

## **BUDGET AND FINANCE COMMITTEE**

**JULY 14, 2023 MEETING**

### **ATTACHMENT 1.2A PERKINS COIE TASK ORDER AMENDMENT**

#### **Requested Action**

Budget and Finance Committee to consider recommending to the RC and AB approval of Amendment No. 3 to Task Order No. 2 for Perkins Coie LLP (Perkins Coie), which would result in an \$175,000 increase to their FY 2023 not-to-exceed budget and overall Amendment 3 contract ceiling. Approval of the Task Order Amendment No. 3 will authorize an allocation of \$175,000 in Unrestricted Contingency from the Permitting Subject Area (\$79,000) and the Planning Subject Area (\$96,000).

#### **Description**

Additional funding is needed as additional reviews of the administrative Final EIR/EIS resulted in a higher than expected level of effort over the last few months. In addition, development and review of the Project's administrative record has proceeded earlier than expected due to the recent State legislation, resulting in additional funding needed earlier in the schedule. Lastly, additional funding has been and will continue to be needed to provide additional review and assistance as permitting approaches have changed due to factors beyond the Authority's control (such as the recent changes to the Federal ESA approach discussed at the June 2023 Joint Reservoir Committee and Authority Board meeting).

The addition of the \$175,000 to Perkins Coie will increase the not-to-exceed budget for FY 2023 to \$797,321 and the overall Amendment 3 budget for Perkins Coie will remain \$1,694,000.

Per the Budget Policy, Board approval of the use of Unrestricted Contingency equal to or greater than \$100,000 is necessary before proceeding.

#### **Fiscal Impact**

Sufficient funds are included in Amendment 3 Work Plan and the FY23 budget to accommodate this change.