

**METRO GREEN LINE EXTENSION - SOUTHWEST LIGHT RAIL TRANSIT PROJECT
EXECUTIVE CHANGE CONTROL BOARD**

Proposed Board Action

23-ECCB-020

Item Description:

Approval of use of project contingency funds in the amount of \$8,500,000 to execute Amendment No 2. to the legal services contract with Venable, LLC.

Resolution:

BE IT RESOLVED that the use of \$8,500,000 in Project contingency to execute Amendment No 2. to the legal services contract with Venable, LLC is APPROVED.

Background:

In July 2020 after a competitive solicitation process, Schiff Hardin, LLP and the Metropolitan Council (Council) executed Contract 20P007 in the amount of \$2.5 million to provide construction-related legal services and expert subconsultants to support the Council during construction of the METRO Green Line Extension Project (Business Item 2020-157). In January 2021, the attorneys working on the contract moved their practice from Schiff Hardin to Venable. The Council agreed to assign the contract to Venable so the attorneys could continue their work.

Venable has retained expert construction cost accountant experts and forensic engineers as subconsultants to support its legal services to the Council. Venable's legal services include representing the Council in the negotiation of agreements and change orders with the Civil and Systems construction contractors and representing the Council in the mediation with the Cedar Isles Condominium Association. Venable's expert subconsultants provide financial and engineering analysis to support the resolution of disputes with the Council's construction contractors and third parties.

In March 2022, the Council authorized Amendment No. 1 to the Venable contract to increase the amount of the contract by approximately \$8.25 million and to extend services through 2027. Amendment No. 2 is required to provide funding for Venable and sub consultant services through 2025 to support the resolution of issues related to construction delays on the Project. Amendment No 2. Brings the total contract value not to exceed \$19.25 million. The costs in this amendment result from a higher than anticipated number and intensity of work tasks for Venable and its subconsultants from its base contract.

Venable and its experts are uniquely qualified to conduct this work as they have represented the Council in extensive negotiations with the Civil and Systems contractors and have gained an in-depth knowledge of the Project through the work completed under the original contract.

The Southwest Project Office is proposing the use of \$8,500,000 in contingency for Amendment No. 2 to the legal services contract with Venable, LLC.