



# Chicago Park District

## Legislation Details (With Text)

|                       |  |                      |  |
|-----------------------|--|----------------------|--|
| <b>File #:</b>        | 15-2371-0708   | <b>Name:</b>         | Change Order 2 (Aramark) for aquatic maintenance |
| <b>Type:</b>          | Action Item  | <b>Status:</b>       | Passed   |
| <b>File created:</b>  | 6/30/2015  | <b>In control:</b>   | Board of Commissioners                           |
| <b>On agenda:</b>     | 7/8/2015   | <b>Final action:</b> |  |
| <b>Title:</b>         | APPROVAL OF A CONTRACT MODIFICATION FOR \$385,000.00<br>WITH ARAMARK MANAGEMENT SERVICES FOR AQUATIC MAINTENANCE SERVICES<br>SPECIFICATION NO. P-10036 |                      |  |
| <b>Sponsors:</b>      | Cultural and Natural Resources   |                      |  |
| <b>Indexes:</b>       | Change Order   |                      |  |
| <b>Code sections:</b> |  |                      |  |
| <b>Attachments:</b>   |  |                      |  |

| Date     | Ver. | Action By              | Action   | Result |
|----------|------|------------------------|----------|--------|
| 7/8/2015 | 2    | Board of Commissioners | approved | Pass   |

### APPROVAL OF A CONTRACT MODIFICATION FOR \$385,000.00 WITH ARAMARK MANAGEMENT SERVICES FOR AQUATIC MAINTENANCE SERVICES SPECIFICATION NO. P-10036

#### I. Recommendation

Pursuant to Chapter XI, Section C, 4 of the Code of the Chicago Park District, it is recommended that a contract modification be approved affecting the contract with Aramark Management Services for Aquatic Maintenance Services to increase the contractual amount by an additional \$385,000.00. This contract modification shall not be valid until it is in writing and signed by the Chicago Park District and Aramark Management Services.

#### II. Award Information

**Company:** Aramark Management Services, LP  
1101 Market Street  
Philadelphia, Pennsylvania 19107

**Majority Interests:** Aramark Corporation 99%  
Aramark SMMS, LLC 1%

**Contract Term:** Two (2) year initial term which expired on April 12, 2013 and three (3) one (1) year extension options.

**Original Contract Amount:** On April 13, 2011, the Board approved an annual contract amount of \$527,709.40 or \$2,638,047.40 for the two (2) year initial contract term plus three (3) one (1) year extension options.

**Previous Contract Modifications:** On August 3, 2012, the General Superintendent approved Contract Modification no. 1 in the amount of \$85,000 annually which increased the contract amount to \$2,978,047.40

On November 25, 2013, the General Superintendent approved  
Contract Modification no. 2 in the amount of \$98,500.00 annually which increased contract amount to

\$3,273,547.40

**Current Contract**

**Modification:** This third contract modification is a one-time increase in the amount \$385,000.00, which will increase the contract amount to \$3,658,547.00

**Scope of Contract**

**Modification:** Habitat restoration of aquatic natural areas.

**Affirmative**

**Action Goals:** The Minority and Women Owned Business Enterprise participation for this contract include: 25% Minority Owned and 5% Women Owned.

### **III. Budget and Financial Information**

**Budget Classification:** Capital Grants  
**Fiscal Year:** 2015  
**Source of Funds:** 361.8450.0564.627030.EP001.G4.06.57294  
361.8450.0564.627030.NF001.G4.06.57475

### **IV. Procurement Information**

On February 18, 2011, the Department of Purchasing publicly advertised a Request for Proposals (“RFP”) for Aquatic Maintenance Services. Like all Chicago Park District solicitations, this RFP in the General Conditions, Section XXI, Modifications, Substitutions, and Amendments stated in part:

“The Chicago Park District may from time to time request changes in the scope of services to be performed under this contract. Such changes, including any increase or decrease in the amount of the awardee’s compensation, which are mutually agreed upon by and between the Park District and the awardee, shall be incorporated in written amendments to the contract...”

The Board of Commissioners (“Board”) approved Aramark Management Services, LP (“Aramark”) for award on April 13, 2011. Like the General Conditions in the RFP, Section 21 “Modifications, Substitutions, and Amendments” of the contract between the Chicago Park District and Aramark contains the same language that permits modifications, substitutions and amendments.

Chapter XI, Section E, 4 of the Code of the Chicago Park District (“Code”) states that the Board has the power to approve all change orders and contract modifications that exceed \$100,000.00. Therefore, pursuant to the Code, since this request exceeds \$100,000 it is being submitted to the Board for its approval.

### **V. Explanation**

The original contract award was solely based on the annual operating budget to perform maintenance services within the Natural Areas. Subsequent to the award, the Department of Natural Resources has received capital and grant funds for ecological restoration and enhancement of the Park District’s Natural Areas, and would like to utilize these funds for these services, which are included within Aramark’s scope of services, upon request.

The availability of additional funds was uncertain at the time of original contract award, because even though the Department of Natural Resources is continuously seeking additional conservation grant and foundation funding to enhance and restore the Natural Areas beyond what the base maintenance allows it is unknown whether grant funding will be available. This funding will improve aesthetics and support ecological restoration in existing and new Natural Areas.

The additional grant funding will allow for continuity of service within natural areas where restoration and enhancement activities are already occurring. The competitive pricing within Aramark’s contract is a great value to the Park District, allowing us to purchase significantly more plant material and make more enhancements within the natural areas. Further, the existing contract allows us to meet the restoration goals within the timeline of the grant.

The circumstances that necessitated the habitat restoration services were not reasonably foreseeable at the time the contract with Aramark was executed and are germane to the contract. Therefore, it is in the best interest of the CPD to modify the contract with

Aquatic Maintenance Services with Aramark to accommodate the additional habitat restoration services.

**VI. General Conditions**

- 1) *Conflicts*: The Agreement shall not be legally binding on the Chicago Park District if entered into in violation of the provisions of 50 ILCS 105, the Public Officer Prohibited Activities Act.
- 2) *Ethics*: The Chicago Park District's Ethics Code, Chapter III of the Code of the Chicago Park District, shall be incorporated into and made part of the agreement.
- 3) *Contingent Liability*: Any agreement lawfully entered into for a period of more than one year shall be executory only for the amounts for which the Park District may become liable in succeeding fiscal years pursuant to Section 17(i) of the Chicago Park District Act, 70 ILCS 1505/17(i). All agreements authorized herein shall contain a clause that any expenditure beyond the current fiscal year is subject to appropriation in the subsequent fiscal year budget.
- 4) *Economic Disclosure Statement ("EDS")*: Contractor has submitted a full and complete EDS.