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3 (ITEM) From Corporation Counsel, requesting authorization for Milwaukee
4 Transport Services, Inc., to engage Quarles and Brady LLP to develop and implement a
5 legal strategy including authorization to pursue litigation related to the Milwaukee
6 County Transit System Farebox Replacement Project, by recommending adoption of
7 the following:

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9 **A RESOLUTION**

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11 WHEREAS, the Milwaukee County Transit System (MCTS) is operated by
12 Milwaukee County and Milwaukee Transport Services, Inc. (MTS), a quasi-
13 governmental entity that is an instrumentality of Milwaukee County; and

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15 WHEREAS, under a contract entered into with a vendor by Milwaukee County,
16 MCTS has undertaken a comprehensive capital improvement project to replace the
17 fareboxes and fare collection system on transit buses; and

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19 WHEREAS, the project addresses not only replacement of the physical
20 fareboxes but includes other major elements including but not limited to implementation
21 of a smart card fare payment technology along with the capability for transit customers
22 to reload smart card stored value not only at established retail outlets within the transit
23 operating network but also by a transit passenger over the Internet; and

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25 WHEREAS, the project is funded with federal American Recovery and
26 Reinvestment Act funds that, according to notification from the Federal Transit
27 Administration to Milwaukee County, expire on September 30, 2015; and

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29 WHEREAS, due to the timeframe for administrative processing, the vendor work
30 must be completed earlier to achieve project closeout and reimbursement; and

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32 WHEREAS, as of February 2015, there remain significant outstanding tasks and
33 functionality that, while they could still be provided by the farebox replacement vendor in
34 accordance with the schedule deadlines established by MCTS, have not yet been
35 successfully delivered; and

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37 WHEREAS, at the January 21, 2015, meeting of the Committee on
38 Transportation, Public Works, and Transit, a verbal status update was provided on the
39 progress of the project; and

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41 WHEREAS, the law firm of Quarles and Brady LLP functions as general external
42 legal counsel to MTS and provides legal services under an existing contract on an
43 ongoing as-needed basis; and

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45 WHEREAS, the Committee on Transportation, Public Works, and Transit, at its
46 meeting of March 11, 2015, considered Corporation Counsel's request in open and

47 closed session and took no action; and

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49 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
50 meeting of March 12, 2015, recommended adoption of Corporation Counsel's request
51 (vote 6-0); now, therefore,

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53 BE IT RESOLVED, Milwaukee Transport Services, Inc., is hereby authorized to
54 engage the law firm of Quarles and Brady LLP on behalf of Milwaukee County and for
55 the benefit of the Milwaukee County Transit System (MCTS) to develop and implement
56 such legal strategy as Corporation Counsel shall authorize and direct, including litigation
57 in the name of Milwaukee County if necessary, related to the MCTS Farebox
58 Replacement Project in order to protect the interests of Milwaukee County given the
59 contractual obligations of the farebox replacement vendor that must be fulfilled in order
60 to achieve project closeout by September 30, 2015.

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