

# General Legal Services Ad Hoc Committee

## Solicitation Consideration

*Ruth Zintzun*

*Finance and  
Procurement  
Manager*

*November 1, 2023*



**OC SAN**  
ORANGE COUNTY SANITATION DISTRICT

1

## Topics to Discuss

- Scope of the Ad Hoc Committee
- Review of Current Agreement
- Potential Solicitation
- Schedule
- Next Steps

2

2

## Scope of Committee

Steering Committee Direction:

Review current general services legal contract as well as policy, process, and potential solicitation of general counsel legal services.

3

3

## History

The timeline shows the following events:

- 1975:** Tom Woodruff appointed as General Counsel
- 2004:** Third party review of legal services
- 2005:** Solicitation conducted: Awarded to Woodruff, Spradlin & Smart
- 2008:** Contract amended to annually adjust rates by CPI
- 2023:** Evaluate need for solicitation (highlighted with a red dashed box and labeled 'Request')

4

4

## Current Contract

Woodruff, Spradlin & Smart

- Bradley R. Hogin, Principal General Counsel
- Established in 2005, amended in 2008
- Approved by Board
- No expiration date
- Rates increase each year by CPI

5

5

## Areas of Counsel

- Public Works
- Environmental Law
- Contracts
- Special District Law
- Utility Rate Setting
- Water Law
- Real Estate and Related

6

6

## Comparable Agencies

|  | Costa Mesa Sanitary District            | LACSD   | Western Municipal Water District                                | Eastern Municipal Water District                |
|--|---|---|---|---|
| <b>Number of years with current firm</b> | 28 years                                | 30+ years                                       | 69+ years   | 1.5 years                                       |
| <b>Last solicitation</b>                 | 1994                                    | 2020  | Not in last 19 years  | Do not compete                                  |
| <b>Legal service structure</b>           | 2 counsels:<br>• General<br>• Personnel | Multiple:<br>• General<br>• Special (as needed) | Multiple:<br>• General<br>• Special (as needed)<br>• Employment | Multiple:<br>• General<br>• Special (as needed) |

*OC San sought information from multiple agencies, only these four responded.*

7

7

## Considerations of Solicitation

### Advantages

- Market investigation
- Transparency
- Open competition
- Fiduciary responsibility of public funds
- Opportunities for eligible firms
- Consultant diversity
- Accountability

### Disadvantages

- Loss of institutional knowledge
- Disruption in continuity of service
- Possible increase in rates
- Time and resources to conduct solicitation

8

8

## Timeline

| Description                            | Date               |
|--|--------------------|
| <b>Board Approval for Solicitation</b> | November           |
| <b>Solicitation Development</b>        | November – January |
| <b>Active Solicitation</b>             | February – March   |
| <b>Evaluation</b>                      | March – May        |
| <b>Negotiations</b>                    | May                |
| <b>Contract Award</b>                  | June               |
| <b>New Contract Effective</b>          | July               |

9

9



## Next Steps

- Update Steering Committee on Ad Hoc Committee recommendations
- Board action needed if conducting solicitation
  - Approve conducting solicitation
  - Body overseeing the process
  - Define or expand the scope of oversight
- Develop scope of work
- Begin developing solicitation package

10

10

**Questions**



11