



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

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Title: Authorization to enter into an agreement for Contract 19-RFP-22 Technical Review of the Metropolitan Water Reclamation District Retiree Health Care Plan and the Metropolitan Water Reclamation District Retiree Health Care Trust Agreement with Thompson Coburn LLP in an amount not to exceed \$15,000.00, Account P802-11000-798200

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Date	Ver.	Action By	Action	Result
9/19/2019	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 19, 2019

COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authorization to enter into an agreement for Contract 19-RFP-22 Technical Review of the Metropolitan Water Reclamation District Retiree Health Care Plan and the Metropolitan Water Reclamation District Retiree Health Care Trust Agreement with Thompson Coburn LLP in an amount not to exceed \$15,000.00, Account P802-11000-798200

Dear Sir:

Authorization is requested to enter into an agreement with and make payment to Thompson Coburn LLP to perform legal services from September 19, 2019 through December 31, 2019, in an amount not to exceed \$15,000.00.

The District requires the services of a qualified law firm to provide a technical review of the District's "Other Post Employment Benefit" ("OPEB") Plan Document and OPEB Trust Agreement. Both documents must be reviewed for conformity with Section 9.6d of the Metropolitan Water Reclamation District Act. The purpose of this review is to ensure consistency of definitions and nomenclature of key terms and parties as well as to confirm compliance with all relevant regulations and legal requirements including, but not limited to, the Internal Revenue Code. The review will also include suggested "best practices" for ongoing compliance with all relevant regulations.

On June 5, 2019, the District publicly advertised this RFP. Three hundred and forty-seven (347) firms were notified and twenty-one (21) requested proposal documents. On Friday, June 28, 2019, the District received two (2) responsive proposals from the following vendors: Hinshaw Culbertson LLP and Thompson Coburn LLP.

The two proposals were evaluated by staff from the following departments: Treasury, Finance, Human Resources, Law and Procurement and Materials Management. The criteria for the evaluations were outlined in the RFP and included: understanding of the project; approach to the work; technical competence, including professional qualifications and experience; and cost.

Following the preliminary evaluation of proposals, excluding cost, both proposers were deemed to be finalists and were invited to interviews. The District conducted interviews on August 7, 2019. On August 9, 2019, the District sent a solicitation to the finalists requesting an unqualified "best and final" offer. The finalists returned "best and final" offers to the Director of Procurement and Materials Management on August 16, 2019.

Based on the evaluation of proposals, finalist interviews, and pricing, the Law Department recommends Thompson Coburn LLP as the selected vendor. This law firm provides partner level legal expertise in developing retiree benefit programs, reviewing and modifying those types of programs, and providing guidance on the complex laws affecting these plans. For these reasons, Thompson Coburn LLP is the recommended vendor for the services required by the District.

Legal services by Thompson Coburn will start upon execution of the Legal Services Agreement and end no later than December 31, 2019, with the submittal of a report with the firm's findings, conclusions, and recommendations to the District's Treasurer.

Legal services will be provided by attorney Trish Winchell, a partner with the firm of Thompson Coburn LLP at the District's authorized billable hourly rate of \$250.00.

The District's Affirmative Action policy, Appendix A, applicable to professional services contracts with a value in excess of \$100,000.00 does not apply to this contract since the total contract value is \$15,000.00. Moreover, due to the narrow scope of the work, the requested services do not provide practical or cost-effective opportunities for direct or indirect subcontracting.

Accordingly, it is requested that the Director of Procurement and Materials Management be authorized to enter into an agreement with Thompson Coburn LLP in the amount of \$15,000.00.

The District's Retiree Health Care Trust monies shall be utilized to pay this expense. Funds are available in Account P802-11000-798200.

Recommended, Susan T. Morakalis, General Counsel, JBM:MTC:CN:kk
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 September 19, 2019