

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: LEGAL

AGENDA DATE: AUGUST 2, 2005

CONTACT PERSON/PHONE: Sylvia Borunda Firth-780-4779 or 541-4550

DISTRICT(S) AFFECTED: ALL

SUBJECT:

A RESOLUTION TO AUTHORIZE the City Manager to exercise the City's option to extend the Professional Services Agreement by and between the City of El Paso and Larson, Dodd, Stewart & Myrick, LLC and to sign an Extension Agreement.

BACKGROUND / DISCUSSION:

On September 14, 2004, the City entered into a Professional Services Agreement with Larson, Dodd, Stewart & Myrick, LLC by which the firm was to provide federal consulting and lobbying services for a terms of one year expiring on August 31, 2005 with two one-year options to extend. The consideration paid by the City was \$7500.00 per month plus expenses with a total cap of \$100,000.00. At the City's request the lobbyists have agreed to increase the scope of services to address transportation and infrastructure issues arising from BRAC and border security issues. Therefore, the Extension Agreement will increase the consideration to \$10,000.00 per month plus expenses with a total cap of \$125,000.00.

PRIOR COUNCIL ACTION:

The original contract which contains two one-year options to extend was approved September 14, 2004. This action will allow the City Manager to exercise the first of the options on behalf of the City.

AMOUNT AND SOURCE OF FUNDING:

Item has been budgeted as follows and does not require a budget transfer:

LEGAL (25%)	03153020/15466/502215/00300
SUN METRO (25%)	6060001/40345/502109/60000
AIRPORT (50%)	62620001/40101/5021091/62000

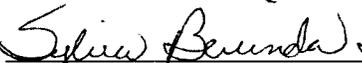
BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____


Sylvia Borunda Firth, Asst. City Attorney

FINANCE: (if required) _____

OTHER: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to exercise the City's option to extend the Professional Services Agreement by and between the City of El Paso and Larson, Dodd, Stewart & Myrick, LLC and to sign an Extension Agreement.

ADOPTED this the 2nd day of August 2005.

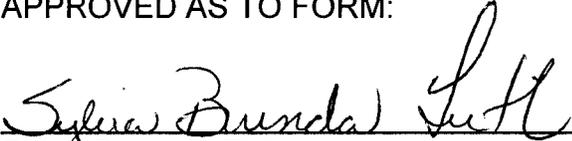
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Sylvia Borunda Firth
Assistant City Attorney

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**EXTENSION OF PROFESSIONAL SERVICES
AGREEMENT**

THIS Extension of the Professional Services Agreement (“Extension”) is made and entered into the 2nd day of August 2005 by and between the City of El Paso (“City”) and Larson, Dodd, Stewart & Myrick, LLC (“Firm”).

WHEREAS, on September 14, 2004 the City and Firm entered into a Professional Services Agreement (“Agreement”) which expires on August 31, 2005;

WHEREAS, the Agreement contains two one-year options to extend, subject to approval by City Council;

WHEREAS, the City desires to exercise its first option to extend the Agreement;

WHEREAS, the City has requested that the Firm increase its scope of work; and

WHEREAS, the Firm has agreed to increase its scope of services in return for consideration stated below.

NOW, THEREFORE, the City and the Firm agree as follows:

1. **Extension of Term.** The Agreement is extended for a one year time period commencing September 1, 2005 and terminating on August 31, 2006.
2. **Remaining Option to Extend.** The Agreement may be extended for an additional term of one year subject to the approval of the City Council on or before August 31, 2006.
3. **Additional Services.** The Scope of Services attached to this Agreement is hereby amended to include activities related to the projects and funding for border security issues and BRAC related transportation and infrastructure.
4. **Coordination of City Activities.** All aspects of the Firm’s representation of the City shall be coordinated with the City Attorney and the City Manager. Copies of all documents, whether in draft or in final form, legal memoranda and correspondence shall be provided to both the City Manager and the City Attorney.

5. **Fee.** The fee for the above-described services shall be TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) per month and shall be paid by the City to the Firm in monthly installments.
6. **Expenses.** The above stated fee is inclusive of expenses incurred by the Firm in the course of its representation of the City of El Paso except any reasonable travel expenses to El Paso, as may be approved by the City as necessary.
7. **Payment.** The City agrees to pay the Firm within 30 days of receipt of an itemized statement for actual services rendered or expenses incurred under the Agreement.
8. **Maximum Fees and Expenses.** Under no circumstances shall the City be obligated under this Extension to pay the Firm any fees or expenses in excess of a total of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00).
9. **Address for Notices.** All notices, requests, demands and other communications which are required or permitted to be given under this Extension shall be in writing and be deemed to have been duly given among the delivery or receipt thereof, as the case may be, if delivered personally or sent by registered or certified mail, return receipt requested, postage prepared, as follows:

CITY: Charles F. McNabb
City Attorney
2 Civic Center Plaza, 9th Floor
El Paso, Texas 79901-1196

With copy to: Joyce A. Wilson
City Manager
2 Civic Center Plaza, 10th Floor
El Paso, Texas 79901-1196

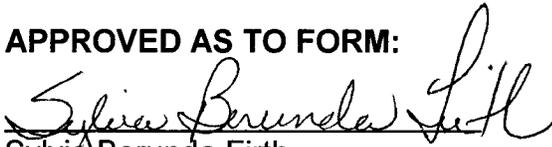
FIRM: Quin Dodd, Partner
Larson, Dodd, Stewart & Myrick, LLC
122 C Street, NW, Suite 500
Washington, D.C. 20001

10. **Ratification.** Except as expressly modified herein, all other terms and conditions of the Agreement dated September 14, 2004, remain in full force and effect.

CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:



Sylvia Borunda Firth
Assistant City Attorney

**FIRM: Larson, Dodd, Stewart &
Myrick, LLC**

By: _____
Quin Dodd
Partner