

Management Committee

Business Item
Item: 2012-264

Meeting date: September 12, 2012

For the Council Meeting of September 26, 2012

ADVISORY INFORMATION

Date: September 3, 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 Best Flanagan 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> |
|-----------------|--|---------------------|----------------------|--------------------------|------------------|
| Best Flanagan | Legal Services related to CCLRT Condemnation, Real Estate Matters Contract No. 11P157 | 06/30/10 - 12/31/14 | \$125,000 | \$250,000 | \$375,000 |

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 this Agreement, the Contract Price must be increased.

Rationale

The proposed amendment would allow the General Counsel to pay for legal services related to CCLRT condemnation and real estate matters.

Funding

Funding for outside legal services contracts is included in annual operating division budgets. This is a multi-year contract and anticipated expenditures in 2012 will not require an operating budget amendment.

Known Support / Opposition

None