



Topic: **Authority Board Agenda Item 2.10**

**2020 October 21**

Subject: **Task Order CEQA Attorney (Perkins Coie LLP)**

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**Requested Action:**

Authorize execution of contract amendment with Perkins Coie's to incorporate Task Order No. 1.0 scope of work and budget in the amount of \$1,250,000 and a period of performance end date of December 31, 2021.

**Detailed Description/Background:**

The Amendment 2 Work Plan was approved in August 2020. The Work Plan identified the need for legal services for environmental planning and permitting activities and allocated \$1,250,000 to this effort. Staff is proposing that the Executive Director be given the authority to enter into Task Order 1.0 with Perkins Coie for this amount. Task Order 1.0 would contain the following efforts:

- **Permitting:** Provide legal services to assist the Authority in completing the permitting efforts identified in the Amendment 2 Work Plan, which generally consist of the following: complete the Project's Biological Assessment and make progress in working with the U.S. Fish and Wildlife Service in issuance of a Biological Opinion; complete the National Historic Preservation Act Section 106 efforts; complete and submit the Project's State Incidental Take Permit applications (construction and operations); complete and submit the Project's Clean Water Act Section 401 and 404 permit applications. Provide legal services to assist the Authority in advancing the permitting of the Project as needed.
- **Environmental Planning:** Provide legal services to assist the Authority in all aspects of compliance with the California Environmental Quality Act for the Project, including the Environmental Impact Report, pre-project geotechnical compliance efforts and AB 52 consultations.

This amendment will also incorporate a melded billing rate to provide greater flexibility in the use of firms resources.

**Prior Action:**

December 2016: The Authority Board approved the execution of a contract with Perkins Coie LLP to provide environmental planning and permitting legal services. A letter of agreement with Perkins Coie LLP was executed in January 2017.

**Fiscal Impact/Funding Source:**

Sufficient funds are included in the revised Amendment 2 Work Plan approved in August 2020. Activity will be monitored closely to ensure quality, timely deliverables and to ensure a positive project cash balance is always maintained.

**Staff Contact:**

Ali Forsythe/Joe Trapasso

**Attachments:**

None