

**RESOLUTION
REQUEST THE PUBLIC BUILDING COMMISSION OF CHICAGO TO UNDERTAKE
THE DESIGN AND CONSTRUCTION OF LEE PASTEUR HURLEY ELEMENTARY SCHOOL**

WHEREAS, on July 12, 1956, the Board of Education of the City of Chicago (the "Board") joined in the organization of the Public Building Commission of Chicago (the "PBC"); and

WHEREAS, the PBC provides a means of facilitating the acquisition, construction and improvement of public improvements, buildings and facilities for use by various governmental agencies in the furnishing of essential governmental, educational, health, safety and welfare services; and

WHEREAS, the Board has heretofore participated in the acquisition and construction of public schools and other facilities to provide essential governmental services in cooperation with the PBC and various other governmental agencies; and

WHEREAS, the Board has determined that it is necessary, desirable, advantageous, and in the public interest to undertake various capital projects in conjunction with the City of Chicago and other governmental agencies; and

WHEREAS, the projects would maximize the utilization of educational facilities operated and maintained by the Board by providing new school educational options and enhanced recreational and other facilities and improving the community areas located in the vicinity of school property; and

WHEREAS, the estimated total cost of this Project is anticipated not-to-exceed \$41,400,935.00 of which the Board has or will incur approximately \$1,746,066.00 of Project-related costs directly while the portion of the Project to be undertaken by the PBC is anticipated to be \$39,654,869.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CHICAGO BOARD OF EDUCATION:

1. The PBC is hereby requested to complete the design of and then to construct a new school called Lee Pasture Hurley Elementary School on behalf of the Board. The Chief Financial Officer and the Chief Operating Officer are hereby authorized to deliver a Project Notification to the PBC, as defined in the Intergovernmental Agreement between the Board and the PBC, dated February 1, 2007 (the "IGA").
2. The Board in the process of negotiating an IGA with the Chicago Park District regarding the land for Lee Pasteur Hurley Elementary School. The Board has completed the programming for the new school. The PBC is directed to provide any and all site preparation (including enrollment in the Site Remediation Plan, if necessary), to complete architectural design of the school, to bid the Project to its pre-qualified pool of general contractors, to award the Project to the lowest responsible bidder and to oversee construction of the Project.
3. This Project is part of the Modern Schools Across Chicago Program, a five-year program funded jointly between the City of Chicago and the Board. Funding for the Project is identified in the IGA between the City of Chicago and the Board and may be combination of City bond proceeds, Board Capital Funds, and PBC Surplus Funds. The Board, in accordance with the terms of the IGA, will transfer to the PBC the funds necessary to complete the Project identified above. The Project will be funded with capital funds generated in Fiscal Year 2009 or subsequent years. To the extent that other capital funds become available, the Board reserves the right to supplant Board Capital funds with other funding sources. The total cost for the Project to be undertaken by the PBC shall not exceed \$39,654,869.00. This dollar amount is necessary to cover all project costs, including environmental, site preparation, construction, contingency, architecture fees, and management fees.
4. No cost may be incurred in excess of the level set forth in paragraph 3 above without prior Board approval.

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5. The Board's General Counsel is hereby authorized to execute an assignment to the PBC of any and all contracts entered into by the Board in connection with this Project and to execute any and all other documents necessary to effectuate this transfer.
6. This resolution is effective immediately upon its adoption.