



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

Award Contract Grant

Requested Board Meeting Date: 04/04/2023

* = Mandatory, information must be provided

or Procurement Director Award:

***Contractor/Vendor Name/Grantor (DBA):**

Osborn Maledon, PA

***Project Title/Description:**

Legal Representation of Charles H. Huckelberry, current and former members of the Pima County Board of Supervisors, and Pima County in Rodgers, et al., v. Huckelberry, et al., C20161761 and in Rodgers, et al., v. Huckelberry, et al. 2 CA-CV-2021-0072

***Purpose:**

Contractor will continue to represent defendants in Rodgers, et al. v. Huckelberry, et al., C20161761 and in Rodgers, et al., v. Huckelberry, et al. 2 CA-CV-2021-0072.

***Procurement Method:**

Legal services for pending or anticipated litigation are exempt under Procurement code 11.04.020.

***Program Goals/Predicted Outcomes:**

Contractor will successfully represent defendants in the referenced cases.

***Public Benefit:**

Increased flexibility for Pima County to pursue economic development.

***Metrics Available to Measure Performance:**

Contractor will invoice County on a monthly basis unless a different billing period is set forth. County must receive invoices no more than 30 days after the end of the billing period in which Contractor delivered the invoiced products or services to County.

***Retroactive:**

No.

To COB: 3/23/23 Addendum
Vers: 6
Pgs: 3 (1)

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THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Commencement Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
Expense Amount \$ _____ Revenue Amount: \$ _____

*Funding Source(s) required: _____

Funding from General Fund? Yes No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? Yes No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? Yes No
If Yes, attach Risk's approval.

Vendor is using a Social Security Number? Yes No
If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: CT Department Code: FNC Contract Number (i.e., 15-123): 21*494

Amendment No.: 1 AMS Version No.: 5*le

Commencement Date: 04/04/2023 New Termination Date: 05/27/2023

Prior Contract No. (Synergen/CMS): _____

Expense Revenue Increase Decrease Amount This Amendment: \$ 100,000.00

Is there revenue included? Yes No If Yes \$ _____

*Funding Source(s) required: General Fund

Funding from General Fund? Yes No If Yes \$ 100,000.00 % 100.00

Grant/Amendment Information (for grants acceptance and awards)

Award Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____

Commencement Date: _____ Termination Date: _____ Amendment Number: _____

Match Amount: \$ _____ Revenue Amount: \$ _____

*All Funding Source(s) required: _____

*Match funding from General Fund? Yes No If Yes \$ _____ % _____

*Match funding from other sources? Yes No If Yes \$ _____ % _____

*Funding Source: _____

*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?

Contact: Deimos Thorne

Department: PCAO Civil Division

Telephone: (520) 724-8274

Department Director Signature: [Signature] Date: 3/6/2023

Deputy County Administrator Signature: [Signature] Date: _____

County Administrator Signature: [Signature] Date: 3/10/2023

Pima County Attorney's Office

Project: Legal Representation of Charles H. Huckelberry, Sharon Bronson, Ray Carroll, Richard Elias, Allyson Miller, Ramon Valadez, and Pima County in *Rodgers, et al., v. Huckelberry, et al.*, C20161761 and in *Rodgers, et al., v. Huckelberry, et al.*, 2 CA-CV 2021-0072.

**Contractor: Osborn Maledon PA
2929 North Central Avenue
Phoenix, AZ 85012-2793**

Contract No.: CT-FNC-21*494

Contract Amendment No.: [01]

Orig. Contract Term: 05/28/2021 - 05/27/2023	Orig. Amount:	\$100,000.00
Termination Date Prior Amendment: N/A	Prior Amendments Amount:	\$ 0.00
Termination Date This Amendment: 05/27/2023	This Amendment Amount:	\$100,000.00
	Revised Total Amount:	\$200,000.00

CONTRACT AMENDMENT # 1

The parties agree to amend the above-referenced contract as follows:

1. Background and Purpose.

1.1. Background. On May 28, 2021, County and Contractor entered into the above referenced agreement to provide Legal Representation of Charles H. Huckelberry, Sharon Bronson, Ray Carroll, Richard Elias, Allyson Miller, Ramon Valadez, and Pima County in *Rodgers, et al., v. Huckelberry, et al.*, C20161761 and in *Rodgers, et al., v. Huckelberry, et al.*, 2 CA-CV 2021-0072.

1.2. Purpose. County requires continuing services and requires additional time and funding to perform those services, commencing April 4, 2023.

2. Maximum Payment Amount. The maximum amount the County will spend under this Contract, as set forth in Section 5.2, is increased by \$100,000.00. County's total payments to Contractor under this contract, including any sales taxes, will not exceed \$200,000.00.

3. Key Personnel. The parties have revised the Key Personnel as follows:

<u>Name of Key Personnel added to Contract</u>	<u>Rates (ie: \$0.00/hour)</u>
• Andrew Kelly	\$515.00
• Jack Dearing	\$465.00
• Nickalina Miller	\$180.00

Contractor will notify County in writing if Contractor intends to use attorneys or staff not previously listed on the Contract, and before Contractor invoices County pursuant to Section 4.5.

- 4. Forced Labor of Ethnic Uyghurs.** Pursuant to A.R.S. § 35-394, if Contractor engages in for-profit activity and has 10 or more employees, Contractor certifies it is not currently using, and agrees for the duration of this Contract to not use (1) the forced labor of ethnic Uyghurs in the People's Republic of China; (2) any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China; and (3) any contractors, subcontractors or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China. If Contractor becomes aware during the term of the Contract that the Company is not in compliance with A.R.S. § 35-394, Contractor must notify the County within five business days and provide a written certification to County regarding compliance within one hundred eighty days.

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All other provisions of the Contract not specifically changed by this Amendment remain in effect and are binding upon the parties.

PIMA COUNTY

Chair, Board of Supervisors

Date

CONTRACTOR

Mary O'Grady

Authorized Officer Signature

Mary O'Grady - Member

Printed Name and Title

3/7/2023

Date

ATTEST

Clerk of the Board

Date

APPROVED AS TO FORM AND CONTENT

[Signature]

Chief Civil Deputy

3/6/2023

Date