

APPROVE ENTERING INTO AN AGREEMENT WITH NETWORK EXECUTIVE SOFTWARE, INC. FOR THE PURCHASE OF SOFTWARE LICENSES AND MAINTENANCE SERVICES

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an agreement with Network Executive Software, Inc. (NESi) to provide software licensing and maintenance services to the Office of Technology Services at a cost not to exceed \$27,468.00. Vendor was selected on a non-competitive basis because this software is proprietary to NESi. 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 Board Report. Information pertinent to this agreement is stated below.

SPECIFICATION No.: 04-250059

SOFTWARE LICENSOR: Network Executive Software, Inc.
6420 Sycamore Lane, Suite 300
Maple Grove, MN 55369
Contact: Patti Gandsey
Telephone No.: (763) 694-4300
Vendor No.: 30976

USER: Office of Technology Services
125 South Clark Street, 3rd Floor
Chicago, Illinois 60603
Contact: Robert Runcie, Chief Information Officer
De Lois Mix, Data Center Manager
Telephone No.: (773) 553-1300

TERM: The term of this agreement shall commence July 1, 2004 and shall end June 30, 2005.

USE OF SOFTWARE: The various NESi software products are used to transfer data between the IBM Mainframe, UNISYS and NSC Data Exchange (hyper-channel).

OUTCOMES: This software will allow different computers or workstations using different operating systems to communicate with each other.

LICENSE FEE: Nesi shall be paid as follows: one lump sum upon full execution of the agreement not to exceed the amount of \$27,468.00.

MAINTENANCE FEE: The maintenance fee for the term of this agreement is included in the licensing fees stated above.

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

AFFIRMATIVE ACTION: Pursuant to Section 3.7 of the Revised Remedial Plan for Minority and Women Business Enterprise Contract Participation (M/WBE Plan) this contract is exempt from review because the contract is a unique transaction.

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

FINANCIAL: Charge to Office Technology Services for License and Maintenance fee: \$27,468.00.
Budget Classification: 0960-210-000-1116-5311 FY 05

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.

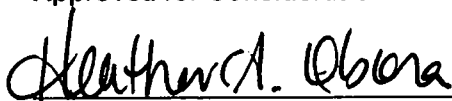
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one-year period following expiration or other termination of their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

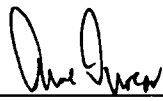
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:



Heather A. Obora
Chief Purchasing Officer

Approved:



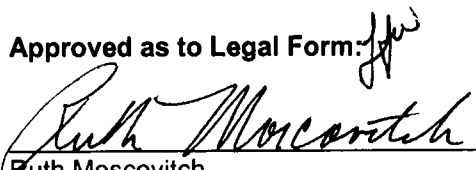
Arne Duncan
Chief Executive Officer

Within Appropriation:



John Maiorca
Chief Financial Officer

Approved as to Legal Form:



Ruth Moscovitch
General Counsel