

## **FOR CONSIDERATION**

February 15, 2023

**TO:** The Board of Trustees

**FROM:** Thomas Falcone

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

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### **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 two firms to provide legal services in the areas described below, on an as-needed basis, for LIPA, its subsidiary, the Long Island Lighting Company d/b/a LIPA (collectively, “LIPA”), and the Utility Debt Securitization Authority (“UDSA”) 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 September 13, 2022, LIPA issued a Request for Proposals (“RFP”) seeking experienced law firms to provide legal services to LIPA and the UDSA for a period of up to five years in the following scope areas:

1. Disclosure;
2. Bond;
3. Special Tax; and
4. Derivatives.

The RFP was distributed to 28 firms and also posted on LIPA’s website and in the New York State Contract Reporter. Six firms responded to the RFP, some in multiple practice areas. The six proposals were evaluated by a team of LIPA technical staff for each scope under the guidance of LIPA’s Legal and Procurement departments. The selection committee evaluating the firms conducted interviews with the top-qualifying firms in the Disclosure, Bond and Special Tax Counsel scopes to better assess the strengths and weaknesses of each firm with respect to LIPA’s and UDSA’s needs. LIPA decided not to award any firms for the derivatives scope as separate support in that area was deemed no longer necessary.

### **Discussion**

The 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<sup>1</sup></b>	<b>Firms</b>
1	Disclosure	Orrick, Herrington & Sutcliffe LLP
2	Bond	Nixon Peabody LLP
3	Special Tax	Orrick, Herrington & Sutcliffe LLP

The hourly rates proposed by the firms have been determined to be reasonable 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

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<sup>1</sup> There was no selection made for separate derivatives counsel services.

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

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**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, its subsidiary, the Long Island Lighting Company d/b/a LIPA and the Utility Debt Securitization Authority 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: February 15, 2023