

## **FOR CONSIDERATION**

May 10, 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 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 obtain 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.

On February 14, 2023, 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. Real Estate
2. General Litigation
3. Corporate and Securities
4. Complex Litigation
5. State Regulatory
6. Wholesale Energy Markets; and
7. Banking

The RFP was distributed to 13 firms. The RFP was also posted on LIPA’s website and in the New York State Contract Reporter. 13 firms responded to the RFP, some in multiple practice areas. The proposals were evaluated by teams of LIPA technical staff for each scope under the guidance of LIPA’s Legal and Procurement departments.

### **Discussion**

The 13 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>Scope Area</b>	<b>Selected Firms</b>
1	Real Estate	Farrell Fritz PC, Rivkin Radler LLP
2	General Litigation	Krez & Flores*, Aaronson Rappaport Feinstein & Deutsch, Rivkin Radler
3	Corporate and Securities	Whiteman Osterman & Hanna LLP, Rivkin Radler LLP, Holland & Knight
4	Complex Litigation	Whiteman Osterman & Hanna LLP, Rivkin Radler LLP, Holland & Knight
5	State Regulatory	Read & Laniado LLP, Whiteman Osterman & Hanna LLP
6	Wholesale Energy Markets	Stinson LLP, Van Ness Feldman LLP
7	Banking	Holland & Knight

\*-Krez & Flores is a minority-owned business enterprise.

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**

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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 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: May 10, 2023