

Management Committee

Business Item
Item: 2012-230

Meeting date: August 8, 2012

For the Council Meeting of August 22, 2012

ADVISORY INFORMATION

Date: July 10, 2012

Subject: Technical Amendment to Legal Services Agreement

District(s), Member(s):

Policy/Legal Reference: Minnesota Statutes § 473.129, subd. 3

Staff Prepared/Presented: Donald J. Mueting, General Counsel 651.602.1463

Division/Department: Office of General Counsel

Proposed Action

That the Metropolitan Council authorizes the General Counsel to amend the legal services agreement with Foley Lardner to increase the maximum contract price as follows:

<u>Law Firm</u>	<u>Services</u>	<u>Term</u>	<u>Current Price</u>	<u>Proposed Increase</u>	<u>New Price</u>
Foley Lardner	Legal Services related to State v. 3M Contract No. 11P157	09/01/11 - 12/31/13	\$1,500,000	\$2,000,000	\$3,500,000

Background

The Office of General Counsel procures outside legal services for various public law matters. 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. In order for the General Counsel to continue receiving legal services under the Foley Lardner Agreement, the Contract Price must be increased.

Rationale

The proposed amendment would allow the General Counsel to pay for legal services and third party expenses related to State v. 3M litigation.

Funding

Included in the Unified Operating Budget Amendment 2012-223.

Known Support / Opposition

None