

Resolution No.: 18-42 | Primary Legal Counsel

Responsible Department: Administration

Effective Date: September 18, 2018

Supersedes: N/A

POLICY STATEMENT

It is the policy of the Phoenix-Mesa Gateway Airport Authority (“PMGAA” or “Authority”) to ensure efficient and effective legal counsel. At this time, PMGAA has elected to contract with a law firm to obtain Primary Legal Counsel services.

PURPOSE & SCOPE

PMGAA staff is responsible for coordinating the selection of PMGAA’s Primary Legal Counsel. The purpose of this policy is to provide guidance to PMGAA staff on the selection process, responsibilities and reporting relationships of the Primary Legal Counsel, and termination of the Primary Legal Counsel.

DEFINITIONS

Board of Directors/Board: The members who jointly oversee the activities of PMGAA, a joint powers airport authority. As of the effective date, the Authority is comprised of the Cities of Mesa, Phoenix, and Apache Junction, Towns of Queen Creek and Gilbert, and the Gila River Indian Community.

Evaluation Panel: A panel established by PMGAA staff to review, evaluate, rank, and interview (if applicable) submittals received by PMGAA from a formal solicitation request. Upon conclusion of the evaluation process, the panel makes a recommendation for award.

Executive Director/CEO: The Chief Executive Officer of the Airport reporting to PMGAA’s Board of Directors. The Executive Director/CEO has responsibility to manage, operate, and maintain Phoenix-Mesa Gateway Airport.

Offeror: A person or firm who is licensed (if required), who complies with all of the requirements of law, the solicitation, proposed contract, possesses the experience, resources, financial and technical capacity, and everything else necessary to perform the contract.

Primary Legal Counsel: The licensed attorney or law firm providing general legal services to PMGAA in connection with issues and projects arising from the operation of the Airport.

Request for Qualifications (RFQ): A request utilized for soliciting statements of qualification. The RFQ consists of all documents, including those attached to or incorporated by reference.

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Specialty Legal Services: Any specialized contract legal services necessary for the successful operation of PMGAA.

I. SELECTION

PMGAA will issue a Request for Qualifications (RFQ) in accordance with PMGAA Board-Approved Procurement Policy.

In addition to any other members, the Evaluation Panel shall provide an opportunity for up to two members of the PMGAA Board (or Senior Staff delegate) to participate in the selection process for Primary Legal Counsel. The Evaluation Panel shall evaluate, rank, and interview the most qualified prospective Offerors.

Upon final selection of the Offeror by the Evaluation Panel, the Evaluation Panel shall make a recommendation to the PMGAA Board for consideration and action.

After Board approval, the Executive Director/CEO, or his/her delegate, shall enter into negotiations to finalize a Professional Services Agreement which will be presented to the PMGAA Board for consideration and approval.

II. RESPONSIBILITIES OF PRIMARY LEGAL COUNSEL

It is the responsibility of the Primary Legal Counsel to provide legal services to PMGAA in accordance with the Scope of Work detailed in the RFQ and subsequent executed Professional Services Agreement. The Primary Legal Counsel will regularly work with the Executive Director and staff with respect to various legal needs of the Authority. The Primary Legal Counsel will communicate directly with the PMGAA Board when, in the professional judgment of the Primary Legal Counsel, such communication is in the best interest of the Authority, or upon request from the PMGAA Board. The PMGAA Board, as a whole, may consult with or request assistance from the Primary Legal Counsel at any time. Upon the direction of the Board, one or more individual members of the Board may consult with or request assistance from the Primary Legal Counsel on behalf of the Board.

Specialty Legal services will be procured in accordance with current PMGAA Board-Approved Procurement Policy. Primary Legal Counsel will coordinate with PMGAA and the provider of any Specialty Legal Services procured by PMGAA to ensure consistent, coordinated legal services that are in the best interest of the Authority. Unless otherwise agreed between PMGAA and Primary Legal Counsel, Primary Legal Counsel

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will be responsible for managing the matters for which Specialty Legal Services are engaged.

III. TERMINATION OF PRIMARY LEGAL COUNSEL

Termination of Primary Legal Counsel prior to the term set forth in the Professional Services Agreement will require PMGAA Board approval.