

M Management Committee

For the Metropolitan Council meeting of October 22, 2008

ADVISORY INFORMATION

Date Prepared: October 10, 2008

Subject: Technical Amendments to Legal Services Agreement; No Budget Impacts

Proposed Action:

That the Metropolitan Council authorizes the General Counsel to amend legal services agreements to increase the maximum contract prices as follows:

<u>Law Firm</u>	<u>Services</u>	<u>Term</u>	<u>Current Price</u>	<u>Proposed Increase</u>	<u>New Price</u>
Bassford Remele	Legal Services related to Tort & Property Damage Contract No. 06P152A	12/31/09	\$500,000	\$125,000	\$625,000
Parker Rosen	Legal Services related to Transit Employment, RA and Planning Contract No. 06P153A	12/31/09	\$500,000	\$125,000	\$625,000

Summary of Committee Discussion / Questions:

Mark Thompson, Acting General Counsel, presented the proposed amendments to the Committee and gave a brief description for the increase pertaining to contract terms and budget information. Mark responded to members who presented inquiries to litigation and/or case work. Chair Scherer has asked for additional information prior to the approval of funds for Fredrikson & Byron.

Management Committee

Business Item

Item: 2008-274

Meeting date: October 8, 2008

ADVISORY INFORMATION

Date: September 25, 2008

Subject: Technical Amendments to Legal Services Agreement; No Budget Impacts

District(s), Member(s):

Policy/Legal Reference: Minnesota Statute § 473.19, subd. 3

Staff Prepared/Presented: Nils F. Grossman - 651.602.1463; Phil Walljasper, 651-602-1787

Division/Department: Legal – Office of General Counsel

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Fredrikson & Byron	Legal Services related to MOAC v. Metropolitan Airports Commission Contract No. 07PO75	12/31/08	\$250,000	\$125,000	\$375,000

Background

The Office of General Counsel procures outside legal services for various public law matters. These service contracts are typically awarded through a process of competitive negotiation using a formal or informal RFP process. The Contract Price set in each agreement represents a cap on the amount payable; it is a "ceiling," and not a guarantee or entitlement. Regardless of any Contract Price, the actual amount paid under a legal services agreement is based upon: actual services requested and rendered; and, the budget amount(s) approved by the Metropolitan Council.

Rationale

When Contract Prices exceed \$250,000, each subsequent amendment must be approved by the Metropolitan Council. The proposed amendment would allow the General Counsel to pay for essential legal services.

Funding

No funding implications or impacts.

Known Support / Opposition

None.