

AMEND BOARD REPORT 01-0523-PR18
RATIFY AN AGREEMENT WITH CANDLE CORPORATION FOR
SOFTWARE LICENSE AND MAINTENANCE AGREEMENT

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Ratify a software license agreement with Candle Corporation (Candle) for software products required for the IBM Mainframe to be used by the Office of Technology Services at a cost not to exceed \$182,016.00. A written license agreement for such software products is available for signature. Software upgrades and fixes will be provided for an annual maintenance fee included in the contract price. No payment shall be made to software Licensor prior to the execution of the written license agreement. The authority granted herein shall automatically rescind in the event a written agreement is not executed within ninety (90) days of the date of this amended Board Report. Information pertinent to this agreement is stated below.

This amendment is necessary to delete the early termination right, to revise the compensation, and change the fiscal year.

SPECIFICATION NO.: 00-250817

SOFTWARE LICENSOR: Candle Corporation
 2001 Spring Road
 Oakbrook, Illinois 60521
 Contact: William Bjork
 Telephone No. (630) 472-8429
 Vendor No. 14409

USER: Office of Technology Services
 125 South Clark Street, 3rd Floor
 Chicago, Illinois 60603
 Contact: Elaine L. Williams, Chief Technology Officer
 Arlene Love, Deputy Chief Technology Officer -- Operations
 Telephone No. (773) 553-1300

TERM: The software license and maintenance agreement between Candle and the Board will have a 42-month term beginning on September 01, 2000 and ending on April 30, 2004.

~~**EARLY TERMINATION RIGHT:** The Board may terminate this agreement with thirty (30) days written notice.~~

USE OF SOFTWARE: Candle will provide a license for the Board to use the software products listed below on the IBM mainframe computers. Candle will also provide maintenance on these licensed software products. Maintenance consists of program corrections and upgrades that Candle may develop during the term of the agreement.

DELIVERABLES: Candle will deliver the software, program corrections, and enhancements developed during the term of the agreement on magnetic tape, CD or via downloadable file transfer protocol (FTP).

Omegamon II for MVS: This product provides real-time performance monitoring for the operating system of IBM OS/390 mainframe environment.

Omegamon II for CICS: This product monitors the CICS regions and provides performance analysis (e.g. impact, bottleneck and response time) of the system.

Omegamon II for DB2: This product monitors the performance of the DB2 applications and subsystems in real-time. The product also collects performance information such as trace facility, buffer pool, and lock conflicts.

Omegamon II for VTAM (TCP/IP): This product provides better management of critical resources and uses resources more efficiently.

Omegamon II for the Enterprise: This product identifies and resolves problems faster for fewer outages or slowdowns.

Omegamon II for SMS: This product manages the performance and availability of mainframe-attached storage (DASD, RAID, Tape) and the files (datasets) that reside on them.

OUTCOME: These products and services will provide the Board the ability to continue with their current environment and manage their resources more efficiently. System problems are identified and resolved faster resulting in fewer outages or slowdowns and increases availability by alerting users to problems.

COMPENSATION: Vendor shall be paid during this period as follows: upon invoicing, ~~\$89,216.00~~; ~~\$135,616.00~~ representing ~~\$73,400.00~~ in past due invoices and ~~\$62,216.00~~ for fees through April 30, 2003 ~~\$46,400.00 on April 30, 2002~~ and \$46,400.00 on April 30, 2003; not to exceed the sum of \$182,016.00 for the three (3) year term.

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written agreement. Authorize the President and Secretary to execute the agreement. Authorize the Chief Technology Officer to execute all ancillary documents required to administer or effectuate this agreement.

AFFIRMATIVE ACTION: Vendor agrees to comply with and be bound by the provisions of the Revised Remedial Plan for Minority and Women Business Enterprise Economic Participation (M/WBE Plan).

LSC REVIEW: Local School Council approval is not applicable to this report.

FINANCIAL: Charge to the Office of Technology Services: \$182,016.00

Budget Classifications:	0960-210-000-1116-5470	\$89,216.00	\$87,896.00	FY01 #5022075
	0960-210-000-1110-5470	\$46,400.00		FY01 #5022083
	0960-210-000-1116-5470	\$1,320.00		FY02
	0960-210-000-1116-5470	\$46,400.00		FY02 FY03

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.

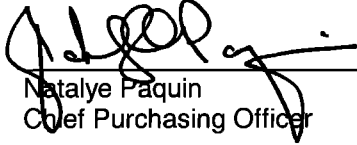
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their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

Indebtedness – The Board's Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the 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 the agreement.

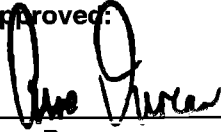
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:



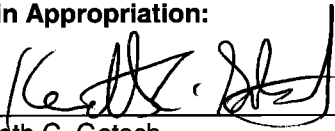
Natalye Paquin
Chief Purchasing Officer

Approved:



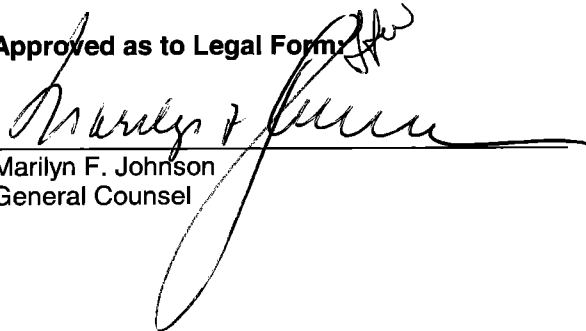
Arne Duncan
Chief Executive Officer

Within Appropriation:



Kenneth C. Gotsch
Chief Fiscal Officer

Approved as to Legal Form:



Marilyn F. Johnson
General Counsel