

EWEB Board Consent Calendar Request

For Contract Awards, Renewals, and Increases

The Board is being asked to approve a contract with **Luvaas Cobb** for **General Counsel Services**.

Board Meeting Date: January 3, 2023
Project Name/Contract #: General Counsel Services / 22-157-PSC
Manager: Sarah Gorsegner Ext. 7348
Executive Officer: Rod Price Ext. 7122

Contract Amount:

Original Contract Amount: \$650,000
Additional \$ Previously Approved: \$0
Spend over last approval: \$0
Amount this Request: \$650,000
% Increase over last approval: NA
Resulting Cumulative Total: **\$650,000 (over 5 years)**

Contracting Method:

Method of Solicitation: RFP
If applicable, basis for exemption: NA
Term of Agreement: Initial term is 1 year
Option to Renew? Yes, annually up to 5 years total
Approval for purchases "as needed": Yes No
Proposals/Bids Received (Range): 2 (\$220/hourly rate - \$375/hourly rate)
Selection Basis: Highest Ranked Proposer

Narrative:

Operational Requirement and Alignment with Strategic Plan

EWEB requires General Counsel Legal Services to support acquisitions, contractual negotiations, tort claims, energy, water, telecom, and other miscellaneous legal issues. EWEB has determined that using outside counsel leverages attorney experience with a variety of clients and allows support to be provided on an as needed basis.

Contracted Goods or Services

This proposed contract is intended to serve EWEB staff. A separate General Counsel contract has been awarded to serve the Board of Commissioners. Contracted services include providing legal advice and litigation support.

Purchasing Process

In September 2022, Purchasing initiated a formal Request for Proposals (RFP) process for general counsel services. Proposals were received from two firms. All firms were responsive and responsible.

The proposals were evaluated by an EWEB evaluation team. The maximum number of possible points was 100, using the following criteria: Minimum Qualifications (Pass / No Pass – Not scored), Firm Background/Experience (15 points), References (5 points), Knowledge of Laws, Rules & Service Philosophy (25 points), Relevant Case

Results (15 points), Firm’s Staff & Resources to be Assigned (20 points), Fee Proposal (15 points), and Transition Management Plant (5 points).

Luvaas Cobb was selected as the highest ranked proposer and staff have issued an intent to award a contract. Luvaas Cobb demonstrated significant public agency and utility experience, strong knowledge of laws and rules impacting EWEB, and offered reasonable pricing.

Bids Received

| Vendor Name | City, State | Offered Price | Ranking (for RFPs) |
|--------------|-------------|-------------------|--------------------|
| Harrang Long | Eugene, OR | \$375/hourly rate | 2 |
| Luvaas Cobb | Eugene, OR | \$220/hourly rate | 1 |

Competitive Fair Price

Thorp Purdy downloaded the proposal but did not submit due to the scope of services requested and a conflict between an existing firm client and EWEB.

Prior Contract Activities

| EWEB Contract | Project Name (Description) | Board Approved Date | Project Duration (Start to Close) | Original Amount | Final Amount | Reason Code |
|---------------|----------------------------|---------------------|-----------------------------------|-----------------|--------------|-------------|
| 045-2017 | General Legal Counsel | Dec. 5, 2017 | Dec. 6, 2017 – Jan. 3, 2023 | \$750,000 | \$630,000 | |
| 047-2012 | Legal Services | Jan. 2, 2013 | Jan. 4, 2013 – Dec. 31, 2015 | \$750,000 | \$417,230 | |

Reason Code: AM = Additional Materials, AW = Additional Work, EW= Emergency Work, SD = Staff Directed, UC = Unforeseen Conditions, Other

ACTION REQUESTED:

Management requests the Board approve a contract with Luvaas Cobb for General Counsel Services. Approximately \$180,000 was included for these services in the 2023 Enterprise Risk Management O&M budget of \$3 million. Variances will be managed within the budget process and Board policy.