

M Management Committee
For the Metropolitan Council meeting of June 25, 2008

Item: 2008-161

ADVISORY INFORMATION

Date Prepared: June 11, 2008

Subject: Technical Amendments to Legal Services Agreement; No Budget Impacts

Proposed Action:

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

Summary of Committee Discussion / Questions:

Nils F. Grossman, General Counsel, presented the proposed amendments to the Committee and gave a brief description for the increase pertaining to contract terms and budget information. General Counsel responded to members who presented inquiries to litigation and/or case work.

The Management Committee divided this item into two separate business items (2008-161 and 2008-172) to allow any Council Members the opportunity to recuse themselves. Committee Chair Scherer directed these items be placed on the council's consent agenda.

Item 2008-161 is attached.

Management Committee

Business Item

Item: 2008-161

Meeting date: June 11, 2008

ADVISORY INFORMATION

Date: June 1, 2008

Subject: Technical Amendments to Legal Services Agreement; No Budget Impacts

District(s), Member(s):

Policy/Legal Reference: Minnesota Statute § 473.19, subd. 3

Staff Prepared/Presented: Nils F. Grossman - 651.602.1463

Division/Department: Legal – 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	12/31/09	\$250,000	\$100,000	\$350,000
Parker Rosen	Legal Services related to Land Use and Planning Matters Contract No. 02P103A	12/31/09	\$350,000	\$50,000	\$400,000

Background

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

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.