

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 (amendment for Water Rate Case)

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: January 29, 2020

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 amendment is for the engagement of professional legal services. We have received and reviewed a proposal 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:

No change to term of existing contract (initial term from 3/1/19 through 12/31/19 with three (3) automatic renewal terms of twelve months each, running from January 1 through December 31 for calendar years 2020, 2021 and 2022, subject to 30 day termination by either party without cause).

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

All necessary and required legal services and legal representation before the Pennsylvania Public Utility Commission (PUC) in respect to the City's upcoming water rate filing, including legal advice and assistance concerning the preparation and filing of a tariff supplement and supporting financial information in compliance with PUC regulations, drafting and filing of pleadings, legal advice and assistance in the preparation and service of responses to discovery, representation at settlement conferences and evidentiary and public input hearings, drafting and filing of briefs, review of and legal advice and assistance in respect to the Recommended Decision of the presiding administrative law judge, drafting and filing of exceptions and replies to exceptions and review of and legal advice and assistance in respect to a final PUC Opinion and Order.

- 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 \$175,000 plus expenses to be paid on a time and expense basis for the contract amendment for the Water Rate Case.

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

See response above.

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

N/A

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

Thomas, Niesen & Thomas is our current PUC attorney and has over 40 years' experience representing Pennsylvania water utilities before the PA PUC on numerous base rate proceedings.

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.

By: _____



Department Head

By: _____



City Solicitor

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

Attachment: proposed resolution

RESOLUTION NO. 2020-_____

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 January 29, 2020:

1. Name of Contractor: Thomas, Niesen & Thomas, LLC
2. Project or Contract Reference: Water Utility Counsel (amendment for Water Rate Case)

Sponsored by _____

ADOPTED by Council this _____ day of _____, 2020.

President of Council

ATTEST:

City Clerk