

## **FOR CONSIDERATION**

July 27, 2022

**TO:** The Board of Trustees

**FROM:** Thomas Falcone

**SUBJECT:** Consideration of Approval of the Selection of Firms to Provide Legal Services

### **Requested Action**

The Board of Trustees (the “Board”) of the Long Island Power Authority (“LIPA”) is requested to approve a resolution, attached hereto as **Exhibit “A”**, authorizing the Chief Executive Officer, or his designee, to engage six firms to provide legal services in the areas described below, on an as-needed basis for LIPA and its subsidiary, the Long Island Lighting Company d/b/a LIPA for a term not to exceed five years.

### **Background**

To supplement its in-house resources, LIPA has found it necessary to engage law firms to provide various legal services and expertise on an as-needed basis. As LIPA’s needs continue, and certain of its existing contracts for legal services expire, it is necessary to solicit for new, additional and/or replacement legal services to ensure that LIPA has adequate and continuous advice, assistance and representation in its numerous existing and upcoming projects, initiatives, and cases.

As such, on March 14, 2022, LIPA issued a Request for Proposals (“RFP”) seeking experienced law firms to provide legal services to LIPA for a period of up to five years in the following scope areas:

1. Environmental;
2. Insurance Coverage;
3. Asbestos; and
4. Grant Support.

The RFP was distributed to 30 firms. The RFP was also posted on LIPA’s website and on the New York State Contract Reporter. Nine firms responded to the RFP, some in multiple practice areas. The nine proposals were evaluated by teams of LIPA technical staff for each scope under the guidance of LIPA’s Legal and Procurement departments. The selection committee evaluating the firms in the asbestos scope conducted interviews of the top-qualifying firms in that scope to better assess the strengths and weaknesses of each firm with respect to LIPA’s needs.

### **Discussion**

The nine responsive proposals were evaluated according to the guidelines set forth in the RFP, which included assessments of the firms’ experience and qualifications, their hourly rates, proposed changes to LIPA’s standard consulting contract, and their proposals to comply with state requirements for participation by minority and women-owned business enterprises. Based on the

evaluation, LIPA Staff recommends that the following firms be awarded contracts in the scopes indicated:

	<b>Scopes Description</b>	<b>Firms</b>
1	Environmental	<u>Sive, Paget &amp; Riesel PC; and Carter Ledyard &amp; Milburn LLP</u>
2	Insurance Coverage	Hoguet Newman Regal & Kenney LLP*; and Anderson Kill PC
3	Asbestos	Cullen and Dykman LLP
4	Grant Support	Holland & Knight

\*- Hoguet Newman is an WBE firm.

The hourly rates proposed by the firms have been determined to be reasonable and reflect discounts from current market rates for the services to be provided.

### **Recommendation**

Based upon the foregoing, I recommend approval of the above-requested action by adoption of a resolution in the form of the attached resolution.

Attachment

**Exhibit "A"** Resolution

**RESOLUTION AUTHORIZING THE ENGAGEMENT OF FIRMS TO LEGAL SERVICES**

---

**NOW, THEREFORE, BE IT RESOLVED**, that consistent with the attached Memorandum, the Chief Executive Officer or his designee be, and hereby is, authorized to engage the firms so designated in the accompanying memorandum to provide legal services, in the areas described, on an as-needed basis for the Long Island Power Authority and its subsidiary, the Long Island Lighting Company d/b/a LIPA (collectively, "LIPA") for a term not to exceed five years from the date of approval of the contracts with each firm by the New York State Office of the State Comptroller.

Dated: July 27, 2022