

# Management Committee

Business Item

Item: 2009-389

Meeting date: October 28, 2009

## ADVISORY INFORMATION

**Date:** September 28, 2009  
**Subject:** Technical Amendments to Legal Services Agreements; No Budget Impacts  
**District(s), Member(s):**  
**Policy/Legal Reference:** Minnesota Statute § 473.129, subd. 3  
**Staff Prepared/Presented:** Don Mueting, General Counsel  
651.602.1463  
**Division/Department:** Office of General Counsel

## 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>
Dorsey Whitney	Legal Services related to Public Finance Matters Contract No. C9868	03/01/98- 12/31/10	\$575,000	\$100,000	\$675,000
Landrum Dobbins	Legal Services related to Housing, Diversity, Administrative Proceedings Contract No. 02P073	06/01/02- 12/31/10	\$100,000	\$50,000	\$150,000
Nikolai Mersereau	Legal Services related to Intellectual Property Rights, General Litigation	05/01/08- 12/31/09	\$125,000	\$75,000	\$200,000

## 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