

June 28, 2006

APPROVE ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF CHICAGO RELATING TO THE USE OF OPTICAL FIBERS

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an Intergovernmental Agreement with the City of Chicago (City) to use optical fibers (Fibers) pursuant to a right to use agreement between the City and Commonwealth Edison Company (ComEd). The Fibers may be used for local governmental data, voice, video and wireless purposes including but not necessarily limited to security monitoring devices. A written agreement is currently being negotiated. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 120 days of the date of this Board Report. Information pertinent to this agreement is stated below.

AGENCY: Chief Information Officer
City of Chicago
Department of Business and Information Services
Daley Center, Room 2700
50 West Washington Street
Chicago, Illinois 60602
Phone: (312) 744-5844
Fax: (312) 744-9004

USER: Office of Technology Services
125 S. Clark Street
Chicago, Illinois 60603
Robert Runcie, Chief Information Officer
Phone: (773) 553-1300

PURPOSE: ComEd has agreed to provide City with access to four fibers in existing ComEd wiring vaults. City will utilize the four fibers to interconnect with other fiber or equipment controlled or owned by City to create or expand City's municipal network. This intergovernmental agreement allows the Board access to the fibers under the terms of the City's right to use agreement with ComEd.

TERM: The Term of the Intergovernmental Agreement shall commence on the date that is fully executed and shall expire one hundred and twenty (120) months from the date thereof. The City and the Board may agree in writing to extend the Term of this Intergovernmental Agreement for up to two (2) additional periods, each such period not to exceed ten (10) years. Either the City or the Board may terminate this Intergovernmental Agreement by ninety (90) days advance written notice to the other party.

RESPONSIBILITIES OF PARTIES: ComEd shall maintain the operability of the Fibers. All maintenance shall be coordinated through ComEd. City shall assist ComEd and be responsible for coordinating such maintenance with the Board to include access to buildings. The Board will be responsible for all costs relating to ownership, installation, maintenance and repair regarding Board's portion of the Fiber.

COMPENSATION: ComEd grants and conveys to the City the right to use of the Fibers at no charge for the term of this agreement. This intergovernmental agreement allows the Board the same right to use of the Fibers at no charge, subject to the costs set out above.

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written agreement including any indemnities to be provided to the City by the Board. Authorize the President and Secretary to execute the agreement. Authorize the Chief Information Officer to execute all ancillary documents required to administer or effectuate this agreement.

AFFIRMATIVE ACTION: Exempt

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

FINANCIAL: None

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).

Within Appropriation:



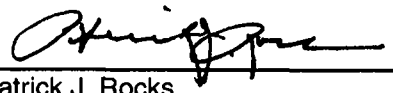
John Maiorca
Chief Financial Officer

Approved:



Arne Duncan
Chief Executive Officer

Approved as to Legal Form:



Patrick J. Rocks
General Counsel