

RESOLUTION 20-18 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND BROWN & CONNERY, LLP TO PROVIDE LABOR AND EMPLOYMENT LEGAL COUNSEL TO SUPPORT THE AUTHORITY’S OBJECTIVES RELATED TO ITS INTERESTS IN THE STATE OF NEW JERSEY

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact; and

WHEREAS, the Authority desires to retain the services of a professional legal firm based in the State of New Jersey to serve as its “on-call” counsel for labor and employment legal matters including compliance, labor and employment law and litigation matters related thereto and other matters relating to fulfilling the goals of the Authority; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposals for labor and employment legal counsel in compliance with Resolution 98-31, as amended, which governs the Authority’s procedures for the procurement of professional services; and

WHEREAS, the Authority received five (5) proposals pursuant to the aforementioned public Request for Proposals; and

WHEREAS, a Selection Committee reviewed and evaluated all proposals received, short-listed two (2) proposals for further consideration and conducted in-person interviews at Authority headquarters with those firms; and

WHEREAS, BROWN & CONNERY, LLP was designated as the highest-ranking firm following final evaluation; and

WHEREAS the Authority evaluated the cost of the services proposed by BROWN & CONNERY, LLP and determined the proposed fees to be fair and reasonable; and

WHEREAS, the Personnel Committee reviewed the recommendation and concurs with the evaluation; and

WHEREAS, the Authority wishes to enter into a Service Agreement (“Agreement”) with BROWN & CONNERY, LLP; and

WHEREAS, such Agreement shall have a base term of three (3) years, following the expiration of which, the Authority shall have the option to extend the Agreement for up to two (2) additional periods of one (1) year each, either such extension period to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Service Agreement with BROWN & CONNERY, LLP to provide labor and employment legal counsel services to the Authority and to have such agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

Resolution 20–18 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with Brown & Connery, LLP to serve as professional “on-call” labor and employment legal counsel representing its interests in the state of New Jersey.

Committee: Personnel Committee

**Committee/
Board Date:** June 16, 2020

Purpose of Resolution:

To authorize an agreement with Brown & Connery, LLP to provide professional “on-call” counsel for labor and employment legal matters including compliance, labor and employment law and litigation matters related thereto and other matters relating to fulfilling the goals of the Authority.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the procedure for the procurement of professional services.

The Authority received and evaluated proposals submitted by the following five (5) firms, and invited two (2) of those firms¹ to attend an interview/presentation session at the Authority’s headquarters:

Archer & Greiner P.C.¹; Brown & Connery LLP¹; Fisher Phillips LLP; Grace Marmero & Associates LLP; and Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

The Selection Committee conducted interviews with the firms that submitted the highest-ranked proposals and afterward utilized the published final evaluation criteria to establish a final ranked list of firms, with Brown & Connery, LLP being identified as the top-ranked firm following the interview. The Authority then reviewed the firm’s cost proposal, analyzed the fees for the services, and determined them to be fair and reasonable.