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

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Management Committee: September 22, 2021
PFAS and Wastewater Treatment

Wastewater treatment plants receive PFAS, but do not produce PFAS
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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