



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 241096

Submitted Department/Preparer: Law

Revised 6/10/24

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing the City Attorney to execute a Cooperative Procurement Legal Services Contract with a joint team, consisting of the law firms Grant & Eisenhofer, P.A. and Seeger Weiss LLP, (collectively “Firms”), for the provision of legal services with respect to damages, compensation and other relief concerning per- and polyfluoroalkyl contamination (“PFAS”). The ordinance waives the contract solicitation and award provisions. This contract is a contingency fee arrangement and any fees will be paid out of any monetary recover (after expenses). This ordinance does not encumber or appropriate funds.

Discussion

Thousands of cases have been filed against manufacturers of PFAS chemicals by affected entities, including many municipalities with sewer utilities and airports. Many of these cases have been consolidated in a Multidistrict Litigation (“MDL”) currently proceeding in the Federal District Court of South Carolina and in other courts applying different litigation strategies. The claims in the MDL generally assert that the chemical manufacturers and distributors are responsible for the foreseeable contamination of property by the use of aqueous film-forming foam (“AFFF”) containing PFAS. Other PFAS related claims involve their use in manufacturing or other processes not be limited to application of AFFF. City believes that it has similar causes of action against manufacturers of PFAS or otherwise related to possible PFAS contamination.

The Firms specialize in representing public entities in complex environmental litigation and multi district litigation like the MDL. The Firms represent and are preparing to represent other entities with claims similar to those anticipated by City. They are familiar with issues related to the manufacture, distribution, and use of AFFF by City and other sources of PFAS contamination. Engaging the Firms for this work through a cooperative procurement contract for specialized legal services is expected to result in cost and time savings.

The contract will contain a standard contingency fee arrangement with all legal fees and expenses subtracted from any future settlement or damage recovery.

Fiscal Impact

1. Is this legislation included in the adopted budget? ☒ Yes ☐ No
2. What is the funding source?
Not applicable.
3. How does the legislation affect the current fiscal year?
It does not.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Not applicable.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Potentially.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☐ Yes ☒ No
2. This fund has a structural imbalance. ☐ Yes ☒ No
3. Account string has been verified/confirmed. ☐ Yes ☒ No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - ☐ Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.

- ☐ Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
- ☒ Build on existing strengths while developing a comprehensive transportation plan for the future.
- ☒ Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
- ☒ Ensure adequate resources are provided for continued maintenance of existing infrastructure.
- ☐ Focus on delivery of safe connections to schools.

Prior Legislation

None.

Service Level Impacts

This will enable the Law Department to focus its litigation team on other matters.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Not applicable.
2. How have those groups been engaged and involved in the development of this ordinance?
Not necessary.
3. How does this legislation contribute to a sustainable Kansas City?
Not applicable.
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Click or tap here to enter text.

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and

Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

Pursuant to the CREO Annual Goal Manual and City's applicable procurement process, contracts with outside counsel for specialized litigation are exempted from contract goals based on availability analysis, historical data, and feasibility of subcontract opportunities.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

This is a competitive procurement.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)