

**11317. RESOLUTION 17-48 – AUTHORIZES A CONTRACT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND KAPLAN KIRSCH & ROCKWELL LLP TO PROVIDE PROFESSIONAL “ON CALL” AIRPORT LEGAL COUNSEL TO THE AUTHORITY**

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 operates and maintains the following airports: New Castle Airport, Delaware Air Park, Civil Air Terminal, Millville Airport and Cape May Airport; and

WHEREAS, the Authority desires to engage a qualified professional legal services provider to serve as “on call” airport legal counsel; and

WHEREAS, the Authority wishes to enter into a Services Agreement (“Agreement”) with the selected legal services provider; and

WHEREAS, such Agreement shall have a base term of three (3) years, with the Authority having the option to extend the Agreement for up to two (2) additional consecutive terms of one (1) year each following the expiration of said base term, either such additional year 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 Proposals (“RFP”) for “on-call” airport 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 and evaluated three (3) proposals pursuant to the aforementioned requirements; and

WHEREAS, as a result of the initial proposal evaluations, the Authority conducted an oral interviews with each proposing firm; and

WHEREAS, Kaplan Kirsch & Rockwell (“KKR”) was designated as the highest-ranking firm following final evaluation; and

WHEREAS, the Budget & Finance Committee reviewed the recommendation and concurs with the evaluation; and

WHEREAS, the Authority conducted an analysis of the market to analyze the costs of the Services proposed by KKR and negotiated with said firm to provide the Services at compensation determined to be fair and reasonable; and

THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to finalize terms and conditions of a Service Agreement with KKR to provide the Services to the Authority and to have such agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 17-48 was made by Commissioner Bennett, seconded by Commissioner Wilson, and approved by a roll call vote of 9-0.

## Resolution 17-48 Executive Summary Sheet

Resolution: Authorizes an agreement between the Authority and Kaplan Kirsch & Rockwell to provide professional “on call” airport legal counsel representing the interests of the Authority.

### Background for Resolution:

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

The Authority received and evaluated proposals submitted by the following three (3) firms:

Foley & Lardner LLP  
Kaplan Kirsch & Rockwell LLP  
Weir & Partners LLP

The Authority conducted interviews with each of the three firms that submitted technical proposals and utilized final evaluation criteria to establish a ranked list, with KKR being identified as the top-ranked firm following the interviews. The Authority opened cost proposals and conducted an analysis of the market to analyze the costs of the Services and negotiated with KKR to provide the Services at compensation determined to be fair and reasonable.