



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

Award  Contract  Grant

Requested Board Meeting Date: December 1, 2020

or Procurement Director Award

\* = Mandatory, information must be provided

**\*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.

*To: COB. 11-19-20  
Ver. - 13  
pgs - 2 (1)*

**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: FN Contract Number (i.e., 15-123): 19\*291

Amendment No.: 3 AMS Version No.: 13

Commencement Date: 12/10/2020 New Termination Date: 12/9/2021

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

Expense or  Revenue  Increase  Decrease Amount This Amendment: \$ 50,000.00

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

**\*Funding Source(s) required:** Risk Management Tort Fund

Funding 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): \_\_\_\_\_

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: Marilee Weston

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

Department Director Signature/Date:  11/17/2020 **ANDREW FLAGG**

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

County Administrator Signature/Date:  11/17/2020  
*(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.: 03**

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<b>Orig. Contract Term:</b> 12/10/18 to 12/09/19	<b>Orig. Amount:</b>	\$ 50,000.00
<b>Termination Date Prior Amendment:</b> 12/09/20	<b>Prior Amendments Amount:</b>	\$100,000.00
<b>Termination Date This Amendment:</b> 12/09/21	<b>This Amendment Amount:</b>	\$ 50,000.00
	<b>Revised Total Amount:</b>	\$200,000.00

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**CONTRACT AMENDMENT**

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 County is exercising the third extension option to renew the contract for one additional year commencing on December 10, 2020 and terminating on December 9, 2021. If the commencement date is before the Effective Date of this amendment, the parties will, for all purposes, deem the amendment to have been in effect as of the commencement date.

**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 \$200,000.00.

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

**CONTRACTOR**

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

Daryl Auditett President  
Printed Name and Title

11/12/2020  
Date

**ATTEST**

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

\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Deputy County Attorney

**REGINA NASSEN**

\_\_\_\_\_  
Print DCA Name

11 10 2020  
Date

**APPROVED AS TO CONTENT**

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

11/10/2020  
Date