



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

Rely on us.

TO: Commissioners Carlson, Mital, Helgeson, Schlossberg and Brown

FROM: Deborah Hart, Interim Chief Financial Officer; Sarah Gorsegner, Purchasing & Warehouse Supervisor

DATE: December 27, 2019

SUBJECT: Board Appointed Consultants

OBJECTIVE: Board Action-Ratification of Board Appointed Consultants

Issue

At the first Board meeting of the year, the Board is presented with the opportunity to appoint and ratify professional consultants that are retained by the Board outside the competitive selection process.

Background

Consultants are exempt from the competitive selection process when the Board appoints or retains the consultant. The Board Appointed Consultants independently advise and provide professional direction and assessments to the Board without regard to Management's position or interpretation. Consultants are selected based on technical knowledge, areas of expertise, and their historical knowledge and perspective of EWEB and its work.

The following directly appointed contracts are presented for ratification. Contracts may also be presented if they are beyond the routine 5-year contract period following a competitive process. There were no contracts beyond the 5-year contract period this year.

BOARD CONSULTANTS REQUIRING RATIFICATION

Consultant	Service Provided	Tenure	Last Contracted	2019 Spend	2018 Spend
Luvaas Cobb (Eric Defreest Primary Contact)	General Counsel	2011 with Luvaas Cobb ¹	EWEB has two contracts with Luvaas Cobb, one primarily used by staff, and one that is a Board Appointed Contract. Using an RFP process, the staff contract was awarded in Dec 2017, the Board appointed contract was awarded in May 2018.	\$162,000 (\$9,300 Board Appointed Contract)	\$113,000 (\$5,600 Board Appointed Contract)
Arnold Gallagher P.C.	Real Estate Legal Counsel	Since 2018	Direct Negotiation, 2018	\$290	None

Consultant	Service Provided	Tenure	Last Contracted	2019 Spend	2018 Spend
Watkinson Laird Rubenstein P.C.	Real Estate Legal Counsel	Since 2018	Direct Negotiation, 2018	None	None

Additional contracts have been occasionally used by the Board, but they were awarded using a competitive process and with Board approval and do not require ratification.

Discussion

Each fall, the Board reviews the direct appointment contracts to determine which contracts are still required and to provide performance feedback. This year, the feedback suggested that continuing with these contracts is appropriate. During the review, some of the Board requested that a backup contract for general legal counsel be available.

The Board can appoint multiple contracts for general legal counsel. Under direction from the Board, Purchasing staff can negotiate a contract with an alternative provider. Harrang, Long, Gary and Rudnick offers a variety of legal services, including general counsel, and would be a good alternative as they are familiar with public agency obligations. The Board may recommend an alternative service provider or request other Board Appointed Consultants by notifying the General Manager.

Recommendation and Requested Board Action

Management requests ratification of consultants Luvaas Cobb, Arnold Gallagher P.C, and Watkinson Laird Rubenstein P.C. as Board Appointed Consultants for 2020. Additionally, Management requests direction to negotiate a contract with Harrang, Long, Gary and Rudnick as an alternative General Counsel provider and Board Appointed Consultant.

¹ Eric Defreest provided General Counsel to EWEB at Calkins & Calkins prior to 2011 when the contract was assigned to Luvaas Cobb. Calkins & Calkins was retained by EWEB from the 1940's-2011.