

**PUBLIC BUILDING COMMISSION OF CHICAGO
SECOND AMENDMENT
CONTRACT NUMBER PS1198**

THIS SECOND AMENDMENT AGREEMENT is made and entered into as of the 11th day of August, 2009, and shall be deemed and taken as forming a part of the Agreement for Labor Compliance Software ("Agreement") between by and between the **PUBLIC BUILDING COMMISSION OF CHICAGO**, a municipal corporation of the State of Illinois ("Commission") and LCPtracker, Inc. ("Consultant") dated November 28, 2007 with the like operation and effect as if the same were incorporated therein.

WITNESSETH:

WHEREAS, the Commission and Consultant have heretofore entered into an Agreement dated the 28th day of November, 2008, ("Agreement"), wherein the Consultant is to provide LCP Tracker Labor Compliance Software Services for the Commission; and

WHEREAS, the Commission and Consultant now desire to amend the Agreement to include additional Services and software provided and associated compensation due to Consultant;

NOW THEREFORE, in consideration of the provisions and conditions set forth in the Agreement and herein, the parties hereto mutually agree to amend the Agreement as hereinafter set forth.

It is agreed by and between the parties hereto that the sole modification of, changes in, and amendments to the Agreement pursuant to this Amendment are as follows:

TERMS

1. Recitals

THE ABOVE RECITALS ARE EXPRESSLY INCORPORATED IN AND MADE A PART OF THE AMENDMENT AGREEMENT AS THOUGH FULLY SET FORTH HEREIN.

2. Scope of Services

The Consultant shall develop customized reporting capabilities on the Commission's existing software platform and software maintenance and upgrades. Reporting capabilities will include:

1. Community Hours Report;
2. Project set-up for multiple communities, wards, Congressional Districts and state Senate Districts;
3. EEO Weekly Report for multiple communities, wards, Congressional Districts, and State Senate Districts;
4. Liquidated Damages Report;

5. Contingency for Future Reports

The additional Services included in the Attachment "A" Statement of Work detail requirements and are to be included as part of this Agreement.

3. Compensation of the Consultant

Consultant will be compensated for the additional Services outline in Item 2 above an amount of 58,720.00.

Execution of this Amendment by the Consultant is duly authorized by the Consultant, and the signature(s) of each person signing on behalf of the Consultant have been made with the complete and full authority to commit the Consultant to all terms and conditions of this Amendment.

All capitalized terms not defined herein shall have the meaning ascribed to them in the agreement. Except as and to the extent that the terms of the Agreement are amended and modified herein, all terms of the Agreement shall remain in force and effect.

IN WITNESS WHEREOF, the parties hereto have agreed and executed this Amendment Agreement No. 2.

PUBLIC BUILDING COMMISSION
OF CHICAGO

BY: Richard M. Daley Date: _____
Richard M. Daley
Chairman

ATTEST:

BY: Edgwick C. Johnson Date: 9-17-09
Edgwick C. Johnson
Secretary

LCPTRACKER, Inc.

BY: C. Lorendoll Date: 8/25/2009

Title: Vice President

Printed Name: C. Lorendoll

See Attached Notarized
Page

Subscribed and sworn to me this

_____ day of _____ 20_____.

Notary Public

My Commission expires: _____

(Seal of Notary)

Approved as to form and legality

Anne L. Zredd
Neal & Leroy, LLC

Attachment "A" Statement of Work

**Customization of LCPtracker
Proposal
Quote Number 05212009
For
Public Building Commission of Chicago (PBC)
Labor Compliance Subscription Service Proposal
Submitted by
LCPtracker,
June 21, 2009**

1. Description of Customization Request

The Public Building Commission of Chicago has requested several customizations and improvements to LCPtracker. Briefly these improvements include:

- A new Community Hire Report
- Adding the ability to assign multiple Community Areas to a project
- Modifying the EEO report for multiple Community Areas
- Modifying the Employee Edit form for multiple Community Areas
- New Liquidated Damages Report
- Modify the Prevailing Wage Maintenance tools
- Modify the Employee List report
- Modify the Project Summary Report
- Modify the Contractor's Utilization report
- Add ability to track Congressional Districts and State Senate Districts
- Modify the EEO report to for Non-Trade hours
- Add a contingency amount for unknowns in the current specifications for the Congressional District, State Senate District reporting and for future requirements.

2. Specifications of Requests

2.1 Community Hours Report

This is a new report summarized by community hours:

clients logo if possible

Community Hours Report

Project Name: Project Code: Contractor:	Report Date: 11/11/1111 From: 11/11/1111 To: 11/11/1111
---	---

Employee	Address 1	Address 2	City	ZIP	Gender	Ethnicity	Craft	Class	Ward	Community Area	Hours Worked
----------	-----------	-----------	------	-----	--------	-----------	-------	-------	------	----------------	--------------

Select by project / all project, contractor / all contractor, ward / all wards, community area / all areas, plus range
 order by project, contractor, ward, community area
 group by project, contractor, ward, community area

page: Smr-LCPTracker logo

2.2 Multiple Community Areas

Adding multiple community areas requires a restructuring of the database and changing forms and reports. Below is a rough description of the change in the project setup screen. It also impacts the calculations in the EEO report.

Modification of the Project Setup form:

<p>Goal Assignment</p> <p>Ward / District for goal</p> <p>Select Ward ▾</p> <p>Community Area for goal</p> <p>Select Community Area ▾</p>		<p>Modify this function to provide for multiple community areas to be assigned to the project. This means adding a new table and a new database join.</p>
--	--	--

Modification in the Edit employee form:

2.3 Multiple Wards

Adding multiple wards requires a restructuring of the database and changing forms and reports. Below is a rough description of the change in the project setup screen. It also impacts the calculations in the EEO report.

Modification of the Project Setup form:

Goal Assignment

Ward / District for goal

Select Ward

Community Area for goal

Select Community Area

Modify this function to provide for multiple wards to be assigned to the project. This means adding a new table and a new database join.

2.4 Liquidated Damages Report

The following is the Liquidated Damages Report rough layout. The calculations in this example and the data presented have reviewed and approved.

City Residency Goal 50.00%
 Community Hiring Rate 5.00%
 Rate 0.0005
 Apprenticeship Goal 10.00%

Journeyworker Rate \$0.04
 Apprentice Rate \$0.03
 Laborer Rate \$0.01

Minority Journey 30.00%
 Female Journey 5.00%
 Minority Apprentice 5.00%
 Female Apprentice 3.00%
 Minority Laborer 20.00%
 Female Laborer 5.00%

Part in pink is not part of her

Put client logo if possible

Report date: 1/1/2009

Liquidated Damages

Project Name: Test project test project test project
 Project Code: A2457-7865A (21)
 Percent Complete Stage: 50%
 Original Contract Amount: \$100,000
 Revised Contract Amount: \$102,000

Award Date: 00/00/0000
 NTP Date: 00/00/0000
 Completion Date: 00/00/0000

Total Journeyworker Hours 900
 Total Apprentice Hours 200
 Total Laborer Hours 300

Based on EEO report of 00/00/0000

Prime Contractor	EEO Categories	Total Hours per Category	Commitment EEO Percent	Actual EEO Hours Worked	Actual EEO Percent	Actual EEO Hours Worked Plus Bonuses	Actual EEO Percent Plus Bonuses	Liquidated Damages Amount
Contractor Name	Minority Journeyworker	900	30.00%	240	26.67%	245	27.22%	
Address 1	Female Journeyworker	900	5.00%	22	2.44%	23	2.56%	
Address 2	Minority Apprentice	200	5.00%	2	1.00%	2	1.00%	
city, state ZIP	Female Apprentice	200	3.00%	4	2.00%	4	2.00%	
contact full name	Minority Laborer	300	20.00%	50	16.67%	51	17.00%	
Phone	Female Laborer	300	5.00%	15	5.00%	16	5.33%	
Email	Residency Categories							
	Community Hiring	1400	5.00%	25	1.79%	na		
	City Residency	1400	50.00%	450	32.14%	na		

Total Liquidated Damages to Date: \$1,390.00

Project Name: Test project test project test project

2.5 Add Column to EEO Report

The following changes will be made to the EEO Report a charge will apply to adding the column and adjusting to calculation to deal with multiple Community Areas and multiple Wards.

WFO Weekly Summary Report by Project

PROJECT: **CONTRACTOR: D AND B CONSTRUCTION**
 REPORT DATE: **03/12/2009**
 REPORT TIME: **12:00:00 AM**

WFO #	WFO Name	Weekly Hours												Total
		TJ	TA	TL	MJ	MA	ML	FJ	FA	FL	OT	OT2	OT3	
1000000	1000000	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
TOTAL		1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00

CONTRACTOR: D AND B CONSTRUCTION

WFO #	WFO Name	Weekly Hours												Total
		TJ	TA	TL	MJ	MA	ML	FJ	FA	FL	OT	OT2	OT3	
1000000	1000000	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
TOTAL		1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00

CONTRACTOR: D AND B CONSTRUCTION

WFO #	WFO Name	Weekly Hours												Total
		TJ	TA	TL	MJ	MA	ML	FJ	FA	FL	OT	OT2	OT3	
1000000	1000000	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
TOTAL		1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00

Page 2 of 3

No of records:	13
SUB-TOTAL:	559.50 241.60 0.00 319.00 241.50 \$11,079.14 0.00 30.00 248.00 \$19,626.43 0.00 30.00 0.00 30.00 0.00 30.00 349.00 \$24,436.87

CONTRACTOR: D AND B CONSTRUCTION

WFO #	Total Hours	Classification Hours			Minority Hours						Female Hours						Residency	
		TJ	TA	TL	MJ	Dollar (\$)	MA	Dollar (\$)	ML	Dollar (\$)	FJ	Dollar (\$)	FA	Dollar (\$)	FL	Dollar (\$)	Hours	Dollar (\$)
1000000	113.50	27.00	0.00	86.50	27.00	\$208.13	0.00	0.00	86.50	0.00	\$2,318.51	0.00	0.00	0.00	25.00	\$628.83	113.50	\$3,477.74
1010000	81.50	17.00	0.00	64.50	17.00	\$875.28	0.00	0.00	64.50	0.00	\$1,736.17	0.00	0.00	0.00	0.00	0.00	81.50	\$2,318.25
1020000	109.00	24.00	0.00	85.00	24.00	\$871.14	0.00	0.00	85.00	0.00	\$2,328.43	0.00	0.00	0.00	20.00	\$561.19	109.00	\$3,466.77
1030000	49.00	7.00	0.00	42.00	7.00	\$228.79	0.00	0.00	42.00	0.00	\$916.25	0.00	0.00	0.00	11.00	\$286.72	49.00	\$1,144.73
1100000	12.00	12.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.00	\$872.88
1110000	10.00	0.00	0.00	10.00	0.00	0.00	0.00	0.00	10.00	0.00	\$789.20	0.00	0.00	0.00	0.00	0.00	10.00	\$298.00
TOTAL:	368.50	88.00	0.00	279.50	77.00	\$2,614.13	0.00	0.00	279.50	0.00	\$7,465.36	0.00	0.00	0.00	37.00	\$1,017.73	368.50	\$12,443.37

Legend

TJ - Total Journeyman	MJ - Minority Journeyman	FJ - Female Journeyman
TA - Total Apprentice	MA - Minority Apprentice	FA - Female Apprentice
TL - Total Laborer	ML - Minority Laborer	FL - Female Laborer

Repeat the title page here please with all detail

This page should not have a number

I accidentally entered some info so don't worry about the gaps and missing text

Page 3 of 3

		Minority Journeyman % Goal	Minority Apprentice % Goal	Minority Laborer % Goal	Female Journeyman % Goal	Female Apprentice % Goal	Female Laborer % Goal
Commitments	Commitment Percent	14.0%	17.0%	10.0%	0.0%	0.0%	0.0%
	Commitment Hours	184.0	1.0	200.0	0.0	0.0	21.0
Total	Total Percent	14.0%	0.0%	10.0%	0.0%	0.0%	0.0%
	Total Hours	184.0	0	100.0	0	0	0.0
	Community Work Hours	0.0	0.0	40.0	0.0	0.0	0.0
	Apprentice New Hire	NA	0.0	NA	NA	0.0	NA
	Community Work Hours Bonus	0.0	0.0	0.0	0.0	0.0	0.0
	Apprentice New Hire Bonus	NA	0.0	NA	NA	0.0	NA
	Total Actual Hours Plus Bonuses	0.0	0.0	100.0	0.0	0.0	0.0
	Total Actual Percent Hours Plus Bonuses	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Figure 1.00% Total Actual Hours Plus Bonuses - Total Hours

	Goal %	Goal Hours	Actual %	Actual Hours
Community Work	0.0%	0.0	0.0%	0.0
City Residency	0.0%	0.0	0.0%	0.0

Selected City CHICAGO
 Selected Project JESSE OWENS PARK AND FIELDHOUSE
 Selected Contractor All Contractors

Week Start Date 8/1/2008 12:00:00 AM
 Week End Date 8/3/2008 12:00:00 AM

2.6 Modify the EEO report to report for Non-Trade employee hours

Modify the EEO report to not count Non-Trade information in the utilization part (1st part of report) but count the information toward employment goals. Non-trade crafts will be entered with the key phase Non-Trade in the craft description so the information can be separated.

2.7 Report by Congressional District and State Senate District

Add the fields to collect the information about Congressional District and State Senate District of the project location and the employee's residence. This involves modifying the employee forms and the project form.

2.8 Contingency

A contingency amount is allocated to allow for custom adjustment of the software to meet future requirements and to allow for the undefined parts of the Congressional District and State Senate district reporting.

2.9 Miscellaneous Other Changes

There will be miscellaneous changes to the following, which will be done at no charge:

- Prevailing Wage Maintenance
- Employee List Report by Project
- Project Summary Report

3. Prices

<i>Change/Report</i>	Estimated Time to Complete	Hourly Rate for Customization	Amount
<i>Community Hours Report</i>	30	\$120.00	\$3,600
<i>Multiple Community Areas (Project Setup)</i>	21	\$120.00	\$2,520
<i>Multiple Wards (Project Setup)</i>	12	\$120.00	\$1,440
<i>EEO Weekly Report for multiple community areas and multiple wards)</i>	40	\$120.00	\$4,800
<i>Add column to EEO report</i>	20	\$120.00	\$2,400
<i>Misc changes to EEO report some no charge some charge</i>	7	\$120.00	\$840
<i>Testing & Installation</i>	15	\$120.00	\$1,800
<i>Liquidated Damages Report</i>	116	\$120.00	\$13,920
<i>Prevailing Wage Maintenance</i>	40	0.00	no charge
<i>Employee List Report</i>	15	0.00	no charge
<i>Project Summary Report</i>	15	0.00	no charge
<i>Contractor's Utilization Report</i>	15	0.00	no charge
<i>EEO report to deal with Non-Trade information</i>	15	\$120.00	1,800.00
<i>Congressional District and State Senate District</i>	<u>10</u>	\$120.00	1,200.00
<i>Contingency for future requirements and unknowns</i>			<u>5,000.00</u>
TOTAL ---->	346		

\$38,320

16 weeks elapsed time

Note: the time to complete these changes (in days) is actually longer than the Estimated Time to Complete column due to the testing and client review process. The cost, however, will remain fixed and is not influenced by the schedule variations.

B2Gnow

Proposal #: PBC0722

Date: July 24, 2009

1. Professional Services

	Hours	Rate	Extended
PBC M/WBE Report Format	25	\$120	\$3,000
- Per sample provided by Malisa			
- Includes both an initial version in the current reporting system that will require manual steps and a turn-key version in our new reporting system when available (late 2009).			
Outreach Vendor Opt-Out functionality	25	\$120	\$3,000
- Ability for PBC staff to opt vendors out of PBC outreach campaigns			
Custom Report Development	80	\$120	\$9,600
- B2Gnow to develop PBC specific reports and add as standard reports			
- Includes developing 6-10 reports depending upon complexity			
- Malisa will prioritize which reports are developed and in which order			
Contingency	40	\$120	<u>\$4,800</u>
- To be used for future requirements			
Proposal Total:			\$20,400

CALIFORNIA JURAT WITH AFFIANT STATEMENT

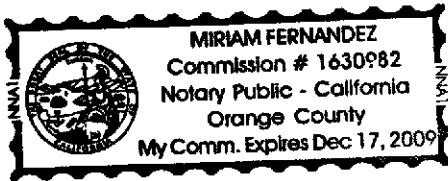
- See Attached Document (Notary to cross out lines 1-6 below)
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

Signature of Document Signer No. 1 _____ Signature of Document Signer No. 2 (if any) _____

State of California
County of Orange

Subscribed and sworn to (or affirmed) before me on this
28th day of August, 2009, by
Date Month Year
(1) Charles Loren Doll,
Name of Signer



proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (,)

(and

(2) _____,
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here


RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here



MEMORANDUM



TO: MAYOR RICHARD M. DALEY

FROM: Erin Lavin Cabonargi 

DATE: September 11, 2009

RE: Amendment Two made part of Professional Service Agreement PS 1198,
Labor Compliance Software for PBC Projects-LCP Tracker Labor
Compliance

This Amendment is to provide additional professional services for Labor Compliance Tracking System for PBC Projects. The fee amount for this amendment is \$58,320.00. This appointment was approved at the August 11, 2009 Board of Commissioners meeting.

CC: Pat Harney

**Public Building Commission of Chicago
Proposed Amendment Report to the Administrative and Operations Committee -
August 3, 2009**

Amendment	Project	Consultant	Reason for the Proposed Amendment	Current Cost of Construction (including approved change orders)	Amount of the Proposed Amendment	Consultant's Fee Including the Proposed Amendment Fee	Consultant's Fee Including the Proposed Amendment Fee as a % of the Current Cost of Construction
1	Westinghouse High School	Destelano & Partners (PS 821 - A6) AOR	<p>This amendment represents additional services in the amount of \$13,500.00 for the AOR to provide the following:</p> <ul style="list-style-type: none"> - 1. Additional professional landscape sub-consultancy services performed by Bauer Lazio on the Phase 4 Exterior Athletic Field Facility and site improvements as follows: <ul style="list-style-type: none"> - Change natural turf to synthetic turf; - Provide specification for the synthetic turf; - Redesign storm water management system in conformance with requirements of the Department of Water Management (DWM); - Provide a 1200 seat steel I-Beam grandstand including foundation system; - Add an enclosed outdoor storage / athletic equipment storage building. - 2. Additional professional sub-consultancy services performed by EDI, Inc. for the following: <ul style="list-style-type: none"> - Revise the design of 4 catch basins for the Phase 4 Project, including the relocation of 4 existing catch basins, providing new piping and new modern catch basins, submitting plans and meeting with DWM for permit approval. The item also includes the review and approval of all associated submittals and closeout documentation. <p>The services represented in this amendment were not included in the original scope of the Professional Services Agreement.</p>	\$69,089,000.00	\$13,500.00	\$4,479,395.00	6.5%
2	Taylor Lauritsen Field House	Booth Hansen Architects (PS 1100 - A5) AOR	<p>This amendment represents additional services in the amount of \$3,375.00 for the AOR to provide design development, design document production, and substantial review required for the Veterans Memorial Monument in the lobby and for the proposed brick paver patio at the South Entry.</p> <p>The services represented in this amendment were not included in the original scope of the Professional Services Agreement.</p>	\$7,105,754.00	\$3,375.00	\$494,561.00	7.0%
3	LCP Tracker	General Administration (PS 1186-A2) MWBE - EEO Compliance	<p>This amendment represents additional services in the amount of \$58,320.00 for the development of customized reporting capabilities on the PBC's existing software platform and software maintenance and upgrades. Reporting capabilities will include:</p> <ul style="list-style-type: none"> 1. Community Hours Report; 2. Project set-up for multiple communities, wards, Congressional Districts and state Senate Districts; 3. EEO Weekly Report for multiple communities, wards, Congressional Districts, and State Senate Districts; 4. Liquidated Damages Report; 5. Contingency for Future Reports <p>The services represented in this amendment were not included in the original scope of the Professional Services Agreement.</p>	N/A	\$58,320.00	\$143,275.00	N/A

A3



Richard J. Daley Center
50 W. Washington Street
Room 200
Chicago, Illinois 60602
(312) 744-3090
Fax: (312) 744-8005
www.pbcchicago.com

Chairman
RICHARD M. DALEY
Mayor
City of Chicago

Executive Director
ERIN LAVIN CABONARGI

September 01, 2009

Mark Douglas
LCP Tracker, Inc.
850 E. Chapman, Ste. D
Orange, CA 92866

**Re: Amendment No. 2
Professional Service Agreement PS 1198
Labor Compliance Software for PBC Projects**

Dear Mr. Douglas:

The PBC received your signed amendment today but noticed that the copies were not notarized.

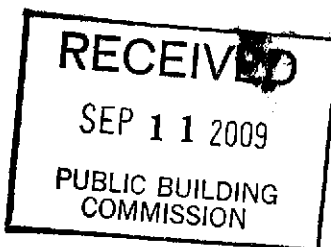
Enclosed is Amendment No. 2 to the above referenced agreement. Please return all copies once notarized to my attention within Five (5) days from the date of this letter.

An incomplete execution page may delay final execution of the Amendment and processing of invoices. Upon acceptance of the amendment by the Public Building Commission, a fully executed copy will be returned to you.

Sincerely,

Deborah Burton
Director of Procurement

DB/dz





Richard J. Daley Center
50 W. Washington Street
Room 200
Chicago, Illinois 60602
(312) 744-3090
Fax: (312) 744-8005
www.pbcchicago.com

Chairman
RICHARD M. DALEY
Mayor
City of Chicago

Executive Director
ERIN LAVIN CABONARGI

August 21, 2009

Mark Douglas
LCP Tracker, Inc.
850 E. Chapman, Ste. D
Orange, CA 92866

**Re: Amendment No. 2
Professional Service Agreement PS 1198
Labor Compliance Software for PBC Projects**

Dear Mr. Douglas:

Enclosed is Amendment No. 2 to the above referenced agreement. Please return all copies of the signed and notarized amendment to my attention within Five (5) days from the date of this letter.

An incomplete execution page may delay final execution of the Amendment and processing of invoices. Upon acceptance of the amendment by the Public Building Commission, a fully executed copy will be returned to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Burton".

Deborah Burton
Director of Procurement

DB/dz

DATE	DESCRIPTION	AMOUNT	BALANCE
01/01/03	OPENING BALANCE		
02/01/03			
03/01/03			
04/01/03			
05/01/03			
06/01/03			
07/01/03			
08/01/03			
09/01/03			
10/01/03			
11/01/03			
12/01/03			
TOTAL			

AUG 31 2003

REC'D

08/31/03