

September 23, 2009

To: MVTA Board
From: Personnel Committee
Subject: Award Contract for Legal Services

Requested Action

Award a contract for legal services to Kennedy & Graven, Chartered.

Background

On September 21st, the Personnel Committee conducted interviews with two firms selected from the six proposals received in response to our RFP. The interviews focused on the firms experience, client focus, availability, stability and depth of service.

Kennedy & Graven includes a staff of thirty-eight attorneys. The firm primarily serves local governments with approximately 85 percent of its revenues relating to local government work. They have no conflict of interest with the Metropolitan Council, state agencies or cities with the potential exception of the City of Rosemount. Kennedy & Graven represents more than 300 cities, 80 townships; 100 schools, counties and other political subdivisions and districts around the state. They have expertise in many areas, including general and public contracting, joint powers representation, employment, real estate, and open meeting law and data practice act compliance. Additionally, Kennedy & Graven is a nationally recognized bond counsel firm.

In bringing this recommendation forward, the Personnel Committee gives favorable review of the firm's background and representation with largely public clients, experience in local government law, our experience and working relationship with Corrine Heine, absence of conflict of interest issues, and confidence that Kennedy & Graven has an interest in working for MVTA and will quickly grasp public transit and its many facets.

Impact

The Personnel Committee recommends a three-year contract based on the following rates:

- \$175 per hour for general services;
- \$185 per hour for employment, litigation, and specialized issues and other finance; and
- \$205 per hour for public finance work.

Funding is available in the MVTA budget to cover legal expenses. Further, the committee recommends an optional two, one-year extensions of the contract for service with Kennedy & Graven.

Recommendation

Approve a base contract for three years with Kennedy & Graven at the proposed rates, with an option for two one-year contract extensions.