



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 10-0893, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF AUGUST 12, 2010

COMMITTEE ON PROCUREMENT

Mr. Richard Lanyon, Executive Director

Authority to increase purchase order and amend the agreement with Deutsch, Levy & Engel, LLC for legal services in pursuing environmental remediation against Nicor/ComEd on vacant District property in Lockport, Will County, Illinois; Main Channel Parcel 14.03, in an amount of \$60,000.00, from an amount of \$100,000.00, to an amount not to exceed \$160,000.00, Account 901-30000-667220, Purchase Order 3047153

Dear Sir:

On September 6, 2007, the Board of Commissioners authorized the Purchasing Agent to issue a purchase order and enter into an agreement with Deutsch, Levy & Engel, LLC for legal services in representing the District in pursuing the environmental remediation against Nicor/ComEd on vacant District property in Lockport, Will County, Illinois; Main Channel Parcel 14.03 in an amount not to exceed \$25,000.00. The case involves the District's efforts to have the prior owner (Nicor/ComEd) remediate the environmental contamination of the site resulting from their prior operation of a manufactured gas plant on an adjacent non-District owned site.

As of July 13, 2010, the effect of these change orders results in an increase in an amount of \$75,000.00 from the original contract awarded of \$25,000.00. The current contract value is \$100,000.00. The prior approved change orders reflect a 400% increase in the original contract value.

Additional funds, in the amount of \$60,000.00, are required for continued legal representation in the subject matter. Staff is in negotiations with the utilities to perform an interim removal of certain contaminants at the site. This removal action will address MGP-related contaminants that are at the surface level and present an immediate risk for exposure to human health and the environment. Additionally, the site contains wetlands and an endangered species habitat area (Hines Emerald Dragonfly) so consents from both U. S. Fish and Wild Life and the U. S. Army Corps of Engineers are being obtained by the parties to allow for the removal action to be completed. The purchase order increase is recommended to allow Deutsch, Levy & Engel, LLC to continue to represent the District in negotiations and to provide counsel, as needed, during the anticipated remediation of the site.

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 and Materials Management to execute a change order to increase the purchase order and amend the agreement in an amount of \$60,000.00 (60% of the current contract value), from an amount of \$100,000.00, to an amount not to exceed \$160,000.00.

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 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 August 12, 2010

Attachments