

APPROVE ENTERING INTO AN AGREEMENT WITH C AND M JV1 COMPANY, LTD FOR MILK SUPPLY AND DELIVERY SERVICES

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into an agreement with C & M JV1 Company, Ltd to provide milk supply and delivery services to Chicago Public Schools at a total cost not to exceed \$15,266,320.05. Vendor was selected on a competitive basis pursuant to duly advertised Bid Solicitation (Specification No. 08-250015). A written agreement for Vendor's services is currently available for signature. No services shall be provided by Vendor 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 90 days of the date of this Board Report. Information pertinent to this agreement is stated below.

VENDOR:

1)
C & M Jv1 Company, Ltd.
16408 S. Pulaski Road
Markham, Il 60426
Christine Stajazczak
708-596-3436
Vendor # 39550

USER:

Facility Operations & Maintenance
125 South Clark Street 16th Floor
Chicago, IL 60603
Louise Esaian
773-553-2830

TERM:

The term of this agreement shall commence on September 1, 2008 and shall end June 13, 2009. This agreement shall have four (4) options to extend for periods of one (1) year each.

EARLY TERMINATION RIGHT:

The Board shall have the right to terminate this agreement with 30 days written notice.

SCOPE OF SERVICES:

Vendor shall supply and deliver milk to Chicago Public Schools.

DELIVERABLES:

Vendor will supply and deliver milk.

OUTCOMES:

Vendor's services will result in the delivery of quality milk products for the Chicago Public Schools.

COMPENSATION:

Vendor shall be paid in accordance with the rates set forth in the written agreement; total cost not to exceed \$15,266,320.05.

REIMBURSABLE EXPENSES:

None.

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 Chief Operating Officer to execute all ancillary documents required to administer or effectuate this agreement.

AFFIRMATIVE ACTION:

The M/WBE goals for this contract include: 30% MBE and 7% WBE. However the Waiver Review Committee recommends that a partial waiver of the MBE participation goals for this contract as required by the Remedial Program be granted because the vendor has demonstrated good faith efforts.

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

Total MBE - .7787%

Merchandise Distributors, Inc. AA - .0096%
4141 N. Rockwell
Chicago, IL 60618

Petromex -H .6409%
14702 S. Hamlin
Markham, IL 60426

Chico & Nunes - H .1282%
333 W. Wacker Drive #1800
Chicago, IL 60606

Total WBE 52%

C & C Dairy, Inc. - 26%
16408 S. Pulaski Rd
Markham, IL 60453

McMahon Food Corp - 26%
2110 S. Marshall Blvd
Chicago, IL 60623

LSC REVIEW:

Local School Council approval is not applicable to this report.

FINANCIAL:

Charge to Food Services: Estimated Total Cost \$15,266,320.05 Fiscal Year: FY09
Source of Funds: Lunchroom Funds

12050-312-53205-256009-000000-2009 \$15,266,320.05

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 June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics - The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), 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:



PEDRO MARTINEZ
Chief Financial Officer

Approved as to Legal Form:



PATRICK J. ROCKS
General Counsel