORS DISTRICT(S): All Districts

SUBMITTING AGENCY/DEPARTMENT: County Counsel

DEPARTMENT CONTACT PERSON(S): Nicole Walsh, 714-834-3300
Lauren Kramer, 714-834-3300

SUBJECT: Selection of Specialized Eminent Domain and Real Estate Legal Counsel

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	No Legal Objection	DISCUSSION 2/3 Vote

Budgeted: See Financial Impact Section	Current Year Cost: See Financial Impact Section	Annual Cost: See Financial Impact Section
-----------------------------------------------	--------------------------------------------------------	--------------------------------------------------

Staffing Impact: No	Funding Source: See Financial Impact Section	Sole Source: No
Current Fiscal Year Revenue: N/A		County Audit in Last 3 years: No

Levine Act Review Completed? Yes

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Acting as the Board of Supervisors and as the governing Board of the Orange County Flood Control District, select the law firms of Murphy & Evertz, Burke, Williams & Sorensen LLP, and BDG Law Group to provide real property acquisition and eminent domain related advisory and litigation services to assist County Counsel on an as needed basis.
2. Acting as the Board of Supervisors, select the law firms of O’Melveny & Myers LLP, Meyers Nave, and Burke, Williams & Sorensen LLP to provide special advisory and litigation services to assist County Counsel on as needed basis in the area of real property law.
3. Authorize County Counsel to execute, effective May 19, 2026, the standard Agreement for legal services with each of the selected firms for an initial three (3) year term and to execute two one (1) year renewals upon certain conditions.

SUMMARY:

Selection of the law firms will assist the Office of County Counsel in obtaining advisory and litigation services to the County and Orange County Flood Control District on an as needed basis for real property and eminent domain.

BACKGROUND INFORMATION:

To ensure the County is receiving the highest quality and highest value legal services, the Office of County Counsel (County Counsel) periodically initiates competitive processes for its outside counsel contracts. In conjunction with CEO Real Estate, OC Public Works, and the Orange County Flood Control District (District), County Counsel conducted a Request for Statements of Qualifications (RFQ) for special advisory and litigation counsel to provide (1) specialized real property legal services for the County including, real estate transactions, real estate development, financing, acquisitions, dispositions, public-private partnerships, title insurance and survey for projects, which include the Orange County Civic Center Facilities Strategic Plan, the Workforce Re-Entry Center, and alternative energy real estate opportunities (“Real Property Legal Services”) and (2) real property acquisition and eminent domain legal services(“Eminent Domain Legal Services”).

The chosen law firms will provide as-needed legal services to complement County Counsel on complex real estate transactions and negotiations and on projects that require the acquisition of private property through eminent domain. The County’s current legal services agreements for outside counsel for real property legal services and eminent domain legal services have been in effect for over five years.

Request for Statements of Qualification

On January 7, 2026, County Counsel released an RFQ for special counsel for advisory and litigation services for real property and eminent domain legal services. The RFQ was sent to forty-one (41) law firms. Firms were permitted to submit their qualifications in the subject area of special real property, eminent domain, or both. Nine (9) law firms responded with Statements of Qualifications (SOQ) for Real Property Legal Services and eight (8) firms responded for Eminent Domain Legal Services. The SOQs were evaluated with metrics based on practice type and then rated by two separate five-member panels that consisted of County Counsel, CEO-Real Estate staff, and OC Public Works staff. The highest-ranking firms were interviewed by two separate evaluation panels and given the opportunity to answer the same structured set of questions based on practice type. Based on the written SOQ ratings, five (5) firms were invited to interview for Eminent Domain Legal Services, and four (4) firms were invited to interview for Real Property Legal Services.

Based on the evaluation panel's review of the firms’ written SOQs and interviews, the firms were ranked as follows:

Eminent Domain Legal Services:

Eminent Domain Law Firms	Combined Evaluation Scores
Murphy and Evertz*	2745
Burke, Williams & Sorensen LLP*	2660
BDG Law Group*	2595
Richards Watson & Gershon	2364
Meyers Nave	2261

* Recommended for selection to provide Eminent Domain Legal Services

Real Property Legal Services:

Real Property Law Firms	Combined Evaluation Scores
O'Melveny & Myers LLP*	2729
Meyers Nave *	2332
Burke, Williams & Sorensen LLP*	2258
Blank Rome LLP	2187

* Recommended for selection to provide Real Property Legal Services

County Counsel completed the procurement process prior to the approval of the 2026 Contract Policy Manual and is recommending the top three firms from each practice area, each of whom demonstrated expertise in all aspects of real estate-related transactions including acquisitions, dispositions and development of major public and commercial real estate assets or in eminent domain legal proceedings. The recommended firms have conducted conflict checks and found no current representations that constitute a conflict with representing the County. The standard hourly rate structures for the firms range from \$450 to \$850 for Supervising Attorneys/Partners, and rates decreasing for senior associates, associates, paralegals and secretaries.

The firms selected for Eminent Domain Legal Services have specialized eminent domain practices with attorneys who are among the most experienced attorneys in Southern California. In addition, all have significant public agency experience, including for the County and District. All three firms selected to perform Eminent Domain Legal Services are currently assisting the County and District with various projects, including the acquisitions required for the Santa Ana Mainstem Prado Dam Project and the OC Bike Loop. All are performing exceptionally and the rates proposed are reasonable and in line with industry standards.

The firms selected for Real Property Legal Services have specialized legal expertise representing public entities in complex real estate transactions, including public private partnerships, long-term land lease developments, mixed-use affordable housing projects and alternative energy transactions. Each firm presented a strong team of highly sophisticated attorneys that would help provide creative solutions for the real estate development needs of the County on an 'as-needed' basis.

The proposed legal services agreement with the highest ranked Real Property Legal Services firm, O'Melveny and Myers LLP, contains a negotiated limited conflict of interest waiver that allows the firm to represent other clients on matters substantially unrelated to the scope of services.

At the direction of County Counsel, the selected firms will provide special advisory and litigation services 'as needed' to the District, CEO Real Estate, and other departments if required for upcoming large-scale real estate projects and eminent domain proceedings. An analysis was completed to verify the contracts provide County with persons specially trained, experienced, expert and competent to perform the special services in accordance with the law. The proposed scopes of services are set forth the legal services agreements, attached as Attachments E-J.

FINANCIAL IMPACT:

Appropriations for these Contracts are included in Budget Control 025 FY 2025-26 Budget and will be included in the budgeting process for future years.

Legal services will be provided on an as needed basis for each project. Based on the past contract year, County Counsel anticipates the combined annual cost for the eminent domain contracts ranging between \$350,000 to \$500,000 and will vary from year to year based on service needs. Legal services for the District that may be provided will be paid from Fund 404, OC Flood - Santa Ana Mainstem Prado Dam Project. General real estate costs will be funded out of Budget Control 017 and may be reimbursed from El Toro Improvement Fund 15T, Real Estate Development Program Fund 135, OC Parks Fund 405 or Dana Point Harbor Tidelands Fund 108, as appropriate. Some of these costs may also be reimbursed by County departments based on real estate services provided to them and will be budgeted by those departments. The costs may also be project specific for OC Public Works and would be part of the budgeted project costs.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES/DEPARTMENTS:

N/A

ATTACHMENTS:

Attachment A - RFQ for Real Property and Eminent Domain Legal Services Fianl

Attachment B - Consolidated Score Sheets

Attachment C - Contract MA-025-26011323 Proposed Eminent Domain Legal Services Agreement - Murphy & Evertz

Attachment D - Contract MA-025-26011324 Proposed Eminent Domain Legal Services Agreement - Burke Williams & Sorensen

Attachment E - Contract MA-025-26011322 Proposed Eminent Domain Legal Services Agreement - BDG Law Group

Attachment F - Contract MA-025-26011321 Proposed Real Property Domain Legal Services Agreement - O'Melveny & Myers LLP

Attachment G - Contract MA-025-26011319 Proposed Real Property Legal Services Agreement - Meyers Nave

Attachment H - Contract MA-025-26011320 Proposed Real Property Legal Services Agreement - Burke Williams & Sorensen