



ADDENDUM 1
Request for Proposals
OJRSA Project #2024-01
Regional Sewer Feasibility Planning Study

On May 26, 2023, Oconee Joint Regional Sewer Authority, South Carolina (hereafter referred to as “Owner” or “OJRSA”) submitted a request for proposals related to Project #2024-01 – Regional Feasibility Planning Study. As part of the solicitation, it was stated that “OJRSA legal counsel will be a provided resource to the selected Firm and shall be paid directly for services by OJRSA. The Firm shall work with OJRSA’s counsel to review legally permissible governance options and formulate recommendations with rationale as to which are the most favorable for the region.”

OJRSA has received an inquiry from a proposed bidder for clarifications regarding the legality/legal requirements of the various governance options required under the study. In response to this question, OJRSA proposes the following:

OJRSA has separately engaged Pope Flynn, LLC (<https://popeflynn.com/>) and Maynard Nexsen (<https://www.maynardnexsen.com/>) to advise it on various legal matters related to the Project.

POPE FLYNN

Pope Flynn is a boutique law firm based in Columbia, South Carolina that focuses exclusively on the issues and legal concerns of South Carolina local governments and state agencies. The primary point of contact with Pope Flynn will be Mr. Lawrence Flynn, Esq., the attorney that prepared the “Governance and Structural Options Memo” dated March 28, 2022, a copy of which was included in the original RFP materials. OJRSA intends to make Mr. Flynn and his colleagues available to the winning firm as necessary to assist with background and other information regarding the history and formation of OJRSA under the Joint Authority Water and Sewer System Act, codified at Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the “Act”), the existing governance and alternative structures under the Act, and other potential state law alternatives to the Act regarding governance and operations (including abolition of OJRSA, conveyance of the OJRSA assets to another entity, merger/consolidation with another entity, or reconstitution as a multi-county special purpose district). OJRSA is cognizant that the structure and governance portion of the study requires expertise on the legal options and alternatives available to OJRSA, and calls and meetings with Mr. Flynn, drafting assistance (as necessary) and other research materials from his firm will be made available to the winning bidder, upon request.

MAYNARD NEXSEN

Maynard Nexsen (the successor in interest to Nexsen Pruet Adams Kleemeier, LLC) is a full-service law firm based in Birmingham, AL with offices throughout South Carolina. OJRSA has engaged Maynard Nexsen, and particularly Mr. Tommy Lavender and Mr. Michael Traynham, to assist it with ongoing regulatory and compliance matters. As noted in the Request for Proposals, the South Carolina Department of Health and Environmental Control (DHEC) issued Consent Order 21-025-W (Consent Order) on May 14, 2021. The Consent Order addresses allegations of numerous sanitary sewer overflow (SSO) events within OJRSA’s collection system, and requires OJRSA to undertake several corrective measures. Mr. Lavender and Mr. Traynham have been advising OJRSA regarding compliance with the Consent Order, and, similar to Mr. Flynn, they will be made available to the winning firm to assist and consult in environmental compliance matters associated with the study.