



Broward County

Legislation Details (With Text)

File #: 21-880 **Version:** 1

Status: Agenda Ready

In control: County Attorney

On agenda: 5/18/2021 **Final action:** 5/18/2021

Title: MOTION TO AUTHORIZE County Attorney to, jointly with the City Attorney or other designee of the City of Fort Lauderdale ("City"), select and negotiate an engagement agreement with outside counsel to represent the County and the City in connection with the joint governmental center campus project ("JGCC"), and to authorize the County Administrator to execute such agreement on behalf of the County on terms consistent with those outlined below and to take all required administrative and budgetary actions in connection with this item.

Sponsors:

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Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO AUTHORIZE County Attorney to, jointly with the City Attorney or other designee of the City of Fort Lauderdale ("City"), select and negotiate an engagement agreement with outside counsel to represent the County and the City in connection with the joint governmental center campus project ("JGCC"), and to authorize the County Administrator to execute such agreement on behalf of the County on terms consistent with those outlined below and to take all required administrative and budgetary actions in connection with this item.

Why Action is Necessary

Under the County Charter, outside legal counsel may only be retained with Board approval.

What Action Accomplishes

Retention of outside counsel specializing in public-private partnership projects ("P3") to assist the County and the City in developing the JGCC.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

At its May 7, 2019, County Commission meeting (Item No. 76), the County approved an Interlocal Agreement ("ILA") with the City for the development of the JGCC. At its May 7, 2019, City Commission meeting (Item No. 19-0295), the City approved the ILA. The ILA established the Board of County Commissioners and the City Commission collectively as the Unified Direct Procurement Authority ("UDPA") in connection with the development of the JGCC.

At its meeting of December 15, 2020 (Item No. 5), the UDPA approved the utilization of a P3 project delivery method for the development of the JGCC. At its January 12, 2021, County Commission meeting (Item No. 41), the County approved an Agreement between the County and KPMG LLP ("KPMG") for professional consulting services in a not-to-exceed amount of \$1,200,000.

County Administration, the City, and KPMG (the latter based on previous experience and developer expectations communicated during the market sounding) recommend that the County and the City retain outside counsel specializing in P3 projects to provide legal services in connection with the development of the JGCC.

We have conducted preliminary due diligence based on information provided by KPMG regarding the use of outside counsel on recent P3 projects in the United States. We are conducting additional due diligence on this issue. The due diligence focuses on the governmental entity's experience in using outside counsel, the scope of services provided, and fees expended. We will discuss these issues further during individual briefings.

County Administration has expressed its preference for outside counsel to be retained as soon as possible, so counsel may assist with development of the solicitation documents required to procure the P3 developer. It is expected to take at least four weeks to identify and interview qualified law firms and then enter into a contract with the selected firm.

Any agreement with outside counsel will include the following mandatory terms: (1) a not-to-exceed amount of \$1,000,000; (2) a requirement that any increase in the not-to-exceed amount be approved by formal action by the Board and the City; and (3) a requirement that the City directly pay 43% percent of the total legal fees/costs incurred up to the not-to-exceed amount.

The City is expected to consider this matter at its meeting on May 18.

Source of Additional Information

Michael J. Kerr, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The fiscal impact of the requested action will not exceed \$1,000,000, to be split between the County (paying 57%) and the City (paying 43%).