



MR# 24-229  
Assigned by Purchasing Div.

## MODIFICATION (WAIVER) REQUEST

<b>Requesting Department &amp; Division</b>	<b>Contact Name</b>		<b>Telephone #</b>
Airport	Angelica Lopez-Campos		907-586-0960
<b>Department Head Signature</b>	<b>Date</b>	<b>Original RQ #</b>	<b>Estimated Cost</b>
<i>Patricia Kulabato</i>	11/21/2023	10425	\$ 10,000.00
Is this Procurement State or Federally funded? <input type="radio"/> YES <input checked="" type="radio"/> NO			

**Reason for Modification Request:**

*Please complete this form and attach all supporting documents.  
Give complete, accurate, detailed explanation of your request. Please be specific.*

Joining other airports to get legal counsel from Anderson & Kreiger, LLP to appeal TSA's burdensome request on Airports with little time to implement changes/request. CBJ did not want to pursue this with CBJ's Law Dept as it makes sense to team with other airports and share the cost (7.14%). Board approved up to \$10K on October 12, 2023.

- Sole Source:** The purchase of a commodity or service from the only known single source. *Attach verification.*  
Code Provision: 53.50.090 (c)
- Class 2 Emergency:** A circumstance that poses a threat to the health, welfare or safety of the public.  
Code Provision: 53.50.090 (L)
- Rider to Another Contract:** A vendor may extend another government agency's bid or contract pricing to CBJ. The proposed purchase must meet CBJ purchasing requirements and must have been competitively bid.  
Code Provision: 53.50.090 (f) Agency: \_\_\_\_\_ Contract #: \_\_\_\_\_
- No Substitute:** A request for a specific brand name and model number of a particular item to be purchased. The item must be available from more than one supplier.
- Other:** Clear explanation is required. Code Provision: (if applicable) \_\_\_\_\_  
Explanation:

Approved By:

*Renée Loree*  
Purchasing Officer

12/01/2023

Date

FY	RQ	\$ Amount	PO #	Purchasing Approval

City Manager

Date

Purchasing Officer Comments:

Expiration Date: \_\_\_\_\_

**Anderson & Kreiger, LLP**

50 Milk Street, 21st Floor  
Boston, MA 02109  
Phone No.: (617) 621-6500

Statement as of: 10/31/2023  
Statement No: 149313

Juneau Airport

6227-001: TSA Litigation

**Professional Fees**

			Hours	Rate	Amount
09/05/2023	DSM	Telephone conference with D. Bannard re: potential action by KKR clients	0.20	620.00	124.00
09/11/2023	DSM	Conference with MCA re: next steps.	0.30	620.00	186.00
09/11/2023	MCA	Conference with DSM re: strategy/next steps.	0.30	580.00	174.00
09/12/2023	DSM	Conference call with MCA and ACI counsel re: joining petition; debrief with MCA re: the same.	0.80	620.00	496.00
09/12/2023	MCA	Telephone conference with ACI re joining. Conference with DSM re same.	0.80	580.00	464.00
09/13/2023	CRR	Discuss ACI associational standing with DSM, read decision on ACI petition for reconsideration.	1.00	300.00	300.00
09/13/2023	DSM	Conference CRR re: research on ACI associational standing to join petition	0.60	620.00	372.00
09/14/2023	CRR	Research re associational standing for ACI, emailed DSM and MCA re same. Conference with DSM.	2.00	300.00	600.00
09/14/2023	DSM	Review CRR research re: ACI associational standing and conference CRR re: the same.	0.20	620.00	124.00
09/20/2023	CRR	Research re ACI standing, email re same.	0.80	300.00	240.00
09/20/2023	MCA	Emails with DSM, CRR re associational standing for ACI. Edit email to ACI	0.40	580.00	232.00
09/25/2023	DSM	Telephone conference with MCA re: statute of limitations and next steps.	0.30	620.00	186.00
09/25/2023	MCA	Conference with DSM re: next steps.	0.30	580.00	174.00
10/06/2023	DSM	Conference with MCA re: status, next steps and potential need for stay	0.30	620.00	186.00
10/06/2023	MCA	Telephone conference with DSM re TSA communications with airports about informed compliance and potential need for a stay.	0.30	580.00	174.00
10/12/2023	CRR	Meet w/ DSM, MCA re petition, review Appellate Rule 15. Prepare petition for review. Research DC Cir local rules.	2.20	300.00	660.00
10/12/2023	DSM	Conference with MCA and CRR re: next steps; e-mail to	0.90	620.00	558.00

		CRR and MCA re: confirmed clients.			
10/12/2023	MCA	Conference with DSM, CRR re draft petition. Emails re same. Emails with ACI re parties.	0.90	580.00	522.00
10/13/2023	CRR	Draft petition, research re procedure and format for same.	1.00	300.00	300.00
10/13/2023	DSM	Telephone conferences with MCA re: outreach to airport client group; e-mail to confirmed clients re: the same.	0.90	620.00	558.00
10/13/2023	MCA	Prepare client list for petition. Emails with clients re: filing deadlines. Conference with DSM re: the same.	0.90	580.00	522.00
10/15/2023	CRR	Prepare Joint Petition draft, gathered information re parties. Emails from DSM.	2.90	300.00	870.00
10/15/2023	DSM	E-mails with CRR re: drafting petition.	0.20	620.00	124.00
10/16/2023	CRR	Review background, draft petition.	1.50	300.00	450.00
10/16/2023	CRR	Review, organize background material, sources, and documents; discussion w/ APC re SSI documents.	1.20	300.00	360.00
10/16/2023	DSM	Review source documents; conference CRR re: the same; conference with J. Monahan (Massport) re: outreach to AAAE; conference MCA re: next steps.	0.80	620.00	496.00
10/16/2023	MCA	Telephone conference with DSM re petition and plan for filing. Emails to members of client group re same.	0.40	580.00	232.00
10/17/2023	APC	Scan SSI documents for DSM, MCA and CRR review.	0.80	190.00	152.00
10/17/2023	CRR	Discussed joint petition for review, edits w/ MCA, DSM.	0.10	300.00	30.00
10/17/2023	DSM	Conference with MCA re: communications strategy.	0.10	620.00	62.00
10/17/2023	MCA	Emails with ACI re external communications, TSA contact. Conference with DSM re same. Emails re communication strategy call.	1.00	580.00	580.00
10/18/2023	CRR	Discussed petition edits w/ DSM, edited petition, call w/ MCA and DSM re same, call w/ ACI.	2.90	300.00	870.00
10/18/2023	DSM	Review and revise Petition; conference with CRR re: the same; conference CRR and MCA re: the same; conference call with ACI team and MCA re: communications issues.	3.90	620.00	2,418.00
10/18/2023	MCA	Telephone conference with ACI re worker screening litigation, communications. Telephone conference with potential additional party. Prepare, revise draft petition for judicial review. Emails with CRR re filing rules, filing under seal. Telephone conference with ACI re communications about lawsuit. Emails to clients re review of draft petition.	4.00	580.00	2,320.00
10/19/2023	APC	Finalize and encrypt SSI files for MCA, DSM and CRR.	1.30	190.00	247.00
10/19/2023	CRR	Reviewed ACI edits to petition, updated draft. Call with petitioners, DSM and MCA re petition/messaging. Conference with DSM and MCA re: same. Review filing requirements. Generate checklist. Telephone conference with D.C Cir Clerk's Office re SSI procedures. Telephone conference with TSA with MCA and DSM.	3.10	300.00	930.00
10/19/2023	DSM	Telephone conference with MCA re: status and next steps; conference call with TSA counsel re: filing and logistics; conference with clients re: communications about filing; conference with MCA and CRR re: further	2.00	620.00	1,240.00

		revisions to petition; e-mails and call with TSA counsel re: SSI issues.			
10/19/2023	MCA	Conference with DSM re calls with TSA, clients. Conference with DSM re upcoming call with TSA. Call with TSA. Telephone conference with DSM re petition for review, edits to same. Conference with DSM, CRR re client edits. Review same. Review ACI position paper on AWS.	2.00	580.00	1,160.00
10/20/2023	DSM	Conferences MCA re: finalizing petition and exhibits; review final draft.	1.10	620.00	682.00
10/20/2023	MCA	Revise petition for judicial review. Emails to clients re same. Conferences with DSM re same. Prepare filing. Review rules re same. Telephone conference with clients re same.	2.50	580.00	1,450.00
10/23/2023	CRR	Discussion w/ DSM re filing, review of filing dates and applicable rules.	1.20	300.00	360.00
10/24/2023	MCA	Review court order re upcoming deadlines.	0.30	580.00	174.00
10/25/2023	CRR	Draft update email to clients.	0.40	300.00	120.00
10/25/2023	DSM	Conference with MCA re: next steps.	0.10	620.00	62.00
10/25/2023	MCA	Emails with ACI re status, potential additional parties. Emails with CRR re deadlines. Email to all clients re initial deadlines, schedule. Telephone conference with DSM re same. Emails with clients re screening issues.	1.00	580.00	580.00
10/26/2023	CRR	Moved docs to imanage, changed security policies, email re same.	0.30	300.00	90.00
				Sub-total Fees:	\$23,208.75
				Total Fees:	\$23,208.75

**Rate Summary**

Melissa C. Allison	15.10 hours at \$580.00/hr
David S. Mackey	12.70 hours at \$620.00/hr
Alex Peebles-Capin	2.10 hours at \$190.00/hr
Carlos Rosende	20.60 hours at \$300.00/hr
Total hours:	<u>50.50</u>

<b>Expenses</b>			Units	Price	Amount
10/20/2023	Paid to: FedEx	Delivery charges	1.00	26.30	26.30
10/20/2023	Paid to: FedEx	Delivery charges	1.00	26.30	26.30
10/20/2023	Paid to: FedEx	Delivery charges	1.00	48.65	48.65
				Sub-total Expenses:	\$101.25

Total Current Billing: \$23,310.00

Billing Party	%	Current Billing	Prior Balance	Total
Raleigh-Durham Airport Authority	7.14%	1,665.00	0.00	1,665.00

City of Billings, MT	7.14%	1,665.00	0.00	1,665.00
Airports Council International-North America (ACI-NA)	7.14%	1,665.00	0.00	1,665.00
Flathead Municipal Airport Authority	7.14%	1,665.00	0.00	1,665.00
Oklahoma City Airport Trust	7.14%	1,665.00	0.00	1,665.00
City of San Jose	7.14%	1,665.00	0.00	1,665.00
Dane County	7.14%	1,665.00	0.00	1,665.00
Greater Asheville Regional Airport Authority	7.14%	1,665.00	0.00	1,665.00
City of Philadelphia	7.14%	1,665.00	0.00	1,665.00
Massachusetts Port Authority	7.14%	1,665.00	0.00	1,665.00
Juneau Airport	7.14%	1,665.00	0.00	1,665.00
Spokane International Airport	7.14%	1,665.00	0.00	1,665.00
Metropolitan Airports Commission	7.14%	1,665.00	0.00	1,665.00
City of Bismarck	7.14%	1,665.00	0.00	1,665.00

# ANDERSON KREIGER

**DAVID S. MACKEY**  
[dmackey@andersonkreiger.com](mailto:dmackey@andersonkreiger.com)  
T: 617-621-6531

October 16, 2023

Sherri Layne (Sherri.Layne@juneau.gov)  
Assistant Municipal Attorney  
CBJ Law Department,  
155 S. Seward Street,  
Juneau, AK 99801

*Re: Legal Services Agreement — Juneau International Airport - Challenge to TSA Aviation Worker Screening Amendment, TSA-NA-23-02*

Dear Ms. Layne:

This letter will confirm that the Juneau International Airport (“Juneau”) has retained Anderson & Kreiger LLP (“A&K”) to provide legal services concerning a challenge to TSA’s Aviation Worker Screening National Amendment, TSA-NA-23-02. Our work for Juneau will be subject to the following terms of engagement. A&K will report to and be supervised by you. At the outset of this engagement, A&K will submit to you monthly bills for work on this project based upon our standard hourly rates for public airport clients (which are discounted significantly from our private client rates). A&K’s hourly rates for calendar year 2023 are:

Melissa C. Allison	\$580/hr.
David S. Mackey	\$620/hr.
Other Partners and Counsel	\$510-\$620/hr.
Associates	\$300-\$430/hr.
Paralegals	\$190-\$275/hr.

For other partners, counsel and associates, the actual rate will be subject to your approval. Each monthly bill will provide a detailed daily accounting of all time spent on this project by each timekeeper. Juneau will also reimburse A&K for our reasonable out-of-pocket expenses associated with this project, charged at actual cost without mark-up. These costs will be itemized and billed monthly.

We anticipate that most of this work will consist of a joint effort of at least ten airports to overturn the National Amendment in the federal court of appeals. As such, the bills will be divided evenly between these airport clients. To the extent we do additional work solely on

Sherril Layne  
October 16, 2023  
Page 2

behalf of Juneau, we will bill that directly to you. We understand that we should not expend more than \$10,000 of legal services on Juneau's behalf without advance approval from you.

This agreement may be terminated by you or A&K, each at its discretion, upon ten days written notice to the non-terminating party.

Thank you very much for assigning this interesting and important work to us.

Please confirm your agreement to these terms of retention by returning to me a countersigned copy of this letter.

Very truly yours,

Agreed:

*/s/ David S. Mackey*

David S. Mackey

*Patricia K Wahto*

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Patty Wahto  
Airport Manager

*Robert Palmer III*

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Robert Palmer  
City Attorney