



Legislation Text

File #: AI 13-1772, **Version:** 2

Consider recommendation from the Finance/Administrative Committee to hire a legal consultant to support the EAA's enforcement program.

RECOMMENDED MOTION:

Move the board initiate the process to solicit a legal consultant to support the EAA's enforcement program and represent the EAA Board of Directors during the processing of any contested administrative orders related to enforcement actions and recommend that the board deviate from the EAA Bylaws and use an RFP process in lieu of an RFQ process.

SUMMARY:

The purpose of this agenda item is for the board to consider a Finance/Administrative Committee recommendation to initiate a solicitation process for a legal consultant to support the EAA's enforcement program and represent the EAA Board of Directors during the processing of any contested administrative orders related to enforcement actions. Such a consultant is necessary only under circumstances where ex-parte communications need to be avoided in contested enforcement matters. Such a legal consultant is a necessary component of the "Administrative Order" enforcement approach that staff recommended during the September 2017 Board of Directors Worksession.

Under the EAA Bylaws, "the Board shall hire all legal consultants ... [and] shall solicit for statements of interest and qualifications for such services." However, EAA staff recommends, that due to the low volume, specific nature of the desired consultant services, a request for proposal be used in lieu of a statement of interest and qualifications. Such a deviation from the bylaws may only be accomplished through unanimous board approval.

At the March 27 meeting, the Finance/Administrative Committee voted to recommend the board initiate the process to solicit a legal consultant to support the EAA's enforcement program and represent the EAA Board of Directors during the processing of any contested administrative orders related to enforcement actions and recommend that the board deviate from the EAA Bylaws and use an RFP process in lieu of an RFQ process.

M/WBE PARTICIPATION:

This solicitation is an opportunity for an M/WBE vendor to submit a proposal to the EAA.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

Funding for legal consultant services is available in the 2018 operating budget.