

M Management Committee

Meeting Date: August 22, 2007

Metropolitan Council Meeting September 12, 2007

ADVISORY INFORMATION

Date: August 15, 2007
Subject: Amendment to Legal Services Agreement
District(s), Member(s): All
Policy/Legal Reference: Minnesota Statute § 473.129, subd. 3
Staff Prepared/Presented: Nils F. Grossman - 651.602.1463
Division/Department: Legal - Office of the General Counsel

Proposed Action/Motion

That the Metropolitan Council authorize the General Counsel to amend four 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 Northstar Commuter Rail Project Contract No. 05P133	09/30/09	\$125,000	\$250,000	\$375,000
Parker Rosen	Legal Services related to Employment and Labor Matters Contract No. 06P153A	12/31/09	\$125,000	\$125,000	\$250,000
Parker Rosen	Legal Services related to Transit Police Contract No. C9870	12/31/08	\$300,000	\$50,000	\$350,000
Dorsey	Legal Services related to Construction and Engineering Matters Contract No. 02P096	12/31/08	\$60,000	\$150,000	\$210,000

Issue(s)

Whether to increase the maximum amount payable in order to ensure continuation of legal services by this provider.

Overview and Funding

The Office of General Counsel procures outside legal services for various public law matters. These service contracts are 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.

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.