

**APPROVE ENTERING INTO AN AGREEMENT WITH REITH-RILEY CONSTRUCTION CO., INC.
FOR ASPHALT AND CONCRETE SERVICES**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an agreement with Reith-Riley Construction Co., Inc. to provide asphalt and concrete services to the Department of Operations at a cost not to exceed \$5,097,792.00. Vendor was selected pursuant to a duly advertised Bid Solicitation (Specification 01-250327). A written agreement for Vendor's services is available for signature. No payment shall be made to Vendor prior to the execution of the written agreement. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 90 days of the date of this Board Report. Information pertinent to this agreement is stated below.

SPECIFICATION NO.: 01-2500327

VENDOR: Reith-Riley Construction Co., Inc.
3626 Elkhart Road
Goshen, IN 46527
W. Douglass Robinson
(219) 977-0722
Vendor #31402

USER: Department of Operations
125 South Clark-16th Floor
Chicago, IL 60603
Chris Bushell
(773) 553-3227

TERM: The term of this agreement shall commence June 1, 2002 and shall end May 31, 2003. This agreement shall have two (2) options to renew for periods of twelve (12) months each.

SCOPE OF SERVICES: Vendor shall provide asphalt and concrete services for the Board of Education for various schools in Regions 5 and 6.

COMPENSATION: Reith-Riley Construction Co., Inc. shall be paid on a per project basis in accordance with the unit prices indicated in the written contract. Total contract amount shall not exceed \$5,097,792.00.

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.

AFFIRMATIVE ACTION: The M/WBE goals for this contract include:

26% total MBE, 16% total African American, 7.5% total Hispanic, 2% total Asian and 5% total WBE

However, the Waiver Review Committee recommends that a partial waiver of the participation goals for this contract as required by the Revised Remedial Plan for Minority and Women Business Enterprise Contract Participation (M/WBE Plan) be waived because the waiver request is fair and reasonable due to the scope of the contract.

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

Total MBE% - 27.2%

Total African American – 16.3%
 Benchmark Corporation – 12.3%
 3349 S. Kedzie Ave.
 Chicago, IL 60623
 \$ 627,028 certified until 03/31/07

Harmon's Motor Service – 3.9%
 4542-52 W. Carroll Ave.
 Chicago, IL 60624
 \$198,813 certified until 03/31/07

Total Hispanic – 10.9%
 Gonzales Construction Co.
 3725 Maplewood Ave.
 Chicago, IL 60632
 \$ 555,659 certified until 04/30/07

Total Asian – 0%

Total WBE – 8.1%
 Ogden Ave. Materials
 931 N. Ogden Ave.
 Chicago, IL 60622
 \$ 412,921 certified until 06/30/06

The city of Chicago Department of Procurement Services certifies each identified firm. The identified firms are subject to change upon approval from the Procurement and Contract's Division of Compliance and Vendor Services without further Board approval.

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

FINANCIAL: Charge to Operation: \$5,097,792.00
 Budget Classification: FY03
 Fiscal Year: FY03
 Source of Funds:

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 member 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).

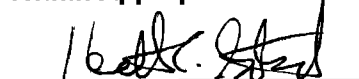
Approved for Consideration:


Anita Rocha
Acting Chief Purchasing Officer

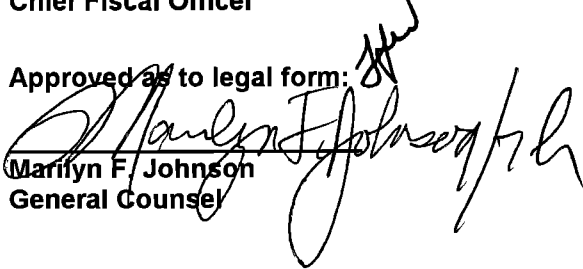
Approved:


Arne Duncan *by P.A.D.*
Chief Executive Officer

Within Appropriation:


Kenneth C. Gotsch
Chief Fiscal Officer

Approved as to legal form:


Marilyn F. Johnson
General Counsel