

FOR CONSIDERATION

January 24, 2018

TO: The Board of Trustees

FROM: Thomas Falcone

REQUEST: Authorization to Engage Firms to Provide Legal Services for Real Estate, General, Corporate & Securities, Complex Litigation, State Regulatory and Wholesale Energy Markets

Requested Action

The Trustees are requested to approve a resolution authorizing the Chief Executive Officer, or his designee, to engage law firms to provide as-needed legal services to the Authority and its subsidiary, Long Island Lighting Company d/b/a LIPA (collectively “LIPA”) in the scopes of services set forth below, for a period of five years.

Background

On December 6, 2017, LIPA issued a Request for Proposals (“RFP”) seeking experienced law firms to provide legal services to LIPA for a period of five years in the following scopes of services:

1) Real Estate; 2) General; 3) Corporate & Securities; 4) Complex Litigation; 5) State Regulatory; and 6) Wholesale Energy Markets.

The RFP was distributed to ninety-five firms (60 of them MWBE), and posted on LIPA’s website and the New York State Contract Reporter.

The due date of the RFP was originally January 4, 2018, 3 p.m., but due to inclement weather, LIPA postponed the deadline to January 8, 2018, 3 p.m.

Twenty-nine firms responded to the RFP. Four of the firms (Stem Success; Rozario & Associates, PC; Bond Schoeneck & King; and The Chandler Law Firm PLLC were deemed non-responsive. Stem Success is not a law firm, and the other three firms failed to indicate whether they agreed with LIPA’s Terms & Conditions, or had any exceptions.

The remaining proposals were evaluated by a selection committee comprised of four members of LIPA’s legal department who carefully examined the technical (non-cost) portion of the proposals. The evaluation was conducted in accordance with the Office of State Comptroller’s (OSC) guidelines requiring the setting of an evaluation and scoring system prior to the opening of bids. The evaluation criteria were also summarized in the RFP.

Procurement staff separately evaluated the proposals on a cost basis and for MWBE/SDVOB, also in accordance with OSC procurement guidelines. The selection committee then conducted interviews of three of the top-qualifying firms for three of the scopes (i.e., Real Estate, Complex Litigation and State Regulatory) since their cumulative scores were less than 15 points apart.

Based upon the written proposals, interviews and an assessment of LIPA’s needs, it was determined that the firms listed below provide the best value to LIPA for the services sought, considering both technical expertise and proposed hourly rates.

Scopes	Firms
1- Real Estate	Koeppel, Martone & Leistman, LLP Tullis Wilkes Huff Geiger, LLP Lazer, Apthker, Rosella & Yedid, PC
2- General	Lazer, Apthker, Rosella & Yedid, PC Krez & Flores, LLP Rivkin Radler LLP
3- Corporate & Securities	Holland & Knight LLP Rivkin Radler LLP
4- Complex Litigation	Rivkin Radler LLP Holland & Knight LLP
5- State Regulatory	Read & Laniado, LLP Holland & Knight LLP
6- Wholesale Energy Markets	Van Ness Feldman LLP Stinson Leonard Street LLP

Recommendation

Based on 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

EXHIBIT A

ENGAGEMENT OF FIRMS TO PROVIDE LEGAL SERVICES

RESOLVED, that consistent with the attached memorandum, the Chief Executive Officer or his designee be, and hereby is, authorized to engage the following law firms to provide legal services to the Long Island Power Authority, the Long Island Lighting Company d/b/a LIPA, on an as-needed basis, with the contract terms to be for a period of five years: (i) Koeppel, Martone & Leistman, LLP; (ii) Tullis Wilkes Huff Geiger, LLP; (iii) Lazer, Apthker, Rosella & Yedid, PC; (iv) Krez & Flores, LLP; (v) Holland & Knight LLP; (vi) Rivkin Radler LLP; (vii) Read & Laniado, LLP; (viii) Van Ness Feldman LLP; and (ix) Stinson Leonard Street LLP.

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