

AMEND BOARD REPORT 03-1217-PR03
AMEND BOARD REPORT 02-0522-PR06
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

This amended Board Report is necessary to ratify the extension of the term of the agreement at no additional cost to the Board. No further payment shall be made to vendor prior to execution of the written amendment. The authority granted herein shall automatically rescind in the event a written amendment is not executed within 60 days of this amended Board Report.

This second amended Board Report is necessary to the extension of the term of the agreement at no additional cost to the Board. No further payment shall be made to vendor prior to execution of the written amendment. The authority granted herein shall automatically rescind in the event a written amendment is not executed within 60 days of this amended Board Report.

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, 2004~~ May 31, 2005. This agreement shall have two (2) options to renew for periods of twelve (12) months each. The extension of this agreement through May 31, 2004 constitutes the Board's exercising of its first option to extend the agreement. The second extension of this agreement through May 31, 2005 constitutes the Board's exercising of its second option to extend the agreement. There are no option periods remaining.

SCOPE OF SERVICES: Vendor shall provide asphalt and concrete services for the Board of Education for various schools in Regions 4, 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 and the extension agreement. Authorize the President and Secretary to execute the agreement and the extension 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 vendor demonstrated good faith efforts.

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

\$ 628,410

certified until 03/31/07

Harmon's Motor Service – 3.9%

4542-52 W. Carroll Ave.

Chicago, IL 60624

\$199,896

certified until 03/31/07

Total Hispanic – 10.9%

Gonzales Construction Co.

3725 Maplewood Ave.

Chicago, IL 60632

\$ 555,640

certified until 04/30/07

Total WBE – 8.1%

Ogden Ave. Materials

931 N. Ogden Ave.

Chicago, IL 60622

\$ 412,625

certified until 06/30/06

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

FINANCIAL: Charge to Operation: \$5,097,792.00
Budget Classification: various units-410-000-9320-5400
Fiscal Year: FY04
Source of Funds: Capital Funding

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.

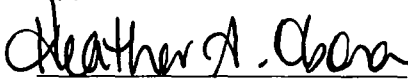
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board member during the one year period following expiration or other termination of their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



**Heather A. Obora
Chief Purchasing Officer**

Approved:



**Arne Duncan
Chief Executive Officer**

Within Appropriation:


**John Maiorca
Chief Financial Officer**

Approved as to legal form:


**Ruth Moscovitch
General Counsel**