

Management Committee

Business Item

Item: 2011- 189

Meeting date: July 13, 2011

ADVISORY INFORMATION

Date: July 5, 2011

Subject: Legal Services Agreement for Bond Counsel and related legal services; No Budget Impacts

District(s), Member(s):

Policy/Legal Reference: Minnesota Statute § 473.129, subd. 3

Staff Prepared/Presented: Donald Mueting, General Counsel
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Division/Department: Office of General Counsel

Proposed Action

That the Metropolitan Council authorizes the General Counsel to execute a legal services agreement for public finance and related public law matters (bond counsel) for a five-year period.

Law firm selected:

Kennedy & Graven Chartered

Background

The Office of General Counsel procures outside legal services for various public law matters. This procurement for bond counsel services was publicly advertised and two law firms responded. An internal review panel from the Office of Finance, Environmental Services, and the Office of General Counsel reviewed the proposals and recommends an award to Kennedy & Graven, LLC. Kennedy & Graven LLC's provides most legal services that the Council will need at the most competitive price.

The Contract Price set in each agreement represents a cap on the amount payable; it is a ceiling, and not a guarantee or entitlement. The proposed contract amount of \$400,000 was selected by the review panel as an estimate of the cost of most bond counsel services for a five-year period. 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 panel has also recommended that the General Counsel contract with the second firm that submitted a proposal. That firm is Dorsey Whitney, the Metropolitan Council's current bond counsel. There are Council bond related finance matters that Dorsey Whitney is uniquely qualified to provide. That contract will be for an amount that will not need formal Council approval.

Rationale

The proposed contract allows the General Counsel to pay for essential legal services.

Funding

No funding implications or impacts.

Known Support / Opposition

None