

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: February 8, 2012

Board Item: V-A-7

**First Amendment to Agreement No. 13872A
with Sherman & Howard, LLC**

Action by Consent

Action

Information

Following a competitive process conducted in the fall of 2011, the Legal Division engaged Sherman & Howard, LLC as outside counsel with regard to a dispute between the Board and its contractor for dredging work at Strontia Springs Reservoir. The amount of Sherman & Howard's original contract was \$90,000. Since then, the scope of the dispute with the contractor and the need for expert analysis have become better defined. Sherman & Howard has provided excellent representation thus far. Denver Water will require representation throughout the claim process, potentially including an administrative hearing. Sherman & Howard has provided a working budget to the Legal Division that projects the costs of both legal representation and the services of expert witnesses until the end of the process. This would require an amendment of \$325,000 – for a total contract amount of \$415,000.

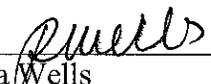
Depending on the timing of the expenditures during 2012, the additional amount will either be accommodated with the Legal Division's professional services budget or may be transferred from the Engineering and Construction Division's Strontia Springs Reservoir Dredging project budget.

Recommendation:

It is recommended that the Board approve the First Amendment to Agreement No. 13872A with Sherman & Howard, LLC.

Approvals:

Respectfully submitted,



Patricia Wells
General Counsel



James S. Lochhead
CEO/Manager