

AMEND BOARD REPORT 05-1026-PR10
APPROVE ENTERING INTO AN AGREEMENT WITH FILENET CORPORATION
FOR THE PURCHASE OF SOFTWARE MAINTENANCE SERVICES
AND SOFTWARE LICENSES

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an agreement with FileNet Corporation for the maintenance of FileNet software products and the purchase of eForms software licenses provided to the Department of School Financial Services at a cost not to exceed ~~\$ 66,382.20~~ \$187,342.20. Software licensor was selected on a non-competitive basis because the software is proprietary to FileNet Corporation. A written agreement for such maintenance and software licenses is currently being negotiated. Software upgrades and "bug fixes" are included as part of these services. No payment shall be made to Software Licensor prior to the execution of the written license 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 amended Board Report. Information pertinent to this agreement is stated below.

This Amended Board Report is necessary to add the purchase of eForms software licenses in a lump sum of \$108,000 for 80 eForms licenses to grant access to an additional 800 users and to increase the maintenance fee from \$66,382.20 to \$79,342.20.

SOFTWARE

LICENSOR: FileNet Corporation
565 Harbor Blvd.
Costa Mesa, CA 92626-1420
Contact Person: Eric Westburg
Phone: (630) 271-8818
Vendor No.: 13517

USER: Department of School Financial Services
125 S. Clark Street 14th Floor
Chicago, IL 60603
Contact Person: Raymond Sanders, Acting Director of Payroll
Phone No.: (773) 553-2669
John Maiorca, Chief Financial Officer

TERM: The term of this software license and maintenance agreement shall commence on November 1, 2005 and shall end October 31, 2006. The Board shall have 2 options to renew this agreement for periods of 1 year each.

SERVICES: FileNet Corporation will provide maintenance support for the FileNet software for the Corrected Attendance Report System, and other FileNet applications. FileNet Corporation will provide upgrades and bug fixes during the maintenance period. FileNet Corporation will provide 80 licenses of the eForms software at a ratio of 10 users to each software license.

OUTCOMES: These products and services will result in fully maintained and operating software for the Corrected Attendance Report (CARS), After School Attendance Reporting (ASAR) and Summer Employment Roster (SER) applications. The purchase of the eForms licenses will allow the Department of School and Financial Services to grant access to up to an additional 800 users.

LICENSE FEE: Software Licensor shall be paid a lump sum in the amount of \$108,000 for the 80 eForms licenses.

MAINTENANCE FEE: FileNet Corporation shall be paid a maintenance fee of ~~\$ 66,382.20~~ \$ 79,342.20.

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions, including any indemnities provided to the software licensor in the written maintenance agreement. Authorize the President and Secretary to execute the maintenance agreement. Authorize Chief Fiscal Officer to execute all ancillary documents required to administer or effectuate this maintenance agreement.

AFFIRMATIVE ACTION: The M/WBE goals for this contract include: 35% total MBE, 22% total African American, 10% total Hispanic, 2% total Asian and 5% WBE. However, the Waiver Review Committee recommends that a full 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.

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

FINANCIAL: Charge to Department of Finance: ~~\$ 66,382.20~~ \$187,342.20 Fiscal Year: 2006
Budget Classification: 0230-210-000-1129-5410 Source of Funds: Dept. of Finance-0230

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.

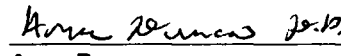
Ethics – The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement.

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:

Approved:

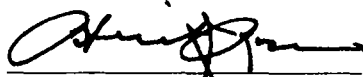

Heather A. Obora
Chief Purchasing Officer


Arne Duncan
Chief Executive Officer

Within Appropriation:


John Maiorca
Chief Financial Officer

Approved as to legal form: 


Patrick J. Rocks
General Counsel