

SUMMARY STATEMENT

ITEM NO.: DRPA-17-044 **SUBJECT:** Procurement Document Review

COMMITTEE: **New Business**

COMMITTEE MEETING DATE: **N/A**

BOARD ACTION DATE: **June 21, 2017**

PROPOSAL: **That the Board adopt a resolution approving special engagement of qualified counsel to work closely with DRPA’s Procurement Department, which includes the Contract Administration and Purchasing divisions, Engineering Department and DRPA’s Office of General Counsel to conduct an expedited review and improvement (where appropriate) of the Authority’s procurement policies, procedures and standard procurement documents.**

PURPOSE: **It is the intention of the Authority to engage a law firm with the experience necessary to provide a comprehensive review, assessment and, where necessary, revision of the Authority’s procurement policies, procedures and standard procurement documents, with a focus on best practices and operational efficiency.**

BACKGROUND: **In 2016, the Board approved DRPA-16-028 (the “Resolution”), which sets the compensation for legal work for all attorneys (non-personal injury, excluding workers’ compensation) at a blended rate of \$225/hr. or \$250/hr. for specialty matters or unusual cases. The Resolution also permits the General Counsel, in his or her discretion, to utilize a higher rate of compensation, as long as he or she receives Board approval.**

Due to recent events, General Counsel, in consultation with the Procurement Department and Chief Executive Officer, issued a Request for Proposals (RFP) to a selection of six (6) pre-qualified law firms appearing to have relevant experience in the areas of government and government-related procurement policies and procedures. The Scope of Services for this project will include the need for efficient, in-depth analysis of existing procurement legal documents (invitation for bid, request for proposal, and ancillary documents) and drafting necessary revisions to these documents that conform to applicable legal requirements and best practices. Ideally, the DRPA sought a firm having experience in providing legal support for procurement activities in the context of government and government-related agency procurement department and will have direct experience with day to day administration of government procurement activities.

Proposals were received from four (4) of the six (6) pre-qualified firms on May 22, 2017. A review committee of four (4) DRPA staff evaluated the proposals on the basis of technical merit and cost proposals.

Obermayer Rebmann Maxwell & Hippel, LLP was the highest technically ranked firm. Obermayer's team has many years' experience providing legal support for procurement activities in the context of government and government-related agency procurement department. Overall, the team assembled by Obermayer was found to possess the necessary experience and qualifications to successfully complete the project, and in a timely manner.

In accordance with the DRPA's qualification based selection process, the Price Proposal was evaluated against those submitted by the other proposing firms. Based on this evaluation, Obermayer's price was determined to be fair and reasonable.

Accordingly, it is recommended that an agreement be negotiated with Obermayer Rebmann Maxwell & Hippel, LLP for the costs and associated fees not to exceed \$132,800.00 to provide professional services in accordance with the Request for Proposal.

SUMMARY:	Amount:	\$132,800.00
	Source of Funds:	
	Capital Project #:	N/A
	Operating Budget:	N/A
	Master Plan Status:	N/A
	Other Fund Sources:	N/A
	Duration of Contract:	120 Days
	Other Parties Involved:	N/A

RESOLUTION

RESOLVED: That the Board of Commissioners of the Delaware River Port Authority accepts the Proposal of Obermayer Rebmann Maxwell & Hippel, LLP to provide a comprehensive review, assessment and, where necessary, revision of the Authority's procurement policies, procedures and standard procurement documents, with a focus on best practices and operational efficiency and that the proper officers of the Authority be and hereby are authorized to negotiate an Agreement with Obermayer Rebmann Maxwell & Hippel, LLP for an amount not to exceed \$132,800.00, as per the attached Summary Statement; and be it further

RESOLVED: The Chairman, Vice Chairman and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chairman, Vice Chairman and Chief Executive Officer and if thereafter either the Chairman or Vice Chairman is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chairman and Vice Chairman are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

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