



Legislation Text

File #: 23-0176, **Version:** 1

Resolution to Approve Amendment Number 1 to the Professional Services Agreement with Stantec Consulting Services Inc. for Consulting and Expert Witness Services Relative to *Platt Convenience, Inc. v City of Ann Arbor* (\$75,000.00 amendment; \$150,000.00 total contract)

Attached for your review and approval is a resolution to approve Amendment Number 1 to the Professional Services Agreement with Stantec Consulting Services Inc. for Consulting and Expert Witness Services relative to *Platt Convenience, Inc. v City of Ann Arbor*.

To assist with the City's defense of the Platt Convenience lawsuit, the City retained Stantec Consulting Services for consulting and expert witness services because of its qualifications and experience providing similar expert services relating to stormwater rates for various municipalities across the country. Additionally, the City has worked with Stantec Consulting Services in the past with respect to its utility rates.

The City Administrator approved an initial agreement with Stantec Consulting Services for an amount not to exceed \$75,000.00 which has been exhausted during the intensive expert discovery period, and there is a need for additional services from Stantec relating to the City's defense of this lawsuit.

The City Attorney requests approval of Amendment Number 1 to the Professional Services Agreement with Stantec Consulting Services Inc. for Consulting and Expert Witness Services Relative to *Platt Convenience, Inc. v City of Ann Arbor* in the amount of \$75,000.00, which will result in a total contract amount of \$150,000.00.

Stantec Consulting Services Inc. complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances.

Budget/Fiscal Impact: Funding for these services is available in the approved FY 23 Stormwater Operations and Maintenance budget.

Prepared by: Atleen Kaur, City Attorney
Tim Wilhelm, Deputy City Attorney

Reviewed by: Marti Praschan, Chief Financial Officer

Approved by: Milton Dohoney Jr., City Administrator

Whereas, Platt Convenience, Inc. filed a lawsuit against the City of Ann Arbor challenging the City's stormwater rates;

Whereas, Stantec Consulting Services, Inc. was selected to provide consulting and expert witness services for the City relative to its defenses in the *Platt Convenience* litigation, and the City Administrator approved an initial Professional Services Agreement for an amount not to exceed \$75,000.00 which has been exhausted;

Whereas, The City has a continued need for consulting and expert witness services from Stantec Consulting Services Inc. to defend the *Platt Convenience* litigation, and Stantec Consulting Services

Inc. is well qualified to continue to provide such services;

Whereas, Funding for these services was included in the FY 23 Stormwater Fund Operations and Maintenance Budget; and

Whereas, Stantec Consulting Services Inc. complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances;

RESOLVED, That City Council approve Amendment Number 1 to the Professional Services Agreement with Stantec Consulting Services Inc. in the amount of \$75,000.00 for continued consulting and expert witness services relative to *Platt Convenience, Inc. LLC v City of Ann Arbor* for a total contract amount of \$150,000.00;

RESOLVED, That the funding for these legal services, as appropriate, is made available without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized to sign the amendment after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take the necessary actions to implement this resolution.