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**TO:** Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division

**DATE:** August 28, 2024

**RE:** Motor City Law, PLLC Vendor Protest

The Legislative Policy Division (LPD) has been made aware of the vendor protest submitted by Motor City Law, PLLC that was submitted to the City Clerk's office. The complainant is seeking to come before City Council by submitting a vendor protest regarding a contract that was initiated by the Law Department. Complainant asserts that the Law Department engaged the services of Motor City Law, PLLC under the emergency contracting provisions of the City's procurement ordinance. The Complainant indicates the Law Department is refusing to honor the contract because the procedure for emergency contracts was not properly completed.

The procurement ordinance provision in question is Section 17-5-91d which provides:

The Law Department, without prior City Council approval, may make an emergency procurement of legal services when public exigencies require the immediate delivery of legal services and where prior approval of the City Council would be impossible or impracticable under the circumstances, provided, that:

- (1) Within two days from the date of emergency procurement for legal services is made, the Law Department shall provide a summary to City Council of the name of law firm, the scope of services, why legal representation is required as an emergency procurement, the estimated dollar amount required to complete services, and the estimated time frame necessary to complete services; and

- (2) A formal contract for legal services is presented to City Council for approval within six weeks, with all required clearances.

An appeal of a procurement selection under Section 17-5-91d can be made pursuant to the Detroit City Code, Chapter 17, Finance; Article V, Purchases and Supplies; Division 1, Goods and Services; Section 17-5-339, Appeals, which provides:

Any person aggrieved by a decision of any City department or City agency as pertains to this division may appeal to the Director of the Office of Contracting and Procurement.

Additionally, pursuant to the Rules of Order for the Detroit City Council, Section 22.1 Vendor Protest Petitions:

All vendor protest petitions, after having exhausted the Office of Contracting and Procurement protest procedures, shall be presented to the City Clerk in writing and follow the above petition process.

However, LPD notes, the vendor protest submitted by complainant is not an actual protest of the award of a procurement contract, but a legal question of whether a binding contract between the City of Detroit and Motor City Law, PLLC exist, and whether a breach of contract exist, if it is legally binding. LPD believes the answer to those questions is a matter of law that should be address before a court of competent jurisdiction. LPD further believes, the City Code procurement appeals process and the City Council rules for vendor protest are not the appropriate venue. Finally, it is LPD's belief that complainant should seek redress at the appropriate forum of which Motor City Law, PLLC should be quite capable of undertaking.