

**AMEND BOARD REPORT 09-1123-PR3
AMEND BOARD REPORT 09-0422-PR11**

**APPROVE ENTERING INTO AN AGREEMENT WITH FRANK COONEY AND LOWERY MCDONNELL
COMPANY FOR THE PURCHASE OF OFFICE, CLASSROOM AND LIBRARY FURNITURE**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into agreements with Frank Cooney Company and Lowery McDonnell Company for the purchase of office, classroom and library furniture for Chicago Public Schools, Department of Facilities at an aggregate cost not to exceed ~~\$10,000,000~~ \$16,500,000. Vendors were selected on a competitive basis pursuant to duly advertised bid solicitation (Specification No. 07-250037). Written agreements for this purchase are currently available for signature. No goods may be ordered or received and no payment shall be made to any Vendor prior to the execution of their written agreement. The authority granted herein shall automatically rescind as to each Vendor in the event their written agreement is not executed within 90 days of the date of this Board Report. Information pertinent to these agreements is stated below.

This November 2009 amendment is necessary to (i) revise the address for Frank Cooney Company, Inc., (ii) correct the term of the agreements to reflect 28 month terms, (iii) revise the Affirmative Action section and (iv) update the financial section. Written amendments to the agreements are required. The authority granted herein shall automatically rescind as to each Vendor in the event their written amendment is not executed within 90 days of the date of this amended Board Report.

This May 2010 amendment is necessary to increase the aggregate dollar amount of the contracts by \$6,500,000 to include additional furniture orders for new school openings, additions, renovatons, turnarounds and grade expansion. Written amendments to the agreements are required. The authority granted herein shall automatically rescind as to each Vendor in the event their written amendment is not executed within 90 days of the date of this amended Board Report.

Specification Number : 07-250037
Contract Administrator : Martha Escareno / 773-553-2284

VENDOR:

- 1) Vendor # 22173
FRANK COONEY COMPANY INC
1226 NORTH MICHAEL DRIVE., STE C
WOOD DALE, IL 60191
Kevin P. Cooney
847-640-8800

Order Only-Office/Classroom

- 2) Vendor # 33924
LOWERY MC DONNELL COMPANY
255 MITTEL DRIVE
WOOD DALE, IL 60191
Scott Mills
630-227-1000x237

Order Only-Library

USER:

Facility Operations & Maintenance
125 South Clark Street 16th Floor
Chicago, IL 60603

Contact : Melinda Venditti
Phone: 773-553-2961

TERM:

The term of each agreement shall be for twenty-eight months and commence on May 1, 2009 and shall end August 31, 2011. The agreements shall have two (2) options to renew for periods of one (1) year each.

EARLY TERMINATION RIGHT:

The Board shall have the right to terminate each agreement with 30 days written notice.

DESCRIPTION OF PURCHASE:

Goods: Office/Classroom and Library Furniture including delivery, installation, labor, assembly and cleanup.

Quantity: As needed by the Department of Facilities.

Unit Price: As indicated in the contract.

Total Cost Not to Exceed: ~~\$10,000,000~~ \$16,500,000

OUTCOMES:

Vendors' services will result in the management of the ordering, delivery and installation of all furniture to be supplied to schools.

COMPENSATION:

Vendors shall be paid in accordance with the unit prices contained in their agreement, based upon the actual items ordered; total not to exceed the sum of ~~\$10,000,000~~ \$16,500,000 in the aggregate.

AUTHORIZATION:

Authorize the General Counsel to include other relevant terms and conditions in the written agreements and amendments. Authorize the President and Secretary to execute the agreements and amendments. Authorize Chief Property Officer to execute all ancillary documents required to administer or effectuate the agreements.

AFFIRMATIVE ACTION:

This contract is in full compliance with the goals required by the Remedial Program for Minority and Women Owned Business Enterprise Participation in Goods and Services Contracts. The MBE/WBE goals for this agreement are: 30% MBE participation and 7% WBE participation.

The Vendors have identified the following:

Library Furniture Total MBE - 30%

Leeway Contractors, Inc. (AA)
14806 South Drexel Ave.
Dolton, Illinois 60419
Contact: Lee Haggard

Total WBE - 7%

Shorestone Group
2715 N. Hampden, Suite 101
Chicago, Illinois 60614
Contact: Lisa Simonson

Office and Classroom Furniture Total MBE - 30%

Frank Cooney
Chicago United Industries (H)

53 West Jackson, Suite 1450
Chicago, Illinois 60604
Contact: George Loera

Total WBE - 7%

Harrison and Company
970 Oak Lawn Avenue
Elmhurst, Illinois 60126
Contact: Mary Grace Harrison

LSC REVIEW:

Local School Council approval is not applicable to this report.

FINANCIAL:

Charge to Facilities: ~~\$10,000,000~~ \$16,500,000

<u>12150-499-54105-253533-000000-2010</u>	<u>\$4,500,000.00</u>
<u>12150-499-54105-254403-000000-2010</u>	<u>\$2,000,000.00</u>
12150-477-54105-253533-000000-2010	\$2,400,000.00
12150-499-54105-254403-000000-2009	\$2,600,000.00
12150-Xxx-54105-254403-000000-2011	\$5,000,000.00

CFDA# : Not Applicable

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.

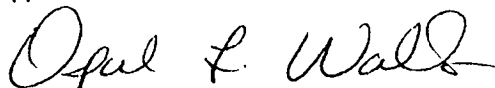
Conflicts - The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their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



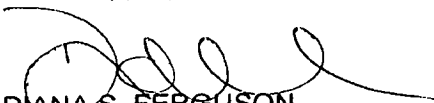
OPAL L. WALLS
Chief Purchasing Officer

Approved:



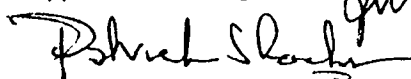
RON HUBERMAN
Chief Executive Officer

Within Appropriation:



DIANA S. FERGUSON
Chief Financial Officer

Approved as to Legal Form:



PATRICK J. ROCKS
General Counsel