FILED FOR RECORD
12/19/2017 9:00 AM
Dana Debeauvoir - County Clerk, Travis County,TX

Item 36

Travis County Commissioners Court Agenda Request

Meeting Date: December 19, 2017
Prepared By/Phone Number: Jean Liburd/44850; Jason G. Walker, CPPB/44562
Elected/Appointed Official/Dept. Head: Bonnie S. Floyd, MBA, CPPO, CPPB, Purchasing Agent
Commissioners Court Sponsor: Commissioner Travillion

Agenda Language: Approve Modification No. 1 to Contract No. 4400003360 with Alexander, Dubose, Jefferson, & Townsend, LLP. for Appellate Services.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.

  On July 11, 2017, Commissioners Court approved above contract in the amount of $35,000 with Alexander, Dubose, Jefferson & Townsend, LLP to serve as Co-Counsel to provide the identified legal services relating to the preparation and filing in the Supreme Court of the State's petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit.

  The original contract amount of 35,000 included $5,000 for out of pocket expenses and $30,000 flat rate fee. This modification will increase the listed flat fee of $30,000 to $50,000, an increase of $20,000 for additional appellate services, to include drafting a response to a brief of opposition to the petition for certiorari.

- **Contract Expenditures:** Within the last four (4) months $30,000.00 has been spent against this contract.

- **Contract-Related Information:**
  Award Amount: $35,000.00
  Contract Type: Professional Services
  Contract Period: July 11, 2017 – September 30, 2018

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to agenda@co.travis.tx.us **by Mondays at 12:00 p.m.** for the next week's meeting.

- **Contract Modification Information:**
  Modification Amount: $20, 000.00
  Modification Type: Bilateral
  Modification Period: July 11, 2017 – September 30, 2018

- **Funding Information:**
  ☐ SAP Shopping Cart #:
  ☒ Funding Account(s): Cost Center No. 1230010001
  ☒ Comments: The department has an agenda item on Commissioners Court on 12/19 for a budget adjustment. They are requesting funding from the Allocated Reserve.

OFFICE OF THE DISTRICT ATTORNEY

P.O. Box 1748, Austin, TX 78767

MARGARET MOORE
DISTRICT ATTORNEY

Telephone 512/854-9400
Telefax 512/854-9695

MINDY MONTFORD
FIRST ASSISTANT

M E M O R A N D U M

TO: Jason Walker, Assistant Purchasing Agent

FROM: Victoria Ramirez, Lead Financial Analyst

DATE: November 20, 2017

RE: Modify Contract No. 4400003360 with Alexander, Dubose, Jefferson & Townsend, LLP

The Travis County Commissioners Court authorized approval of a contract with Alexander, Dubose, Jefferson & Townsend, LLP for assistance with the appeal of a case to the United States Supreme Court during the Court's July 11, 2017 voting session.

The Travis County District Attorney's Office is now formally requesting approval of a modification to that contract for additional appellate services related to the case.

In April the United States Court of Appeals for the 5th Circuit issued an adverse ruling in the case of Texas vs. Charles Kleinert. The Kleinert case involves the shooting of an unarmed African-American man by an Austin Police officer. The case involves significant civil rights concerns that affect the community in Travis County. Approval of this contract for appellate services allowed the District Attorney to obtain assistance in filing a petition for certiorari, which is the mechanism to request Supreme Court review of lower court decisions.

The District Attorney has learned that the Supreme Court has accepted the petition. There are several key deadlines for proceeding with the case. Kleinert's brief in opposition is due November 20. The Clerk of the Supreme Court will circulate our petition, the brief in opposition, and any reply we file in response to that brief to the members of the Supreme Court on December 6. The District Attorney is requesting a modification to the contract with Alexander, Dubose, Jefferson & Townsend, LLP for additional assistance drafting the reply to Kleinert's brief in opposition. The firm proposes completing this work for an additional flat fee of $20,000, which the District Attorney's Office will request in a budget transfer from the General Fund Allocated Reserve.

CC: Margaret Moore, Mindy Montford, Gregg Cox, Scott Taliaferro, Gerald Polk, District Attorney's Office
Katie Gipson, Planning and Budget Office
Jean Liburd, Purchasing Office

MODIFICATION OF CONTRACT: 4400003360, Appellate Services

ISSUED BY:	ISSUED TO:
Travis County Purchasing Office **P.O. Box 1748** **Austin, Texas 78767** **Contact: Jean Liburd** **Tel. No: (512) 854-4850**	**Alexander, Dubose, Jefferson, & Townsend, LLP** **Attn: Wallace B. Jefferson** **515 Congress Ave., Suite 2350** **Austin, Texas 78701-3562**
MODIFICATION NO.: **1**	EXECUTED DATE OF ORIGINAL CONTRACT: **July 11, 2017**
ORIGINAL CONTRACT TERM: **July 11, 2017** to **September 30, 2018**	CURRENT CONTRACT TERM: **July 11, 2017** to **September 30, 2018**

ORIGINAL CONTRACT AMOUNT: $ **35,000.00**	MOD. 1 AMOUNT: $ **20,000.00**	CUMULATIVE CONTRACT AMOUNT: $ **55,000.00**

Note to Vendor:
☒ **Complete and execute *(sign)* your portion of the signature block section as tagged below.**
☐ **DO NOT execute. Retain for your records.**

Court Approval Required?
☒ **Yes**
☐ **No**

DESCRIPTION OF CHANGES: Except as provided in this Modification 1, all terms, conditions and provisions of the document referenced above, as previously modified, remain unchanged and in full force and effect.

1. Reference Section 4.1 Maximum Funds, the listed flat fee of $30,000.00 is modified to $50,000.00, an increase of $20,000.00 for additional Appellate Services to include drafting a response to a brief of opposition to the petition for certiorari.

LEGAL BUSINESS NAME: **Alexander, Dubose, Jefferson, & Townsend, LLP**

BY: DocuSigned by: Kennon Welch
SIGNATURE 31F1D829BB444...

BY: Kennon Welch
PRINT NAME

TITLE: Office Administrator
ITS DULY AUTHORIZED AGENT

DATE: 12/1/2017

TRAVIS COUNTY, TEXAS

BY: jgw/
BONNIE S. FLOYD, MBA, CPPO, CPPB, TRAVIS COUNTY PURCHASING AGENT

DATE: _____

TRAVIS COUNTY, TEXAS

DRAFT

BY: _____
SARAH ECKHARDT, TRAVIS COUNTY JUDGE

DATE: _____