



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

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TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 15, 2016

COMMITTEE ON PROCUREMENT

Mr. David St. Pierre, Executive Director

Authorization to amend the agreement and expand the scope of work with the law firm of Thompson Coburn LLP to represent and counsel the District in connection with branding of the District's composted biosolids product and the review of a patented process for nutrient removal, Account 101-30000-612430, Purchase Order 3089335

Dear Sir:

On March 17, 2016, the Board of Commissioners granted authority to enter into an agreement between the Metropolitan Water Reclamation District of Greater Chicago (District) and the law firm of Thompson Coburn LLP to represent and counsel the District in connection with branding of the District's composted biosolids product and the review of a patented process for nutrient removal.

Authorization is requested to amend the legal services agreement between the District and the law firm of Thompson Coburn LLP, for the purpose of expanding the scope of legal services set forth in the agreement. The current agreement covers two projects. The first project relates to the branding of the District's composted Biosolids. That project remains ongoing. The second project related to testing a patented and proprietary algae-based process for nutrient removal at the Hanover Park Plant. It was necessary to retain patent counsel to address intellectual property issues in the collaboration and development agreement that would be needed to install and use the patented process. While negotiations were underway, the District determined that there are other technologies that should also be studied and evaluated to determine whether they meet the District's need for nutrient removal at its plants. The nutrient removal technology evaluation study will require the use of patent counsel to review overarching, as well as technology specific, intellectual property issues.

Additionally, while investigating various nutrient removal technologies, the District determined that it would be in its best interest to move forward with a pilot project at the O'Brien Water Reclamation Plant using an algae-based nutrient removal technology being developed collaboratively by the Illinois Sustainable Technology Center and the District. A Research Project Specification Agreement will be entered into under the auspices of a Master Agreement with the University of Illinois, the parent organization of the Illinois Sustainable Technology Center. That Master Agreement has been in existence since 2002 and does not address intellectual property. This research project entails the development of a new process. Therefore, the Research Project Specification Agreement needs to address intellectual property rights and obligations, including analyzing existing patents for related treatment technologies to avoid unintentional infringements on existing intellectual property.

The law firm of Thompson Coburn LLP has the requisite expertise to handle this expanded scope of work and will continue to provide legal services at its current blended rate of \$295.00 per hour for partner, counsel, and associate level services. It is anticipated that this work can be completed with the remaining funds of this PO.

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

Therefore, it is requested that the Board of Commissioners authorize the amendment of the legal services agreement between the District and the law firm of Thompson Coburn LLP to expand the scope of work to include legal work addressing intellectual property issues and related concerns in contracting with entities to implement nutrient removal at the District's water reclamation plants.

Requested, Ronald M. Hill, General Counsel, RMH:LLD:MTC:kk:bh

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 15, 2016