

M Management Committee

Business Item

Item: 2009-104

Meeting date: March 25, 2009

ADVISORY INFORMATION

Date: March 16, 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: Mark Thompson - 651.602.1105
Acting General Counsel
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>
Best Flanagan	Legal Services related to Eminent Domain and other Real Property Matters Contract No. 06P154	1/1/07- 12/31/09	\$350,000	\$125,000	\$475,000
Dorsey Whitney	Legal Services related to Construction and Engineering Matters Contract No. 02P096	10/10/02- 12/31/10	\$750,000	\$500,000	\$1,250,000
Parker Rosen	Legal Services related to Transit Employment, RA and Planning Contract No. 06P153A	1/1/07- 12/31/09	\$875,000	\$500,000	\$1,375,000

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.