



# City of Chicago



O2016-3931

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 5/18/2016

**Sponsor(s):** Emanuel (Mayor)

**Type:** Ordinance

**Title:** Intergovernmental agreement with Public Building Commission regarding demolition of Old Malcolm X College and removal of underground storage tanks

**Committee(s) Assignment:** Committee on Housing and Real Estate

## ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of local government under the 1970 Constitution of the State of Illinois and has the authority to promote the health, safety and welfare of its inhabitants, to furnish essential governmental services through its various departments and agencies and to enter into contractual agreements with units of local government for the purpose of achieving the aforesaid objectives; and

WHEREAS, on March 18, 1956, the City Council of the City (the "City Council") created the Public Building Commission of Chicago (the "Commission"), an Illinois municipal corporation, pursuant to the Public Building Commission Act of the State of Illinois (the "Act") for the purpose of facilitating the funding, acquiring and constructing of public buildings, improvements and facilities for use by local public agencies in the furnishing of essential governmental services; and

WHEREAS, the Commission has heretofore undertaken the acquisition, construction, alteration, repair, renovation, rehabilitation and equipping of buildings and facilities for use by various public bodies including the City, the Board of Education of the City of Chicago, the Chicago Park District, and the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois; and

WHEREAS, the Commission has previously agreed to undertake the demolition and environmental remediation of the old Malcolm X College Campus facilities (the "Project") generally located at 1900 West Van Buren Street, Chicago, Illinois (the "Site"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on December 19, 2015 (the "Ordinance"), on February 29, 2016, the City and the Commission entered into that certain Intergovernmental Agreement between the City of Chicago and the Public Building Commission of Chicago (Malcolm X Campus Project) (the "Agreement") for the Commission to undertake the Project on behalf of the City; and

WHEREAS, pursuant to the Agreement, the City wished to provide the Commission funds in an estimated amount of not to exceed \$10,000,000 (available pursuant to that certain Revolving Line of Credit Agreement dated September 24, 2015 among the City, JPMorgan Chase Bank, Bank of China and BMO Harris Bank) for the Project; and

WHEREAS, pursuant to Section 2.2 of the Agreement, the Commission and the City agreed upon an Undertaking Budget reflecting the total costs required for the Project; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act of the State of Illinois and Section 12.1 of the Agreement, the City has determined that it is necessary, desirable and in the public interest to enter into an amendment to the Agreement in substantially the form attached hereto as Exhibit 1 (the "Amendment"), in order to increase the amount of funds available to the Commission for the Project to \$15,044,225.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

Section 1. The recitals of this ordinance are hereby incorporated into this text as if set out herein in full.

Section 2. The Commissioner of 2FM (the "2FM Commissioner") is hereby authorized to execute, subject to the review of the Corporation Counsel as to form and legality, the Amendment and such other documents as are necessary, between the City and the Commission, which may contain such other terms as are deemed necessary or appropriate by the parties executing the same on the part of the City.

Section 3. The 2FM Commissioner, the Budget Director and their respective designees, are each authorized to execute such additional documents, information, assurances and certifications and to take such additional actions in connection with the Project as may be necessary or required pursuant to the Amendment as contemplated therein.

Section 4. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall be controlling. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 5. This ordinance shall take effect upon its passage and approval.

EXHIBIT 1  
AMENDMENT  
(see attached)

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE CITY OF CHICAGO AND THE PUBLIC BUILDING COMMISSION OF CHICAGO  
(MALCOLM X CAMPUS)

This First Amendment to Intergovernmental Agreement (the "Amendment"), dated as of \_\_\_\_\_, 2016 is made by and between the City of Chicago, an Illinois municipal corporation, having its principal offices at City Hall, 121 North LaSalle Street, Chicago, Illinois 60602 (the "City"), and the Public Building Commission of Chicago, an Illinois municipal corporation, having its offices at the Richard J. Daley Center, Room 200, Chicago, Illinois 60602 (the "Commission").

RECITALS

WHEREAS, the City of Chicago (the "City") is a home rule unit of local government under the 1970 Constitution of the State of Illinois and has the authority to promote the health, safety and welfare of its inhabitants, to furnish essential governmental services through its various departments and agencies and to enter into contractual agreements with units of local government for the purpose of achieving the aforesaid objectives; and

WHEREAS, on March 18, 1956, the City Council of the City (the "City Council") created the Public Building Commission of Chicago (the "Commission"), an Illinois municipal corporation, pursuant to the Public Building Commission Act of the State of Illinois (the "Act") for the purpose of facilitating the funding, acquiring and constructing of public buildings, improvements and facilities for use by local public agencies in the furnishing of essential governmental services; and

WHEREAS, the Commission has heretofore undertaken the acquisition, construction, alteration, repair, renovation, rehabilitation and equipping of buildings and facilities for use by various public bodies including the City, the Board of Education of the City of Chicago (the "Board"), the Chicago Park District, and the Board of Trustees of Community College District No. 508, County of Cook and State of Illinois; and

WHEREAS, the Commission has previously agreed to undertake the demolition and environmental remediation of the old Malcolm X College Campus facilities (the "Project") generally located at 1900 West Van Buren Street, Chicago, Illinois (the "Site"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on December 19, 2015 (the "Ordinance"), on February 29, 2016, the City and the Commission entered into that certain Intergovernmental Agreement between the City of Chicago and the Public Building Commission of Chicago (Malcolm X Campus Project) (the "Agreement") for the Commission to undertake the Project on behalf of the City; and

WHEREAS, pursuant to the Agreement, the City wished to provide the Commission funds in an estimated amount of not to exceed \$10,000,000 (available pursuant to that certain Revolving Line of Credit Agreement dated September 24, 2015 among the City, JPMorgan Chase Bank, Bank of China and BMO Harris Bank) for the Project; and

WHEREAS, pursuant to Section 2.2 of the Agreement, the Commission and the City agreed upon an Undertaking Budget reflecting the total costs required for the Project ; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act of the State of Illinois and Section 12.1 of the Agreement, the City has determined that it is necessary, desirable and in the public interest to enter into this Amendment in order to increase the amount of funds available to the Commission for the Project to \$15,044,225.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

#### SECTION I INCORPORATION OF RECITALS AND DEFINITIONS

The recitations and definitions set forth above constitute an integral part of the Amendment and are hereby incorporated herein by this reference with the same force and effect as if set forth herein as agreements of the parties.

#### SECTION II AMENDMENTS TO AGREEMENT

2.1. The amount of funds available to the Commission for the Project is hereby increased by \$5,044,225, from not to exceed \$10,000,000 to not to exceed \$15,044,225. The source of such funds continues to be those available pursuant to that certain Revolving Line of Credit Agreement dated September 24, 2015 among the City, JPMorgan Chase Bank, Bank of China and BMO Harris Bank.

2.2 Exhibit B to the Agreement is hereby deleted in its entirety and replaced with Amended Exhibit B attached hereto and hereby incorporated herein.

2.3 Except as amended hereby the Agreement remains in full force and effect.



IN WITNESS WHEREOF, the parties hereto have executed or caused this First Amendment to Intergovernmental Agreement between the City of Chicago and the Public Building Commission of Chicago regarding the Malcolm X Campus Project to be executed, all as of the date first written above.

CITY OF CHICAGO

By: \_\_\_\_\_  
Commissioner  
Department of Fleet and Facility Management

PUBLIC BUILDING COMMISSION OF CHICAGO

By: \_\_\_\_\_  
Executive Director

Approved as to form and legality for the Public Building Commission of Chicago:

\_\_\_\_\_  
Neal & Leroy, LLC

AMENDED EXHIBIT B  
AMENDED PROJECT BUDGET  
(MALCOLM X CAMPUS)

(See Attachment)

## Revised Undertaking Budget

Public Building Commission of Chicago - Richard J. Daley Center - 50 West Washington, Room 206 - Chicago, Illinois 60607 - Tel: 312-744-3000 - Fax: 312-744-8625



User Agency: 2FM  
 Project: MXC Demo  
 Address: 1590 W. Van Buren St. Chicago, IL 60612  
 Ward / A/C: 27 / Walter Bennett Jr.

Project Number: 04505  
 Date: 5/4/2016  
 PM: Richard Steyer  
 Funding Source(s): City of Chicago

Cost Codes	GL Code	Group Headings	Revised Undertaking Budget	Comments
<b>I</b>				
Planning				
01 02	513103	Geotechnical Testing - Planning	\$3	
01 03	513118	Environmental Assessment - Planning	\$0	
01 04	521100	Design Architect - Planning	\$0	
01 07	513163	Site Survey / Traffic Studies / LEED Registration	\$0	
01 13	513180	Other Planning Costs	\$3,000	
		Sub-Total	\$3,000	
<b>II</b>				
Land Acquisition & Site Control				
02 01	513200	Legal Fees - Acquisition	\$0	
02 06	522100	Land Amortization	\$0	
02 07	522300	Relocation Costs	\$0	
02 09	524800	Abatement Demo Fencing Signage & Property Management	\$5,370,224	
02 11	523700	Utility Service & Relocation Costs	\$30,000	
02 13	522150	Other Land Acquisition Costs	\$0	
		Sub-Total	\$5,406,224	
<b>III</b>				
Environmental and Site Preparation				
03 01	613100	Environmental Testing / Consulting & Advt Research (after UT)	\$20,000	
03 03	525000	Environmental Remediation & Site Preparation	\$0	
03 06	523000	Site Prep Contract Contingency	\$0	
03 09	523400	Site Prep Allowance	\$0	
03 13	523900	Other Environmental & Site Prep Costs	\$40,000	
		Sub-Total	\$70,000	
<b>IV</b>				
Design				
04 01	521105	Design Architect Fees	\$0	
04 02	521100	AOR Base Fees & Reimbursables	\$0	
04 10	513400	Commissioning Agent	\$0	
04 11	613700	Permitting Costs	\$3,000	
04 13	513900	Other Design Related Costs	\$0	
		Sub-Total	\$3,000	
<b>V</b>				
Project Implementation				
05 01	513142	Project Management Costs	\$476,000	
05 04	518700	Pre-Bid Advertising & Document Reproduction	\$0	
05 05	518600	Community Outreach	\$0	
05 07	513104	Alternative Action Consulting	\$0	
05 09	511300	PBC Administration	\$382,000	
05 12	512202	Legal Fees - Project Implementation	\$60,000	
05 13	513400	Other Project Implementation Costs	\$75,000	
		Sub-Total	\$965,000	
<b>VI</b>				
Construction				
06 01	513136	Testing and Inspection	\$50,000	
06 04	524500	General Construction	\$7,325,000	
06 05	524550	General Construction Allowances	\$0	
06 06	521100	General Construction Contract Contingency	\$0	
06 07	513105	IT Systems	\$0	
06 08	520000	FF&E - Furnishings	\$0	
06 09	519100	Public Artwork Program	\$0	
06 13	513500	Other Project Construction Costs	\$0	
		Sub-Total	\$7,375,000	
<b>VII</b>				
Contingency				
07 01	591000	Project Contingency	\$1,222,000	
		Sub-Total	\$1,222,000	
		<b>TOTAL PBC BUDGET</b>	<b>\$11,644,224</b>	
<b>IX</b>				
User Agency Budget				
09 02	N/A	IT (Costs for IT, Computer Systems, Telecom)	\$0	
09 01	N/A	Client Art (Art that will be provided by the User Agency)	\$0	
09 05	N/A	Fixtures, Furniture and Equipment (FF&E)	\$0	
09 00	N/A	Miscellaneous	\$0	
		<b>TOTAL USER AGENCY BUDGET</b>	<b>\$0</b>	

HSG



OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

May 18, 2016

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Fleet and Facility Management, I transmit herewith an ordinance authorizing an amendment to an intergovernmental agreement with the Public Building Commission regarding demolition and underground storage tank removal.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor



**JOSEPH A. MOORE**

ALDERMAN, 49TH WARD  
7356 NORTH GREENVIEW AVENUE  
CHICAGO, ILLINOIS 60626  
TELEPHONE 773-338-5796  
ward49@cityofchicago.org  
www.ward49.com

**CITY COUNCIL  
CITY OF CHICAGO**

**COUNCIL CHAMBER**

CITY HALL, ROOM 200  
121 NORTH LA SALLE STREET  
CHICAGO, ILLINOIS 60602  
TELEPHONE 312-744-3067

**COMMITTEE MEMBERSHIPS**

**HOUSING AND REAL ESTATE  
CHAIRMAN**

**BUDGET AND GOVERNMENT OPERATIONS**

**COMMITTEES, RULES AND ETHICS**

**EDUCATION AND CHILD DEVELOPMENT**

**FINANCE**

**HEALTH AND ENVIRONMENTAL PROTECTION**

**HUMAN RELATIONS**

**SPECIAL EVENTS, CULTURAL AFFAIRS AND RECREATION**

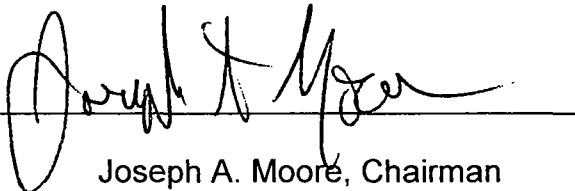
June 22, 2016

To the President and Members of the City Council:

Your Committee on Housing and Real Estate, for which a meeting was held on June 21, 2016, having had under consideration the ordinance introduced by Mayor Rahm Emanuel on May 18, 2016, this being the intergovernmental agreement with Public Building Commission for demolition of Old Malcolm X College at 1900 W. Van Buren Street, begs leave to recommend that Your Honorable Body Approve said ordinance transmitted herewith.

This recommendation was concurred in by a voice vote of all committee members present with no dissenting votes.

Respectfully submitted,



Joseph A. Moore, Chairman  
Committee on Housing and Real Estate



APPROVED

*Steph R. Patton*

CORPORATION COUNSEL

APPROVED

*Robert Entomand SEP*

MAYOR

*6/29/16*