



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 10-0561, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 6, 2010

COMMITTEE ON PROCUREMENT

Mr. Richard Lanyon, Executive Director

Authority to increase purchase order and amend agreement with Dykema Gossett PLLP to represent the District in an environmental clean-up action on the former Fortech LLC site Parcel 23.08 in Lemont, Illinois, in an amount of \$75,000.00, from an amount of \$135,000.00, to an amount not to exceed \$210,000.00, Account 901-30000-667220, Purchase Orders 3054935 and 3024281

Dear Sir:

On January 22, 2004, the Board of Commissioners authorized the Director of Procurement & Materials Management to issue a purchase order and enter into an agreement with Schwartz Cooper Chartered, Attorneys, to represent the District in a lawsuit involving cost recovery and site remediation of the former Fortech LLC sublease site in Lemont, Cook County, Illinois, in an initial amount not to exceed \$30,000.00.

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.

As of April 26, 2010, the attached list of change orders has been approved. The effect of those change orders resulted in an increase in an amount of \$105,000.00 from the original purchase order 3024281. The current contract value is \$135,000.00. The prior approved change orders reflect a 350% increase in the original contract value. This is the second change order under Dykema Gossett's purchase order.

Additional funds are required for the continued legal representation in an amount not to exceed \$75,000.00. The current change order is to cover trial costs and to preserve additional funds to respond to defendant R. W. Duntelman's appeal of the Circuit Judges decision in favor of the District. Judgement was entered in favor of the District in the amount of \$1,200,000.00.

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 and is in the best interest of the District.

It is hereby 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 agreement in an amount of \$75,000.00 (55.6% of the current contract value), from an amount of \$135,000.00, to an amount not to exceed \$210,000.00.

Funds are available in Account 901-30000-667220.

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 May 6, 2010

Attachment