

# Management Committee

Business Item

Item: 2009-315

Meeting date: September 9, 2009

## ADVISORY INFORMATION

**Date:** August 24, 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:** Dave Theisen, Acting General Counsel  
651.602.1706

**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>
Bassford Remele	Legal Services related to Council Facilities and General Matters Contract No. 02P083	04/01/02- 12/31/10	\$25,000	\$15,000	\$40,000
Bassford Remele	Legal Services related to Tort & Property Damage Contract No. 06P152A	01/01/07- 12/31/09	\$875,000	\$125,000	\$1,000,000
Best Flanagan	Legal Services related to Eminent Domain and other Real Property Matters Contract No. 06P154	1/1/07- 12/31/09	\$475,000	\$125,000	\$600,000
Dorsey Whitney	Legal Services related to Construction and Engineering Matters Contract No. 02P096	10/10/02- 12/31/10	\$1,250,000	\$250,000	\$1,500,000

## 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. The Bassford Remele tort and property damage contract is administered by the Risk Management Division.

## 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.