



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 10-1046, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF SEPTEMBER 16, 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 representing the District in an environmental remediation action against Nicor/ComEd for District property at Oakton Street and McCormick Boulevard in Skokie, Illinois, in an amount of \$85,000.00, from an amount of \$426,380.34, to an amount not to exceed \$511,380.34, Account 101-30000-601170, Purchase Order A84545

Dear Sir:

On December 19, 1996, 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 an environmental remediation action against Nicor/ComEd for District property at Oakton Street and McCormick Boulevard in Skokie, Illinois, in an amount not to exceed \$50,000.00. 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 at the subject location.

As of September 3, 2010, the attached list of change orders has been approved. The effect of these change orders results in an increase in an amount of \$376,380.34 from the original contract awarded of \$50,000.00. The current contract value is \$426,380.34. The prior approved change orders reflect a 682.76% increase in the original contract value.

Additional funds in the amount of \$85,000.00 are required for continued legal representation in the subject case. The investigation of the site has been completed and a remediation plan has been proposed for the District's consideration. The parties have been vigorously attempting to settle this matter and expect to present such settlement for consideration and approval by the Board within the next 60 days. The purchase order increase is recommended to allow Deutsch, Levy & Engel, LLC to continue to represent the District in settlement 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 \$85,000.00 (501.62% of the current contract value), from an amount of \$426,380.34 to an amount not to exceed \$511,380.34.

Funds are available in Account 101-30000-601170.

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 September 16, 2010

Attachment