

**APPROVE SETTLEMENT AND MUTUAL RELEASE AGREEMENT
WITH SCHWENDENER/GONZALES JOINT VENTURE**

THE GENERAL COUNSEL REPORTS THE FOLLOWING SETTLEMENT:

DESCRIPTION: Law Department attorneys have reached a settlement, subject to Board approval, of the Chicago Board of Education's ("Board") dispute with Schwendener/Gonzales Joint Venture ("SGJV") resolving SGJV's claim against the Board for breach of contract in relation to the William K. Sullivan Elementary School construction project. The dispute involved issues of delay on the project. This matter was sent to court ordered mediation where the parties agreed to settlement in the amount of \$525,000.00 for the delay costs, plus the payment of the outstanding balance of the original contract amount which was not disputed in the litigation.

LSC REVIEW: LSC approval is not applicable to this report.

AFFIRMATIVE ACTION STATUS: Affirmative Action review is not applicable to this report.

FINANCIAL: Charge \$686,938.00 to the Capital Improvement Program
Budget Classification 610-464-000-9311-5410 (Legacy system)

AUTHORIZATION: Authorize the General Counsel to execute the Settlement and Mutual Release Agreement, and all ancillary documents related thereto.

GENERAL CONDITIONS:

Inspector General - Each party to the agreement shall acknowledge, in accordance with 105 ILCS 5/24-13.1, 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 restrict 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, is hereby 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, is hereby incorporate din to 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,


RUTH M. MOSCOVITCH
General Counsel 

Within Appropriation:


JOHN MAIORCA
Chief Financial Officer