



# City of Broken Arrow

## Request for Action

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**File #:** 19-1420, **Version:** 1

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**Broken Arrow City Council  
Meeting of: 11-18-2019**

**Title:**

Approval of and authorization to execute a Professional Services Agreement with Metcalf & Splitler, LLP., for providing counsel and legal advice regarding Tiger Hill Retaining Wall Design and Construction Defect Dispute with Contech, Inc., O.J.C., Co., and Heartstone

**Background:**

On June 17, 2019, the City entered into a Professional Services Agreement with the law firm of McDonald, McCann, Metcalf & Carwile, LLP. Steve Metcalf, with McCann, Metcalf & Carwile served as the City's primary legal representative in the matter of City of Broken Arrow v. Contech. On October 25, 2019, Mr. Metcalf advised the City he left McCann, Metcalf & Carwile, LLP, and formed the law firm of Metcalf & Spitler, LLP. The City Attorney recommends the City continue to have Mr. Metcalf represent the City in the matter and enter into a new professional services agreement with the firm of Metcalf & Spitler, LLP

The attached Professional Services Agreement memorializes retention of the firm, costs and the hourly rates to be charged. The firm charges the following rates:

Steven Metcalf	\$275.00 per hour maximum
William H. Spitler	\$245.00 per hour maximum
Associates	\$195.00 per hour maximum
Paralegals	\$80.00 to \$100.00 per hour maximum

Routine costs such as copying and postage are addressed in the Agreement. Costs and fees for this matter are capped at \$75,000.00 and will expire on June 30, 2020.

**Cost:** Not to exceed \$100,000.00

**Funding Source:** City Attorney Operating Budget

**Requested By:** Trevor Dennis, Acting City Attorney

**Approved By:** City Manager's Office

**Attachments:** Professional Services Agreement

**Recommendation:**

Approve the Professional Services Agreement with Metcalf & Splitzer, LLP and authorize its execution.