



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 11/8/2022

ALL

Item Creation Date: 10/20/2022

LGL - Bracewell LLP Legal Services Agreement

Agenda Item#: 18.

Summary:

ORDINANCE approving and authorizing Professional Services Agreement between **BRACEWELL LLP** and City of Houston ("City") to provide Legal Services relating to a lawsuit filed against the *City and against Sylvester Turner, in his official capacity as Mayor*; establishing a maximum contract amount - \$450,792.00 - Property & Casualty Fund

Background:

The City Attorney and Interim Chief Procurement Officer recommend City Council pass an ordinance approving and authorizing a professional services agreement between the City of Houston ("City") and Bracewell LLP ("Firm"), with a maximum contract amount of \$450,792.00, to assist the City in defending the lawsuit styled James Robert Jones and Allen Watson v. Sylvester Turner, in his official capacity as the Mayor of the City of Houston, et al.; Cause no. 2019-76931; in the 281st Judicial District Court of Harris County, Texas. The Court has ordered expedited review and production of documents, and outside counsel is warranted because the City does not have sufficient resources to review and produce the documents on the timeline required by the Court. This lawsuit involves the allocation of tens of millions of dollars annually in City funds.

Plaintiffs challenge the manner in which the City calculates its Dedicated Drainage and Street Renewal Fund ("DDSRF") on an annual basis. They seek declaratory relief, a writ of mandamus and prospective injunctive relief; they do not seek monetary damages. The City is defending on the basis that it is immune from Plaintiffs' causes of action and that the City's calculation of the DDSRF is appropriate and within its legal discretion.

Through SPD, under RFQ No. S67-Q26565, the Legal Department engaged in an extensive procurement process to identify law firms to serve as outside counsel for the City, when needed, in a variety of practice areas based on several criteria, including qualifications, experience, and the provision of benefits to the City, such as controlling costs. The Firm was chosen to represent the City in areas including, but not limited to, commercial litigation.

The City Attorney and Interim Chief Procurement Officer recommend engaging the Firm to represent the City's interests because the Firm and its attorneys are experienced practitioners in representing government clients in high-risk and high-value disputes.

Hire Houston First: This procurement is exempt from the City's Hire Houston First Ordinance based on the department's determination that compliance with the ordinance would unduly interfere with contract needs.

Pay or Play: The Agreement requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. The Firm will provide health benefits to eligible employees in compliance with City policy.

MWBE Information:

This professional services contract is being issued with a 16% MWBE goal. The Firm has designated Monty & Ramirez, LLP as its certified MWBE subcontractor.

Fiscal Note: Funding for this item is included in the FY2023 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

DocuSigned by:

Arturo G. Michel

Arturo G. Michel, City Attorney

DocuSigned by:

Jedediah Greenfield

Jedediah Greenfield, Interim Chief Procurement Officer

Estimated Spending Authority			
DEPARTMENT	FY2023	OUT YEARS	TOTAL
Legal Department	\$450,792.00	\$0.00	\$450,792.00

Amount and Source of Funding:

\$450,792.00

Property & Casualty Fund
Fund 1004

Contact Information:

Brian Amis..... 832.393.6464
Suzanne Chauvin..... 832.393.6219

ATTACHMENTS:

Description

Funding/SAP attachment
MWBE GFE Approval
POP 1 Acknowledgement Form
POP 2 Certification of Compliance
City of Houston Ownership Form
Agreement for Professional Legal Services - with executed exhibits
POP 3 - Participating Subcontractors list
MWBE Letter of Intent
Ordinance

Type

Financial Information
Backup Material
Backup Material
Backup Material
Backup Material
Contract/Exhibit
Backup Material
Backup Material
Ordinance/Resolution/Motion