



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Details (With Text)

**File #:** 17-0927 **Version:** 1

**Type:** Agenda Item **Status:** Adopted

**File created:** 9/1/2017 **In control:** Procurement Committee

**On agenda:** 9/14/2017 **Final action:** 9/14/2017

**Title:** Authority to increase the purchase order and amend agreement with the law firm of Thompson Coburn LLP to represent and counsel the District in connection with the branding, marketing, and sale of the District's composted Biosolids product and with issues of intellectual property law related to the District's evaluation, testing, development, and use of various technologies, in the amount of \$50,000.00, from an amount of \$30,000.00, to an amount not to exceed \$80,000.00, Account 101-30000-612430, Purchase Order 3089335

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/14/2017	1	Board of Commissioners	Approved	Pass
9/14/2017	1	Committee of the Whole	Deferred	Pass

### TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 14, 2017

#### COMMITTEE ON PROCUREMENT

Mr. David St. Pierre, Executive Director

Authority to increase the purchase order and amend agreement with the law firm of Thompson Coburn LLP to represent and counsel the District in connection with the branding, marketing, and sale of the District's composted Biosolids product and with issues of intellectual property law related to the District's evaluation, testing, development, and use of various technologies, in the amount of \$50,000.00, from an amount of \$30,000.00, to an amount not to exceed \$80,000.00, Account 101-30000-612430, Purchase Order 3089335

Dear Sir:

On March 17, 2016, the Board of Commissioners ("Board") authorized the Director of Procurement and Materials Management to enter into an agreement to issue a purchase order with Thompson Coburn LLP to represent and counsel the District in connection with: (1) the branding of the District's composted Biosolids product and (2) questions regarding intellectual property law related to a patented process for nutrient removal at the Hanover Park Plant. Subsequently, on September 15, 2016, the Board granted authority to amend the agreement and expand the scope of work with Thompson Coburn LLP to include counsel on intellectual property law related to other nutrient removal technologies being evaluated by the District. The contract has no expiration date.

No prior change order has been requested.

The reason for this requested change order is to continue to advise the District on matters relevant to the evaluation, testing, development, and use of various technologies related to wastewater treatment and District operations. Additionally, as the District advances its efforts to brand, market, and sell its composted Biosolids,

the District seeks counsel regarding associated legal considerations, including products liability.

This change order is in compliance with the Illinois Criminal Code because the change is germane to the original agreement, is due to circumstances not reasonably foreseeable at the time the contract was signed, and is in the best interest of the District.

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 \$50,000.00 (166.7% of the contract value) from an amount of \$30,000.00 to an amount not to exceed \$80,000.00.

Funds for the 2017 estimated expenditures in the amount of \$15,000.00 are available in Account 101-30000-612430. The estimated expenditures for 2018 are \$35,000.00. Funds for the year 2018 in Account 101-30000-612430 are contingent upon the Board of Commissioners' approval of the District's budget for that year.

Requested, Susan T. Morakalis, Acting General Counsel, STM:LLD:MTC:TN:kk  
Recommended, Darlene 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 September 14, 2017