

AMEND BOARD REPORT 05-0727-OP1
**APPROVE ENTERING INTO LICENSE AGREEMENTS WITH VARIOUS
TELECOMMUNICATION VENDORS FOR USE OF SPACE FOR PLACEMENT OF
TELECOMMUNICATIONS EQUIPMENT AT CHICAGO PUBLIC SCHOOL PROPERTIES**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into license agreements with various telecommunication vendors for use of space for placement of Telecommunications Equipment at Chicago Public School Properties. This Board Report supercedes and replaces Board Report 96-0327-OP6 for all license agreements entered into after the date of this Board Report because the information contained in Board Report 96-0327-OP6 is no longer accurate; however, Board Report 96-0327-OP6 shall remain in effect for all license agreements entered into before the date of this Board Report. Written license agreements will be negotiated for each placement. Information pertinent to these license agreements is stated below.

This Amended Board Report is necessary to permit the Board to (a) enter into a variety of agreements with various telecommunication vendors for the permitted Use rather than limiting the Board to an agreement that is labeled as a "License Agreement", and (b) to allow the Board to charge the Licensee a one-time administrative fee that covers the Board's then current administrative costs rather than limiting such one-time administrative fee to ½ of the first year's fee.

LICENSOR: Board of Education of the City of Chicago

LICENSEES: Various Telecommunications Vendors

PREMISES: Various Chicago Public School properties.

USE: To use space for the attachment of antennas and the placement of base station equipment and the temporary placement of Cellulars on Wheels (COW). Each license agreement will be modified to reflect, as appropriate, individual school requirements. Schools sites may have multiple licenses agreements assuming adequate space.

TERM: The initial term of each license agreement shall be for four (4) years.

OPTIONS TO RENEW: The Licensee shall have four (4) options to extend the license agreement for additional 3-year terms.

LICENSE FEE: The initial license fee shall be determined by the Chief Operating Officer based upon competitive market rates. The initial license fee will be fixed for the initial 4-year term. The license fee for each 3-year renewal term shall be fixed at a rate which is 25% over the previous term's rate. All license fees will be paid directly to the school, in the school's name.

ADMINISTRATIVE FEE: Each Licensee for each License agreement shall pay the Board a one-time administrative fee to cover various administrative costs. This administrative fee shall be equal to ½ of the first year's license fee and shall be paid directly to the Board. Such fee will be determined by the Chief Operating Officer based upon the Board's administrative costs.

CONDITIONS PRECEDENT: Each Licensee for each site shall submit complete drawings and specifications for the equipment placement. The Board shall review and approve all such drawings and specifications. The Board shall also require a detailed report indicating that all equipment meets safety and health guidelines. Additionally, Local School Council approval shall be received for each license agreement.

INSURANCE/INDEMNIFICATION: The General Counsel shall negotiate all insurance and indemnification provisions.

AUTHORIZATION: Authorize the General Counsel to include insurance, indemnification, and all other relevant terms and conditions in the written agreements. Authorize the President and Secretary to execute the license agreements and amendments to the agreements. Authorize the Chief Operating Officer to establish market rate fees on an annual basis, to establish the one-time administrative fee, to execute any necessary temporary access or space agreements, to terminate an agreement when necessary, and to execute any and all other ancillary documents required to administer or effectuate these license agreements.

AFFIRMATIVE ACTION: Exempt.

LSC REVIEW: Local School Council approval is required for each license agreement.

FINANCIAL: All license fees payable directly to the school. All administrative fees payable directly to the Board.

GENERAL CONDITIONS:

Inspector General - Each party to each 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 agreements 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 each agreement.

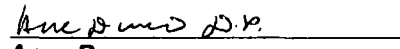
Ethics - The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of each agreement.

Contingent Liability – Each 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).

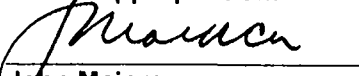
Approved for Consideration:


David Vitale
Chief Operating Officer

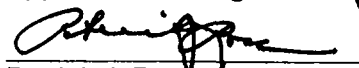
Approved:


Arne Duncan
Chief Executive Officer

Within Appropriation:


John Maiorca
Chief Financial Officer

Approved as to legal form:


Patrick J. Rocks
General Counsel