

RESOLUTION 23-27 – 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, the Agreement will 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 1-year extension contingent upon prior receiving authorization from the Budget & Finance Committee, along 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 four proposals, reviewed and evaluated all proposals received, shortlisted two proposals, and a Selection Committee conducted oral interviews on March 14, 2023, with those two firms; and

WHEREAS, additional oral interviews were conducted with the two shortlisted proposals on May 1, 2023; and

WHEREAS, KAPLAN KIRSCH & ROCKWELL LLP (“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 analyzed the fees proposed by KKR and determined the compensation rates 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.

Resolution 23-27 - Executive Summary Sheet

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

Committee: Budget & Finance Committee

**Committee/
Board Date:** June 21, 2023

Purpose of Resolution: To authorize an agreement with KKR to provide professional “on-call” airport legal counsel services 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 four (4) firms:

*Anderson & Kreiger, LLP
Jetlaw, LLC
*Kaplan Kirsch & Rockwell LLP
Martin Airport Law, LLC & Del Ray Solutions, LLC

**Indicates short-listed firm with which oral interviews were conducted*

The Authority conducted two rounds of oral interviews with Anderson & Kreiger and Kaplan Kirsch & Rockwell and utilized final evaluation criteria to establish a ranked list, with KKR being identified as the top-ranked firm following the interviews. The Authority then opened fee proposals and conducted an analysis of the proposed costs of the Services and determined the compensation to be fair and reasonable.