



# Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street  
Chicago, IL 60611

## Legislation Details (With Text)

**File #:** 23-0234      **Version:** 1

**Type:** Agenda Item      **Status:** Adopted

**File created:** 2/22/2023      **In control:** Stormwater Management Committee

**On agenda:** 3/2/2023      **Final action:** 3/2/2023

**Title:** Authority to amend the Intergovernmental Agreement with the Village of Richton Park for the construction, operation and maintenance of the Detention Basin at Butterfield Creek, CSA (20-IGA-38)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/2/2023	1	Board of Commissioners	Approved	Pass

### TRANSMITTAL LETTER FOR BOARD MEETING OF MARCH 2, 2023

#### COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, Executive Director

Authority to amend the Intergovernmental Agreement with the Village of Richton Park for the construction, operation and maintenance of the Detention Basin at Butterfield Creek, CSA (20-IGA-38)

Dear Sir:

Authorization is requested to amend the Intergovernmental Agreement (IGA) with the Village of Richton Park (Village) for the construction, operation and maintenance of the Detention Basin at Butterfield Creek (Project). Under this Project, the Village is constructing a stormwater detention basin on the east bank of Butterfield Creek, south of Sauk Trail and west of Governors Highway. This project is intended to provide flood relief for six commercial structures in the immediate project area and reduce the frequency of flooding on downstream residential areas and roadway flooding along Sauk Trail and Governors Highway, which are major thoroughfares in the Village.

On September 2, 2021, the Board of Commissioners authorized the District to enter into an Intergovernmental Agreement with and make payment to the Village of Richton Park for the captioned Project. The IGA terms indicated the District would reimburse the Village for 51.4 percent of the total construction cost of the Project, in an amount not to exceed \$2,000,000.00. The IGA between the District and City was fully executed on December 20, 2021.

In November 2022, the Village awarded a contract for the Project in the amount of \$2,242,625.00. Based on that amount, the District would reimburse the Village using the 51.4 percent criteria, or \$1,152,709.25, which is significantly below the not to exceed \$2,000,000.00. The Village recently notified the District that it had expected the full \$2,000,000.00 to be reimbursed for the Project and that the 51.4 percent criteria in the agreement was based on a higher project cost estimate that had included some work unrelated to the stormwater improvements that was completed separately. Therefore, the Village is requesting an amendment to the IGA to increase the District's maximum percentage of contribution from 51.4 percent to 89.2 percent,

with the not-to-exceed amount of \$2,000,000.00 remaining the same. Without the full \$2,000,000.00 anticipated from the District, the construction of the Project will be placed on hold while the Village tries to find additional funding. The difference between the expected and the maximum District contribution, as noted in the IGA, equates to \$847,290.75. The Village has confirmed that if the District provides the requested \$2,000,000.00 contribution, it is committed to completing the project in 2023. The terms of the IGA outlining the Affirmative Action goals would still be applied to the total amount of reimbursement provided by the District, which includes 20 percent for Minority-owned Business Enterprises, 10 percent for Women-owned Business Enterprises and 3 percent for Veteran-owned Business Enterprises. Additionally, the provision for the District to withhold funds from reimbursement requests if the Village is not meeting the goals applied to the District's funding will also remain.

Based on the foregoing, it is recommended that the District be authorized to increase the percentage of contribution for the Project to 89.2 percent and amend the IGA with the Village of Richton Park for the construction, operation, and maintenance of the captioned project. It is requested that the Board of Commissioners authorize and direct the Chairman of the Committee on Finance and Clerk to execute the amendment to the IGA after it is approved by the Director of Engineering as to technical matters and by the General Counsel as to form and legality.

Funds are available in Account 501-50000-612400.

Requested, Catherine A. O'Connor, Director of Engineering, KMF:JK

Recommended, Brian A. Perkovich, Executive Director

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for March 2, 2023