

Requested Action:

Consider approval of the new Authority Standard Short Form Consultant Agreement for consultants for use in all existing and new consultant agreements for certain project consultants.

Detailed Description/Background:

Staff has worked with General Counsel to draft an Authority Standard Short Form Consultant Agreement that defines the standardized terms and conditions for certain project consultants. This is similar to the Key Consultant Agreement previously approved by the RC/AB. Like the Key Consultant Agreements, the short form consultant agreements are organized to allow multiple task orders that define the scope, schedule, and budget for work to be performed to be attached. Board approval of standard consultant agreements allows all contracts of the Authority to be standardized which improves quality control of contract administration.

The Short Form Agreement is summarized as follows.

- The agreement was developed using the standard Key Consultant and Agent Agreements that were reviewed and approved by the Authority.
- The Short Form Agreement includes the terms and conditions in the Agent Agreements, including the recitals, except for the use of the Authority office and office Administration. Additional terms and conditions were added to the Short Form Agreement to bolster the requirements needed to account for different types of consultant services, especially those that would be providing deliverables.
- The main difference between the Short Form Agreement and the Key Consultant Agreement is the Short Form Agreement includes a limit of liability for the consultant and a partial termination clause.

The determination of which agreement would be used for a particular consultant will be on a case-by-case basis that may include, but not limited to, the following factors:

- Risk/Type of work
- Size of contract, both current and anticipated
- Longevity on project
- Size of firm
- Reporting requirements

- More than one type of work

The exhibits to the Short Form Agreement will also utilize the Task Order and Task Order Amendment templates that were attached and used for the Key Consultant Agreements.

In December 2021, the Sites Project Authority approved the contract authority for the Executive Director to authorize Amendment 3 Support Consultant task orders for services to be performed between January 1, 2022 and December 31, 2024. Amendment 3 Support Consultant task orders will be subject to the proposed revisions to the standard Short Form Consulting Service Agreement, if approved by the Board. The final Agreements will be approved as to form by the General Counsel prior to execution.

Prior Action:

December 2021: The Sites Project Authority approved the contract authority for the Executive Director to authorize Amendment 3 Support Consultant Task Orders for services to be performed between January 1, 2022 and December 31, 2024.

September 2021: Approved the Amendment 3 Project Agreement and Work Plan with a period of performance of January 1, 2022 to December 31, 2024 for the purpose of initiating Participant home board review, deliberation and execution of the agreement.

Fiscal Impact/Funding Source:

None.

Staff Contact:

Joe Trapasso/Marcus Maltby

Primary Service Provider:

Young Wooldridge

Attachments:

None.