

APPROVE ENTERING INTO AN AGREEMENT WITH ELECTION SYSTEMS & SOFTWARE, INC. FOR THE PURCHASE OF LSC ELECTION MATERIALS FOR THE MAY 2002 LSC ELECTION

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an agreement with Election Systems & Software, Inc. for the purchase of chips and associated programming for the electronic ballot counters for the May 2002 LSC elections to be used by the Office of School and Community Relations at a cost not to exceed \$ 66,000.00. Vendor was selected on a non-competitive basis because the computer chips required for the electronic ballot counters are proprietary to Election Systems & Software, Inc. The vendor provided similar services to the Board for the 1998 and 2000 LSC elections. A written agreement for this purchase is currently being negotiated. No goods may be received and no payment shall be made to the Vendor prior to the execution of the written agreement. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 90 days of the date of this Board Report. Information pertinent to this agreement is stated below.

VENDOR: Election Systems & Software, Inc.
33 N. LaSalle Street, Suite 1300
Chicago, Illinois 60602
(312) 419-0270
Contact: John A. Black
Vendor #: 24751

USER: Office of School and Community Relations
125 S. Clark Street, 5th Floor
Contact: James Deanes
(773) 553- 1400

TERM: The term of this agreement shall commence on the date the agreement is signed and shall end August 31, 2002.

EARLY TERMINATION RIGHT: The Board has the option, in its sole discretion, to terminate this agreement with thirty (30) days written notice.

DESCRIPTION OF PURCHASE:

Goods: Programmed computer chips for use in ballot counting machines.
Quantity: 600 - One for each school holding an LSC election plus backup machines
Unit Price: \$110.00 per programmed computer chip
Total Cost Not to Exceed: \$66,000

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written agreement. Authorize the President and Secretary to execute the agreement. Authorize the Chief Education Officer to execute all ancillary documents required to administer or effectuate this agreement.

AFFIRMATIVE ACTION: The Waiver Review Committee recommends that a full waiver of the participation goals for this contract that include:

35% total MBE, 22% Total African American, 10% total Hispanic, 2% total Asian and 5% total WBE as required by the Revised Remedial Plan for Minority and Women Business enterprise Contract participation (M/WBE) be waived because the contract scope is not further divisible.

LSC REVIEW: Local School Council approval is not applicable to this report.

FINANCIAL: Charge to Office of School and Community Relations: \$66,000.00 Fiscal Year: 2002
Budget Classification: 0130-210-000-6050-5410 Source of Funds: General Education Fund - 210
Requisition Number: [#]

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.


Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their terms of office.

Indebtedness – The Board's Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the agreement.

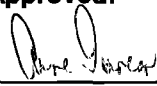
Ethics – The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:


Anita Rocha
Acting Chief Purchasing Officer

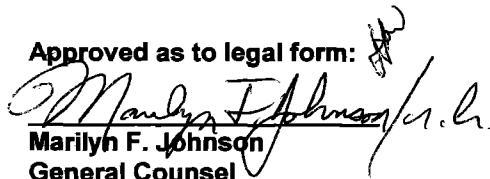
Approved:


Arne Duncan
Chief Executive Officer

Within Appropriation:


Kenneth C. Gotsch
Chief Fiscal Officer

Approved as to legal form:


Marilyn F. Johnson
General Counsel