

**10420. RESOLUTION 11-31 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND BROWN & CONNERY, LLP TO PROVIDE PROFESSIONAL “ON-CALL” LABOR AND EMPLOYMENT LEGAL SERVICES REPRESENTING THE AUTHORITY’S 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 that owns, operates and controls the Delaware Memorial Bridge, Cape May-Lewes Ferry and five (5) regional airports; and

WHEREAS, the Authority desires to procure professional “on-call” labor and employment legal services representing the Authority’s interests in the State of New Jersey (“Services”) with an initial term of three (3) years with one (1) optional one-year renewal, such renewal to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (“RFP”) for the required Services in compliance with Resolution 98-31, as amended by Resolution 09-52, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated five (5) proposals pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed two (2) firms and conducted oral interviews; and

WHEREAS, Brown & Connery, LLP was designated first on the preference list; and

WHEREAS, the Authority, having set the rate for professional legal services at \$225 per hour, reviewed Brown & Connery’s cost proposal and determined that the rates proposed for paraprofessional services and miscellaneous charges were fair and reasonable; and

WHEREAS, the Authority desires to award services at compensation not-to-exceed \$125,000 annually for each of the initial three (3) year period and a not to exceed limit of \$125,000 for the one (1) year optional renewal period; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Services Agreement with Brown & Connery, LLP to provide such Services for the Authority and to have such Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 11-31 was made by Commissioner Green, seconded by Commissioner Traynor, and approved by a roll call vote of 11-0.

## **Resolution 11-31 Executive Summary Sheet**

**Resolution:** Authorizing the Authority to enter into an agreement with Brown & Connery, LLP for professional “on-call” labor and employment legal services representing the Authority’s interests in the State of New Jersey.

**Committee:** Personnel

**Committee/Board Date:**

July 19, 2011

**Purpose of Resolution:**

To authorize an agreement with Brown & Connery, LLP to provide professional “on-call” labor and employment legal services representing the Authority’s interests in the State of New Jersey.

**Background for Resolution:**

The proposed Resolution meets the requirements of Resolution 98-31, as amended by Resolution 09-52, to procure and award professional services.

The Authority received and evaluated five written proposals and conducted oral interviews with two (2) firms (indicated by the \* below):

Brown & Connery, LLP\*  
Eric M. Bernstein & Associates, LLP  
Ferreira & Herbert Law Group, LLP  
Long Marmero & Associates, LLP  
Lum, Drasco & Positan, LLC\*

The Authority, having set the hourly rate for professional legal services at \$225 per hour, reviewed Brown & Connery’s cost proposal for paraprofessional and miscellaneous charges and determined that it was fair and reasonable.

The not-to-exceed for such “on call” services is \$125,000 annual limit for the initial three (3) year period and a not to exceed limit of \$125,000 for the one (1) year optional renewal period. Payments to Brown & Connery, LLP will be made according to the rate schedules submitted.