

FLOYD | DRIVER

P.L.L.C

To: City Attorney, City of Lawton, Oklahoma
Attn: Mr. John Ratliff
From: Floyd & Driver, PLLC
Date: August 1, 2022
Re: *Proposed Professional Services Related to the American Rescue Plan Act of 2021*

Dear Mr. Ratliff,

This proposal for renewal of the Legal Services and Engagement Letter, originally dated as of August 11, 2021, is respectfully submitted for your consideration in connection with the funds received by the City of Lawton, Oklahoma (the “City”) as a result of the passage of the American Rescue Plan Act of 2021 (the “Act”). Under the Act, the City is eligible to receive an allocation of federal funds (the “ARPA Funds”) to support economic recovery and future pandemic preparedness in the wake of the COVID-19 pandemic. ARPA Funds may only be expended for certain categories of economic recovery efforts.

As special legal counsel to the City, Floyd & Driver, PLLC (the “Firm”) offers multi-disciplinary expertise in municipal law and public finance law. We are proposing a wide array of services to the City in order to ensure continued compliance with the requirements of the Act.

SCOPE OF SERVICES

The Firm will provide the City with general guidelines and suggested best practices as it determines its needs and develops plans for the deployment of the ARPA Funds. In doing so, the Firm will prioritize aiding the City in meeting the Act’s key principles of ensuring that there is no fraud, waste, or abuse associated with the expenditure of the ARPA Funds (the “Key Principles”). The Firm will review the City’s needs assessment and written plan for implementation and administration of the ARPA Funds to ensure compliance with the Key Principles and the statutory eligible uses outlined in the Act. The Firm will review projects for eligibility under the Act prior to the commitment of ARPA Funds. The Firm will be available to answer any questions the City may have as to the eligibility of projects for the receipt of ARPA Funds and will keep the City advised as to new developments or guidelines pertaining to the expenditure of ARPA Funds. The Firm shall review and comment on such plans, programs, practices, and procedures that the City may develop under general guidance provided by the U.S. Department of the Treasury. The Firm will ensure that the City is aware of relevant reporting deadlines and will assist the City if requested with the Interim Report for submission on or before August 31, 2021, and the Quarterly Project Expenditure Reports beginning October 31, 2021, and thereafter.

COMPENSATION

The original Legal Services and Engagement Letter dated as of August 11, 2021 provided for compensation fee equal to .75 Percent of One Percent (.75%) of the ARPA Funds received by the City. This fee has been paid in full and the Firm acknowledges receipt thereof. The services to be rendered under the section “Scope of Services” shall be delivered for no additional charge, however Floyd & Driver will also be reimbursed for all out-of-pocket expenses, including travel costs, copying, deliveries, long-distance telephone charges, filing fees, and other necessary expenses as documented.

Additionally, the City may wish to apply for an additional allocation of funds from other recipients (such as the State of Oklahoma) of ARPA Funds that may be made available to the City. Floyd & Driver shall charge an additional fee of Five percent (5%) of any additional funds received for services rendered in connection with the application for said funds. The payment of this additional fee shall be contingent upon the receipt of additional funds by the City, in the event that the application is unsuccessful, the City will only be charged for expenses directly incurred in making the application.

PERSONNEL

Lynne Driver and David Floyd will be the attorneys providing the services on behalf of the Firm. Both attorneys have extensive experience representing Oklahoma counties, cities, towns, school districts, rural water boards, colleges and universities, and the State of Oklahoma.

CONCLUSION

Thank you for your consideration of this proposal. If you have any additional questions related to the services and compensation outlined herein, we are available to discuss further at any time. If you wish to engage the Firm for the services contemplated herein, please initial by the Tier of services selected on the attached acceptance form, execute, and return to us.

Respectfully Yours,


Floyd & Driver, PLLC

ACCEPTANCE BY THE CITY OF LAWTON, OKLAHOMA

This proposal accepted by and on behalf of the Council of the City of Lawton, Oklahoma, this 9th day of August, 2022 for the legal services contemplated herein.

STAN BOOKER, MAYOR

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 5th day of August, 2022.

JOHN RATLIFF, CITY ATTORNEY