

**APPROVE ENTERING INTO AN AGREEMENT WITH FRAN'S CONSTRUCTION SERVICES, INC.  
FOR THE PURCHASE OF SMALLWARES**

**THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:**

Approve entering into an agreement with Fran's Construction Services, Inc. for the purchase of smallwares for the Department of Operations at a cost not to exceed \$340,000. Vendor was selected on a competitive basis pursuant to a duly advertised Bid Solicitation (Specification No. 04-250198) in accordance with Board Rule 5-4.1. A written agreement for this purchase is currently being negotiated. No payment shall be made to 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.: 04-250198

**VENDOR:** Fran's Construction Services  
1140 Hillside Ave  
Antioch, IL 60002  
Fran Singer  
(800) 251-4589  
Vendor # 12104

**USER:** Department of Operations  
125 South Clark-16<sup>th</sup> Floor  
Maye E. Kelsey  
(773) 553-2295

**TERM:** The term of this agreement shall commence on October 1, 2005 and shall end September 30, 2006. This agreement shall have 2 options to renew for periods of 12 months each.

**EARLY TERMINATION RIGHT:** The Board shall have the right to terminate this agreement with 30 days written notice.

**DESCRIPTION OF PURCHASE:**

Goods: various smallwares  
Quantity: as indicated in the contract  
Unit Prices: as indicated in the contract  
Total Cost Not to Exceed: \$340,000

**OUTCOMES:** This purchase will result in good quality smallwares for Chicago Public Schools.

**COMPENSATION:** Vendor shall be paid in accordance with the unit prices contained in the agreement; not to exceed the sum of \$340,000.

**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 Operating Officer to execute all ancillary documents required to administer or effectuate this agreement.

**AFFIRMATIVE ACTION:** This contract is in full compliance with the goals required by the Revised Remedial Plan for Minority and Women Business Enterprise Contract Participation (M/WBE Plan). The M/WBE participation goals for the contract include: 26% total MBE and 5% total WBE.

The vendor has identified and scheduled the following firms and percentages:

Total MBE% - 26%

Arrow Lumber Company – 26%

5820 South Ashland Ave.  
Chicago, Illinois 60636

certified through: 12/15/05

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

**FINANCIAL:** Charge to Operations: \$340,000 Fiscal Year: FY05  
Budget Classification: 0948-410-000-9546-5400  
Source of Funds: Capital Funds

**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.

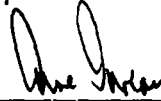
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

**Approved for Consideration:**



Heather A. Obara  
Chief Purchasing Officer

**Approved:**



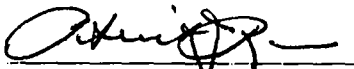
Arne Duncan  
Chief Executive Officer

**Within Appropriation:**



John Maiorca  
Chief Financial Officer

**Approved as to legal form:** 



Patrick J. Rocks  
General Counsel