



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 10-0280, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF MARCH 4, 2010

COMMITTEE ON PROCUREMENT

Mr. Richard Lanyon, Executive Director

Authority to increase purchase order and amend agreement with Dykema Gossett PLLP for legal services, in connection with the execution of the Thornton Composite Reservoir, Project 77-235-2F, in an amount of \$150,000.00 from an amount of \$426,238.93 to an amount not to exceed \$576,238.93, Account 401-50000-601170, Purchase Order 3054937

Dear Sir:

On February 1, 2001, the Board of Commissioners authorized the issuance of Purchase Order 3005721 to Schwartz, Cooper, Greenberger & Krauss, Chartered, Attorneys, to provide legal and ancillary services to the Metropolitan Water Reclamation District of Greater Chicago ("District") in connection with the execution of the Thornton Composite Reservoir, Project 77-235-2F, in an amount not to exceed \$108,203.86.

In the summer of 2008, the law firm of Schwartz Cooper merged with and began operating under the law firm name of Dykema Gossett PLLP. Accordingly, on December 29, 2008, the purchase order was assigned to the law firm of Dykema Gossett PLLP because it was in the best interests of the District to have the same attorneys continue to represent the District for the subject case. The services of the firm are still required, and additional funds are required for continued representation.

Additional funds are required for continued representation in the amount of \$150,000.00 as additional parcels of land need to be acquired through negotiation and litigation to complete the reservoir project. Specifically, the District filed a condemnation action against Illinois Transport Co. and Frank Gordano, which involves the hiring of several experts, as well as additional legal time. It is recommended that the purchase order be increased in an amount of \$150,000.00.

As of February 22, 2010, the attached list of change orders has been approved. The effect of those change orders resulted in an increase in an amount of \$318,035.07 from the original purchase order. The current contract value is \$426,238.93. The prior approved change orders reflect a 393% increase in the original contract value.

This change order is in compliance with the Illinois Criminal Code since the change is due to circumstances not reasonably foreseen at the time the contract was entered into and is in the best interests of the District.

It is recommended that the Board of Commissioners authorize the Director of Procurement & Materials Management to execute a change order to increase the purchase order and amend the service agreement in an amount of \$150,000.00 (35% of current contract value) from an amount of \$426,238.93 to an amount not to exceed \$576,238.93.

Funds are available in Account 401-50000-601170.

Requested, Frederick M. Feldman, General Counsel; FMF:CL:STM:rg

Recommended, Darlene A. LoCascio, Director of Procurement & 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 March 4, 2010

Attachment