



# 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 OCTOBER 15, 2020

#### COMMITTEE ON PROCUREMENT

Mr. Brian A. Perkovich, Executive Director

Authority to advertise Contract 20-RFP-25 Legal Advisory Services Related to the District Financing Program for a five-year period, estimated cost \$235,100.00, Account 101-11000-612430, Requisition 1549945

Dear Sir:

Request for Proposal Contract 20-RFP-25 documents have been prepared for Legal Advisory Services Related to the District Financing Program, at the request of the Treasury Department.

The purpose of this RFP is to identify legal advisory firms to provide legal advisory services related to the District's financing program for the next five years. This RFP process will determine firms eligible to provide general legal advisory services including arbitrage calculation services, and bond sale transaction legal advisory services, to be used on an as-needed basis. The District will review the qualifications of the proposing firms and select one service provider from the eligible respondents to provide general legal advisory services for the next five years.

On March 15, 2018, the District's Board of Commissioners adopted a policy establishing an hourly rate cap for outside counsel legal services procured by the District. The policy states that the hourly rate for legal services shall not exceed \$250.00; however, the policy also provides for a waiver of this rate cap when procuring specialized legal work that requires a unique expertise. Bond counsel services and the work otherwise being procured under this RFP are considered specialized legal work that requires unique legal expertise; therefore, a waiver may be sought from the Board of Commissioners when seeking approval to award this contract based upon the best and final offers received in the RFP process.

The estimated cost for general legal advisory services is \$235,100.00. The estimated expenditures are \$23,400.00 for 2021, \$55,000.00 for 2022, \$45,000.00 per year for 2023 through 2025, and \$21,700.00 for 2026. Funds for 2021 through 2026 are contingent on the Board of Commissioners' approval of the District's budget for those years. The contract for these services shall be for a five-year period beginning at the signing date of the agreement. The contract may be renewed for up to one (1) additional year by mutual consent of both parties via Board approval.

The firm selected to provide general legal advisory services will also be selected to provide bond and tax counsel services for all bond sales which may occur for the five-year period. Additionally, the District intends to maintain a list of eligible firms from the qualified respondents to serve as co-bond counsel, underwriter and co-underwriter counsel, and disclosure counsel in any bond sale transactions during the five-year period, to be appointed at the time of each bond sale. The cost of such services is determined based upon each bond sale amount and is paid directly from bond sale proceeds; therefore, no cost estimate is available, and no purchase order will be executed for these services. The District may extend the life of the eligible lists for a period of up to one (1) year at the conclusion of the five-year period or terminate the lists at any time.

A bid deposit is not required for this RFP.

Appendix A and Appendix V was not included in this RFP. The scope of work for legal services does not provide a practical or cost-effective opportunity for direct or indirect subcontracting due to liability considerations, as the law firm selected must provide advice and legal opinions to the District and cannot rely on another firm's work; therefore, no goals will be included for these services.

However, work is awarded directly by the District to each legal advisory firm appointed to participate in the bond sale, and the District will use its best effort to award such legal advisory services to a minimum of 30% Minority-owned Business Enterprises (MBE) and/or Women-owned Business Enterprises (WBE), and 3% Veteran-owned Business Enterprises (VBE).

The tentative schedule for this contract is as follows:

Advertise	November 11, 2020
Proposals Received	December 11, 2020
Award	April 15, 2021
Completion	Five years from agreement execution

In view of the foregoing, it is recommended that the Director of Procurement and Materials Management be authorized to advertise Contract 20-RFP-25.

Requested, Mary Ann Boyle, Treasurer, MAB:WNS

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 October 15, 2020

Attachment