07-0627-PR39

APPROVE EXERCISING AND COMBINING THE FIRST AND SECOND OPTIONS TO RENEW THE AGREEMENT WITH ACT, INC. FOR THE PURCHASE OF TEST MATERIALS AND RELATED SERVICES

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve exercising and combining the first and second options to renew the agreement with ACT, Inc. for the purchase of test materials and related services for the Office of Research, Evaluation and Accountability at a cost for the combined option period not to exceed \$2,745,550.00 in the aggregate. A written document exercising these options is currently being negotiated. No payment shall be made to Provider during the renewal period prior to the execution of the written renewal document. The authority granted herein shall automatically rescind in the event a written renewal document is not executed within 90 days of the date of this Board Report. Information pertinent to this renewal document is stated below.

VENDOR: ACT, Inc.

2201 North Dodge Street Iowa City, IA 52243

Telephone No. (847) 634-2560

Contact: Jim Morris Vendor # 46875

USER: Office of Research, Evaluation and Accountability

125 South Clark Street, 11th Floor

Chicago, IL 60603

Daniel Bugler, (773) 553-2324

ORIGINAL AGREEMENT: The original Agreement (authorized by Board Report (06-0628-PR39) in the amount of \$1,213,950.00 is for a term commencing September 1, 2006 and ending June 30, 2007 with the Board having three options to renew, each for a one year period. The original agreement was awarded on a non-competitive basis based on Provider's ability to deliver an educational planning and assessment system.

OPTION PERIOD: The parties wish to combine the first two options to renew and execute a renewal document that extends the term of this agreement for an additional two years commencing July 1, 2007 and ending June 30, 2009.

OPTION PERIODS REMAINING: There is one (1) option period for one year remaining.

DESCRIPTION OF PURCHASE:

- ➢ Goods: Educational and Assessment System consisting of Provider's PLAN and EXPLORE test materials for grades 8, 9, 10, and 11.
- > Quantity: as indicated in the renewal document
- > Unit Price: as indicated in the renewal document

DESCRIPTION OF SERVICES: Services to be provided by ACT during this renewal term include the following: (i) Program Management; (ii) Test Production; Distribution, Retrieval, Scanning and Scoring; (iii) Test Booklet and Pre-ID Student Label Production and Manufacturing; (iv) Pre-gridding; (v) Professional Development; (vi) Production and Distribution of Manuals; (vii) Custom Reporting Services; (viii) Consulting Services; and (ix) Administrative Activities.

OUTCOMES: The educational and assessment system furnished by ACT during this renewal term will continue to provide a longitudinal, systematic approach to educational and career planning, assessment, instructional support, and evaluation. Academic progress will be monitored to ensure that each student is prepared to reach his/her post-high school goals. In addition, the academic information monitoring service furnished by ACT during this renewal term will provide teachers and administrators with a comprehensive analysis of their students' academic growth between grade levels.

COMPENSATION: Provider will be paid as detailed in the renewal document, with compensation not to exceed \$2,745,550.00 in the aggregate for the 2-year renewal term.

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written renewal document. Authorize the President and Secretary to execute the renewal document. Authorize the Chief of the Office of Research, Evaluation and Accountability to execute all ancillary documents required to administer or effectuate this renewal document.

AFFIRMATIVE ACTION: Pursuant to section 5.2 of the Revised Remedial Plan for Minority and Women Business Enterprise Contract Participation (M/WBE Plan) this contract is exempt from review because the vendor is a not-for-profit organization.

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

FINANCIAL: Charge to: Citywide Research Accountability: \$1,364,820.00 Fiscal Year: 2007

\$1,380,730,00 Fiscal Year 2008

Budget Classification: 11290-332-53305-223012-430056

11290-115-53305-223012-000000

Source of Funds: NCLB Title I Regular Fund and General Ed Fund

Fiscal 2007 funds have been encumbered in requisitions 5538043 and 5553927

GENERAL CONDITIONS:

Inspector General – Each party to the renewal document shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the 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 renewal document 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, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the renewal document.

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 renewal document.

Contingent Liability – The renewal document 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

Within Appropriation:

Jøhn Maiorca

Chief Financial Officer

Approved:

Arne Duncan

Chief Executive Officer

Approved as to legal form: ⟨ \→

Patrick J. Rocks

General Counsel