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Legislation Details (With Text)

File #: 17-2325

Type: Procurement Contract/Change Order **Status:** Passed

In control: Board of Trustees

On agenda: 10/13/2021 **Final action:** 10/13/2021

Title: Change Order: Federal Monitoring Services Agreement Modification No. 5 - Final Payment to Independent Federal Monitors (Coblentz, Patch, Duffy and Bass LLP)

Indexes:

Code sections:

Attachments: 1. Change Order: Modification No. 5 - Final Payment to Independent Federal Monitors (Coblentz, Patch, Duffy and Bass LLP), 2. 17-2325JH Signed Contract between UTA and Coblentz Patch Duffy Bass

Date	Ver.	Action By	Action	Result
10/13/2021	1	Board of Trustees	approved	Pass

TO: Board of Trustees

THROUGH: Mary DeLoretto, Interim Executive Director

FROM: David Wilkins, Assistant Attorney General

PRESENTER(S): David Wilkins, Assistant Attorney General

TITLE:

Change Order: Federal Monitoring Services Agreement Modification No. 5 - Final Payment to Independent Federal Monitors (Coblentz, Patch, Duffy and Bass LLP)

AGENDA ITEM TYPE:
Procurement Contract/Change Order

RECOMMENDATION:
Approve Modification No. 5 to contract 17-2325JH to add the additional amount of \$75,270.96 to available contract funds in order to support a final payment of \$85,000 to federal monitors, Coblentz, Patch, Duffy and Bass LLP, for their effort expended in consolidating all remaining efforts into a single final report in connection with early termination of the monitoring arrangement.

BACKGROUND:
The original contract was bid and awarded to Coblentz Patch Duffy & Bass to verify UTA's compliance with the terms and conditions of an April 4, 2017 Non-Prosecution Agreement entered into by and between UTA and the United States Attorney's Office for the District of Utah (the 'USAO'). This contract was executed in phases with not-to-exceed amounts

for each phase. Contract amendments for each phase were to be executed through change-orders.

UTA has paid the amount of \$560,704.50 to date for work done in connection with Phases 1, 2 and 2a. This Modification No. 5 will bring the total to \$635,975.46. This final payment of \$85,000 represents a 24% discount from the total invoices submitted by the law firm.

DISCUSSION:

This negotiated final payment of \$85,000 is a fair settlement for the additional work done by the federal monitors in consolidating all remaining effort into a single final report in connection with the early termination of the monitoring arrangement.

CONTRACT SUMMARY:

Contractor Name:	Coblentz, Patch, Duffy and Bass LLP
Contract Number:	17-2325JH
Base Contract Effective Dates:	April 17, 2017 to September 8, 2021
Extended Contract Dates:	N/A
Existing Contract Value:	\$560,704.50
Amendment Amount:	\$75,270.96
New/Total Amount Contract Value:	\$635,975.46
Procurement Method:	Competitive Procurement
Funding Sources:	UTA local funds

ALTERNATIVES:

Continued discord over amount of final payment and potential litigation.

FISCAL IMPACT:

This modification amount will be covered with remaining 2021 UTA agency appropriation authority.

ATTACHMENTS:

Change Order: Modification No. 5 - Final Payment to Independent Federal Monitors (Coblentz, Patch, Duffy and Bass LLP)
Original Service Contract