

# Business Item 2021-243 JT: **PFAS Legal Services Contract, Contract 21P096**

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Environment Committee: September 14, 2021



# Project Background

- There are numerous ongoing efforts in Minnesota to address per- and polyfluoroalkyl substances (PFAS).
- These efforts have the potential to impact multiple aspects of the Council's wastewater operations
- The Council requires Special Counsel with PFAS knowledge and legal expertise to help staff address regulatory issues relating to:
  - discharges under NPDES permits
  - land application of biosolids
  - incineration of sludges
  - and its industrial waste and pollution prevention program

# Project Background

- The selected Special Counsel must have extensive experience in PFAS, municipal wastewater permitting, and relevant state and federal environmental regulatory laws, regulations, and processes.
- This area of law is complicated, evolving, and multi-faceted. As such, the contract term is for five years to cover the potential myriad of issues the Council may face with respect to PFAS.

# Proposal Summary

- Procurement solicited proposals for PFAS legal services on 5/12/21
- Office of Equal Opportunity did not assign an MCUB goal for this highly specialized project
- Eight proposals were received on 6/14/21
- An evaluation panel held consensus meetings on 7/14/21 and 7/15/21
- Three highest ranked proposers were interviewed on 7/23/21 and 7/26/21
- Evaluation panel reached consensus that Barnes & Thornburg LLP was the highest ranked and technically qualified firm to perform the services required for this project

# Proposed Action

That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a contract for PFAS legal services, projects 807849 and 808941, contract 21P096, to Barnes & Thornburg LLP for legal services including legal advice and consultation on PFAS-related issues in an amount not to exceed \$5,000,000.00.

# Questions

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