

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: An ordinance authorizing an agreement with **Jeremy Gold** and the City of Houston for consultant and expert witness services related to pending litigation in a commercial dispute with WTW Delaware Holdings LLC, f/k/a Towers Watson & Co. f/k/a Towers Perrin, more specifically, *The City of Houston v. Towers Watson & Co.: Civil Action No. 14-cv-02213.*

Category #

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Agenda Item #

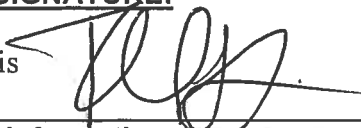
FROM: (Department or other point of origin):
Legal Department

Origination Date

Agenda Date

DIRECTOR'S SIGNATURE:

Ronald C. Lewis



Council Districts affected:

All

For additional information contact:

Lisa Ketai- Senior Assistant City Attorney 832-393-6464

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt an ordinance approving: an agreement between Jeremy Gold ("Gold" or "Dr. Gold") and the City of Houston for consultant and expert witness services related to pending litigation in a commercial dispute between WTW Delaware Holdings LLC f/k/a Towers Watson & Co. f/k/a Towers Perrin ("Towers") and the City of Houston, ("City") more specifically; *The City of Houston v. Towers Watson & Co.: Civil Action No. 14-cv-02213.*

AMOUNT AND SOURCE OF FUNDING:

\$250,000.00 Maximum Contract Amount to be paid from the Property and Casualty Fund (1004).

Budget:

SPECIFIC EXPLANATION:

The City is plaintiff in pending litigation against Towers in the case styled; *The City of Houston v. Towers Watson & Co.: Civil Action No. 14-cv-02213.* The lawsuit is currently set for trial in Federal District Court for the Southern District of Texas on October 31, 2017. The City asserts claims for negligence, negligent misrepresentations, and professional malpractice and seeks damages in an amount far in excess of the minimal jurisdictional limits of the court.

The City is engaging litigation experts and consultants with respect to liability and damage issues. The City Attorney recommends contracting with Gold to address liability issues.

The City Attorney recommends Dr. Gold because of his unique abilities and qualifications and national reputation as a knowledgeable independent consulting actuary specializing in the financial aspects of pensions plans. A Fellow of the Society of Actuaries, a Member of the American Academy of Actuaries, and a Chartered Enterprise Risk Analyst, Dr. Gold received his Ph.D. from the Wharton School of the University of Pennsylvania. Dr. Gold also has experience with litigation similar to the issues in the Towers case.

These expert witness fees requested, for the current fiscal year, are within the amounts contemplated when this suit was initiated and outside counsel's contract was signed and approved by Council in 2014. These fees were also anticipated in the Legal Department's FY17 budget.

Pay or Play Program

The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of the City contractors. In this case, the contractor will provide health benefits to eligible employees in compliance with City policy.

M/WBE Subcontracting

Zero-Percentage Goal Document approved by the Mayor's Office of Business Opportunity. OBO has approved an MWBE waiver.

Houston First

The proposed contract is exempt from the City's Hire Houston First Ordinance. Proposals were not solicited because the Department is utilizing professional services procurement.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization: