



Detroit Water and Sewerage Department

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Legislation Text

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

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.