

EWEB Board Consent Calendar Request

For Contract Awards, Renewals, and Increases

The Board is being asked to approve a personal services agreement with Cable Huston, LLP for special counsel services.

Board Meeting Date: 1/7/2020

Project Name/Contract #: Special Counsel Services, 19-128-PSC

Primary Contact: Susan Ackerman Ext. 7185

Contract Amount:

Original Contract Amount: \$3,200,000 / 5 years

Additional \$ Previously Approved: \$0

Invoices over last approval: \$0

Percentage over last approval: 0%

Amount this Request: \$3,200,000 / 5 years

Resulting Cumulative Total: \$3,200,000 / 5 years

Contracting Method:

Method of Solicitation: Formal RFP Process

If applicable, basis for exemption: n/a

Term of Agreement: **Up to five years**

Option to Renew? No

Approval for purchases "as needed" for the life of the Contract Yes No

Proposals/Bids Received (Range): 1 / Qualifications based with rate sheet submittal

Selection Basis: Highest scored proposal based on established evaluation criteria

Narrative:

Operational Requirement and Alignment with Strategic Plan

EWEB requires ongoing and as-needed Special Counsel Services for navigating complex contracts that have substantial risk associated with them, as well as litigation services.

Contracted Goods or Services

EWEB has negotiated an Agreement for Special Counsel Services for five "Areas of Practice," as defined within the RFP; including, Environmental/Property Management, Water Rights and Wholesale Water Purchase Agreements, Power Supply/Power Trading, Risk Management, and Hydro Licensing. These legal services will be contractually available on an "as-needed" basis. EWEB will not guarantee any amount of work during the term of the Agreement.

Prior Contract Activities

The previous (current) contract for these goods and services with Cable Huston was awarded in 2014. The estimated spend for the previous contract with Cable Huston was \$3,200,000 over five years. The contractor has been responsive to all needs, completed work on time and on budget, and represented EWEB leading to successful outcomes during litigation and dispute resolutions, with no performance concerns.

Purchasing Process

In November 2019, staff issued a formal Request for Proposals for the provision of special counsel legal services for five "Areas of Practice", including Environmental/Property Management, Water Rights and Wholesale Water Purchase Agreements, Power Supply/Power Trading, Risk Management, and Hydro Licensing. All Proposers were invited to submit proposals for one or more Areas of Practice.

One proposal was received from EWEB's current provider, Cable Huston of Portland, Oregon. Cable Huston met all

requirements for all Areas of Practice and met the expectations for performance in all evaluation criteria including Administrative Capacity, Contract Review, Breadth of Experience, Quality of Staff, and Fees.

Historical data indicates that the total contract amount will be approximately \$3,200,000 over a five-year period. The actual total dollar amount, however, is unknown and may be more or less than estimated.

If approved, staff will procure special counsel legal services at the established fees over the life of the contract. The contract is for one year, with automatic renewal each year for up to five years, unless terminated earlier.

Competitive Fair Price (If less than 3 responses received)

Cable Huston was the only firm that submitted a proposal. Two other firms indicated interest after viewing the RFP document, but did not submit a response. The rates quoted in Cable Huston range from \$325-\$375/hr and are within the market range of \$325-\$550/hr for firms that provide similar services in the region.

ACTION REQUESTED:

Management requests the Board approve a personal services agreement with Cable Huston, LLP for special counsel services on an "as-needed" basis. Funds for these services have been budgeted for 2020 in various departments throughout the agency. Variances will be managed within the budget process and Board policy.