

Legislation Text

File #: 2021-046, **Version:** 1

Amendment No. 5 to Legal Services Contract LS-140 (Dykema Gossett)

Agenda of: February 24, 2021

Item No.: **2021-046**

Amount: \$1,375,000.00

TO: The Honorable
Board of Directors
Great Lakes Water Authority

FROM: Sue F. McCormick
Chief Executive Officer
Great Lakes Water Authority

DATE: January 25, 2021

RE: **Amendment No. 5 to Legal Services Contract to LS-140
(Dykema Gossett)**

MOTION

Upon recommendation and opinion of Randal M. Brown, General Counsel, the Board of Directors (Board) for the Great Lakes Water Authority (GLWA):

(1) Approves Amendment No 5. to LS-140 with Dykema Gossett; and

(2) Authorizes the Chief Executive Officer to take such other action as may be necessary to accomplish the intent of this vote, including the execution of Amendment No. 5 to Legal Services Contract LS-140.

JUSTIFICATION

GLWA retained Dykema Gossett to litigate matters related to the City of Highland Park's invoices. There has been extensive litigation related to Highland Park's invoices in federal and state courts, at the trial and appellate level. Dykema's assistance is needed to continue to represent GLWA in these matters.

This amendment does not extend the time, but increases the total compensation to \$1,375,000.00.

The contract expires on October 31, 2021. If the litigation continues, the General Counsel may present another amendment seeking more time and possibly additional compensation for Dykema. Pursuant to the Procurement Policy, Amendments 1-4 fell within the Administration's authority to execute without Board authorization. Due to the amount of the compensation, Board authorization is required.

BUDGET IMPACT

There are sufficient funds allocated in the General Counsel's budget for the continuation of Dykema's services.

COMMITTEE REVIEW

This matter was presented to the Legal Committee at its meeting on January 27, 2021. The Legal Committee unanimously recommended that the GLWA Board adopt the resolution as presented.

SHARED SERVICES IMPACT

This request does not impact the Shared Services Agreement.