

**APPROVE ENTERING INTO AN AGREEMENT WITH AN EXECUTIVE DECISION
FOR THE PURCHASE OF BACKPACKS**

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an agreement with An Executive Decision for the purchase of Mesh Backpacks, Clear Backpacks, and Clear Backpacks with Wheels/Handle/Shoulder Straps for Chicago Public Schools at a cost not to exceed \$682,800.00. Vendor was selected on a competitive basis pursuant to a duly advertised Bid Solicitation (Specification No. 03-250275). A written agreement for this purchase is available for signature. No goods may be received and 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 60 days of the date of this Board Report. Information pertinent to this agreement is stated below.

Specification # 03-250275

VENDOR: An Executive Decision
1510 West Wolfram
Chicago, IL 60657
773-281-2870
Contact Person: Kathy Tuite
Vendor #35213

USER: Department of Procurement and Contracts
125 South Clark, 10th Floor
Gilbert Rabin
773-553-2297

TERM: The term of the agreement shall commence on April 1, 2004 and end March 31, 2006. The agreement shall have two (2) options to renew for periods of one (1) year each.

EARLY TERMINATION RIGHT: The Board shall have the right to terminate the agreement upon 30 days notice to vendor.

DESCRIPTION OF PURCHASE:

Goods: Mesh Backpacks, Clear Backpacks and Clear Backpacks with Wheels/Handle/ Shoulder Straps.
Quantity: Mesh Backpacks:20,000, Clear Backpacks:40,000, Clear Backpacks with Wheels/Handle/Straps:20,000
Unit Price: Mesh Backpacks ;\$7.88 each, Clear:\$6.27 each, Clear with Wheels/Handle/Shoulder Straps; \$13.72 each
Delivery: Pricing includes FOB inside delivery to each school.

COMPENSATION: Total compensation to Vendor shall not exceed \$682,800.00 for a 2 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 Purchasing Officer to execute all ancillary documents required to administer or effectuate this agreement.

AFFIRMATIVE ACTION: The M/WBE goals for this contract include; 26% MBE and 5% total WBE. However, the Waiver Review Committee recommends that a partial waiver of the M/WBE participation goals for this contract as required by the Revised Remedial Plan be granted because the contact is not further divisible.

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

Total MBE 16%	
R.L. Business	\$109,120.00 or 16%
430 S. 24th Street	
Bellwood, IL	certified until May31, 2006

Total WBE 84%

An Executive Decision \$572,880.00 or 84%
1510 West Wolfram
Chicago, IL 60657 certified until November 30, 2007.

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

FINANCIAL: Charge to: various school units:\$682,800.00 Fiscal Year: 2004-05
Budget Classification: various school units 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 members during the one year period following expiration or other termination of their terms of office.

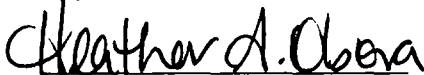
Indebtedness – The Board’s Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the agreement.

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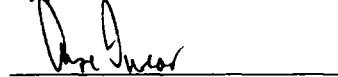
Ethics – The Board’s Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

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 Malorca
Chief Fiscal Officer

Approved as to legal form:


Ruth Moscovitch
General Counsel