

CONSULTANT AGREEMENT

One of the regular agreements engaged by cities is the Consultant Agreement. Although many consultants use or propose their standard boilerplate, the terms may not be as favorable to cities as an agreement drafted or proposed by the city.

The Sample agreement actually merely includes a variety of typical boilerplate provisions that may be useful in city agreements (not as applicable – or targeting those instances where bidding procedures or requests for proposals are called for).

One term that may deserve attention is the termination language. If a city is not empowered to terminate the agreement for a multi-year consulting agreement, that may be of (later) concern if the city's finances are adversely impacted by changes in the law that may have nothing to do with the agreement itself.

The sample agreement included herewith includes what might be described as a “non-appropriation” clause, allowing the city to avoid/terminate a lengthy agreement if it (the city council) does not appropriate funds for the agreement/services.