

**ASSIGNMENT AND ASSUMPTION AGREEMENT**

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT ("Agreement") effective as of the 9<sup>th</sup> day of March, 2010 by and between The Board of Education of the City of Chicago, a body politic and corporate located at 125 S. Clark Street, Chicago, IL 60603, ("Assignor"), and the Public Building Commission of Chicago, an Illinois municipal corporation located at 50 West Washington Street, Chicago, IL 60602 ("Assignee").

**WITNESSETH:**

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor, for itself and its successors and assigns, does hereby assign and transfer unto Assignee, its successors and assigns, all Assignor's right, title and interest in and to the following project ("Project"):

The General Contracting Services for the Holmes Elementary school project let by the Assignor to F.H. Paschen, S.N. Nielsen & Associates, LLC ("Paschen") pursuant to that certain General Contracting Services Agreement dated as of July 1, 2006, as extended by that certain First Extension of General Contracting Services Agreement dated as of July 1, 2009, between Assignor and Paschen to provide contracting services to Assignor.

Assignee, for itself and its successors and assigns, does hereby accept, assume, take over and succeed to: (i) all of Assignor's right, title and interest in and to the Project; and (ii) all of the terms, conditions, provisions, covenants and obligations contained in the Project which Assignor is obligated to keep or perform, in each case as they accrue on and after the date first written above; and Assignee hereby covenants with Assignor, its successors and assigns, to fully and faithfully make, keep and perform all such terms, conditions, provisions, covenants and obligations of Assignor contained in such Project. A copy of the award letter for such Project is attached hereto as Exhibit A.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment and Assumption Agreement as of the day and year first written above.

**ASSIGNOR:**

**ASSIGNEE:**

**THE BOARD OF EDUCATION OF  
THE CITY OF CHICAGO**

**THE PUBLIC BUILDING COMMISSION OF  
CHICAGO**

By: Patricia L. Taylor 7/16/10  
Patricia L. Taylor, Chief Operating Officer

By: [Signature]  
Name: 7/16/10

Approved as to Legal Form;

Patrick J. Rocks  
Patrick J. Rocks, General Counsel

[Signature]





Ron Huberman  
Chief Executive Officer

DEPARTMENT OF PROCUREMENT AND CONTRACTS

125 South Clark Street, 10th Floor • Chicago, Illinois 60603 • Telephone 773/553-2290 • FAX 773/553-2251  
<http://www.ecs.cps.k12.il.us/purchasing/>

Opal L. Walls  
Chief Purchasing Officer

March 4, 2010

Larry Mix  
E.H. Pozzhan, S.N. Nielsen & Assoc., LLC  
8725 W. Higgins Rd., Ste. 200  
Chicago, IL 60631

**CAPITAL IMPROVEMENT PROGRAM**  
**NOTICE OF AWARD**  
School: Hornes Elementary  
Address: 955 W. Garfield Blvd.  
Region: 5  
Project #: 2010-23831-ADD  
Contract Amount: \$2,515,000.00  
Contract #: 1898795

Dear Mr. Mix:

The Board of Education of the City of Chicago is hereby awarding your company a contract for the above-referenced project in accordance with your proposal submitted February 16, 2010, based upon bid documents distributed by the Board or the Board's representative. This contract is subject to all of the terms and conditions of your General Contracting Services Agreement with the Board dated as of June, 2006. This contract award will be submitted to the Board for ratification at the next regularly scheduled Board Meeting.

This award is contingent upon your company providing, within seven (7) working days, the performance and payment bond more fully described below, and the certificates of insurance. In the event these documents are not provided within such 7 working day period, the Board shall have the right to rescind this award and either (i) award this project to the next lowest bidder, or (ii) re-bid this project.

The Board's Construction Manager, listed below, will assign a representative to this job upon issuance of this Notice of Award. The representative will contact you to schedule a pre-construction conference where construction procedures, job conditions, the work schedule, and any restrictions, limitations or special conditions affecting the performance of this work will be discussed.

Your company will be required to post a fully executed performance and payment bond in the amount of the contract award (see attached form). The performance and payment bond must be issued by a responsible surety company, acceptable to the Board and licensed to do business in the State of Illinois, and shall list the Board of Education of the City of Chicago as bondholder. The performance and payment bond shall be executed on the attached form or may be executed on form A.I.A. 312. Form A.I.A. 311 is not acceptable. The fully executed performance and payment bond along with a copy of your insurance certificate(s) evidencing the insurance coverage called for in your General Contracting Agreement and the completed pre-construction statement of subcontractors and suppliers and work force protection report (see attached forms), and job order form must be delivered to Patricia Hernandez, 10th floor, within seven (7) working days of the date of this transmittal. Failure to execute and return the required documents within the specified time may result in cancellation of this Award Notice. Work shall not begin until you receive a "NOTICE TO PROCEED" and a pre-construction meeting has been held.

Ms. Harjos can be reached at (773) 553-2991 with any questions regarding MBE/WBE program compliance. Failure to comply with all MBE/WBE requirements may result in revocation of the Notice of Award.

Inquiries concerning this project should be directed to the Construction Manager listed below.

Sincerely,

Opal L. Walls  
Chief Purchasing Officer

Sincerely,

Patricia L. Taylor  
Chief Operating Officer

- cc: 1. Hill (OPD)
- 2. Hernandez (M&P)
- 3. Murphy (M&P)
- 4. Grayrod (TCM) - Construction Manager

Children First