

**AUTHORIZE THE FOURTH AND FIFTH (FINAL) RENEWAL AGREEMENT WITH CONSTELLATION
NEWENERGY, INC FOR THE SUPPLY OF ELECTRICITY**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Authorize the Fourth and Fifth (Final) renewal agreement with Constellation Newenergy, Inc. to provide electricity to the Department of Facilities at an estimated annual cost set forth in the Compensation Section of this report. A written document exercising this option is currently being negotiated. No payment shall be made to Vendor during the option period prior to 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.

Specification Number : 14-350045

Contract Administrator : Gonzalez, Cristina / 773-553-2280

VENDOR:

- 1) Vendor # 17208
CONSTELLATION NEWENERGY, INC
1310 POINT STREET
BALTIMORE, MD 21231
Richard Garbett
630 657-4454

Ownership: Subsidiary of Exelon Corp, over
100 shareholders.

USER INFORMATION :

Project
Manager: 11880 - Facility Opers & Maint - City Wide

42 West Madison Street

Chicago, IL 60602

Rehberg, Caleb M.

773-553-2960

PM Contact:
11880 - Facility Opers & Maint - City Wide

42 West Madison Street

Chicago, IL 60602

Hansen, Ivan

773-553-2960

ORIGINAL AGREEMENT:

The original Agreement (authorized by Board Report 15-0325-PR14) in the amount of \$62,000,000 is for a term commencing January 1, 2017 and ending December 31, 2017, with the Board having five (5) options to renew for two (2) year terms each. The First Renewal Agreement (authorized by Board Report 16-0323-PR5) in the amount of \$63,600,000 was for a term commencing January 1, 2018 and ending December 31, 2019. The Second and Third Renewal agreement (authorized 18-1205-PR6) in the amount of \$160,000,000 was for term commencing January 1, 2020 and ending December 31, 2023. The original Agreement was awarded on a competitive basis pursuant to Board Rule 7-2.

OPTION PERIOD:

The term of this agreement is being renewed for four (4) years commencing January 1, 2024 and ending December 31, 2027.

OPTION PERIODS REMAINING:

There are no option periods remaining.

SCOPE OF SERVICES:

Supplier will continue to supply the Board's full requirements for electricity including, but not limited to, power, lighting, heating, ventilation, air conditioning, and miscellaneous purposes, to all the Board's facilities.

DELIVERABLES:

Supplier will provide electricity.

OUTCOMES:

Vendor's services will result in supply of electricity for the District.

COMPENSATION:

Vendor shall be paid during this option period as follows:
Estimated annual costs for this renewal term are set forth below:
\$20,000,000, FY24
\$40,000,000, FY25
\$40,000,000, FY26
\$40,000,000, FY27
\$20,000,000, FY28

AUTHORIZATION:

Authorize the General Counsel to include other relevant terms and conditions in the written option document. Authorize the President and Secretary to execute the option document. Authorize the Chief of Facilities to execute all ancillary documents required to administer or effectuate this option agreement.

AFFIRMATIVE ACTION:

Pursuant to the Remedial Program for Minority and Women-Owned Business Enterprise Participation in Goods and Services contracts, (M/WBE Program), this contract is exempt as this agreement is for a Utilities Supplier of Electricity.

LSC REVIEW:

Local School Council approval is not applicable to this report.

FINANCIAL:

Fund 230 Facility Operations & Maintenance, Unit 11880
\$20,000,000, FY24
\$40,000,000, FY25
\$40,000,000, FY26
\$40,000,000, FY27
\$20,000,000, FY28

Not to exceed \$160,000,000 for the renewal term. Future year funding is contingent upon budget appropriation and approval.

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:



PATRICIA HERNANDEZ
Acting Chief Procurement Officer

Approved:



PEDRO MARTINEZ
Chief Executive Officer

Approved as to Legal Form: 



JOSEPH T. MORIARTY
General Counsel