

11021. RESOLUTION 15-41 – AUTHORIZES A CONTRACT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND BROWN & CONNERY, LLP TO PROVIDE PROFESSIONAL “ON-CALL” LABOR AND EMPLOYMENT 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 owns, operates and controls the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Crossing and five (5) regional airports; and

WHEREAS, the Authority desires to engage a professional legal services provider based in the State of New Jersey to serve as “on-call” labor and employment counsel;

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 one (1) year after the expiration of said base term, such extension 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 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 and evaluated two (2) proposals pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed one (1) firm and conducted an oral interview with that firm; and

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

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

WHEREAS, the Authority conducted an analysis of the market to analyze the costs for legal counsel services proposed by Brown & Connery, LLP and negotiated with said firm to provide the requested labor and employment legal counsel at compensation determined to be fair and reasonable; and

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 labor and employment legal counsel services to the Authority and to have such agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 15-41 was made by Commissioner Smith, seconded by Commissioner Downes, and approved by a roll call vote of 8-0.

Resolution 15-41 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 the interests of the Authority.

Committee: Personnel Committee

Committee Date: October 27, 2015

Board Date: October 27, 2015

Purpose of Resolution:

To authorize an agreement with Brown & Connery, LLP to provide professional “on-call” labor and employment 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 technical proposals submitted by the following two (2) firms, and short-listed* one (1) of those firms:

Brown & Connery, LLP*
Long Marmero & Associates, LLP

The Authority conducted interviews with all short-listed firms and utilized final evaluation criteria to establish a ranked list, with Brown & Connery, LLP being identified as the top-ranked firm following the interview. The Authority requested and received the cost proposal, conducted an analysis of the market to analyze the costs for the labor and employment legal counsel services and negotiated with Brown & Connery, LLP to provide such services at compensation determined to be fair and reasonable.