



Agenda Report

File #: 2023-3308, Version: 1

FROM: Robert Thompson, General Manager
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SUBJECT:

SOLICITATION OF GENERAL LEGAL COUNSEL SERVICES

GENERAL LEGAL SERVICES AD HOC RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve conducting an open competitive solicitation for general legal counsel services; and
- B. Assign the General Legal Services Ad Hoc Committee as oversight for the solicitation process.

BACKGROUND

In September 2023, the Steering Committee established the General Legal Services Ad Hoc Committee to review the current general legal services contract, the policy and process surrounding the contract, and potentially bidding general counsel legal services.

The current general legal counsel, Woodruff and Smart, has been serving Orange County Sanitation District (OC San) since 1975. An informal competitive solicitation process was conducted in 2005, resulting in the incumbent being awarded a contract for the services, with Bradley R. Hogin named as Principal General Counsel. In 2008, the agreement was amended to annually adjust rates by Consumer Price Index.

RELEVANT STANDARDS

- Ensure the public's money is wisely spent

PROBLEM

A solicitation for general legal counsel services has not been conducted since 2005. The Steering Committee requested that the General Legal Services Ad Hoc Committee evaluate the need to conduct a formal solicitation for general legal counsel services.

PROPOSED SOLUTION

Assign the General Legal Service Ad Hoc Committee to conduct and oversee an open competitive solicitation for general legal counsel services.

TIMING CONCERNS

N/A

RAMIFICATIONS OF NOT TAKING ACTION

Current general legal counsel services would remain in place.

PRIOR COMMITTEE/BOARD ACTIONS

November 2023 - General Legal Services Ad Hoc Committee recommended to the Steering Committee to approve conducting an open competitive solicitation for general legal counsel services; and assign the General Legal Services Ad Hoc Committee as oversight for the solicitation process.

September 2023 - Created a new General Legal Services Ad Hoc Committee for the purpose of reviewing the current/evergreen contract and the policy and process surrounding this contract and potentially bidding general counsel legal services.

ADDITIONAL INFORMATION

On November 1, 2023, the General Legal Services Ad Hoc Committee met and discussed the scope of their assignment, the benefits and concerns of conducting a formal solicitation for general legal counsel services, a timeline for a potential formal solicitation, and next steps needed.

CEQA

N/A

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Current General Legal Counsel Services Agreement
- Current Rate Letter
- General Legal Services Ad Hoc Committee Presentation 11/01/2023