

AMEND BOARD REPORT 08-0625-PR4
APPROVE ENTERING INTO AGREEMENTS WITH VARIOUS VENDORS AND LEASING AGENTS
FOR THE PURCHASE AND LEASE OF DESKTOP AND LAPTOP COMPUTERS AND ASSOCIATED
SERVICES

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into agreements with various vendors and leasing agents for the purchase and lease of desktop and laptop computers and associated services for all schools, including charter schools, area instructional offices, and departments, at a cost not to exceed \$60,000,000.00. The vendors were selected on a competitive basis pursuant to a request for proposal in accordance with Board rule 5-4-1. These agreements are subject to the Board's Strategic Sourcing Policy. Written agreements are currently being negotiated. No goods may be ordered or received, and no payment shall be made to any vendor prior to the execution of such vendor's written agreement. The authority granted herein shall automatically rescind as to each vendor in the event a written agreement is not executed by such vendor within 90 days of the date of this Board Report. Information pertinent to these agreements is stated below.

This December 2009 amendment is necessary to renew authority so that the Board may enter into a new contract with IBM Global Finance ("IGF") for leasing services. The Board shall use IGF as a leasing agent for Apple Computer, Inc. ("Apple") and Lenovo (United States) Inc. ("Lenovo"). This amended Board Report shall also provide authority for payments past the expiration date of the agreements pursuant to lease schedules that are signed during the term of the agreement. Written amendments to the Apple and Lenovo agreements are required. The authority granted herein shall automatically rescind as to each vendor in the event a written agreement is not executed within 90 days of the date of this Board Report. Information pertinent to these agreements is stated below.

Specification No.: 07-250047

Commodity Manager Craig Holloway 773-553-2903

Hardware Vendor:

Leasing Agent:

- | | |
|--|---|
| <p>1. Apple Computer, Inc.
1 Infinite Loop
Cupertino, CA 95014
(312) 902-7406
Contact Person: Barbara Huffman
Vendor No.: 23266</p> | <p>2. IBM Global Finance
71 S. Wacker Drive, 7th floor
Chicago, IL 60606
(312) 529-3742
Contact Person: John Henderson
Vendor No.: 13388</p> |
| <p>3. Dell Marketing, LLP
One Dell Way
MS Box 8707
Round Rock, TX 78682
(512) 728-2353
Contact Person: J.C. Madrigal
Vendor No.: 44646</p> | <p>4. Dell Financial Services
12234 N. IH35BLDG. B
Austin, TX 78753
(615) 871-9439
Contact Person: Alissa Sirianni
Vendor No.: 14600</p> |
| <p>5. Lenovo (United States) Inc.
913 South I-Oka Ave.
Mt. Prospect, IL 60056
(847) 814-3382
Contact Person: Sam Mekky
Vendor No.: 67039</p> | <p>6. IBM Global Finance
71 S. Wacker Drive, 7th floor
Chicago, IL 60606
(312) 529-3742
Contact Person: John Henderson
Vendor No.: 13388</p> |

USER: All schools, area instructional offices, and central office departments

c/o Office of Procurement and Contracts

125 S. Clark St., 10th Floor

Chicago, IL 60603

TERM: The term of each agreement is for three years, commencing July 1, 2008 and ending June 30, 2011. The Board shall have the right to extend each agreement for two (2) one-year periods.

SCOPE OF SERVICES: Vendors will provide desktop and laptop computers and associated installation, configuration, extended warranty, and maintenance services. Schools, area instructional offices, and central office departments may purchase equipment and services at their option via requisition to the Office of Procurement and Contracts, which will mail a purchase order to the vendor. Schools, area instructional offices, and central office departments may lease equipment at their option via the TECH|XL program, by contacting the 3-EXCL Service Desk. School purchases that exceed \$24,999 must be approved by the area instructional officer. Within central office, the respective chief officer must approve purchases over \$25,000.

Charter schools may purchase equipment and services at their option pursuant to the terms and conditions of this agreement by issuing their own purchase order(s) to vendors. The Board shall not be liable for the failure of any Charter School to pay any invoices, costs, charges, and/or fees billed by vendors to the Charter School. The Charter School will solicit product information and acquire equipment and services directly from vendors. The Charter School shall be responsible for the payment of all invoices, costs, charges, and fees billed by vendors to the Charter School.

DELIVERABLES: Vendors will provide desktop and laptop computers, and associated installation, configuration, extended warranty, and maintenance services.

PRICES: The prices for the purchase and/or leasing of the equipment shall be in accordance with the price lists included in each vendor's agreement.

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written agreements, including any indemnities by the Board. Authorize the President and Secretary to execute the agreements. Authorize the Chief Purchasing Officer and Chief Information Officer or their designee to execute leasing schedules, acceptance certificates, and all ancillary documents required to administer or effectuate these agreements.

AFFIRMATIVE ACTION: Pursuant to Section 6.2 of the Remedial Plan for Minority and Women Business Enterprise Contract Participation (M/WBE Plan), the Per Contract and Category Goals method for M/WBE participation will be utilized. Aggregated compliance of the vendors in the pool will be reported on a monthly basis. The M/WBE participation goals for this contract include: 15% total MBE and 10% total WBE. The following lists of vendors have been identified and are scheduled to provide the M/WBE participation that was approved by the Board's Office of Business Diversity.

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

FINANCIAL: Charge to various schools and departments

Fiscal Years: 2009-2010

Budget Classification: 53405-Supplies
55005-Equipment
56105-Services/Repair Contracts
54105-Contractual Services

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.

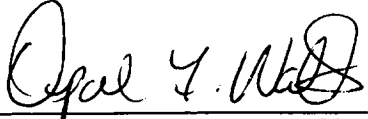
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board member during the one year period following expiration or other termination of their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

Indebtedness – The Board's Indebtedness Policy adopted 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-P04), 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:




Opal L. Walls Heather A. Obara
Chief Purchasing Officer

Approved:



Ron Huberman Arne Duncan
Chief Executive Officer

Within Appropriation:



Christina Herzog Pedro Martinez
Acting Chief Financial Officer

Approved as to Legal Form: *DLR*



Patrick J. Rocks
General Counsel