

M Management Committee

For the Metropolitan Council Meeting of September 23, 2009

ADVISORY INFORMATION

Date Prepared: September 10, 2009

Subject: Technical Amendments to Legal Services Agreements; 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 Council Facilities and General Matters Contract No. 02P083	04/01/02- 12/31/10	\$25,000	\$15,000	\$40,000
Bassford Remele	Legal Services related to Tort & Property Damage Contract No. 06P152A	01/01/07- 12/31/09	\$875,000	\$125,000	\$1,000,000
Best Flanagan	Legal Services related to Eminent Domain and other Real Property Matters Contract No. 06P154	1/1/07- 12/31/09	\$475,000	\$125,000	\$600,000
Dorsey Whitney	Legal Services related to Construction and Engineering Matters Contract No. 02P096	10/10/02- 12/31/10	\$1,250,000	\$250,000	\$1,500,000

Summary of Committee Discussion / Questions:

Acting General Counsel Dave Theisen and Phil Walljasper Risk Management presented the proposed amendments to the Committee and gave a brief description for the increase pertaining to contract terms and budget information.

Management Committee

Business Item

Item: 2009-315

Meeting date: September 9, 2009

ADVISORY INFORMATION

Date: August 24, 2009

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

District(s), Member(s):

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

Staff Prepared/Presented: Dave Theisen, Acting General Counsel
651.602.1706

Division/Department: Office of General Counsel

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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. The Bassford Remele tort and property damage contract is administered by the Risk Management Division.

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.