

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: April 21, 2017

TO: Theodore Lipscomb, Sr., Chairman, Milwaukee County Board of Supervisors

FROM: Julie Esch, Deputy Director, Department of Administrative Services

SUBJECT: Second Amendment to the Contract for Legal Services related to the Zoo Interchange Freeway Reconstruction Project between Milwaukee County and the law firm of von Briesen & Roper, S.C.

REQUEST

The Department of Administrative Services requests that the contract for legal services related to the Zoo Interchange Freeway Reconstruction Project between Milwaukee County and von Briesen & Roper, S.C. be increased by \$150,000, from \$248,000 to \$398,000.

BACKGROUND

The interests of Milwaukee County in the Zoo Interchange Freeway Reconstruction Project (Zoo Interchange) have been represented by Attorney Alan Marcuvitz since February 2012 (File No. 12-186). On August 25, 2014, Milwaukee County was notified that Attorney Marcuvitz had changed employers from Michael Best & Friedrich to the law firm of von Briesen & Roper, S.C. (von Briesen). Due to the timing of the Milwaukee County Board of Supervisors committee meetings and the need to ensure continuity of, and minimize any gap in Milwaukee County's legal representation on the Zoo Interchange project (WO 141), the Director of the Milwaukee County Department of Transportation entered into a professional services contract executed on October 6, 2014 in an amount not to exceed \$99,999. The first amendment to the contract (File No. 14-842) increased the total contract amount to \$248,000, which was submitted to the County Board for passive review.

This second amendment to increase the contract by \$150,000 from \$248,000 to \$398,000 is based upon discussions with Attorney Marcuvitz. The contract would be effective January 1, 2017 through December 31, 2017. There are two County projects remaining related to the Zoo Interchange land takings, (1) the Zoo Entrance Project (WZ150) and (2) Parks Honey Creek Storm Water Management. The amendment to increase the contract takes into account the estimated work effort of von Briesen to occur between now and the conclusion of the multi-year Zoo Interchange project as well as legal work that may need to occur related to settlements and/or litigation to ensure the sums received by Milwaukee County from the State are not only maximized but represent fair compensation for its property interests and replacement values of facilities.

The Department of Administrative Services, which assumed management of the contract at the beginning of 2017, has also submitted an appropriations transfer request to recognize \$3,325,000 of the \$4,200,000 in proceeds received in March of 2017 from the State of Wisconsin for the Zoo Entrance Improvement project and legal services fees. Funds for legal services will be used to pay invoices for legal work related to the settlement of the Zoo Entrance Improvement project and Honey Creek storm water management issues that have resulted from the Zoo Interchange expansion.



Julie Esch, Deputy Director
Department of Administrative Services

cc: County Executive Chris Abele
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