

CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
Meeting Date: April 18, 2018

***Request for Approval of Contracts for Legal Services for the California Pollution Control
Financing Authority in Connection with the Bond Program***

Prepared by: *Tajinder Kaur*

Summary. On January 22, 2018, California Pollution Control Financing Authority (“CPCFA”) sent out a Request for Information (“RFI”) to the State Treasurer’s Office’s (“STO”) Bond Counsel Pool for Legal Services Contracts. CPCFA received nine total proposals and selected the three most qualified firms based on the respective firm’s bond financing experience, personnel experience, and other requirements set forth in the RFI. Staff requests the Board’s approval of Resolution No. 18-04-001 to execute contracts with Law Offices of Leslie M. Lava; Orrick, Herrington & Sutcliffe LLP; and Stradling Yocca Carlson & Rauth in the amount of \$166,666.00 for each firm, totaling \$499,998.00.

Background. Currently, CPCFA does not have any contracts for outside Issuer’s Counsel. Having a contract with outside legal counsel services will allow CPCFA to continue business in the event Attorney General’s Office (“AGO”) is unable to provide the services needed. CPCFA received written approval from the Attorney General’s Office on December 11, 2017 to contract for outside Legal Services. The last Legal Services Contracts expired on February 28, 2015.

Evaluation and Selection Process. The evaluation and selection process consisted of:

1. An initial review of each proposal to determine whether it met the minimum qualifications and requirements of the RFI (e.g., compliance with administrative stipulations, bond experience, and Disabled Veterans Business Enterprise).
2. A Staff Evaluation Committee independently evaluated and scored each proposal that met the minimum qualifications and administrative requirements. The scores were then compiled and ranked for each proposal.

Analysis. Eight out of the nine firms met all the requirements set forth in the RFI. A staff evaluation committee completed its review of the proposals and determined that the Law Offices of Leslie M. Lava, Orrick; Herrington & Sutcliffe LLP; and Stradling Yocca Carlson & Rauth were the most qualified and responsive to the RFI and should be awarded a contract. All three firms have prior experience as either Bond Counsel or Issuer’s counsel.

Staff Recommendation. Staff recommends approval of the attached Resolution No. 18-04-001 to authorize the Executive Director or Deputy Executive Director to execute contracts with three firms; Law Offices of Leslie M. Lava; Orrick, Herrington & Sutcliffe LLP; and Stradling Yocca Carlson & Rauth in the amount of \$166,666.00 for each firm, totaling \$499,998.00.

**RESOLUTION OF THE CALIFORNIA POLLUTION CONTROL FINANCING
AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR OR DEPUTY
EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS FOR LEGAL SERVICES**

April 18, 2018

WHEREAS, the California Pollution Control Financing Authority (“Authority”) was created under the California Pollution Control Financing Authority Act (the “Act”), codified under Health and Safety Code section 44500 et seq.;

WHEREAS, Section 44522(c) of the Health and Safety Code provides that the Authority is authorized and empowered to do all things generally necessary or convenient to carry out its powers and the purposes under the Act;

WHEREAS, Section 44519 of the Health and Safety Code provides that the Authority may, by resolution, delegate to its Executive Director or other official or employee of the Authority any powers and duties that it may deem proper, including the power to enter into contracts on behalf of the Authority;

WHEREAS, pursuant to California Health and Safety Code Section 44521 the Attorney General shall be the legal counsel for the Authority, but with the approval of the Attorney General, the Authority may employ such legal counsel as in its judgment is necessary or advisable to enable it to carry out the duties and functions imposed upon it, including the employment of such bond counsel as may be deemed advisable in connection with the issuance and sale of bonds; and

WHEREAS, there is a need to execute Contracts in order to retain firms to provide legal counsel services; and

WHEREAS, the Authority proposes to execute three Contracts in order to retain firms to provide legal counsel services and other actions related thereto of the Authority’s programs.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director and Deputy Executive Director are each hereby authorized, jointly and severally, to prepare and execute three Contracts with Law Offices of Leslie M. Lava; Orrick, Herrington & Sutcliffe LLP; and Stradling Yocca Carlson & Rauth, in an amount not to exceed \$166,666 for each firm, totaling \$499,998 for the term beginning June 1, 2018 through May 31, 2020.