



Request for City Council Committee Action from the Department of Community Planning & Economic Development

Date: January 15, 2013

To: Council Member Lisa Goodman, Community Development Committee

Subject: **Approval request for amendment to the Standard Agreement Form Contract**

Recommendation: Approval of amendment to the Council approved Standard Agreement Form Contract language with Minneapolis Community Technical College (MCTC).

Previous Directives: None

Prepared by: Deb Bahr-Helgen, Director, METP 673-6226
Approved by: Charles T. Lutz, Deputy Director, CPED _____
Cathy Polasky, Director Economic Policy & Development _____
Presenters in Committee: Deb Bahr-Helgen, Director, METP
Gary Winter, Assistant City Attorney, CPED

Reviews

- Permanent Review Committee (PRC): Approval ___ Date ___ **N/A**
- Civil Rights Approval Approval ___ Date ___ **N/A**
- Policy Review Group (PRG): Approval ___ Date ___ **N/A**

Financial Impact

- No financial impact

Community Impact

- City Goals – Jobs and Economic Vitality

Supporting Information

MCTC has requested that the language for Article XIV: Liability and Indemnity of the Standard Agreement Form Contract be changed because State Statute prohibits a State agency such as MCTC to enter into an agreement with an open-ended financial liability obligation*. The purpose of the contract is for MCTC to provide FastTRAC training to north Minneapolis residents during the period of January 1, 2012 to June 30, 2012 during Phase I and for MCTC to provide motivational interviewing to the Northside Achievement Zone employees during the period September 1, 2012 to May 31, 2013 in Phase II. The total dollar amount for the contract is \$45,502.00.

MCTC has requested that the language for Article XIV: Liability and Indemnity of the Standard Agreement Form Contract be changed from:

"a. The City agrees to defend, indemnify and hold harmless the Contractor against any and all claims, liability, loss, damage or expense arising under the provisions of this Contract and caused by the negligent acts or omissions of the City or its employees."

"b. The Contractor agrees to defend, indemnify and hold harmless the City against any and all claims, liability, loss, damage or expense arising under the provisions of this Contract and caused by the negligent acts or omissions of the Contractor or its employees, agents and any subcontractors."

to:

**** "Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The liability of Minneapolis Community and Technical College shall be governed by provisions of the Minnesota Torts Claims Act, Minnesota Statutes Sections 3.732 and 3.736 et seq. and other applicable law."***