



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Text

File #: 10-1643, **Version:** 1

TRANSMITTAL LETTER FOR BOARD MEETING OF DECEMBER 16, 2010

COMMITTEE ON PROCUREMENT

Mr. Richard Lanyon, Executive Director

Authority to increase purchase order and amend the agreement with Hinshaw & Culbertson LLP, for legal services in the matter of Gaweda, et al. v. MWRDGC, Case No. 10 CH 52264, in an amount of \$30,250.00, from an amount of \$9,750.00, to an amount not to exceed \$40,000.00, Account 101-30000-601170, Purchase Order 3066324

Dear Sir:

Authorization is requested to increase Purchase Order No. 3066324 to Hinshaw & Culbertson LLP ("Hinshaw") for legal services in the matter of Gaweda, et al. v. MWRDGC, Case No. 10 CH 52264. On December 9, 2010, a Class Action Complaint and a Motion for Temporary Restraining Order were filed against the District in the Circuit Court of Cook County, with a hearing on the motion scheduled for December 13, 2010. Because immediate action was required, you authorized the Law Department to retain the services of Hinshaw to represent the District. Authorization is requested to increase the purchase order so that Hinshaw can continue to defend the District in the litigation. The plaintiffs are employees challenging the elimination of termination pay and sick leave incentive pay (both annually and at separation). Outside counsel is needed because the District's attorneys have a conflict of interest in the subject matter of the litigation.

The history of the purchase order is summarized as follows: On December 9, 2010, you authorized the Law Department to retain Marcos Reilly of Hinshaw & Culbertson LLP, at the rate of \$350.00 per hour, for a total amount not to exceed \$9,750.00.

Tom H. Luetkemeyer, a labor and employment law expert, who has successfully represented the District in other matters, will work with his partner Mr. Reilly, who has expertise in proceedings for injunctive relief, both at the rate of \$350.00 per hour, as well as other attorneys as deemed appropriate, including other partners at the rate of \$300.00 per hour and associates at the rate of \$200.00 per hour, as stated in the attached engagement letter.

This change order is necessary due to the timing and nature of the litigation as explained above 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 for the agreement between the Metropolitan Water Reclamation District of Greater Chicago and Hinshaw & Culbertson LLP in an amount of \$30,250.00 (410.3% of the current contract value) from an amount of \$9,750.00 in an amount not to exceed \$40,000.00.

Funds are available in Account 101-30000-601170.

Requested, Alan J. Cook, Acting General Counsel, AJC:LAG:ss

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 December 16, 2010

Attachment