

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A) RESOLUTION NO. 14-4537
CONTRACT AMENDMENT FOR OUTSIDE)
LEGAL COUNSEL) Introduced by Chief Operating Officer Martha
Bennett in concurrence with Council
President Tom Hughes

WHEREAS, in 2008, Metro conducted a formal, competitive process in accordance with Metro contracting procedures to obtain legal services related to the issuance of bonds; and

WHEREAS as as result of the procurement, Metro entered into Personal Service Contract No. 928720 with K&L Gates, LLP to obtain the required legal services for an amount not to exceed \$100,000; and

WHEREAS, effective as of January 5, 2012, Metro approved the assignment of Contract No. 928720 with K&L Gates, LLP to Hawkins Delafied & Wood, LLP; and

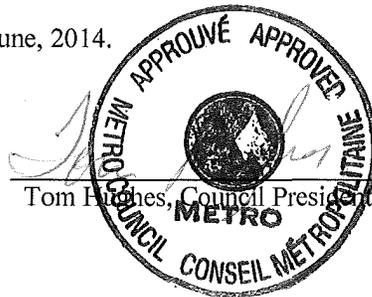
WHEREAS, in 2013, the parties to the assigned contract entered into a Contract Amendment to extend the term of the agreement and to increase the total amount of the agreement; and

WHEREAS, Metro Code 2.04.046 requires approval by the Metro Council for personal services contract amendments that exceed more than twice the amount of the initial contract value; and

WHEREAS, in light of the policies set forth in ORS 279A.015 and ORS 279B.010, the Metro Council has determined that amendment of the contract is appropriate and in the public interest to meet the additional and unforeseen need of legal services provided by bond counsel; now therefore

BE IT RESOLVED that the Metro Council acting as the Metro Contract Review Board, approves the amendment of Contract No. 928720 in a form approved by the Metro Attorney, and authorizes the Metro Attorney to execute the proposed contract amendment.

ADOPTED by the Metro Council this 26th day of June, 2014.



Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4537, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR OUTSIDE LEGAL COUNSEL

Date: June 16, 2014

Prepared by: Marvin Fjordbeck,
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BACKGROUND

In 2008, Metro conducted a formal, competitive process in accordance with Metro contracting procedures to obtain legal services related to the issuance of bonds. Following such procurement, Metro entered into Personal Service Contract No. 928720 with K&L Gates, LLP to obtain the required legal services for an amount not to exceed \$100,000. On January 5, 2012, Metro approved the assignment of Contract No. 928720 with K&L Gates, LLP to Hawkins Delafield & Wood, LLP. In 2013, the parties to the assigned contract entered into a Contract Amendment to extend the term of the agreement and to increase the total amount of the agreement.

The existing contract with Hawkins Delafield & Wood, LLP, will expire pursuant to its own terms on June 30, 2014. Metro is currently using bond counsel services related to ongoing legal and financing work on the Oregon Convention Center Hotel Project. The proposed amendment will extend the contract for an additional two-year period, allowing Metro to utilize Hawkins Delafield & Wood, LLP's bond counsel services through the completion of the project. The proposed amendment will authorize additional work under the same the terms, and conditions and rates that are currently in effect.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None
- 2. Legal Antecedents:** ORS 279A.055; 279A.060; Metro Code 2.04.046(a)
- 3. Anticipated Effects:** The proposed amendment will extend the existing contract for an additional two-year period, allowing Metro to utilize the service of Hawkins Delafield & Wood, LLP's as bond counsel through the completion of the Oregon Convention Center Hotel Project.
- 4. Budget Impacts:** Sufficient budget funds exist to support the expenditures contemplated by the proposed amendment.

RECOMMENDED ACTION

The Office of the Metro Attorney recommends that Council approve the amendment of Contract No. 928720 in a form approved by the Metro Attorney.