



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

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Title: Authority to amend the Intergovernmental Agreement with the City of Chicago for the construction, operation, and maintenance of an Eco Orchard in the Garfield Park area of Chicago (18-IGA-05)

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TRANSMITTAL LETTER FOR BOARD MEETING OF JANUARY 20, 2022

COMMITTEE ON STORMWATER MANAGEMENT

Mr. Brian A. Perkovich, Executive Director

Authority to amend the Intergovernmental Agreement with the City of Chicago for the construction, operation, and maintenance of an Eco Orchard in the Garfield Park area of Chicago (18-IGA-05)

Dear Sir:

Authorization is requested to amend the Intergovernmental Agreement (IGA) with the City of Chicago (City) for the construction, operation, and maintenance of an Eco Orchard in the Garfield Park area of Chicago (18-IGA-05). Under this project, the City proposes the installation of an Eco Orchard in the Garfield Park area located on two currently vacant parcels. The project will divert and direct stormwater from surrounding streets and alleys into areas planted with native vegetation and trees on the city-owned land. The project is expected to mitigate flooding by reducing runoff into the local combined sewer system, and to demonstrate to local residents the benefits of constructing GI. The Eco Orchard Project will provide an estimated 165,893 gallons of stormwater storage.

On August 8, 2019, the Board of Commissioners granted authority to enter into an IGA with and make payment to the City for the construction, operation, and maintenance of the captioned project, in an amount not to exceed \$500,000.00. The IGA between the District and City was fully executed on November 5, 2019.

Since 2019, the District has worked in cooperation with the City to advance the captioned project through design and towards construction. Recently, the City indicated that its procedures for procurement of the construction contract conflict with certain provisions of the IGA. In an effort to advance the project, the City and the District have determined that an amendment to the IGA is needed. This partnership between the City and the District would advance a multi-benefit project and minimize the overall cost of stormwater improvements.

Under the terms previously negotiated with and agreed to by the City, the IGA would require the City to

advertise and award project-related contracts following the District's Purchasing Act, Multi-Project Labor Agreement (MPLA) and Affirmative Action Ordinance. The City has now requested that the IGA be revised to allow for the City to comply with its own requirements in place of the District's provisions. In particular, the City is requesting that it be allowed to adhere to the requirements of the Illinois Municipal Purchasing Act for Cities of 500,000 or more population, 65 ILCS 5/8-10-1 et seq., which, like the District's Purchasing Act, would still require free and open competitive bidding; the City's Multi-Project Labor Agreement, which, like the District's MPLA, would still require the use of union labor for qualifying contracts, and the Municipal Code of Chicago (MCC), including the City's Minority-Owned and Women-Owned Business Enterprise (M/WBEs) Procurement Program, MCC 2-92-420 et seq., which would require a contractor to expend a contract specific goal percentage with MBEs and WBEs. The City has agreed to set project-specific goals of 26 percent for MBE and 6 percent for WBE applied to the entire contract.

In keeping with the Board's request to receive summary reports documenting the attainment of diversity goals across District stormwater partnerships, the City will be required to provide information on the attainment of its diversity goals for this project, which will be included in the summary report to be submitted to the Board on an annual basis. If approved, this amendment would comply with the District's Strategic Business Plan's Stormwater Management Strategy 4 to "Identify and pursue opportunities for partnering on multi-benefit projects and for coordination with other agencies to minimize the cost of stormwater management projects."

Based on the foregoing, it is recommended that the District be authorized to amend the IGA with the City 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.

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 January 20, 2022