

CONTRACT

120635

Ordinance Fact Sheet

Legal Services Contract

Brief Title	Approval Deadline	Reason
North Oak Trafficway Phase II		Authorizing execution of an agreement; authorizing expenditure of previously appropriated funds
Legal Services		

Details

Reason for Contract

City Staff and the contractor have been unable to resolve an ongoing dispute for this project. The contractor has made a claim for approximately \$7.3 million. Staff expects that the contractor will soon file a lawsuit. This contract will place the City in the best position to either negotiate a settlement or prepare for a very complex and lengthy trial.

Discussion

Project Justification

This dispute dates back to December of 2005. There are a number of complex and costly issues that have arisen during the course of this five year long project. The City does not have the internal resources to devote to the trial of a complex construction dispute involving hundreds of thousand of records, scores of witnesses, and multiple expert witnesses.

Project Description

The contract is for legal services and it is potentially a multi-phase contract should settlement not be achieved through negotiations or alternative dispute resolution methods. It will involve the collection, review, and collation of thousands of records; the interview of scores of witnesses; the development of a records database; and the potential resolution of the dispute through alternative dispute resolution methods in order to avoid a costly trial.

Roles and Responsibilities

Sponsor	Law Department
Department or Programs Affected	Law Department Public Works Department
Recommended Awardee	Schiff Hardin LLP
Contract Compliance Certification Obtained?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Opponents	Groups or Individuals None known Reason for Opposition
Responsibilities	Design Engineering: n/a Inspections: n/a Construction or Project Management: n/a Service Monitoring: n/a

Policy/Program Impact

Policy or Program Emphasis Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Details

Solicitation

This Consultant was selected in accordance with Code Section 2-1586(b).

Contractor Selection

Because this contract is contemplated as a multi-phase, several million dollar contract, Schiff Hardin was selected as the most qualified contractor through a nation-wide selection process.

Human Relations Approval

Contract information was submitted to the Human Relations Department for review and determination on June 21, 2012 and was approved June 25, 2012.

Date RFP/Q Advertising Began 02/02/12

RFQ/P Receive Date 02/27/12

Grant Funding

N/A for this ordinance.

Is it good for the children? Yes.

How will this contribute to a sustainable Kansas City?

The favorable resolution of the pending claim against the City will provide more resources for capital improvement projects for the City.

Estimated Duration of Contract:

NA

Fact Sheet Prepared by:

Mark Jones
Assistant City Attorney

Date:

7/9/2012

Reviewed by:

William Geary

Date:

7/9/2012

Reference Numbers:

Finances

City's Estimate of Cost		\$
Bid or Proposal Data	<i>Lowest Contract Cost Submitted</i>	\$ NA FOR
	<i>No. of Proposals Considered</i>	Legal Contract
	<i>Reason for rejecting lowest contract cost submitted</i>	
Other Bidders or Contractors Considered		Contract Costs Submitted
	\$	NA FOR
	\$	Legal Services
	\$	
	\$	
	\$	
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	\$	
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	\$	
	\$	
	\$	
Fund Sources and Appropriation Account Codes For This Contract	3090-878012-B-89008000	
Source of Future Operating Funds		
Maximum Amount of Proposed Contract	\$	1,000,000.00
Amount of Contingency	\$	N/A
Engineering & Administration	\$	
TOTAL	\$	1,000,000.00

Council Committee Actions

Do Pass	<input type="checkbox"/>	<input type="checkbox"/> Hold
Do Pass (as amended)	<input type="checkbox"/>	<input type="checkbox"/> W/o Recommendation
Committee Sub.	<input type="checkbox"/>	<input type="checkbox"/> Do Not Pass