



Legislation Text

File #: 20-4198, **Version:** 1

ITEM: OUTSIDE LEGAL FEES AND COSTS

REQUEST: Approval of continued use of outside professional legal services to assist in matters relating to the procurement and drafting of a new exclusive franchise agreement for solid waste and recyclable materials, and to assist with certain matters relating to Wellington's existing franchise agreement in an amount up to \$75,000 through September 30, 2021.

EXPLANATION: The Village uses outside legal counsel to assist in matters that require specialized knowledge and skill. Procurement of solid waste services and drafting of an exclusive franchise agreement for solid waste and recyclable material requires such specialized knowledge and skills. The Village has retained David Dee, Esquire of Gardner Best, Bowden, Bush, Dee, LaVia, Wright & Perry, P.A. to assist the Village with these matters as well as to address certain issues with the Village's current franchisee. To date, fees totaling \$11,330.00 have been incurred. These outside legal expenses were anticipated and are part of the overall 2021 fiscal year legal budget. Pursuant to Wellington's purchasing policy, legal expenses are exempt from competitive bidding requirements. However, individual expenditures for which the cumulative totals exceed \$25,000 for any single project require Council approval.

Staff recommends approval of continued use of outside legal services provided by David Dee, Esq. in an amount up to \$75,000 through September 30, 2021. The franchise agreement also includes the following clause:

PAYMENTS FOR COMPETITIVE PROCUREMENT PROCESS

The Village has expended substantial amounts of staff time and has incurred significant out-of-pocket costs related to the preparation and negotiation of this Agreement pursuant to a public procurement process. The Village's procurement process resulted in a direct economic benefit to the Contractor (i.e., the award of this Agreement). Accordingly, the Contractor shall reimburse the Village for part of its costs and efforts by making a one-time, lump sum payment of Fifty Thousand Dollars (\$50,000) to the Village no later than sixty (60) days before the Commencement Date.

Sufficient funds have been allocated in the legal budget for outside legal services to cover the cost of these expenditures.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: NO

QUASI-JUDICIAL:

FIRST READING:

SECOND READING:

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: Sufficient funds have been allocated in the Legal Budget for outside counsel services.

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Approval of continued use of outside professional legal services to assist in matters relating to the procurement and drafting of a new exclusive franchise agreement for solid waste and recyclable materials, and to assist with certain matters relating to Wellington's existing franchise agreement in an amount up to \$75,000 through September 30, 2021.