

**AMEND BOARD REPORT 10-0428-PR13
APPROVE EXERCISING THE SECOND OPTION TO RENEW THE PRE-QUALIFICATION STATUS OF
CONTRACTORS TO PROVIDE GENERAL CONTRACTING SERVICES**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve exercising the second option to extend the pre-qualification status of contractors to provide general contracting services at a cost for the one-year period not to exceed \$250,000,000 in the aggregate. Written documents exercising these options are currently being negotiated. No payment shall be made to any contractor during this option period prior to the execution of their written option document. The authority granted herein shall automatically rescind as to each contractor in the event their respective written option document is not executed within 120 days of the date of this Board Report. Information pertinent to these agreements is stated below.

This September 2010 amendment is necessary to add (8) new contractors to the pre-qualified pool (identified as numbers 39-46) on the attached list (Specification No.: 10-250022). Written master agreements for each new contractor are currently being negotiated. No services shall be provided by and no payment shall be made to any of the new contractors prior to the execution of their written master agreement. The authority granted herein shall automatically rescind as to each new contractor in the event their respective master agreement is not executed within 120 days from the date of this amended Board Report.

Specification Number : 10-250022
Contract Administrator : Patricia Hernandez / 773-553-2256

USER:

Facility Operations & Maintenance
125 South Clark Street 16th Floor
Chicago, IL 60603

Contact : Patricia Taylor
Phone: 773-553-2900

ORIGINAL AGREEMENT:

The original agreements (authorized by Board Report 06-0628-PR15 as amended by Board Reports 08-0602-PR7, 08-1022-PR2 and 09-0422-PR6) are for a term commencing July 1, 2006 and ending June 30, 2009, with the Board having 2 options to extend for one year periods. The agreements were further extended (authorized by Board Report 09-0722-PR8) for a term commencing July 1, 2009 and ending June 30, 2010. The original agreements were awarded on a competitive basis pursuant to a duly advertised Request for Qualifications (Specification No.:06-250027 and 09-250013). The Board is not renewing the agreements with K.R. Miller Construction Company and Pacific Construction Company.

OPTION PERIOD:

The pre-qualification status and term of these agreements is being extended for one year commencing July 1, 2010 and ending June 30, 2011.

TERM FOR NEW CONTRACTORS:The term of the pre-qualification period and each master agreement with the eight (8) new contractors (identified as numbers 39-46) on the attached list shall be for a term commencing upon execution and ending June 30, 2011, with no options to renew.

OPTION PERIODS REMAINING:

There are no options periods remaining.

SCOPE OF SERVICES:

Contractors will continue to provide the following services:

Perform general construction contracting services required by the scope of work identified in the bid solicitation in compliance with applicable laws, rules, codes and regulations;

Procure all permits, licenses and approvals;

Plan, coordinate, administer and supervise the work;

Procure all materials, equipment, labor and vendor services required for each awarded project in accordance with the Board's Multi-Project Labor Agreement;

Provide required documents for the required insurance and provide the payment and performance bonds required for each awarded project;

Perform change order, corrective work and closeout completion;

Comply with Board directives and policies regarding each project;

Prepare and submit timely status and progress reports and update project completion schedules when requested by the Board;

Meet with Board representative regularly as required to discuss work in progress and other matters; and

Provide all required M/WBE documentation when responding to a specific bid solicitation.

DELIVERABLES:

Contractors will continue to provide general contracting services to the Capital Improvement Program.

OUTCOMES:

Contractor's services will result in pre-qualified general contracting services.

COMPENSATION:

The sum of payments to all pre-qualified contractors for this one year period shall not exceed \$250,000,000 in the aggregate.

USE OF GENERAL CONTRACTING POOL: The Board shall solicit sealed bids for each project from the pre-qualified pool. The pre-qualified pool will be requested to furnish a lump-sum quotation in response to an invitation to bid for a defined scope of work. Each project shall be awarded to the lowest responsible, responsive bidder. A notice of award for each project shall be issued by the Chief Purchasing Officer and such award shall be ratified by the Board at the Board meeting immediately following such award.

AUTHORIZATION:

Authorize the General Counsel to include other relevant terms and conditions in the written option documents and master agreements for new contractors. Authorize the President and Secretary to execute the option documents and master agreements. Authorize Chief Purchasing Officer to execute all ancillary documents required to administer or effectuate the option documents and master agreements.

AFFIRMATIVE ACTION:

All agreements formed pursuant to this Board Report shall be subject to the Board's Business Diversity Program for Construction Projects and any revisions or amendments to that policy that may be adopted during the term of any such contract.

LSC REVIEW:

Local School Council approval is not applicable to this report.

FINANCIAL:

Charge to Facilities: \$250,000,000.00 Fiscal Year: FY11-12
Budget Classification: Various Capital Funds
Source of Funds: Capital Funds

CFDA# : Not Applicable

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 June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics - The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), 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:


OPAL L. WALLS
Chief Purchasing Officer


Approved:


RON HUBERMAN
Chief Executive Officer

Within Appropriation:


DIANA S. FERGUSON
Chief Financial Officer

Approved as to Legal Form:


PATRICK J. ROCKS
General Counsel

- | | |
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