



# Detroit Water and Sewerage Department

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## Legislation Details (With Text)

**File #:** 21-0620      **Version:** 1      **Name:**

**Type:** Contract Amendment      **Status:** Passed

**In control:** Financial Services

**On agenda:** 10/20/2021      **Final action:** 10/20/2021

**Title:** The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve Amendment No. 6 to DWSD Contract No. 6001278 (LS-1773) to add \$200,000 in funding, for a total amended contract not-to-exceed amount of \$1,300,000 for Legal Services relating to All Drainage Charge Related Matters and Michigan Warehousing Group v City of Detroit with Miller, Canfield, Paddock & Stone, P.L.C. This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

**Indexes:** Board of Water Commissioners, Finance Committee

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/20/2021	1	Board of Water Commissioners	approved	Pass
10/6/2021	1	Finance Committee	recommended for approval	Pass

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **Amendment No. 6 to DWSD Contract No. 6001278 (LS-1773) to add \$200,000 in funding, for a total amended contract not-to-exceed amount of \$1,300,000 for Legal Services relating to All Drainage Charge Related Matters and Michigan Warehousing Group v City of Detroit with Miller, Canfield, Paddock & Stone, P.L.C.** This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

### Agenda of October 20, 2021

**Item No. 21-0620**

**Contract No. 6001278 / LS-1773**

**Contractor:** Miller, Canfield, Paddock & Stone, P.L.C.  
150 West Jefferson, Detroit, MI 48226

**Current Contract Amount: \$1,100,000**

**Proposed Amendment No. 6 Amount: \$200,000**

**Proposed Total Contract Amount: \$1,300,000**

**Term: 9/14/2015 and continues until satisfactory completion of services**

**TO:** The Honorable  
Board of Water Commissioners  
City of Detroit, Michigan

**FROM:** Gary Brown, Director  
Detroit Water and Sewerage Department

**RE:** Proposed Amendment No. 6 to DWSD Contract No. 6001278 (LS-1773)

Legal Services relating to All Drainage Charge Related Matters and Michigan Warehousing Group v City of Detroit with Miller, Canfield, Paddock & Stone, P.L.C.

**MOTION**

Upon recommendation of Mamata Burgi, Operations Resource Manager, the Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **Amendment No. 6 to DWSD Contract No. 6001278 (LS-1773) to add \$200,000 in funding, for a total amended contract not-to-exceed amount of \$1,300,000 for Legal Services relating to All Drainage Charge Related Matters and Michigan Warehousing Group v City of Detroit with Miller, Canfield, Paddock & Stone, P.L.C.** This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

**BACKGROUND / JUSTIFICATION**

The Detroit Water and Sewerage Department (DWSD) entered into a contract with Miller, Canfield, Paddock & Stone, P.L.C. to provide legal representation, consultation and advice to DWSD in connection with pending litigation with the Michigan Warehousing Group v City of Detroit, Wayne County Circuit Court Case No. 15-0101165-CB. However, in October 2017, Amendment 3 was approved to expand the contract scope of services to include legal services for all litigation filed against DWSD relating to drainage charges, as well as matters that could affect the outcome of that litigation.

**PROCUREMENT METHOD**

DWSD General Counsel Division submitted Requisition 491862 to initiate Amendment 6, which was approved on 9/23/21. Competitive solicitation was not required for this initial contract per item 6 under Judge Cox Order Case No. 77-71100. A summary of the contract and amendment approvals is as follows:

	Current NTE	Proposed Amended \$	Total Amended NTE \$	Dates of Approval:
Initial Contract	\$100,000	N/A	N/A	9/14/2015
Amendment No. 1	\$100,000	\$100,000	\$200,000	2/26/2016
Amendment No. 2	\$200,000	\$200,000	\$400,000	4/14/2016
Amendment No. 3	\$400,000	\$250,000	\$650,000	10/25/2017
Amendment No. 4	\$650,000	\$250,000	\$900,000	8/22/2018
Amendment. No. 5	\$900,000	\$200,000	\$1,100,000	3/18/2020
<i>Proposed Amendment. No. 6</i>	<i>\$1,100,000</i>	<i>\$200,000</i>	<i>\$1,300,000</i>	<i>Upon BOWC Approval</i>

Based on the information above, the DWSD General Counsel Division is requesting an additional \$200,000 in funding, for a total amended contract amount of \$1,300,000 for continued legal services relating to the litigation with the Michigan Warehousing Group v City of Detroit, Wayne County Circuit Court Case No. 15-0101165-CB. The amendments prior to Amendment 5 did not previously require Board approval because it was based on the amount of the amendment being added and not the total contract aggregate amount. This has been changed and now DWSD Procurement obtains approvals based on the thresholds of the proposed total contract amended not-to-exceed amount

**SUMMARY**

- A. Contract No.: 6001278 / LS-1773
- B. Contractor: Miller, Canfield, Paddock & Stone, P.L.C.
- C. Initial Term: 9/14/2015 until satisfactory completion of services
- D. Initial Contract Amount: \$100,000
- E. Current Contract Amount: \$1,100,000
- F. Proposed Amendment No. 5 Amount: \$ 200,000
- G. Proposed New Total Contract Amount: \$1,300,000
- H. Funding Source: O&M Funds
- I. GL String(s):
  - 5720-20168-483101-613100-000204-10790-0000-000000 - 30% Water
  - 5820-20179-493101-613100-000225-15805-0000-000000 - 70% Sewer

This amendment was presented to the DWSD Finance Subcommittee on October 6, 2021. Per DWSD procurement policy, Mayoral approval will also be obtained.