

AMEND BOARD REPORT 06-0927-OP1
AMEND BOARD REPORT 05-0727-OP1
APPROVE ENTERING INTO 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 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 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 agreements entered into before the date of this Board Report. Written agreements will be negotiated for each placement. Information pertinent to these agreements is stated below.

This Amended Board Report was 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.

This November 2011 amendment is necessary to permit the Board to accept all administrative fees negotiated by the Chief Operating Officer and charged to each telecommunication vendor ("Licensee"), including fees charged for site visits, equipment upgrades and equipment replacement. The amendment is also necessary to allow Licensee payments for schools to come through Central Office before being appropriated to the schools.

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 Cellulares on Wheels (COW). Each agreement will be modified to reflect, as appropriate, individual school requirements. Schools sites may have multiple agreements assuming adequate space.

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

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

FEE: The initial fee shall be determined by the Chief Operating Officer based upon competitive market rates. The initial fee will be fixed for the initial 4-year term. The fee for each 3-year renewal term shall be fixed at a rate which is 25% over the previous term's rate. All fees~~The initial fee for the initial 4-year term and any renewal term fee will be paid directly to the school, in the school's name to the CPS Central Office by Automated Clearing House and then appropriated to the respective school. Those schools that share a single school building shall split the fees proportionally according to their portion of the building.~~

ADMINISTRATIVE FEES: Each Licensee for each agreement shall also pay the Board ~~a one-time~~ an initial administrative fee to cover various administrative costs. Such fee will be determined by the Chief Operating Officer based upon the Board's administrative costs. In addition, each Licensee shall pay an additional administrative fee to be determined by the Chief Operating Officer for each instance of Licensee's: (a) visit to the site, (b) equipment upgrades or (c) equipment replacement. All administrative fees will be paid directly to the Board, in the Board's name.

CONDITIONS PRECEDENT: Each Licensee for each site shall submit complete drawings and specifications for ~~the~~ any equipment placement, upgrade or replacement. 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 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 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~~ initial administrative fee, to establish any additional administrative fees as necessary, to execute any necessary temporary access or space agreements, and to execute any and all other ancillary documents required to administer or effectuate these agreements.

AFFIRMATIVE ACTION: Exempt.

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

FINANCIAL: ~~All fees payable directly to the school. All administrative fees payable directly to the Board. The initial fee and any renewal term fees shall be to the CPS Central Office by Automated Clearing House and then appropriated to the respective school. All administrative fees will be paid directly to the Board, in the Board's name as follows:~~

Budget line: 11910-124-54125-253201-904003-2012 Income to: Operations

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 June 26, 1995 (95-0726-EX3)~~ 1996 (96-0626-PO3), 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)~~ May 25, 2001 (11-0525-PO2), 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).

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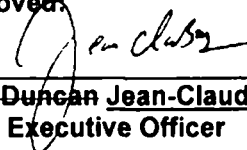
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Approved for Consideration:

 9/26/11
Patricia L. Taylor
David Vitale Patricia L. Taylor
Chief Operating Officer

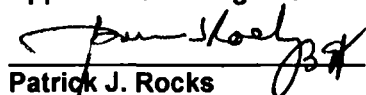
Approved:


Jean-Claude Brizard
Arno Duncan Jean-Claude Brizard
Chief Executive Officer

Within Appropriation:


David G. Watkins
John Maiorea David G. Watkins
Chief Financial Officer

Approved as to legal form:


Patrick J. Rocks
Patrick J. Rocks
General Counsel