

MEMORANDUM

DATE: June 1, 2021
TO: Ted Corrigan, CEO and General Manager
FROM: Amy Kahler, Chief Financial Officer
SUBJECT: Legal Services Review

Background

At the March 23rd Board meeting, the Board authorized staff to issue a Request for Proposals (RFP) for legal services. Staff issued the legal services RFP on March 29th and responses were due May 14th. DMWW received five responses to the RFP (in alphabetical order):

- Dickinson Law
- Dorsey & Whitney, LLP
- Fredrikson & Byron, P.A.
- Hopkins & Huebner, P.C.
- Whitfield & Eddy Law

The responses have not yet been opened, pending Board support for the evaluation process and timeline outlined below.

Evaluation Process and Timeline

It has been recommended that the Finance & Audit Committee (F&A) lead the RFP evaluation process, supported by staff members Ted Corrigan, CEO and General Manager, and Amy Kahler, Chief Financial Officer. F&A Chair, Joel Aschbrenner and F&A Committee member, Sue Huppert met with staff on May 21st to discuss the evaluation process and timeline.

The F&A Committee recognizes the Board's legal counsel plays an integral role in the utility's affairs and provides a critical support function to the Board, and as such, the Committee suggests the respondents and their proposals should be afforded a thorough evaluation. To that end, it was suggested that in-person interviews be conducted with the respondents to better understand each firm's proposal and strengths and weaknesses. Additionally, committee members noted the status and timing of significant pending matters, including regionalization discussions, could complicate any potential transition of legal counsel in the immediate future, and it was the Committee's recommendation that the process continue but at a deliberate pace that allows for

thorough evaluation, while at the same time provides the opportunity for regionalization discussions to conclude. The F&A Committee suggests the following timeline and process:

Action	Timeline
Discuss evaluation process and timeline at June F&A Committee meeting	June 8, 2021
Review evaluation matrix, including rating areas and weightings, at July F&A Committee meeting. Open and distribute responses after evaluation matrix has been finalized.	July 13, 2021
F&A Committee to review and evaluate responses to RFP, conduct legal firm interviews, and interview references	August – October, 2021
Discuss results of evaluation, interviews, and references at November F&A meeting. Make recommendation based on results of evaluation process.	November 9, 2021
Recommendation presented to Board for approval	November/December, 2021

This proposed process and timing will be discussed at the June 8, 2021 Finance & Audit Committee meeting.