

Management Committee

Business Item

Item: 2010-301

Meeting date: August 25, 2010

ADVISORY INFORMATION

Date: August 12, 2010

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: Donald Mueeting 651.602.1463

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Division/Department: Office of General Counsel

Risk Management Division

Proposed Action

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

Law Firm	Services	Term	Current Price	Proposed Increase	New Price
Barnes Thornburg	Legal Services related to Total Maximum Daily Load Matters Contract No. 09P167B	1/1/10-12/31/12	\$125,000	\$125,000	\$250,000
Arthur, Chapman, Kettering, Smetak, Pikala	Legal Services related to Tort & Property Damage Contract No. 08P044A	2/24/09-1/31/12	\$125,000	\$75,000	\$200,000
Bassford Remele	Legal Services related to Tort & Property Damage Contract No. 06P152A	1/1/07-12/31/10	\$1,125,000	\$50,000	\$1,175,000
LaBore, Giuliani, Cosgriff, Viltoft	Legal Services related to Tort & Property Damage Contract No. 08P044C	2/23/09-1/31/12	\$125,000	\$125,000	\$250,000
Provo-Petersen, O'Neill	Legal Services related to Tort & Property Damage Contract No. 08P044B	2/23/09-1/31/12	\$250,000	\$250,000	\$500,000
Heacox Hartman	Legal Services related to Workers Compensation Contract No. 05P044B	6/29/06-6/30/11	\$750,000	\$250,000	\$1,000,000

Background

The Office of General Counsel procures outside legal services for various public law matters. 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 Arthur Chapman, Bassford Remele, LaBore Giuliani, Provo-Petersen and Heacox Hartman contracts are 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 amendments would allow the General Counsel to pay for essential legal services.

Funding

No funding implications or impacts.

Known Support / Opposition

None