
CITY OF TEMPE
REQUEST FOR COUNCIL ACTION

Council Meeting Date: 06/09/2016
Agenda Item: 5B8

ACTION: Approve the one-year renewal of contracts with Bustamante & Associates; Gabriel & Ashworth; Green & Baker; Gust Rosenfeld; Iafate & Associates; Kutak Rock; Littler Mendelson; Dickinson Wright; Diane M. Miller; Sanders & Parks; Sims Murray; Roger Spencer; and Struck Wieneke & Love to provide legal representation in the event that the use of outside legal counsel becomes necessary.

FISCAL IMPACT: Total cost of these 13 contracts will not exceed \$350,000 during the one-year renewal period. Sufficient funds have been appropriated in the Risk Management Fund – cost center 2611 (Liability Claims/Risk) – and the General Fund – cost center 1710 (Legal Services) – for the anticipated expenditures. For representation other than litigation, fees shall be charged back to the department for which services are rendered.

RECOMMENDATION: Approve the renewal of the contracts.

BACKGROUND INFORMATION: (T12-099) City Council originally approved the award of contracts to the outside legal services group on June 28, 2012 for an initial one-year contract period with four, one-year renewal options. This renewal request is for the fourth of four available renewal options.

The outside legal services group provides a broad range of specialties that can be utilized to assist the City Attorney's Office in the event that the City does not have the necessary specialization, a conflict of interest exists, or workloads do not allow staff to timely complete the work.

Outside Legal Service

Specializations provided to the City under awarded contracts

Appellate Work	Housing
Bad Faith	Human Resources
Bankruptcy	Intellectual Property
Collections	Municipal Law
Commercial Litigation	Product Liability
Coordination of Benefits and Claims Subrogation	Public Finance
Construction	Real Estate
Eminent Domain	Tax
Employment	Tort
Federal and State Civil Rights Actions	Workers Compensation
Government Regulatory Matters	Zoning and Land Use

Contractor Performance

The performance of the individual firms was rated by the City Attorney’s Office as follows (those marked n/u are awarded firms which have not been utilized to date):

Criteria	Bustamante & Associates	Gabriel & Ashworth	Green and Baker	Gust Rosenfeld	Iafate & Associates	Kutak Rock	Littler Mendelson	Dickinson Wright	Diane Miller	Sanders & Parks	Sims Murray	Roger Spencer	Struck Wieneke & Love
Personnel are responsive, cooperative and available	n/u	B	n/u	A	n/u	B	B	A	n/u	B	A	n/u	B
Overall quality of products or services delivered	n/u	B	n/u	A	n/u	B	B	B	n/u	B	A	n/u	B
Timeliness of performance	n/u	B	n/u	A	n/u	B	B	B	n/u	B	A	n/u	B
Quality of follow-up in resolving complaints or problems	n/u	B	n/u	B	n/u	B	B	B	n/u	B	B	n/u	B
Firm’s promptness in submitting accurate invoices	n/u	B	n/u	B	n/u	B	B	B	n/u	B	B	n/u	B

A = Exceeds Standards; B = Meets Standards; C = Below Standards; n/u = Not Utilized

Since the inception of the contracts, the following firms have chosen not to renew:

- Rebecca Covell
- Curtis, Goodwin, Sullivan, Udall & Schwab
- Asimou & Associates
- Helm, Livesay & Worthington
- Kelhoffer, Manolio & Firestone

Renewal Cost

All contracts will be renewed at the existing contract rates with the exception of Iafate & Associates who have requested a rate increase that was considered acceptable by the City Attorney’s Office.

ATTACHMENTS: None

STAFF CONTACT(S): Chuck Cahoy, Deputy City Attorney, (480) 858-2382
Chris Hansen, Risk Manager, (480) 350-2904

Department Director: Renie Broderick, Internal Services Director
Legal review by: David Park, Assistant City Attorney
Prepared by: Tony Allen, CPPB, Procurement Officer