

**THE NORTHWEST SEAPORT ALLIANCE**  
**MEMORANDUM**

**MANAGING MEMBERS**  
**ACTION ITEM**

**Item No.** 8C  
**Date of Meeting** November 7, 2023

**DATE:** October 6, 2023

**TO:** Managing Members

**FROM:** John Wolfe, CEO

**Sponsor:** Dana Henderson, General Counsel

**Project Manager:** Dana Henderson, General Counsel

**SUBJECT:** Legal Contract Authorization Increase - Tupper Mack Wells, PLLC.

**A. ACTION REQUESTED**

Request authorization from The Northwest Seaport Alliance (NWSA) Managing Members for the Chief Executive Officer or delegate to increase the contract amount and spending authorization for Personal Services Agreement Number 071924R with Tupper Mack Wells, PLLC in the amount of \$250,000 for a total authorized amount of \$600,000 for on-call environmental legal and expert services.

**B. SYNOPSIS**

The NWSA and Tupper Mack Wells, PLLC entered into Personal Services Agreement Number 071924R for on-call environmental legal services (PSA 071924R). PSA 071924R is a master agreement under which individual task orders will be issued defining the scope of work for various matters, including legal and expert services. Increasing the authorization to \$600,000 should provide sufficient funds for expenditures on the various task orders anticipated by staff under PSA 071924R through December 2024.

**C. BACKGROUND**

Tupper Mack Wells, PLLC is a law firm specializing in environmental law. The NWSA currently uses this firm as outside counsel for matters including but not limited to stormwater. It is anticipated that this law firm will be tasked with review, analysis, and response to the Industrial Stormwater General Permit to be issued by the Department of Ecology in mid-2024; and additional funds will be needed for legal and expert assistance to respond to this draft permit.

**D. FINANCIAL IMPLICATIONS**

***Cost Details***

	<b>This Request</b>	<b>Total Cost</b>	<b>Cost to Date</b>
Increase On-Call Funding	\$250,000	\$600,000	0
<b>Total</b>	<b>\$250,000</b>	<b>\$600,000</b>	<b>0</b>

***Source of Funds***

This request is to increase funding under the existing contract for on-call environmental legal and expert services to be charged to a project. These funds were not explicitly included in the budget. Litigation services, should litigation be required, would require separate Managing Members' authorization along with a new contract with additional funds. The budget includes a \$3 million reserve for unplanned expenses which will be used to fund this project.

**E. PREVIOUS ACTIONS OR BRIEFINGS**

<u>Date</u>	<u>Action</u>	<u>Amount</u>
September 11, 2023	Executive Authorization – on call contract for legal services	\$350,000