



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

File #: 10-0764 **Version:** 1

Type: Agenda Item **Status:** Adopted

File created: 6/28/2010 **In control:** Procurement Committee

On agenda: 7/8/2010 **Final action:** 7/8/2010

Title: Authority to increase purchase order and amend the agreement with Cray Huber Horstman Heil & VanAusdal, LLC, to represent the District in the matter of Rausch Construction Company, Inc. v. Metropolitan Water Reclamation District of Greater Chicago, Case No. 09 C 05873, in an amount of \$400,000.00, from an amount of \$250,000.00, to an amount not to exceed \$650,000.00, Account 401-50000-601170, Purchase Order 3062251

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/8/2010	1	Committee of the Whole	Recommended	Pass
7/8/2010	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF JULY 8, 2010

COMMITTEE ON PROCUREMENT

Mr. Richard Lanyon, Executive Director

Authority to increase purchase order and amend the agreement with Cray Huber Horstman Heil & VanAusdal, LLC, to represent the District in the matter of Rausch Construction Company, Inc. v. Metropolitan Water Reclamation District of Greater Chicago, Case No. 09 C 05873, in an amount of \$400,000.00, from an amount of \$250,000.00, to an amount not to exceed \$650,000.00, Account 401-50000-601170, Purchase Order 3062251

Dear Sir:

On February 4, 2010, the Board of Commissioners authorized the Director of Procurement and Materials Management to issue a purchase order and enter into an agreement with Cray Huber Horstman Heil & VanAusdal, LLC, to represent the District in the federal lawsuit entitled, "Rausch Construction Company, Inc. v. Metropolitan Water Reclamation District of Greater Chicago", Case No. 09 C 05873, in an amount not to exceed \$250,000.00. The lawsuit alleges racial discrimination and breach of contract in connection with the administration of Contract No. 00-275-2V entitled, "New Research & Development Building, Calumet Water Reclamation Plant, Chicago, Illinois."

The contract with outside counsel does not have an expiration date.

There are no prior change orders.

This change order is required at this time because the preparation of the District's defense in construction contract litigation entails an extraordinary amount of document review and management by counsel. In

addition, outside counsel will be required to engage the services of expert witnesses on the District's behalf.

This change order is in compliance with the Illinois Criminal Code since the change is germane to the contract.

It is hereby recommended that the Board of Commissioners authorize the Director of Procurement and Materials Management to execute a change order to increase the purchase order and amend the agreement in an amount of \$400,000.00 (160% of the current contract value) from an amount of \$250,000.00 in an amount not to exceed \$650,000.00.

Funds are available in Account 401-50000-601170.

Requested, Frederick M. Feldman, General Counsel, FMF:LJH:JJZ:crb

Recommended, Darlene A. LoCascio, Director of Procurement and Materials Management

Respectfully Submitted, Barbara J. McGowan, Chairman Committee on Procurement

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for July 8, 2010