



Consent Staff Report Item 5

TO: East Bay Community Energy Board of Directors

FROM: Leah S Goldberg, General Counsel

SUBJECT: Agreement with Troutman Sanders for Legal Services (Action Item)

DATE: September 26, 2018

Recommendation

Approve an agreement with Troutman Sanders, LLP (Principal: Stephen C. Hall; Location: Portland, OR) for Special Counsel services, for the period of 9/1/18 – 8/31/19, in the amount of \$225,000.

Background and Discussion

In June 2018, EBCE released a request for qualifications for legal services in several areas, including power procurement. EBCE received statements of qualifications (SOQs) from 11 firms to provide power procurement legal services. All responses were scored and those firms that received an average of over 70 points were placed on a list of eligible firms to provide power procurement legal services.

Over the past year EBCE has worked with Troutman Sanders on the legal aspects of short-term power procurement transactions. Several other community choice aggregators also work with Troutman Sanders for power procurement. EBCE has found Troutman Sanders staff to be responsive, helpful and knowledgeable.

EBCE desires to work with Troutman Sanders on both long-term and short-term transactions. The long-term transactions work will include developing an EBCE form long-term power purchase agreement and negotiating its terms with developers who have bid into the renewables solicitation that EBCE issued in June.

Troutman Sanders will continue to work with EBCE on short-term transactions including negotiating EEI's and confirmation letters.

Fiscal Impact

This authorization will earmark roughly 25% of the EBCE legal budget to this contract.