11-0323-PR7 March 23, 2011

# APPROVE EXERCISING THE FIRST OPTION TO RENEW THE PRE-QUALIFICATION STATUS OF CONTRACTORS TO PROVIDE MECHANICAL CONTRACTING SERVICES FOR THE BOARD OF EDUCATION

# THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve exercising the first option to renew the pre-qualification status and agreements various contractors to provide mechanical contracting services to the Board of Education at a cost for the option period not to exceed \$100,000,000 in the aggregate. Written documents exercising these options are currently being negotiated. No payment shall be made to any vendor during the option period prior to the execution of the written document. The authority granted herein shall automatically rescind as to each vendor in the event their written document is not executed within 120 days of the date of this Board Report. Information pertinent to this option is stated below.

Specification Number: 07-250050

Contract Administrator: Patricia Hernandez / 773-553-2256

# USER:

Facility Operations & Maintenance 125 South Clark Street 16th Floor Chicago, IL 60603

Contact: Patricia L. Taylor Phone: 773-553-2900

# **ORIGINAL AGREEMENT:**

The original Agreements (authorized by Board Report 08-0326-PR4) were for a term commencing April 1, 2008 and ending March 31, 2011, with the Board having two options to renew each master agreement for a one year period. The original agreements were awarded on a competitive basis pursuant to Board Rule 7-2.

### **OPTION PERIOD:**

The term of each agreement is being extended for one year commencing April 1, 2011 and ending March 31, 2012.

#### **OPTION PERIODS REMAINING:**

There is one option period for one of year remaining.

# **SCOPE OF SERVICES:**

Contractors will continue to provide the following services:

Performing mechanical construction services as defined by the Scope of Services identified in the Request for Qualification in compliance with all applicable laws, rules, codes and regulations.

Procuring of all permits, licenses and approvals.

Planning, coordinating, administering and supervising of the Services.

Procuring of all materials, equipments, labor and vendor services required for each awarded project in accordance with the provisions of the Board's Multi-Project Labor Agreement.

Providing required documents for the required insurance and providing the payment and performance bonds required for each awarded project.

Performing change order, corrective services and closeout completion.

Complying with Board directives and policies regarding lead and asbestos-containing surfaces, in addition to other environmental services regarding each awarded project.

Preparing and submitting timely status and progress reports and updating project completion schedules when requested by the Board.

Meeting with Board representatives regularly as required to discuss Services in progress and other matter.

Providing all required M/WBE documentation when responding to a specific bid solicitation Subcontracting services (other than mechanical services as defined in the Scope of Services) for awarded projects.

Managing the services of all subcontractors.

#### COMPENSATION:

Contractors shall be paid during this option period as follows: The sum of payments to all pre-qualified contractors shall not exceed \$100,000,000 in aggregate.

**USE OF THE POOL:** The Board shall solicit sealed bids for each project form the pre-qualified pool and each Contractor will be requested to furnish a lump-sum quotation in response to an invitation to bid for a defined Scope of Services. Each project shall be awarded to the lowest responsive responsible bidder. A notice of award for each project shall be issued by the Chief Purchasing Officer and such award shall be ratified by the Board at the Board meeting immediately following such award.

# **AUTHORIZATION:**

Authorize the General Counsel to include other relevant terms and conditions in the written option documents. Authorize the President and Secretary to execute the option documents. Authorize Chief Operating Officer to execute all ancillary documents required to administer or effectuate the option agreements.

# **AFFIRMATIVE ACTION:**

Pursuant to section 4.1 of the Remedial Program for Minority and Women Business Enterprise Participation (M/WBE Program) in Construction projects, the aspirational goal will be applied to this pool at 25% total MBE and 5% total WBE overall participation. Compliance for subsequent vendors from the pool created by this contract will be subjected to reviews on a contract-by-contract basis.

# LSC REVIEW:

Local School Council approval is not applicable to this report.

# FINANCIAL:

Charge to Operations: \$100,000,000 FY10-11

**Budget Classification: Various Capital Fund** 

Source of Funds: Capital Funds

CFDA#: Not Applicable

## **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).

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Approved for Consideration:

OPAL L. WALLS
Chief Purchasing Officer

Within Appropriation:

DIANAS. FERGUSON Chief Financial Officer Approved:

TERRY MAZANY

Chief Executive Officer

Approved as to Legal Form

PATRICK J. ROCKS General Counsel 1) Vendor # 24034

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