



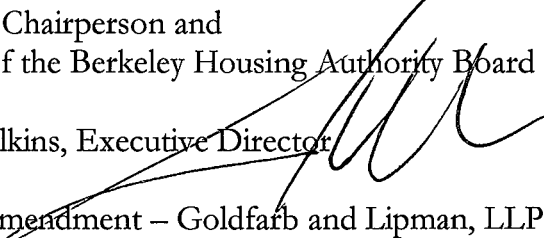
Berkeley Housing Authority

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Office of the Executive Director

Item Item 6E
NEW BUSINESS
March 8, 2018

To: Honorable Chairperson and
Members of the Berkeley Housing Authority Board

From: William Wilkins, Executive Director 

Subject: Contract Amendment – Goldfarb and Lipman, LLP

RECOMMENDATION

Approve a resolution authorizing the Executive Director to increase existing contract with Goldfarb and Lipman, LLP by \$28,000 for a not to exceed amount of \$179,640; exercise the third one-year renewal option, extending the term through June 30, 2019; and increasing contract amount by another \$36,000 for a total contract amount not to exceed \$215,640.

BACKGROUND

Public Housing Authorities (PHAs) use a variety of models to ensure adequate legal representation. Some contract with City Attorney Offices, some with County Counsel, still others use private firms, and some use a combination of government attorneys and private firms.

On June 2, 2014 staff issued a Request for Proposals (RFP) to procure legal counsel; of the two respondents, Goldfarb rated most points on the scoring criteria. Thus, on July 10, 2014, the Board approved a resolution authorizing the Executive Director to execute a contract with the law office of Goldfarb and Lipman, LLP for an initial term of two years, with three one-year renewal options. The maximum fee for the initial years is \$107,640, and \$36,000 per year for each of the renewal periods. The initial two year term expired on June 30, 2016.

On June 9, 2016 the Board approved the 1st renewal option, extending the term through June 30, 2017 and increasing the contract amount by \$36,000, for a total contract amount not to exceed amount of \$143,640. On June 8, 2017 the Board approved the 2nd renewal option, extending the term through June 30, 2018 and increased the contract amount by \$8,000, for a total contract amount not to exceed \$151,640.

Due to ongoing litigation concerning two Section 8 participants, our legal cost increased in FY2018. As of the last billing (January 2018 legal services) the balance in the existing contract under the 2nd renewal option is \$7,800, with five months remaining in the contract year. We anticipate that the current contract amount will be fully utilized by June 30, 2018, thus, we would need the full \$36,000 to cover the budget for legal fees in FY2018-2019.

Goldfarb & Lipman has served as general counsel for the Berkeley Housing Authority since 2006. Jennifer Bell is lead counsel, with assistance as needed from James Diamond (personnel issues). Jennifer Bell, in particular, has been very helpful in leveraging information and resources between the various housing authorities she represents.

FINANCIAL IMPLICATIONS

The increase of \$28,000 in FY2017-2018 will be covered by unused budget for labor negotiator. \$36,000 will be budgeted for FY2018-2019.

CONTACT PERSON

William Wilkins, Executive Director, 981-5471
Jesy Yturralde, Finance Manager, 981-5488

Attachment: Resolution – Goldfarb and Lipman

BERKELEY HOUSING AUTHORITY
RESOLUTION 18-____

ADOPT A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO INCREASE THE EXISTING CONTRACT WITH GOLDFARB AND LIPMAN, LLC BY \$28,000 FOR A NOT TO EXCEED AMOUNT OF \$179,640; AND EXECUTE THE THIRD ONE-YEAR RENEWAL OPTION FOR THE CONTRACT, EXTENDING THE TERM THROUGH JUNE 30, 2019; AND INCREASE CONTRACT AMOUNT BY \$36,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$215,640.

WHEREAS, the Berkeley Housing Authority requires expert general counsel; and

WHEREAS, the law office of Goldfarb & Lipman LLP has served BHA competently for the past twelve years; and

WHEREAS, the firm has demonstrated expert knowledge and experience in serving as general counsel for California-based Public Housing Authorities, and superior responsiveness on all issues; and

WHEREAS, the current contract expiring on June 30, 2018 has a balance of \$7,800 on January 31, 2018, with five more months remaining in the contract term; and

WHEREAS, the current contract includes three one-year renewal options at \$36,000 per year.

NOW THEREFORE, BE IT RESOLVED, that the Executive Director is authorized to increase existing contract with Goldfarb and Lipman, LLP by \$28,000 for a not to exceed amount of \$179,640; exercise the third one-year renewal option, extending the term through June 30, 2019; and increase contract amount by another \$36,000 for a total contract amount not to exceed \$215,640.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on March 8, 2018 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: _____
William Wilkins, Secretary