



MEMORANDUM

EUGENE WATER & ELECTRIC BOARD



TO: Commissioners Brown, Carlson, Mital, Helgeson and Schlossberg
FROM: Deborah Hart, Interim Finance Manager; Sarah Gorsegner, Purchasing & Warehouse Supervisor
DATE: December 28, 2018
SUBJECT: Board Appointed Consultants
OBJECTIVE: Board Action-Ratification of Board Appointed Consultants

Issue

At the first Board meeting of the year, the Board is presented with the opportunity to appoint and ratify professional consultants that are retained by the Board outside the competitive selection process.

Background

Consultants are exempt from the competitive selection process when the Board appoints or retains the consultant. The Board Appointed Consultants independently advise and provide professional direction and assessments to the Board without regard to Management's position or interpretation. Consultants are selected based on technical knowledge, areas of expertise, and their historical knowledge and perspective of EWEB and its work.

The following directly appointed contracts are presented for ratification. Contracts may also be presented if they are beyond the routine 5-year contract period following a competitive process. There were no contracts beyond the 5-year contract period this year.

BOARD CONSULTANTS REQUIRING RATIFICATION

Consultant	Service Provided	Tenure	Last Contracted	2018 Spend	2017 Spend
Luvaas Cobb (Eric Defreest Primary Contact)	General Counsel	2011 with Luvaas Cobb ¹	EWEB has two contracts with Luvaas Cobb, one primarily used by staff, and one that is a Board Appointed Contract. Using an RFP process, the staff contract was awarded in Dec 2017, the Board appointed contract was awarded in May 2018.	\$113,000 (\$5,600 Board Appointed Contract)	\$148,000
Arnold Gallagher P.C.	Real Estate Legal Counsel	New in 2018	Direct Negotiation, 2018	None	N/A

Consultant	Service Provided	Tenure	Last Contracted	2018 Spend	2017 Spend
Watkinson Laird Rubenstein P.C.	Real Estate Legal Counsel	New in 2018	Direct Negotiation, 2018	None	N/A

Additional contracts are used by the Board, but they were selected using a competitive process and do not require ratification. These include:

- Cable Huston Benedict Haagensen & Lloyd (Board Approval November 14, 2014)
- Harrang, Long, Gary and Rudnick (Board Approval July 22, 2014)
- Moss Adams (Board Approval July 11, 2017)

Discussion

Each fall, the Board reviews the direct appointment contracts to determine which contracts are still required and to provide performance feedback. This year the feedback suggested that continuing with these contracts is appropriate.

The Cable Huston Benedict Haagensen & Lloyd and Harrang, Long, Gary and Rudnick contracts are at the end of their 5-year term in 2019. Purchasing staff will work with Management to competitively select Special Counsel and Human Resources Legal Counsel Services consultants for use by staff. The Board may also choose to use the Board appointed consultant process for the services these firms provide by notifying the General Manager; and purchasing staff will support the Board in selecting a provider(s).

Recommendation and Requested Board Action

Management requests ratification of consultants Luvaas Cobb, Arnold Gallagher P.C, and Watkinson Laird Rubenstein P.C. to support the Board as Board Appointed Consultants in 2019.

¹ Eric Defreest provided General Counsel to EWEB at Calkins & Calkins prior to 2011 when the contract was assigned to Luvaas Cobb. Calkins & Calkins was retained by EWEB from the 1940’s-2011.