

COMMISSION AGENDA

Item No: 4B

Meeting: 11/25/19

DATE: Date of Agenda Meeting

TO: Port Commission

FROM: Eric Johnson, Executive Director
Sponsor: Erin Galeno, CAFO
Project Manager: Mark Little

SUBJECT: Award Personal Services Agreement for General Legal Counsel Services for 2020

A. ACTION REQUESTED

Request authorization to award a personal services agreement for general legal counsel services to be provided by Goodstein Law Group, PLLC effective January 1, 2020 for one year with the option to renew for two additional one-year terms in the amount not to exceed \$756,491.00 over a three-year period.

B. BACKGROUND

General legal counsel services are considered a personal service and fall within the guidelines of RCW 53.19, Personal Services Contracts [Port districts]. According to the statute, engaging expert witnesses, and legal services for general counsel or litigation are exempt from competition requirements (RCW 53.19.070(7)).

The Port has used an outsourced model for the delivery of all legal services. The Port issued a Request for Information (RFI) in 2013 and Goodstein was selected to continue providing legal services to the Port. The Executive Director has directed another RFI be issued in 2020 to gain an understanding of the current market, interest, and capabilities for providing legal services to the Port.

The one-year contract for a not to exceed amount of \$244,748 represents a fixed, monthly fee of \$20,394. The two option years include a three (3) per cent increase each year.

Litigation is specifically excluded from this contract however the contract does contain fixed hourly rates for litigation should Goodstein Law Group PLLC be assigned litigation matters. Each assigned litigation matter will be contracted via a separate Personal Services Agreement that would address scope, schedule, and budget for the litigation matter.

C. SCOPE OF WORK

Consultant will provide legal services and reporting to the Port, including general legal counsel services and litigation services, as set forth herein and as requested by the Port:

General Counsel Services. Consultant shall provide practical legal advice to the Port Executive Director, the Port Staff, and the Port Commission, regarding the legal risks of certain courses of action, recommend legal strategies, ensure compliance with all relevant laws and

statutes, recommend and engage special legal counsel on matters as directed and approved by the Port Commission or the Port Executive Director, and represent the Port as its general legal counsel. Duties include:

Attend all meetings of the Commission each month, and the weekly Port management team meetings, and be prepared to advise on all matters arising at those meetings;

Review Port public records requests as requested and provide counsel on practical solutions to meet public records requirements;

Provide legal services to the Port to include drafting contracts (other than Professional, Personal Services, and Public Works Contracts), coordinating litigation, and addressing environmental and other facilities management issues;

Provide general risk management guidance on all Port-related matters, including procurement compliance, business and governmental dealings, and other related legal matters;

Develop legal strategies through collaboratively engaging leaders across the Port to assess and determine acceptable short- and long-term business risks;

Ensure key Port leaders are educated in key legal issues and critical contract terms as well as compliance and anti-corruption guidelines;

Monitor trends, changes, and emerging issues that affect the Port to ensure compliance with applicable regulations and international, federal, state and local laws;

Develop and maintain collegial relationships with the NWSA Counsel, customers and staff including outside counsel and business leaders;

Provide oversight to other legal support contracts and efforts;

Assist, when requested by the Port, with legal firms the Port contracts with to lead Litigation services; and

Excluded from the scope of the General Legal Services covered by this Agreement are:

Real Estate lease development and support

Specialized Environmental support

Labor and HR support

Specialized Financial support

Workplace Investigations

D. TIMEFRAME/PROJECT SCHEDULE

Contract period of performance is January 1, 2020 through December 31, 2020 with the option to renew for two one-year terms.

E. FINANCIAL SUMMARY

Cost The 2020 budget has sufficient resources for legal services.

Item	Annual Costs
Year one	\$244,748
Year two	\$252,090*
Year three	\$259,653*
TOTAL	\$756,491

***REPRESENTS A THREE PER CENT INCREASE OVER THE PREVIOUS YEAR**

F. NEXT STEPS

Upon Commission approval, the Port will issue a new agreement for general legal counsel services to be provided by Goodstein Law Group, PLLC, effective January 1, 2020 through December 31, 2020, in the amount of \$244,748.00 with the option to renew for two additional one-year terms.

Personal Services Agreement 071186 for General Legal Counsel Services in 2020

Mark Little, Director, Contracts and
Purchasing



Action Requested



Request authorization to award a personal services agreement for general legal counsel services to be provided by Goodstein Law Group, PLLC effective January 1, 2020 for one year with the option to renew for two additional one-year terms in the amount not to exceed \$756,491.00 over a three-year period.

BACKGROUND



- General legal counsel services are considered a personal service and fall within the guidelines of RCW 53.19, Personal Services Contracts [Port districts]. According to the statute, engaging expert witnesses and legal services for general counsel or litigation are exempt from competition requirements (RCW 53.19.070(7)).
- The Port has used an outsourced model for the delivery of all legal services. The Port issued a Request for Information (RFI) in 2013 and Goodstein was selected to continue providing legal services to the Port. The Executive Director has directed another RFI be issued in 2020 to gain an understanding of the current market, interest, and capabilities for providing legal services to the Port.

- The consultant will perform General Legal Services in support of the Commission, Executive Director and team, as well as Port staff.
- Litigation is specifically excluded from this contract however the contract does contain fixed hourly rates for litigation should Goodstein Law Group PLLC be assigned litigation matters. Each assigned litigation matter will be contracted via a separate Personal Services Agreement that would address scope, schedule, and budget for the litigation matter.

- Contract period of performance will be from January 1, 2020 to December 31, 2020 with the option to extend for two additional one-year terms.

- The 2020 budget has sufficient resources for legal services.
 - First year: \$244,748
 - Option year one: \$252,090*
 - Option year two: \$259,653*
- *Represents a three percent increase over the previous year

Action Requested



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