

**CITY OF BETHLEHEM**  
**INTER-DEPARTMENTAL CORRESPONDENCE**

**SUBJECT:** Request for Approval by City Council of Contract Award or Contract Price Increase Pursuant to City Ordinance, Article 121.05 (a)

Project or Contract Reference: Water Utility Counsel

**TO:** City Council, all members, and Council Solicitor

**FROM:** Edward J. Boscola, P.E., Director of Water & Sewer Resources  
William P. Leeson, Esq., City Solicitor

**DATE:** February 13, 2019

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On behalf of the Administration, pursuant to City Ordinances, Article 121.05, I request City Council's approval of the following recommendation of the referenced contract award or price increase.

- Check Type of Contract or Change:

\_\_\_\_\_ The contract is for over \$50,000 and required to be bid under the Third Class City Code. We have advertised the above referenced project and received qualified bids. We recommend award of the contract to the bidder identified and for the reasons stated below.

\_\_\_\_\_ The recommendation is for a price increase of 10% or more for an existing contract over \$50,000 that was previously bid and awarded under the Third Class City Code.

  X   The contract is for the engagement of professional legal services. We have received and reviewed a proposal or proposals for professional services in connection with above referenced project or requirement for professional services. We recommend award of the contract.

- Is the contract appropriation or price increase included in this year's budget?   X  yes   \_\_\_no

- Identify contract funding sources (general fund, grants, loans, etc.....):

See Budget Line Item 2006-42055

- The name and address of the recommended attorney and firm is:

Thomas T. Niesen, Esquire  
Thomas, Niesen & Thomas, LLC  
212 Locust Street, Suite 302  
Harrisburg, PA 17101

- Term of contract or estimated completion date, subject to standard extensions:

Initial contract term of ten (10) months, from 3/1/19 to 12/31/19

- Description of project or scope of services to be provided:

Representation and advice to the Client in all matters assigned by Client involving water utility regulatory and transactional matters and representation before the Pennsylvania Public Utility Commission (PUC), including but not limited to, services necessary and incidental to negotiating, preparing and securing intermunicipal and developer agreements, responding to complaints, for the supplying of water service, and, in addition, those services as requested and set forth in Attorney's proposal dated December 10, 2018

- State the actual or estimated price to the City or the proposed Department budget allowance for the initial term; and state payment rate per unit of service if applicable:

Not to exceed \$75,000 to be paid on a time and expense basis

- Number of renewal term options and duration of each renewal, if any:

Automatic renewal for up to three (3) renewal terms of twelve months each, running from January 1 through December 31 for the calendar years 2020, 2021 and 2022, subject to 30 day termination by either party without cause

- Maximum dollar value of all renewals provided for beyond the original term as if all renewals were exercised:

\$300,000 over three (3) years, with annual limit and hourly rates to be determined by the parties

- Reasons for recommendation of Administration and Council approval of contract:

Determined as the most favorable option for the City after a review of the three (3) proposals received in response to the City's RFP, the interviews of 2 candidates following proposal reviews, the selected attorney and firm's experience and cost

Please approve this recommendation by passing the accompanying resolution. A vote of final approval is requested at the first City Council agenda listing of this matter.

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By: Edward J. Bascola  
Department Head

By: [Signature]  
City Solicitor

Copies To: Mayor  
Director of Administration  
Director of Budget and Finance  
Purchasing Bureau  
Controller

Attachment: proposed resolution

RESOLUTION NO. 2019-\_\_\_\_\_

Authorization for Contract or Amendment under Article 121.05(a)

BE IT RESOLVED by the Council of the City of Bethlehem that the Mayor and the Controller and/or such other City officials as deemed appropriate by the City Solicitor, are hereby authorized to execute a Contract or Amendment and such other agreements and documents as are deemed by the City Solicitor to be necessary and/or related thereto, with the following named contractor, for the uses and purposes indicated in the supporting Recommendation of Award of Bid or Contract dated February 13, 2019:

1. Name of Contractor: Thomas, Niesen & Thomas, LLC
2. Project or Contract Reference: Water Utility Counsel

Sponsored by \_\_\_\_\_  
\_\_\_\_\_

ADOPTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk