



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**  
**CONTRACTS / AWARDS / GRANTS**

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: August 6, 2019

\* = Mandatory, information must be provided

or Procurement Director Award ☐

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

Audilett Law, P.C.

**\*Project Title/Description:**

Legal Services re Cutler v. Pima County, 18-CV-00383

**\*Purpose:**

Contractor will continue to provide legal representation and advice to Pima County and Deputy Keith Barnes in the matter of Cutler v. Pima County, et al., United States District Court case no. 18-CV-00383.

**\*Procurement Method:**

Legal services for pending or anticipated litigation are exempt under Procurement Code 11.04.020(c).

**\*Program Goals/Predicted Outcomes:**

Contractor will continue to provide legal representation and advice to Pima County and Deputy Keith Barnes in the matter of Cutler v. Pima County, et al., United States District Court case no. 18-CV-00383.

**\*Public Benefit:**

Contractor will continue to provide legal representation and advice to Pima County and Deputy Keith Barnes in the matter of Cutler v. Pima County, et al., United States District Court case no. 18-CV-00383.

**\*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.

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**Contract / Award Information**

Document Type: \_\_\_\_\_ Department Code: \_\_\_\_\_ Contract Number (i.e., 15-123): \_\_\_\_\_

Effective 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**\*Is the Contract to a vendor or subrecipient? No.**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 22-73.***Amendment / Revised Award Information**

Document Type: CT Department Code: FN Contract Number (i.e., 15-123): 19\*291

Amendment No.: 1 AMS Version No.: ~~8~~ 7 44Effective Date: ~~12/10/2018~~ 8-6-2019 HL New Termination Date: \_\_\_\_\_

Prior Contract No. (Synergen/CMS): \_\_\_\_\_

☒ Expense or ☐ Revenue ☒ Increase ☐ Decrease Amount This Amendment: \$ 50,000.00Is there revenue included? ☐ Yes ☒ No If Yes \$ \_\_\_\_\_**\*Funding Source(s) required:** Risk Management Tort FundFunding from General Fund? ☐ Yes ☒ No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_**Grant/Amendment Information** (for grants acceptance and awards) ☐ Award ☐ Amendment

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

Effective 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: Marilee Weston

Department: PCAO Civil Division - BTU Telephone: (520) 724-8274

Department Director Signature/Date:  7/12/19

Deputy County Administrator Signature/Date: \_\_\_\_\_

County Administrator Signature/Date:  7/12/19  
(Required for Board Agenda/Addendum Items)

**Pima County Attorney's Office**

**Project: Legal Services re Cutler v. Pima County**

**Contractor: Audilett Law, P.C.  
335 N. Wilmot, Suite 500  
Tucson AZ 85711**

**Contract No.: CT-FN-19\*291**

**Contract Amendment No.: 1**

<b>Orig. Contract Term:</b> 12/10/18 to 12/9/19	<b>Orig. Amount:</b>	\$ 50,000.00
<b>Termination Date Prior Amendment:</b> n/a	<b>Prior Amendments Amount:</b>	\$ 0.00
<b>Termination Date This Amendment:</b> 12/9/19	<b>This Amendment Amount:</b>	\$ 50,000.00
	<b>Revised Total Amount:</b>	\$100,000.00

**CONTRACT AMENDMENT #1**

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

**1. Background and Purpose.**

- 1.1 Background. On December 10, 2018, County and Contractor entered into the above referenced agreement to provide legal representation and advice to Pima County and Deputy Keith Barnes in the matter of *Cutler v. Pima County, et al.*, United States District Court case no. 18-CV-00383.
- 1.2 Purpose. The litigation is ongoing, and additional funds are required to continue the legal representation and advice.

2. **Maximum Payment Amount.** The maximum amount the County will spend under this Contract, as set forth in Section 5.2 is increased by \$50,000.00. County's total payments to Contractor under this Contract, including any sales taxes, will not exceed \$100,000.00.

The effective date of this Amendment is August 6, 2019.

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

**PIMA COUNTY**

\_\_\_\_\_  
Chairman, Board of Supervisors

\_\_\_\_\_  
Date

**ATTEST**

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Christopher Straub, Deputy County Attorney

7-2-2019  
\_\_\_\_\_  
Date

**CONTRACTOR**

  
\_\_\_\_\_  
Authorized Officer Signature

Daryl Audilett President  
\_\_\_\_\_  
Printed Name and Title

7/8/2019  
\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT**

  
\_\_\_\_\_  
Andrew Flagg, Chief Civil Deputy Attorney

7/2/2019  
\_\_\_\_\_  
Date