



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 19-0033, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 10, 2019

COMMITTEE ON PROCUREMENT

Mr. Brian A Perkovich, Executive Director

Authority to increase purchase order and amend the agreement with Thompson Coburn LLP to represent and counsel the District in connection with issues of intellectual property law related to the District's development and use of various technologies, in an amount of \$60,000.00, from an amount of \$80,000.00, to an amount not to exceed \$140,000.00, Account 101-30000-612430, Purchase Order 3089335

Dear Sir:

On March 17, 2016, the Board of Commissioners (the "Board") authorized the Director of Procurement and Materials Management to issue a purchase order and enter into an agreement with Thompson Coburn LLP to represent and counsel the District in connection with: (1) the branding, marketing, and sale 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 Water Reclamation Plant. On September 15, 2016 and September 14, 2017, the Board granted authority to amend the agreement to expand the scope of work with Thompson Coburn LLP, enabling the District to obtain advice and assistance in other areas of intellectual property law. The agreement has no expiration date.

As of December 28, 2018, one change order has been approved. The effect of this change order resulted in an increase in an amount of \$50,000.00 from the original amount awarded of \$30,000.00. The current contract value is \$80,000.00.

The reason for the requested change order is to enable Thompson Coburn LLC to continue to advise the District on matters relevant to the evaluation, testing, development, patenting and use of various technologies relating to the District's operations. Currently, the District is in need of Thompson Coburn LLP's assistance to determine the potential of patenting and, if appropriate, to formally patent two separate technologies developed to support biological treatment processes at the District's water reclamation plants.

This change order is in compliance with the Illinois Criminal Code because the change is germane to the original agreement as signed, and 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 \$60,000.00 from an amount of \$80,000.00 to an amount not to exceed \$140,000.00. The funds will be applied to legal work and fees and costs related to the filing of patents, as well as any legal work for other technologies.

Funds are available in Account 101-30000-612430.

Requested, Susan T. Morakalis, General Counsel, STM:EMA:MTC:TN:mmv

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 January 10, 2019

Attachment