



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: December 3, 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.: 2 AMS Version No.: 9

Effective Date: 12/10/2019 New Termination Date: 12/9/2020

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:  ANDREW FLAGG 11/7/19

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date:  11/12/19
(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.: 2

Orig. Contract Term: 12/10/18 to 12/9/19	Orig. Amount:	\$ 50,000.00
Termination Date Prior Amendment: n/a	Prior Amendments Amount:	\$ 50,000.00
Termination Date This Amendment: 12/9/20	This Amendment Amount:	\$ 50,000.00
	Revised Total Amount:	\$150,000.00

CONTRACT AMENDMENT #2

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 and a year extension are required to continue the legal representation and advice.

2. Term. The term of the Contract is hereby extended to December 9, 2020.

3. 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 \$150,000.00.

4. Israel Boycott Certification. Pursuant to A.R.S. § 35-393.01, if Contractor engages in for-profit activity and has 10 or more employees, and if this Contract has a value of \$100,000.00 or more, Contractor certifies it is not currently engaged in, and agrees for the duration of this Contract to not engage in, a boycott of goods or services from Israel. This certification does not apply to a boycott prohibited by 50 U.S.C. § 4842 or a regulation issued pursuant to 50 U.S.C. § 4842.

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

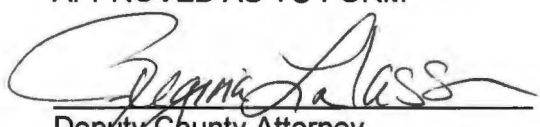
Date

ATTEST

Clerk of the Board

Date

APPROVED AS TO FORM


Deputy County Attorney

REGINA NASSEN

Print DCA Name

10.29.2019
Date


CONTRACTOR


Authorized Officer Signature

Daryl Audillett President
Printed Name and Title

10/31/19
Date

APPROVED AS TO CONTENT


Andrew Flagg, Chief Civil Deputy Attorney

10/29/2019
Date