

CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Meeting Date: September 24, 2008

Request Approval to Proceed with the Request for Qualifications (RFQ) for Legal Services

Prepared by: Dona Yee

Summary. Staff requests Authority approval to proceed with a Request for Qualifications for legal services. Firms retained under contract provide a variety of legal services – including serving as Authority’s counsel on bond financings to the extent that those services are unavailable through the Attorney General’s Office. Current contracts with legal counsel firms will expire in February 2009. To maintain continuity of legal services, staff is requesting approval to begin the RFQ process now in order to have new legal counsel contracts in place prior to their expiration dates. Staff will come back to the board early next year for final approval of legal firms.

Proposed Amount. \$550,000

Number of Firms. To ensure availability of assistance, staff proposes seeking contracts with up to five law firms, any of which may serve as issuer’s counsel or provide other legal services as needed. Other legal services may be required where there may be a particular expertise the Authority is seeking or where there may be an excessive amount of work such that more than one counsel is required on a transaction.

Proposed Structure. The \$550,000 is to be divided among up to five contracted firms.

Term of Agreement. Two (2) years for each contract with optional one-year extension.

Background on Existing Contracts.

Initial RFQ: September 23, 2005

Date of Award: March 1, 2006

Legal Services: To provide assistance with CPCFA’s bond issuance process, the development of financing programs, and ongoing consultation.

Contract Amount: \$550,000

Awardees: Law Offices of Alexis S. M. Chiu (\$100,000)
Law Offices of Leslie M. Lava (\$100,000)
Quateman & Zidell LLP (\$100,000)
Hawkins Delafield & Wood (\$100,000)
Orrick, Herrington & Sutcliffe (\$150,000)

Total Amount

Expended To Date: \$336,971.11 as of June 30, 2008 (\$213,028.89 remaining)

Contract Term: Two (2) years, with optional one year extension

Agenda Item 4.D.

Extension Exercised: Extension option exercised in March 2008

Final Ending Date: February 28, 2009

Staff Recommendation. Staff recommends that the Authority approve proceeding with a Request for Qualifications for legal services as described in this summary.

**A RESOLUTION OF THE CALIFORNIA POLLUTION CONTROL FINANCING
AUTHORITY APPROVING STAFF PROCEEDING WITH A REQUEST FOR
QUALIFICATIONS FOR LEGAL SERVICES**

WHEREAS, pursuant to Health & Safety Code section 44521, the California Pollution Control Financing Authority (the “Authority”) may, with the approval of the Attorney General, employ such outside legal counsel as in its judgment is necessary or advisable to enable it to carry out its duties and functions.

WHEREAS, on August 20, 2008 the Authority received written approval from the Attorney General to contract for outside legal services for two years with an option to extend for one additional year.

NOW, THEREFORE BE IT RESOLVED by the Authority as follows:

Section 1. The Authority hereby authorizes staff to proceed with a Request for Qualifications for legal services consistent with the Attorney General’s approval.

Section 2. This resolution shall take effect immediately upon its approval.