

M Management Committee

Meeting Date: October 10, 2007

Metropolitan Council Meeting: October 24, 2007

ADVISORY INFORMATION

Date: October 18, 2007

Subject: Amendment to Legal Services Agreement

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

Summary of Committee Discussion:

Nils Grossman, General Counsel, presented this item to the committee and answered questions from committee members. Due to the potential conflict of interest of a member of the Council (who does not serve on the Management Committee), the Committee approved a motion to divide the Proposed Action.

Next, the Committee upon motion by K. Sanda, seconded by T. Pistilli, approved the Recommendation below; and, the Chair approved sending this to the Council for action on its Consent Agenda.

Recommendation:

That Metropolitan Council authorize the General Counsel to amend three legal services agreements to increase the maximum contract prices as outlined in the attached summary.

M Management Committee

Meeting Date: October 10, 2007

ADVISORY INFORMATION

Date: October 3, 2007

Subject: Amendment to Legal Services Agreement

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 three 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 Real Property Matters Contract No. 06P154	12/31/09	\$125,000	\$125,000	\$250,000
Parker Rosen	Legal Services related to Tort and Property Matters Contract No. 06P152B	12/31/09	\$125,000	\$125,000	\$250,000
Heacox	Legal Services related to Workers Compensation Matters Contract No. 05P04413	06/30/08	\$250,000	\$125,000	\$375,000

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.