



City of Chicago



O2020-5753

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	11/16/2020
Sponsor(s):	Lightfoot (Mayor)
Type:	Ordinance
Title:	First Amendment to Intergovernmental agreement with Metropolitan Water Reclamation District of Greater Chicago for extension of time to complete flood protection and runoff reduction pilot study in Chatham neighborhood
Committee(s) Assignment:	Committee on Budget and Government Operations

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OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

November 16, 2020

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance authorizing the execution of an intergovernmental agreement with the Metropolitan Water Reclamation District of Greater Chicago.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink, reading "Lori E. Lightfoot". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.
Mayor

ORDINANCE

WHEREAS, the City of Chicago ("City") is a municipal corporation and a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, the Metropolitan Water Reclamation District of Greater Chicago ("District") is a municipal corporation, organized and existing under the laws of the State of Illinois; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution, the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and other applicable law permit and encourage units of local government to cooperate with and support each other in the exercise of their authority and the performance of their responsibilities; and

WHEREAS, pursuant to an ordinance adopted by the City Council of the City (the "City Council") on December 12, 2018 and published in the Journal of the Proceedings of the City Council for said date at pages 92012 to 92104, the City and the District entered into an intergovernmental agreement on May 1, 2019 ("Chatham Pilot Study IGA") to conduct a pilot study in the Chatham neighborhood of the City in order to gain insight into the efficacy of various runoff reduction and flood protection technologies designed to reduce the risks of basement backups and the volume of stormwater runoff for single-family properties ("Pilot Study"); and

WHEREAS, the Chatham Pilot Study IGA requires that the Pilot Study be completed no later than December 31, 2020; and

WHEREAS, because of delays caused, in part, by the COVID-19 pandemic, the City and the District have determined that an extension of time until December 31, 2022 is required to complete the Pilot Study; and

WHEREAS, such aforementioned extension of time to complete the Pilot Study requires an amendment to the Agreement; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are incorporated herein and made a part hereof.

SECTION 2. The Commissioner of the Department of Water Management and the Commissioner of the Department of Transportation, or their designees, are each hereby authorized, with the approval of the City's Corporation Counsel, to negotiate, execute and deliver a first amendment to the Chatham Pilot Study IGA in substantially in the form attached hereto as Exhibit A and made a part hereof (the "First Amendment"), and such other supporting documents as may be necessary to carry out and comply with the provisions of the First Amendment, with such changes, deletions and insertions as shall be approved by the persons executing the First Amendment.

SECTION 3. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect

any of the other provisions of this ordinance.

SECTION 4. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall be in full force and effect immediately upon its passage and approval.

EXHIBIT A

FIRST AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE
METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO
AND THE
CITY OF CHICAGO, ILLINOIS
FOR A PILOT STUDY IN THE CHATHAM NEIGHBORHOOD TO EVALUATE POTENTIAL
RUNOFF REDUCTION AND FLOOD PROTECTION ALTERNATIVES

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("**First Amendment**") is made as of this ____ day of _____, 2020, by and between the Metropolitan Water Reclamation District of Greater Chicago, a municipal corporation, organized and existing under the laws of the State of Illinois ("**District**") and the City of Chicago, a municipal corporation and home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, ("**City**"), acting through its Department of Water Management ("**CDWM**") and its Department of Transportation ("**CDOT**").

RECITALS

WHEREAS, on May 1, 2019, the City and the District entered into an intergovernmental agreement ("**Chatham Pilot Study IGA**") to conduct a pilot study in the Chatham neighborhood of the City in order to gain insight into the efficacy of various runoff reduction and flood protection technologies designed to reduce the risks of basement backups and the volume of stormwater runoff for single-family properties ("**Pilot Study**"); and

WHEREAS, the Chatham Pilot Study IGA requires that the Pilot Study be completed no later than December 31, 2020; and

WHEREAS, because of delays caused, in part, by the COVID-19 pandemic, the City and the District have determined that an extension of time until December 31, 2022 is required to complete the Pilot Study; and

WHEREAS, on _____, 2020, the City Council adopted an ordinance published in the City Council Journal of the Proceedings for said date at pages _____ to _____, which, among other things, authorizes the execution of this First Amendment; and as recorded in the Regular Board Meeting Minutes of the Board of Commissioners of the District, dated _____, 2020, Refer to File ID # _____, the District is authorized to enter into this First Amendment;

NOW THEREFORE, the parties agree as follows:

ARTICLE 1: INCORPORATION OF RECITALS

The recitals set forth above are incorporated herein by reference and made a part hereof.

ARTICLE 2: AMENDMENT TO CHATHAM PILOT STUDY IGA

1. The Chatham Pilot Study IGA is hereby amended by replacing paragraph a. of Article 5 with the following text:

“a. **Term.** The Term of this Agreement shall commence on the date that the last signature is affixed hereto and shall expire upon completion of the Pilot Study or on December 31, 2022, whichever comes first.”

2. The Chatham Pilot Study IGA is hereby further amended by adding as a new paragraph “k” of Article 3 the following text:

“k. **Veterans Business Enterprises.** The City shall ensure that CNT complies with the District's Veteran's Business Enterprise (“VBE”) goals with respect to that portion of the cost of the Pilot Study for which the District has contributed funds. The determination as to whether the City has complied with these VBE goals is solely in the District's discretion. The City's failure to fully comply with these VBE goals, as determined by the District, may result in a payment delay and/or denial. The District will have the right to access and inspect, with reasonable notice, any records or documentation related to the City's compliance with the District's VBE goals and requirements.

The City and CNT shall comply with the applicable portions of the District's Veteran's Business Enterprise Contracting Policy Requirements (attached to this Agreement as Exhibit 6). VBE goals for the Project are: 3% of the total amount of reimbursement provided by the District for Veteran's Business Enterprises.

In order to evidence compliance with the District's VBE policy, the City must complete and submit a VBE Commitment Form, attached to this Agreement as Exhibit 7, and a letter from a certifying agency that verifies the VBE status of the vendors. The City must include as part of the Affirmative Action Status Report required under Article 3(j) a VBE Status Report. Failure to submit the VBE Commitment Form, certifying letter, or Status Report may result in a payment delay and/or denial. The VBE Commitment Form, the letter from a certifying agency, and the Status Report must be submitted to the District's Diversity Administrator. The City must comply with the District's VBE policy only in respect to that portion of the cost of the Project for which the District has contributed funds.”

3. Except as set forth herein, all other terms of the Chatham Pilot Study IGA remain in effect.

ARTICLE 3: COUNTERPARTS

This First Amendment may be executed in counterparts, each of which shall be deemed an original.

ARTICLE 4: AUTHORITY

Execution of this First Amendment by the City is authorized by an ordinance adopted by the City Council on _____, 2020. Execution of this First Amendment by the District is authorized by its Board of Commissioners on _____, 2020. The parties represent and warrant to each other that they have the authority to enter into this First Amendment and perform their obligations hereunder.

ARTICLE 5: HEADINGS

The headings and titles of this First Amendment are for convenience only and shall not influence the construction or interpretation of this First Amendment or the Chatham Pilot Study IGA.

[signature page follows]

IN WITNESS WHEREOF the Metropolitan Water Reclamation District of Greater Chicago and City of Chicago, the parties hereto, have each caused this First Amendment to be executed as of the date first above written by their duly authorized officers.

CITY OF CHICAGO

By: _____
Alfonzo Conner, Commissioner
Department of Water Management

By: _____
Gía Biagi, Commissioner
Department of Transportation

METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

By: _____
Frank Avila
Chairman of the Committee on Finance

By: _____
Brian A. Perkovich
Executive Director

ATTEST:

By: _____
Jacqueline Torres
Clerk

APPROVED AS TO ENGINEERING:

By: _____
William Sheriff
Assistant Director of Engineering

By: _____
Director of Engineering

APPROVED AS TO FORM AND LEGALITY:

By: _____
Head Assistant Attorney

By: _____
General Counsel