

**APPROVE ENTERING INTO AN AGREEMENT WITH ELECTION SYSTEMS & SOFTWARE, INC. FOR THE
PURCHASE OF LSC ELECTION MATERIALS FOR THE APRIL 2004 LSC ELECTION**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an agreement with Election Systems & Software, Inc. for the purchase of Ballots, Paper Rolls, Memory Cards and associated programming that will allow the use of the electronic ballot counters provided by the Chicago Board of Elections for the April 2004 LSC elections by the Office of Local School Council Relations at a cost not to exceed \$ 235,760.00. Vendor was selected on a non-competitive basis because Election Systems & Software, Inc. is the only vendor certified to provide the above referenced purchases. The vendor has provided similar services to the Chicago public schools for the 1998, 2000 and 2002 LSC elections and for the Chicago Board of 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.

Specification No. 04-250001

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 Local School Council 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, 2004.

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: Ballots, Paper Rolls and Programmed Memory Cards for use in ballot counting machines.

Quantity: 700 - One Programmed Memory Card for each school holding an LSC election plus backup machines and 522,000 Ballots in packet of 50 (425,000 White, 67,000 Yellow and 30,000 Orange).

Unit Price: \$260.00 per Programmed Memory Card, \$6.60 per Paper Roll, \$95.00 per 1,000 White and Yellow Ballots, and \$85.00 per 1,000 Orange Ballots.

Total Cost Not to Exceed: \$235,760.00

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 M/WBE goals for the contract include: 35% total MBE, 22 total African American, 10% total Hispanic, 2% total Asian and 5% total WBE.

However, the Waiver Review Committee recommends that a partial waiver of the M/WBE participation goals for this contract as required by the Revised Remedial Plan be granted because the contract scope is not further divisible.

The vendor has, however, identified and scheduled the following firms and percentages

Total MBE 5%

Total 5% African American:

Reo Movers 700 S. Chicago Avenue, Chicago, IL. 60637
\$12,800.00 Certified through 7/31/04

Total 3% WBE

Workplace Concepts 226 S. Wabash Avenue, #800, Chicago, IL 60604
\$7,500.00 Reapplied 12/18/03

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

FINANCIAL: Charge to Office of School and Community Relations: \$235,760.00 Fiscal Year: 2004
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.

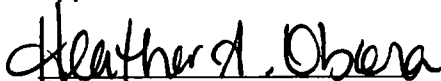
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their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

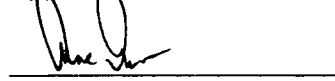
Ethics – The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

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:


Heather A. Obora
Chief Purchasing Officer

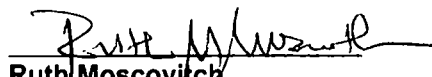
Approved:


Arne Duncan
Chief Executive Officer

Within Appropriation:


John Maiorca
Chief Financial Officer

Approved as to legal form: 


Ruth Moscovitch
General Counsel 