



City of Tacoma

Resolution No.:

Meeting Date: August 6, 2024

**Contract and Award Letter  
Purchase Resolution —Exhibit "A"**

**TO:** Board of Contracts and Awards  
**FROM:** Chris Bacha, Attorney, City Attorney's Office  
 Geoffrey M. Smyth, P.E., Interim Director, Environmental Services  
**COPY:** City Council, City Manager, City Clerk, EIC Coordinator, LEAP Coordinator, and  
 Brandon Snow, Senior Buyer, Finance/Purchasing  
**SUBJECT:** Legal Services Agreement  
 Direct Negotiation Waiver, Contract No. CW2235033 – August 6, 2024, City  
 Council  
**DATE:** July 8, 2024

**RECOMMENDATION SUMMARY:** The City Attorney's Office and Environmental Services Department request approval to increase Contract No. CW2235033, to Ahlers Cressman & Sleight, PLLC, of Seattle, WA, by \$100,000, plus applicable taxes, budgeted from the City's Wastewater and Stormwater funds, for the I-5/Portland Avenue to Port of Tacoma Road, Northbound HOV Project, "T" Street Utility Corridor. This increase will bring the contract to a cumulative total of \$600,000, plus applicable taxes.

**STRATEGIC POLICY PRIORITY:**

- Strengthen and support a safe city with healthy residents.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Assure outstanding stewardship of the natural and built environment.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

**BACKGROUND:** A Claim for Damages was filed by the Washington State Department of Transportation (WSDOT), relating to reimbursement for the City of Tacoma's (City) underground facilities that WSDOT relocated as part of the I-5/Portland Avenue to Port of Tacoma Road, Northbound HOV Project, "T" Street Utility Corridor. Ahlers Cressman & Sleight, PLLC has the knowledge, experience, and expertise to provide legal advice and representation to the City in this matter.

**ISSUE:** This request to increase funding is made so that Ahlers Cressman & Sleight, PLLC can finish the remainder of its work on this nearly complete project.

**ALTERNATIVES:**

<b>Alternatives</b>	<b>Positive Impact(s)</b>	<b>Negative Impact(s)</b>
1. Retain a different law firm	None	Retaining a new law firm would necessarily increase the cost of legal services and negatively impact the City's ability to complete necessary work.
2. Use in-house counsel	None	Ahlers Cressman & Sleight, PLLC has specialized knowledge and experience with WSDOT and is actively representing the City in litigation with



		WSDOT. The City Attorney’s Office does not have the in-house resources that are necessary to effectively advocate on behalf of the City in the current litigation.
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**COMPETITIVE ANALYSIS:** Ahlers Cressman & Sleight, PLLC attorneys have substantial experience and expertise in matters pertaining to the WSDOT, and can provide the City with timely, cost-effective, and accurate advice and legal services.

**CONTRACT HISTORY:** This contract was originally awarded to Ahlers Cressman & Sleight PLLC as a result of a Waiver - Direct Negotiation Agreement in February 2020. The agreement included a not to exceed amount of \$500,000.

**Amendment No. 1 -** On April 1, 2021, the parties amended the agreement in recognition of Ahlers Cressman & Sleight, PLLC’s 2021 billing rates and charges.

**Amendment No. 2 -** In October of 2021, the parties again amended the agreement to add additional Ahlers Cressman & Sleight, PLLC personnel and their billing rates to the personnel authorized to provide services to the City.

**Amendment No. 3 -** In September of 2022, the parties again amended the agreement to add additional Ahlers Cressman & Sleight, PLLC personnel and their billing rates to the personnel authorized to provide services to the City.

**Amendment No. 4 –** The City of Tacoma now seeks additional funding to support the conclusion of the work being conducted by Ahlers Cressman & Sleight PLLC for the I-5/Portland Avenue to Port of Tacoma Road, Northbound HOV Project, “T” Street Utility Corridor.

**SUSTAINABILITY:** Amending the City’s contract with outside counsel will not increase the City’s carbon footprint as the majority of all meetings have been held remotely to minimize the carbon footprint associated with travel for in-person meetings.

**EQUITY IN CONTRACTING (EIC) COMPLIANCE:** Not applicable - EIC Exception: Direct Negotiation Waiver

**LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM (LEAP) COMPLIANCE:** Not applicable to this contract.



**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4300 - Wastewater, 4301 - Stormwater	(various)	(various)	\$100,000
<b>TOTAL</b>			<b>Up to \$100,000</b>

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
4300 - Wastewater, 4301 - Stormwater	(various)	(various)	(\$100,000)
<b>TOTAL</b>			<b>Up to (\$100,000)</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$100,000**

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes**

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED. N/A**