

AMEND BOARD REPORT 12-0523-PR17
APPROVE EXERCISING THE THIRD OPTION TO RENEW THE AGREEMENT WITH C AND M JV1 COMPANY, LTD FOR MILK SUPPLY AND DELIVERY SERVICES

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve exercising the third option to extend the agreement with C&M JV1 Company, Ltd. to provide milk supply and delivery to Chicago Public Schools at a cost for the option period not to exceed ~~\$20,438,524.00~~ \$20,838,524.00. A written document exercising this option is currently being negotiated. No payment shall be made to Vendor during the option period prior to the execution of the written document. The authority granted herein shall automatically rescind in the event a written document is not executed within 90 days of the date of this Board Report. Information pertinent to this option is stated below.

This April 2013 amendment is necessary to: 1) extend the term of the contract through August 2, 2013, and 2) increase the funding due to the term being extended. A written amendment to the renewal agreement is required. The authority granted herein shall automatically rescind in the event the amendment is not executed within 60 days of the date of this amended Board Report.

Specification Number : 09-250053

Contract Administrator : Hernandez, Miss Patricia / 773-553-2280

VENDOR:

- 1) Vendor # 39550
 C & M JV1 COMPANY, LTD.
 16408 S. PULASKI ROAD
 MARKHAM, IL 60426
 Christine Stajazczak
 708-596-3436

USER INFORMATION :

Contact: 11860 - Facility Operations & Maintenance
 125 South Clark Street 16th Floor
 Chicago, IL 60603
 Tyrrell, Mr. Tom L.
 773-553-2960

ORIGINAL AGREEMENT:

The original agreement (authorized by Board Report 09-0826-PR5) in the amount of \$20,163,001.00 is for a term commencing September 1, 2009 and ending June 18, 2010 with the Board having four (4) options to extend for one-year each. The agreement was renewed (authorized by Board Report 10-0428-PR7, amended by Board Reports 10-0922-PR4 and 10-1117-PR2) for a term commencing June 19, 2010 and ending June 18, 2011. The agreement was renewed (authorized by Board Report 11-0427-PR7, as amended by Board Report 11-0727-PR6) for a term commencing June 19, 2011 and ending June 18, 2012. The original agreement was awarded on a competitive basis pursuant to a duly advertised Bid Solicitation (Specification No. 09-250053).

OPTION PERIOD:

The term of this agreement is being extended for ~~one-year~~ a period commencing June 19, 2012 and ending ~~June 18, 2013~~ August 2, 2013.

OPTION PERIODS REMAINING:

There is one option period for one year remaining.

SCOPE OF SERVICES:

Vendor shall continue to supply and deliver milk to Chicago Public Schools as set forth in the original agreement.

DELIVERABLES:

Vendor will continue to supply and deliver milk as set forth in the agreement.

OUTCOMES:

Vendor's services shall continue to result in the delivery of quality milk products for consumption by Chicago Public Schools students.

COMPENSATION:

Vendor shall be paid during this option period in accordance with the terms and rates set forth in the original agreement; total cost for the option period not to exceed ~~\$20,438,524.00~~ \$20,838,524.00.

AUTHORIZATION:

Authorize the General Counsel to include other relevant terms and conditions in the written option document and amendment. Authorize the President and Secretary to execute the option document and amendment. Authorize Chief Purchasing Officer to negotiate reduced pricing and execute all ancillary documents required to administer or effectuate this option agreement.

AFFIRMATIVE ACTION:

The M/WBE goals for this contract include: 10% MBE and 15% WBE. However, pursuant to section 9.5 of the Remedial Program for Minority and Women Owned Business Enterprise Participation in Goods and Services Contracts, the Office of Business Diversity recommends that a partial waiver of the MBE goal be granted as the vendor has demonstrated reasonable good faith efforts in achieving participation. The MBE waiver is for one year only and it will not extend to any future renewals.

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

Total MBE - 1%

Petromex
14702 S. Hamlin
Markham, IL 60426
Contact: Felipe Estrada

Total WBE 15%

C & C Dairy, Inc.
16408 S. Pulaski Rd.
Markham, IL 60453
Contact Person: Christine Stajszczak

Krystal Dairy Services, Inc.
18121 Highwood Ave.
Homewood, IL 60430
Contact: Mary Catherine Hrascinski

LSC REVIEW:

Local School Council approval is not applicable to this report.

FINANCIAL:

Parent unit: 12000 (Nutrition Support Services)
Charge to Nutrition Support Services \$20,838,524.00
Charge to Food Services: \$20,438,524.00
Source of Funds: Lunchroom Funds
Fund 312: \$20,438,524.00 (FY13) and \$400,000.00 (FY14).
Future year funding is contingent upon budget appropriation and approval.
 12050-312-53205-256009-000000-2013 \$20,438,524.00

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 May 25, 2011 (11-0525-PO2), 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:

SÉBASTIEN de LONGEAUX
Chief Procurement Officer

Approved:

BARBARA BYRD-BENNETT
Chief Executive Officer

Approved as to Legal Form:

JAMES L. BEBLEY
General Counsel