

WHEREAS, the Los Angeles Department of Water and Power (LADWP) proposes to enter into Agreement No. 47836 (Agreement) with Nossaman, LLP (Nossaman) for outside investigation services, for a term of five (5) years as the result of a competitive Request for Proposals process; and

WHEREAS, LADWP evaluated Nossaman's proposal, reviewed references and found Nossaman as the most qualified firm to provide outside investigation services; and

WHEREAS, Nossaman has reviewed the services to be provided under this Agreement, and represents that it has the qualities, expertise, skills and abilities to perform such work; and

WHEREAS, the Scope of Work in the Agreement provides:

Consultant shall provide as-needed outside investigation services, including and not limited to conducting fair and impartial investigations, document review, and analysis. Consultant must have prior experience in California investigating or representing clients in labor and employment matters, specifically those involving discrimination, harassment, and retaliation claims;

WHEREAS, in January 2022, the Board of Water and Power Commissioners (Board) approved Resolution No. 022 097, directing in part that:

The Department of Water and Power be prohibited from simultaneously contracting with any attorney, law firm, or special counsel providing legal services to the Department as a "consultant" in any matter or, in any future matter related to the subject of their previous representation;

WHEREAS, LADWP has one current legal services contract with Nossaman and one recently expired contract; the scope of representation for the first contract is to assist the City Attorney with respect to matters involving:

...[L]egal representation for the City in construction litigation and in advice relating to construction matters, more specifically, litigation, disputes and advice associated with LADWP's ongoing construction projects, and in such other related services as may be determined to be necessary by the City Attorney's Office and other related tasks;

WHEREAS, the scope of the recently expired legal services contract with Nossaman was for matters involving:

...[L]egal representation for the City in real estate, eminent domain, environmental and other real property and related matters. The duties of counsel include, but are not limited to, advising the Department on property acquisition matters, encroachments and relocation and representing the Department in litigation involving quiet title actions, eminent domain, environmental issues, injunctions, landlord-tenant matters, claims for property damage related tasks;

WHEREAS, Nossaman is a large, national law firm and the attorneys who assist the City Attorney's Office under the legal services contracts are not the same staff who will assist the Department with respect to lobbying activities, and this Agreement does not authorize the provision of legal services by Nossaman;

WHEREAS, because the scope of work for this Agreement pertains to matters unrelated to the matters in which Nossaman previously provided legal services, the Department does not believe that contracting with Nossaman for outside investigation services violates Resolution No. 022 097.

NOW, THEREFORE, BE IT RESOLVED that LADWP proposes to enter into Agreement No. 47836 with Nossaman in an amount not to exceed \$750,000.

BE IT FURTHER RESOLVED that pursuant to City Charter Section 1022, the Board finds that it is more feasible to have the work performed by an independent contractor.

BE IT FURTHER RESOLVED that the Board further finds that award of this Agreement is not inconsistent with Resolution No. 022 097.

BE IT FURTHER RESOLVED that the Board has not waived any conflicts of interests.

BE IT FURTHER RESOLVED that any amendments to this Agreement, including any changes to subconsultants (at any level) and consultant personnel will be provided to the Board through a publicly filed report within thirty days of LADWP approval.

BE IT FURTHER RESOLVED that Agreement No. 47836, approved as to form and legality by the City Attorney, and filed with the Secretary of the Board, is hereby approved.

BE IT FURTHER RESOLVED that the President or Vice President, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board are hereby authorized and directed to execute said Agreement for and on behalf of LADWP.

BE IT FURTHER RESOLVED that the Chief Accounting Employee of LADWP, upon proper certification, is authorized and directed to draw demands on the Water Revenue Fund, in accordance with the terms of this Agreement and this Resolution.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held

APPROVED AS TO FORM AND LEGALITY
HYDEE FELDSTEIN SOTO, City Attorney

By

Bethany A. Burgess
BETHANY A. BURGESS

Deputy City Attorney

Date: May 17, 2024

Secretary