

BEFORE THE INTERNAL AFFAIRS COMMITTEE
OF THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE APPROVING) RESOLUTION NO. 88-972
A CONTRACT WITH PRESTON,) Introduced by the
THORGRIMSON, ELLIS & HOLMAN) Executive Officer

WHEREAS, The 1987 Legislature approved funding the first half, or \$7.5 million, of a state grant of \$15 million to help fund construction of the Oregon Convention center; and


WHEREAS, Professional services are required to provide for administrative and legislative coordination to ensure allocation and approval of the second \$7.5 million installment of those funds; and

WHEREAS, A contractor has been recommended based on experience and cost-effectiveness; now, therefore,

BE IT RESOLVED:

1. The contract, attached as Exhibit A, with Preston, Thorgrimson, Ellis & Holman is hereby approved, subject to availability of budgetary authority for this purpose.

ADOPTED by the Internal Affairs Committee of the Metropolitan Service District Council this 13th day of October, 1988.


Mike Ragsdale, Presiding Officer



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 88-8-747CC BUDGET CODE NO. 50-00-00-7500-21100
 FUND: 50 DEPARTMENT: CCP (IF MORE THAN ONE) _____
 SOURCE CODE (IF REVENUE) _____

INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
 - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT INTERGOVERNMENTAL RELATIONS / STATE LOTTERY FUNDS FOR THE OREGON CONVENTION CENTER

2. TYPE OF EXPENSE PERSONAL SERVICES LABOR AND MATERIALS PROCUREMENT
 PASS THROUGH AGREEMENT INTER-GOVERNMENTAL AGREEMENT CONSTRUCTION
 OTHER

OR

TYPE OF REVENUE GRANT CONTRACT OTHER

3. TYPE OF ACTION CHANGE IN COST CHANGE IN WORK SCOPE
 CHANGE IN TIMING NEW CONTRACT

4. PARTIES METRO & PRESTON, THORGRIMSON, ELLIS & HOLMAN

5. EFFECTIVE DATE 8/3/88 TERMINATION DATE UPON ENACTMENT OF LOTTERY FUNDING BILL
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT: ORIGINAL/NEW \$ 14,000
 PREV. AMEND _____
 THIS AMEND _____
 TOTAL \$ 14,000

7. BUDGET INFORMATION BUDGET ADJUSTMENT PROPOSED

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 1988 \$ _____
 B. BUDGET LINE ITEM NAME _____ AMOUNT APPROPRIATED FOR CONTRACT \$ _____
 C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF _____, 198 \$ _____

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY _____ \$ _____ AMOUNT MBE
 SUBMITTED BY sole source \$ _____ AMOUNT MBE
 SUBMITTED BY _____ \$ _____ AMOUNT MBE

9. NUMBER AND LOCATION OF ORIGINALS ① METRO; ② PRESTON ET AL

10. A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION: _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
- B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____
16. COMMENTS:

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

[Signature]

DEPARTMENT HEAD

[Signature]

FISCAL REVIEW

[Signature]

BUDGET REVIEW

8-10-88

CONTRACT REVIEW BOARD

(IF REQUIRED) DATE _____

1. _____
COUNCILOR
2. _____
COUNCILOR
3. _____
COUNCILOR

COUNCIL REVIEW

(IF REQUIRED)

DATE _____

LEGAL COUNSEL REVIEW AS NEEDED:

- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Budget Adjustment Request Form

Request no. 1 Originating dept. Convention Center Fund Management Fund Attach budget adjustment worksheet.
 Division _____ Proposed effective date 8/1/88 Complete one for each budget category checked.

1. Proposed adjustment

Revenue _____ increase _____ decrease _____ transfer
 Expenditure
 Personal services: _____ increase _____ decrease _____ transfer
 Materials & services: X increase _____ decrease _____ transfer
 Capital Outlay: _____ increase _____ decrease _____ transfer

Capital Project: _____ increase _____ decrease _____ transfer
 Contingency: _____ increase X decrease _____ transfer
 Transfer: _____ increase _____ decrease _____ transfer

2. Change in appropriation _____ yes X no

Additional comments:

	Current	Proposed
Personal services	<u>75,150</u>	<u>75,150</u>
Materials & services	<u>74,000</u>	<u>99,000</u>
Capital outlay	<u>0</u>	<u>175,000</u>
Capital project	<u>0</u>	<u>0</u>
Contingency	<u>200,000</u>	<u> </u>
Transfer	<u>676,776</u>	<u>676,776</u>
Unappropriated Balance	<u>136,114</u>	<u>136,114</u>
Total fund	<u>1,162,040</u>	<u>1,162,040</u>

Transfers \$25,000 from contingency to materials and services for contract with Preston, Thorgrimson, Ellis & Holman.

3. Financial reports to be revised

X Dept. line item _____ Program _____ Other

Prepared by N. B. Metala 8/10/88
 Requested by _____ _____
 Entered by _____ _____

Date Date Date

This space for budget division

Council action required X yes _____ no Date scheduled _____

Date approved by council _____ _____ approved _____ disapproved

Reason _____

By _____ _____
Budget officer Date

Budget Adjustment Worksheet

Request no. 1 Page 1 of 1
 Budget category _____ Date August 9, 1988
 Dept. Convention Center Proj. Budget code 50 - 01-00 -7500
 Division Management Fund Program 20200

Acct. code	Item	Current budget	FTE	Proposed adjustment	Proposed budget	FTE	Justification
9700	Contingency	200,000		(14,000)	175,000		Transfers \$25,000 from contingency to miscellaneous professional services.
7500	Misc. Professional Svcs	70,000		14,000	99,000		
TOTALS		270,000		-0-	270,000		

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT dated this 3 day of ~~August~~ 1988, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "Metro," whose address is 2000 S.W. First Avenue, Portland, Oregon 97201-5398, and PRESTON, THORGRIMSON, ELLIS & HOLMAN, hereinafter referred to as "Contractor," whose address is 3200 U.S. Bancorp Tower, 111 S.W. Fifth Avenue, Portland, Oregon 97204-3635, for a period commencing July 11, 1988 through the passage and enactment of the 1989-91 Lottery Funding Bill.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Professional Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to Metro the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. To comply with all applicable provisions of ORS Chapters 171 and 279, and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, as if such provisions were a part of this Agreement;

4. To maintain records relating to the Scope of Work in a generally recognized accounting basis and to make said records available to Metro at mutually convenient times;

5. To indemnify and hold Metro, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors; and

METRO AGREES:

1. To pay Contractor for services performed and materials delivered at the monthly rate of \$1,400.00, and in the manner and at the time designated in the Scope of Work; and

2. To provide full information regarding its requirements for the Scope of Work.

BOTH PARTIES AGREE:

1. That Metro may terminate this Agreement upon giving Contractor five (5) days written notice without waiving any claims or remedies it may have against Contractor;

2. That, in the event of termination, Metro shall pay Contractor for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;

3. That both parties shall review the Scope of Work every 120 days and make appropriate amendments to the Scope of Work based on the current status of work in progress.

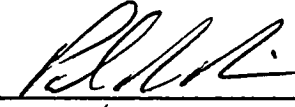
4. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;

5. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

6. That this Agreement may be amended only by the written agreement of both parties.

PRESTON, THORGRIMSON,
ELLIS & HOLMAN

METROPOLITAN SERVICE DISTRICT

By: 
Date: 8/3/88

By: Raymond A. Phelps, Jr.
Date: 8-11-88

By: _____
Date: _____

SCOPE OF WORK

Contractor will manage activities necessary for the inclusion of a seven and one-half million dollar appropriation from the State Lottery Funds to the Metropolitan Service District for the construction of the Oregon Convention Center. Activities will include regular communication with the Department of Economic Development during its 1989-91 budget process to ensure appropriate inclusion of the appropriation. Activities further will include monitoring and lobbying legislator, legislative committees and caucuses on behalf of the appropriation, and related issues.

Contractor will monitor amendments to the existing Regional Strategies program through which the Convention Center construction funds are allocated. Contractor will provide advice about the program and its affect on the Convention Center project to the Department of Economic Development and the Legislature. Contractor will advise Metro of any policy changes to the program affecting the construction of the Convention Center.

Contractor will keep the chairs of the Multnomah, Clackamas and Washington County commissions apprised of the Convention Center funding progress during the 1989 Legislative Session.

Contractor will provide transitional administrative and advisory services to the Oregon Tourism Alliance as it assumes managerial control of its activities. Services shall

include briefing of new OTA staff, administrative work plan review, August board meeting agenda coordination, advisory services to Metro's Alliance appointees, orderly transfer of Metro OTA files, and other services [as necessary.] related to legislative issues identified by Metro.

[Contractor will coordinate all work with the appropriate designee or designees of the Executive Office.] Metro designates its Government Relations Manager as the project director for this contract. Contractor will coordinate and report all activities to the project director.

Contractor designates Kim Duncan, Government Relations Specialist, as the principle coordinator for this contract. Contractor will make available other resources and personnel as necessary to the project. Contractor may not remove Kim Duncan as its project coordinator without the prior consent of Metro.

Metro will reimburse Contractor at the rate of \$1,400.00 monthly plus allowable expenses. Allowable expenses include long distance telephone calls, FAX charges, mileage for travel necessary to conduct this work, copying charges and postage expenses. Other expenses shall be allowed only if approved in advance by Metro.

Contractor shall bill Metro monthly. Metro shall pay Contractor within thirty (30) days of receipt of the approved invoice.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item No. 7.1

Date: September 14, 1988

To: Council Internal Affairs Committee

From: Councilor David ^{DK} Knowles, Chair
Council Convention Center Committee

Regarding: INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT ON SEPTEMBER 22, 1988 INTERNAL AFFAIRS COMMITTEE AGENDA ITEM NO. 2, RESOLUTION NO. 88-972 APPROVING A CONTRACT WITH PRESTON, THORGRIMSON, ELLIS & HOLMAN

Recommendation: The Council Convention Center recommends approval of Resolution No. 88-972 for Council adoption. At the September 13 meeting, Committee members Cooper, Kelley, Waker and I voted to support the resolution. Councilor Van Bergen was absent.

Issues & Committee Discussion: Responding to Councilor Kelley's request at the last Committee meeting, Neil McFarlane distributed a memo (Attachment A hereto) providing the justification for the contract with Preston, Thorgrimson, et. al. for Kim Duncan's legislative services. Mr. McFarlane emphasized Metro's need to successfully secure the State's remaining \$7.5 million commitment in lottery funds without "strings attached."

Greg McMurdo, Metro's Government Relations Manager, stressed the time required to track the \$7.5 million legislation through the Legislature's Ways & Means Committee. Responding to Councilor Waker, Mr. McMurdo stated that Ms. Duncan's services were needed now (vs. beginning in January at the start of the session) to ensure that our appropriation is clearly included in the Governor's proposed budget, due December 1.

Council staff noted that a Personal Services Agreement was already signed August 3 for Ms. Duncan's services (filed in Metro's contract files) in apparent violation of Metro Code Section 2.04.053. The contract sets a monthly rate of \$1,400 plus allowable expenses and ends when the \$7.5 million appropriation has been secured. A budget amendment appropriating \$25,000 for the contract -- Ordinance No. 88-262 -- will come before the Finance Committee at its September 29 meeting.

DK/JPM a:CCRPT2

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 88-972 FOR THE
PURPOSE OF APPROVING A CONTRACT WITH PRESTON,
THORGRIMSON, ELLIS & HOLMAN

Date: November 2, 1987

Presented by: McFarlane

FACTUAL BACKGROUND AND ANALYSIS

Resolution No. 88-972 approves a contract with Thorgrimson, Ellis & Holman for the services of Kim Duncan between now and enactment of the 1989-91 Lottery Funding Bill. The proposed contract provides a monthly retainer of \$1400.00 plus expenses to the Contractor. The contract runs until enactment of the 1989-91 lottery funding bill.

Scope of work includes management of activities necessary for the inclusion of the second \$7,500,000.00 appropriation from the State Lottery Funds to Metro for the construction of the Oregon Convention Center. Specific duties include:

1. Communication with the Department of Economic Development during its 1989-91 budget process;
2. Monitoring of amendments to the existing regional strategies program through which convention center funds are allocated during the 1989 Legislative Session;
3. Appraising chairs of the Multnomah, Clackamas, and Washington County commissions of funding progress during the 1989 Legislative Session; and
4. Short-term transitional services to the staff of the Oregon Tourism Alliance.

A budget amendment is necessary to fund this contract, and is proposed for Council consideration at an upcoming meeting.

Because of the contractor's special expertise and history with the regional strategies program during the 1987 Legislative Session, staffing of the Oregon Tourism Alliance, and coordination with Department of Economic Development staff, this contract is proposed as sole-source.

Contractual service funds from the Convention Center Project Management Fund are intended for other contracts. A budget amendment is therefore recommended to fund this contract, and has been submitted for Council consideration at an upcoming meeting. The resolution approves the contract subject to availability of budgetary authority.

EXECUTIVE OFFICER'S RECOMMENDATION

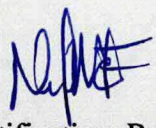
The Executive Officer recommends adoption of Resolution No. 88-972.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Memorandum

Date August 9, 1988
To Contract File
From Neil McFarlane 
Subject Sole Source Justification: Personal Services Contract with Kim Duncan of Preston, Thorgrimson, Ellis & Holman

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharon Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Among the three capital fund sources for construction of the Oregon Convention Center is \$15 million in lottery proceeds. Currently, half of that total, \$7.5 million, is to be paid to Metro in quarterly installments in the current biennium. The second \$7.5 million will be received subject to continued support in the State Executive Department, the Department of Economic Development, and supportive legislative action in the 1989 Legislative Assembly. Receipt of this second \$7.5 million is critical to construction of the center.

The key individual staffing this effort for Metro with both the legislature and administrative departments has been Kim Duncan. Ms. Duncan developed and lobbied successfully for the inclusion of the appropriation during the 1987 legislative assembly. Ms. Duncan followed-up this work by staffing the development of the Oregon Tourism Alliance regional strategy. This support work was key to the continued support and cooperation of the Department of Economic Development. The successful completion of this strategy, with Ms. Duncan then of Metro staff as the lead support role, has proven advantageous to Metro. Further, Ms. Duncan developed the administrative procedures relating to the transfer of funds to Metro.

Ms. Duncan has since left Metro to join the law firm of Preston, Thorgrimson, Ellis & Holman. Proposed is a contract with this firm for the services of Kim Duncan. This contract is justified as sole source for the following reasons:

1. Ms. Duncan has successfully secured the State commitment for lottery funds, and has continued to work with the key elected officials (legislators and local officials) and administrative staff who will be involved in administering the program in the future.
2. Ms. Duncan completed the initial staff work for the Oregon Tourism Alliance as a Metro employee. She is in a unique position to capitalize on the success of this work in continued dealings with the Economic Development Department,

3. Because of Ms. Duncan's experience, she is aware of the commitments and expectations associated with the convention center's state funding, and with the legislative history of that funding.

4. Ms. Duncan has working knowledge of the convention center project itself, including all aspects of design, funding, operations and marketing, as well as coordination of the convention center program with that of the Oregon Tourism Alliance.

Because of these special experiences, the contract with Kim Duncan of Preston, Thorgrimson, Ellis & Holman is justified as a sole-source to perform the work Metro requires.

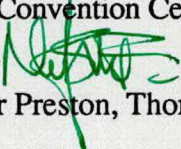


METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

ATTACHMENT A

Memorandum

Date September 13, 1988
To Metro Council Convention Center Committee
From Neil McFarlane 
Subject Justification for Preston, Thorgrimson, et. al. (Kim Duncan)
Contract

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
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David Knowles
District 11

Gary Hansen
District 12

Councilor Kelley requested additional justification for the Preston, Thorgrimson, et. al. contract, for Kim Duncan's services. This information is submitted in response to that request.

In the 1987 Legislature, project funding was a major issue for Metro. Funding was secured, but only after many complications were addressed, including:

- **Timing of commitment:** The original proposal from the Governor was to incorporate OCC funding in "regional strategies." Approval of our local regional strategy -- the Oregon Tourism Alliance -- did not occur until this past summer. Waiting for such approval would have put the Metro Council in the dilemma of approving the bond sale without all funding approved or delaying the project. These concerns continue as we approach the 1989 Session -- and an emphasis of this contract for legislative services is to keep the second \$7.5 million (which is yet to be appropriated) free of entanglements.
- **Approval Process:** Again, keeping the second \$7.5 million free of administrative entanglements is the goal. Ms. Duncan has been our key liaison with the staff of the Governor's office and the Oregon Department of Economic Development. This work included developing the procedures for receipt of our first payment. New procedures will follow the new "angles" of the lottery funding package as it emerges from the legislature.
- **Regional Strategies Support:** Metro agreed to provide staff support to the Oregon Tourism Alliance (OTA) during the legislative interim and through the critical organizational phase of the alliance. Ms. Duncan provided this service. A key part of her role in this contract is to continue the liaison to the OTA, ensuring that Metro is well represented. Continued support for and satisfaction with the Oregon Convention Center marketing programs within the OTA is important to ensure that the next biennium's appropriation is free of entanglements.

Each of these services could be provided by Greg McMurdo, however there are four main reasons the administration has recommended this approach:

1. Ms. Duncan is up to speed on all aspects of the project, and has developed the on-going relationships in the legislature and EDD essential to the promotion of our cause. Unavoidably, Mr. McMurdo would have to invest substantial time in getting up to speed; leading to the next point.

2. There is an opportunity cost associated with Mr. McMurdo's time, which justifies the relatively small additional cost this contract requires. Metro will have a very full legislative agenda, and in the judgement of the administration, his time is best focused on all the other issues Metro will confront in this legislative session.

3. Ms. Duncan as a supporting voice to Mr. McMurdo's in the legislature is an additional benefit afforded by this contract.

Greg McMurdo or I would be most happy to answer any questions you may have on this.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item Nos. 6.6, 7.1

Meeting Date Oct. 13, 1988

Date: October 5, 1988

To: Metro Council

From: Tanya Collier, Finance Committee Chair

Regarding: FINANCE COMMITTEE REPORT ON OCTOBER 13, 1988, COUNCIL MEETING AGENDA ITEMS:

Item 6.7 Ordinance No. 88-262, Amending the Budget and Appropriations Schedule to Provide Funding for Contract with Preston, Thorgrimson, Ellis and Holman

Item 7.1 Resolution No. 88-972, Approving a Contract with Preston, Thorgrimson, Ellis and Holman

The Committee considered Ordinance No. 88-262 at its September 29, 1988, meeting. Committee members in attendance were Councilors Coleman, Collier, DeJardin, Gardner and Van Bergen. While Resolution No. 88-972 technically was not before the Committee (it was referred from the Internal Affairs Committee to the full Council for consideration along with Ordinance No. 88-262) the Committee did consider the purposes and need for the contract with Preston, Thorgrimson because the budget and appropriations change is for the purpose of funding the contract.

Appearing at the hearing in support of the Ordinance No. 88-972 were Ray Phelps, Director of Finance & Administration, and Councilor Knowles as Chair of the Convention Center Committee. Three reasons were given in support of the budget and appropriations change:

1. The services of Ms. Duncan would provide insurance for the District to obtain the second \$7,500,000 Convention Center appropriation without onerous conditions from the State;
2. There may be potential legislative initiatives by other parties which would be unfavorable to the purposes of the District which Ms. Duncan could help avoid; and
3. Ms. Duncan's general knowledge of Metro and the District's prior legislative efforts will be helpful to the District's Government Affairs Manager.

Memorandum - Metro Council
October 5, 1988
Page 2

Both Mr. Phelps, on behalf of the Administration, and Councilor Knowles emphasized that the availability of Ms. Duncan to work on Metro's behalf was paramount in the decision to enter into the contract. If her services were not available, there would be no contract.

After considerable discussion the Committee voted 4 to 1 (Councilor Van Bergen dissenting) to recommend Council approval of Ordinance No. 88-962 and that the Scope of Work for the contract be changed as follows:

1. Clarify that Ms. Duncan would perform the work called for;
2. Ms. Duncan would coordinate with and report directly to Metro's Government Relations Manager; and
3. Ms. Duncan's services would be expanded to work on other legislative issues identified by Metro.

The proposed, revised Scope of Work is attached as Exhibit A to this report. If it is acceptable, it should be attached to the contract requested for approval by Resolution No. 88-972.

The contract has been processed as a sole source contract. General Counsel was asked by the Internal Affairs Committee to review and comment on using such procedure for this contract. General Counsel has orally given an opinion to Council staff that based on information provided by Mr. Phelps and Councilor Knowles regarding the availability of Ms. Duncan as a reason for the contract, the Council may find that using the sole source procedure is appropriate.

DEC/amn
0220D/D1
10/05/88