



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 APRIL 15, 2010

COMMITTEE ON PROCUREMENT

Mr. Richard Lanyon, Executive Director

Authority to increase purchase order and amend the agreement with Barnes & Thornburg LLP, for legal services in the pending rulemaking before the Illinois Pollution Control Board entitled, *In The Matter Of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code Parts 301, 302, 303 and 304, R08-09 (Rulemaking-Water)*, in an amount of \$180,000.00, from an amount of \$800,000.00, to an amount not to exceed \$980,000.00, Account 101-30000-601170, Purchase Order 3049607 (ADOPTED MARCH 18, 2010) (AGENDA ITEM #40 RECONSIDERED AND DEFERRED APRIL 1, 2010) (REVISED AND RESUBMITTED APRIL 15, 2010) (As Revised)

Dear Sir:

On January 3, 2008, the Board of Commissioners authorized the Director of Procurement and Materials Management to issue a purchase order and enter into an agreement with Barnes & Thornburg LLP, for legal services in the pending rulemaking before the Illinois Pollution Control Board entitled, *In The Matter Of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code Parts 301, 302, 303 and 304, R08-09 (Rulemaking-Water)*, in an amount not to exceed \$300,000.00. The contract expires at the conclusion of all matters concerning the rulemaking.

As of March 1, 2010, the attached list of change orders has been approved. The effect of these change orders resulted in an increase in the amount of \$500,000.00 from the original amount awarded of \$300,000.00. The current contract value is \$800,000.00. The prior approved change orders reflect a 166.67% increase in the original contract value.

To date, the Illinois Pollution Control Board has held 37 days of hearings since commencement of the proceedings in early 2008. Additional funds are necessary to continue utilizing the legal services of Barnes & Thornburg LLP in the on-going rulemaking.

This change order 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, is germane to the contract 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 \$180,000.00 (22.5% of the current contract value), from an amount of \$800,000.00, to an amount not to exceed \$980,000.00. This increase reflects a 226.67% increase in the original contract value.

Funds are available in Account 101-30000-601170.

Requested, Frederick M. Feldman, General Counsel, FMF:RMH:MTC:jvs
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 April 15, 2010

Attachment