

Council Meeting Staff Report

May 15, 2019

Agenda No.:	6.C
Indexes (Council Goals):	BCC - N/A
Presenters:	Tim Glasco
Legislative File:	AGR0627-19

Title

Approval of Services Agreement No. AGR20-905 with Kutak Rock, LLP in the amount of \$150,000.00, plus Applicable Gross Receipts Tax, for the Purpose of Legal Services

Recommended Action

I move that the Board of Public Utilities approve Services Agreement No. AGR20-905 with Kutak Rock, LLP in the amount of \$150,000.00, plus applicable gross receipts tax, for the purpose of legal services related to utilities issues.

Staff Recommendation

Staff recommends that the Board approve as presented.

Body

The general County as well as the DPU have used the services of Kutak Rock for a variety of issues, mostly related to interface with the DOE/NNSA for several decades. DPU's existing 5-year contract, which is about to expire, is for \$110,000, and has approximately \$30,000 remaining unspent. Several issues are looming that will require more utilization of Kutak Rock services than the past 5 years. Among the upcoming issues are renewal of the water rights lease with the NNSA, renewal of the water sales contract and negotiations for the modification and/or renewal of the Energy Coordination Agreement. Staff expects to be heavily relying on Kutak Rock during these negotiations, so the ceiling amount of the contract is being raised to \$150,000. Kutak Rock has also performed work related to the Small Modular Reactor project for both the DOE and UAMPS, so they are uniquely qualified to assist in the County's upcoming deliberations related to participation in this project. The general County has a separate contract with Kutak Rock for advice and assistance with a variety of other DOE-related issues. This proposed contract however, is strictly for utilities-related services. The selection of legal services is exempt from competitive procurement under the County Procurement Code.

Alternatives

Staff could use a different law firm or rely entirely on in-house attorneys for the upcoming negotiations with NNSA. Kutak Rock, due to their long association with Los Alamos County DPU in dealing with these agreements is well suited to provide expert advice and assistance. Another law firm would have to come up to speed on our issues and may or may not have the expertise with NNSA to give the best assistance.

Fiscal and Staff Impact

Up to \$150,000 expenditure over the next five years.

Attachments

A - AGR20-905