



GOVERNMENT OF PUERTO RICO

Puerto Rico Electric Power Authority
Governing Board

RESOLUTION 4796 PROFESSIONAL SERVICES CONTRACT HOGAN LOVELLS LLP

- WHEREAS:** The Puerto Rico Electric Power Authority (PREPA) is a public corporation and an instrumentality of the Government of Puerto Rico created by the Act 83 of May 2, 1941, as amended (Act 83). PREPA was created to provide electrical energy in a reliable way contributing to the general welfare and sustainable future of the people of Puerto Rico, maximizing benefits and minimizing social, environmental and economic impacts. In addition, PREPA provides a service based on affordable, fair, reasonable and non-discriminatory cost that is consistent with environmental protection, non-profit, focused on citizen participation and its clients.
- WHEREAS:** Act 83 authorizes PREPA, in the management of its purposes, to grant contracts and formalize all the instruments that are necessary or convenient in the exercise of any of its powers.
- WHEREAS:** Act 83 grants PREPA the faculty to make the procurement of professional or expert services or work directly, without a competitive bid process, when it deems it in the best interest of good administration for such works or services to be contracted without the use of a bid process. Notwithstanding the foregoing, as part of the administrative policy of PREPA's Governing Board (Governing Board), to grant a contract of over \$500,000, the stakeholder is required to perform a Request for Proposal (RFP) process for the services needed.
- WHEREAS:** Due to the nature of its operations, PREPA needs legal support and advice for the environmental compliance activities, as required by the federal and local regulatory laws and regulations, such as the following: Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, and Mercury and Air Toxics Standards Regulations (MATS), among others.
- WHEREAS:** On April 29, 2020, RFP 104575 was issued for professional and/or expert legal and technical services in the area of federal and state environmental laws and regulations, to be able to evaluate different law firms that could provide these services. The following companies were invited to register for the procurement event:



PO Box 364267 San Juan, Puerto Rico 00936-4267

1. Nixon Peabody LLP
2. Duane Morris LLP
3. Hogan Lovells LLP

WHEREAS: Engineer Efran Paredes-Maisonet, Planning and Environmental Protection Director, informed that two proposals were received, a “Non-Bid” by Nixon Peabody LLP, and a complete proposal by Hogan Lovells LLP (Hogan Lovells).

WHEREAS: The Evaluation Committee of RFP 104575 recommended the award of the RFP to Hogan Lovells, considering that their economic proposal is 11% lower than the current contract rates, and allows PREPA to continue with the uninterrupted services they have satisfactorily provided.

WHEREAS: On May 17, 2020, PREPA’s Chief Financial Officer, Mr. Nelson Morales-Rivera, certified the availability of \$1,500,000 in the budget for Fiscal Year 2020-2021.

WHEREAS: PREPA’s General Counsel considered Engineer Paredes-Maisonet’s memorandum and concluded that the professional services contract with Hogan Lovells may be carried out, according to the faculty granted to PREPA by Sections 15(2) (d) of Act 83, after approval by the Governing Board.

THEREFORE: In accordance with Act 83, this Governing Board resolves to:

1. Confirm the selection performed by the Evaluation Committee in RFP 104575 for legal and technical services in the area of federal and state environmental laws and regulations.
2. Authorize PREPA’s Chief Executive Officer to execute the professional services contract with Hogan Lovells, LLP, for a maximum amount of \$1,500,000, and effective from July 1, 2020, until June 30, 2021, with an option of an additional one-year extension subject to the availability of funds and the performance of the law firm.

Approved in San Juan, Puerto Rico, on the twenty-eighth day of May, two thousand twenty.



Eduardo Arosemena-Muñoz
Secretary of the Board