

**PUBLIC BUILDING COMMISSION OF CHICAGO
FIRST AMENDMENT
CONTRACT NUMBER PS1691**

THIS FIRST AMENDMENT AGREEMENT is made and entered into as of the 11th day of January, 2011, and shall be deemed and taken as forming a part of the Agreement for Diversity Program Monitoring and Compliance Services ("Agreement") at Michael Reese Hospital Campus between by and between the **PUBLIC BUILDING COMMISSION OF CHICAGO**, a municipal corporation of the State of Illinois ("Commission") and **TRINAL, INC.** ("Consultant") dated November 10, 2009 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 10th day of November, 2009, ("Agreement"), wherein the Consultant is to provide Diversity Program Monitoring and Compliance Services at Michael Reese Hospital Campus; and

WHEREAS, the Commission and Consultant now desire to amend the Agreement to include additional Services performed 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. Schedule A Scope of Services** is amended to include additional Services required for Michael Reese Hospital Complex to provide diversity program monitoring and compliance services at Buildings #18, #19 and #22 which are anticipated to be completed by July 31, 2011. The scope for this service is detailed in Attachment A to this Amendment 1.

- 3. Schedule C Schedule of Costs** is revised as follows:

3.1 The Commission shall pay the Consultant for the satisfactory performance of the additional Services outlined in this Amendment a lump sum amount of \$42,000.00 as detailed in Attachment B to this Amendment 1.

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 1.

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.

(Signature Page follows)

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CONTRACT NUMBER PS1691

IN WITNESS WHEREOF, the parties hereto have agreed and executed this Amendment Agreement No. 1.

PUBLIC BUILDING COMMISSION
OF CHICAGO

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

ATTEST:

BY: Edrick C. Johnson Date: 2/25/11
Edrick C. Johnson
Secretary

CONSULTANT

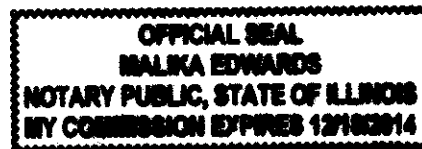
TRINAL, INC.

BY: Alicia Garcia-Abner Date: 2/15/11
Alicia Garcia-Abner
President

Subscribed and sworn to me this

15 day of February 2011.

Malika Edwards
Notary Public



My Commission expires: 12/18/2014

(Seal of Notary)

Approved as to form and legality

Jacinta Epling
Neal & Leroy, LLC

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ATTACHMENT A
SCOPE OF WORK

DIVERSITY PROGRAM MONITORING AND COMPLIANCE SERVICES
MICHAEL REESE HOSPITAL COMPLEX
FIRST AMENDMENT
CONTRACT NUMBER PS 1691
PROJECT NO.: 04100

(CONSULTANT'S SCOPE OF WORK FOLLOWS THIS PAGE)



TRINAL, INC.,

Diversity Program Compliance & Monitoring Services

Michael Reese Hospital Complex Buildings #18, 19, & 22

Nature of Services:

Trinal, Inc. fully understands the scope of services required to continue to provide Diversity Program Compliance & Monitoring for the next phase of the Michael Reese Hospital Complex and is qualified to provide the services. Given our experience on the first phase in providing diversity program compliance monitoring and reporting services and the numerous successes in not only meeting but also exceeding the goals in many instances, we are excited about our continued participation on this project.

Although Trinal, Inc., which is a certified M/WBE, satisfies the MBE goals set forth on this project, we have identified a City of Chicago certified WBE staffing firm, Temporary Opportunities, Inc., to assist us on the project by providing temporary staffing, which will be utilized as we prepare the reports and for file maintenance and cataloging of project documents upon project closeout. Hence, Trinal, Inc. and its staff is committed and is passionate in the participation, facilitation and implementation of programs that will benefit in the economic development of minority, women, disadvantaged and local businesses.

Trinal, Inc., shall perform the tasks as delineated below. In an effort to work within the proposed budget amount given the effort necessary to facilitate the services proposed, Trinal, Inc. shall work with both Prime Contractors on the projects and representatives for the PBC in an effort to expeditiously perform the tasks. Trinal, Inc. representatives shall provide quality assurance and confirm the participation of the M/WBE firms listed in each of the Prime Contractors' approved M/WBE Utilization Plans and shall confirm that workforce-hiring commitments are met. Trinal, Inc. representatives shall attend meetings, conduct monthly Site Visits, confirm and report on project progress, and discuss and notify the PBC compliance issues.

Meetings

- 1 Trinal, Inc. shall attend at least one Project Manager Meeting monthly at the project site.
- 2 At each monthly meeting, Trinal, Inc. shall discuss the M/WBE's participation on the projects as described in PBC approved M/WBE Utilization Plans, confirm the Prime Contractors' efforts in meeting and/or exceeding the EEO, community area hiring and community area new hire commitment as documented by the Workforce Project/Community Hiring Plan Form. Trinal, Inc. shall discuss compliance issues and help develop action plans for deficiencies, if any.
- 3 Through observation and actively listening to discussions at the PBC Project Manager's meetings, Trinal, Inc. shall provide quality assurance and confirm the participation of the M/WBE firms listed in each of the Prime Contractors' approved M/WBE Utilization Plans.

Our approach to the above-cited tasks shall include:

- An effort will be made to coordinate project meetings scheduled by the PBC and/or its representatives, which may allow for the presentation of the monthly progress and project status reports simultaneously whenever possible. Additionally, if the agenda permits representatives of Trinal, Inc. will discuss its findings and/or clarifications that may be needed at the early part of the meeting, hence cutting back on project hours, which may impact the project budget. Additionally, Trinal, Inc. shall take notes summarizing any discussions taking place at the meetings concerning issues raised regarding M/WBE participation, and job placement activities, and report discrepancies that may affect the successful outcome of the projects commitments.

Minority and Women-Owned Business Enterprise Utilization Plan Monitoring: Trinal, Inc. will

- 1 Conduct confirmation of M/WBE's participation in the projects as described in PBC approved M/WBE Utilization Plans.
- 2 Check appropriate exhibits to verify that the M/WBE subcontractors originally identified at the award of the contracts are being utilized at their committed amount and notify PBC in writing of any discrepancies.



TRINAL, INC.,

In performing the above-cited tasks, Trinal, Inc. will:

- Check appropriate exhibits to verify that the M/WBE subcontractors originally identified at the award of the contract are continually utilized at the committed amount;
- Obtain copies of contracts to check appropriate exhibits to verify that the M/WBE subcontractors originally identified at the award of the contracts are continually utilized at the committed amount;
- Review the appropriate reports generated by the PBC's software application to determine whether M/WBE's have been compensated for work performed;
- Cross reference information as generated by the PBC's software application with supporting documentation as may be submitted by the contractors upon request by PBC; and
- Upon request by PBC, follow up with the Prime Contractors regarding issues of substitution, reduction and increase in M/WBE contractor participation prior to submitting a recommendation to the PBC relative to a program plan change.

Equal Employment Program Monitoring: Trinal, Inc. will:

- 1 Conduct two Site Visits monthly (not to exceed ten), from 6:00 am until no later than 7:30 am, to confirm the employment status of individuals listed in the PBC Report. Such confirmation of employment status will include employer's name, employee's name, complete address, job classification, and ethnicity and gender.
- 2 Compare the results of the visual head counts to the projects weekly-certified payroll report, for the week that the visual head count was performed, which will be generated through the PBC's LCP Tracker software.
- 3 Notify the PBC in writing regarding potential prevailing wage issues discovered while conducting visual head counts.

City of Chicago Resident Hiring Program

- 1 While conducting the visual Site Visits cited above, Trinal, Inc.'s staff will confirm the employee's city residency status of individuals listed in the report. This confirmation of employee's city residency status will include employer's name, employee's name, complete address, and job classification.
- 2 The results of the visual head counts will be compared to the projects weekly-certified payroll report, for the week that the visual head count was performed, which will be generated through the PBC's LCP Tracker software.

Community Hiring Program Monitoring

- 1 While conducting the visual sites visit cited above, Trinal Inc.'s staff will confirm the employee's community residency status of individuals listed in the PBC report. Such confirmation of employee's community residency status will include employer's name, employee's name, complete address, and job classification.
- 2 Trinal, Inc. will also generate a monthly EEO report utilizing PBC's LCP Tracker software and confirm PBC's Monthly EEO Report of hours worked on the project by community area new hires as defined in the contract and will ascertain whether such residents are new or existing employees as defined in the contract through the utilization and comparison of the PBC's LCP Tracker reports.

In performing the above-cited tasks:

- As directed by the PBC, Trinal, Inc. shall obtain access to the PBC's LCP Tracker software program to obtain various reports on employment status (PBC Report) on each of the Prime Contractors and sub-contractors for the Michael Reese Complex. The PBC reports will be utilized as a tool to cross-reference employee and contractor information obtained during the Site Visits;
- Trinal, Inc. representatives will conduct random Site Visits, twice per month, in a manner as not to interrupt the workflow. However, Trinal, Inc. will communicate to the superintendent and workers on site that their cooperation and assistance will enable our representatives to confirm the Prime Contractors efforts in meeting and/or exceeding the EEO, city residency hiring, and community area new hire commitments as cited in the contractors Agreement;
- Trinal, Inc., will conduct such Site Visits as directed by the PBC for the purpose of conducting visual head counts and recording the number of minority journey worker, apprentices, laborers, female minority journey worker, apprentices, laborers, security guards and rodent control technicians present on the work site; and provide documentation to the PBC evidencing such visits. The random Site Visits will be conducted at the project main gate; and



TRINAL, INC.,

- Trinal, Inc. will notify PBC and/or its designated representatives as soon as possible if an occurrence or action is observed that warrants PBC being notified prior to regular scheduled dates for report submission.

Reports:

- 1 Trinal, Inc., shall submit, in a pdf format via e-mail, a project status report ("monthly report") to the PBC, based on data made available on the 1st of every month from the PBC's software applications, on the 15th of each month (or the next business day after the 15th if the 15th is not a business day) after the notice to proceed is issued until the projects reach 100% completion. However, the total shall not exceed seven monthly reports, which is inclusive of buildings 18, 19, and the total shall not exceed four monthly reports for building #22. The Site Visit reports shall be completed and submitted, in a pdf format via e-mail, within two (2) working days after conducting random Site Visits. The total number of reports shall not exceed ten Site Visit reports, which is inclusive of buildings 18, 19, and 22.
- 2 Trinal, Inc. shall confirm actual participation of M/WBE subcontractors and/or suppliers by the Prime Contractors, in the performance of their services.
- 3 The report shall include the following details:
 - i. Project Name, and Reporting Period;
 - ii. Prime Contractors and MBE/WBE subcontractors identified initially by the Prime Contractors on site during the reporting period;
 - iii. A copy of the Project Manager's Job Site Meeting agenda and sign-in sheet during which representatives from Trinal, Inc. was in attendance;
 - iv. Summary of any discussions held at the Project Managers Job Site Meeting of issues raised that may affect the successful performance of M/WBE firms participating on the projects, contractor/subcontractor mobilization, demobilization, increase and decrease activities of contractor and/or subcontractor crew size;
 - v. Summary of any discussions held at the Project Managers Job Site Meeting between representatives from Trinal, Inc., Prime Contractors, Subcontractors, and/or PBC representative concerning Site Visit report, and Monthly EEO Report discrepancies regarding the employment of minority trade workers, female trade workers, residents of the City of Chicago, residents of the Community Area and Community Area New Hires;
 - vi. Summary of any potential violations by contractors concerning compliance with the Prevailing Wage Ordinance and/or the Living Wage Ordinance;
 - vii. Identification of any issues that may be interpreted by workers as a hostile work environment; and
 - viii. Actual participation of M/WBE subcontractors and/or suppliers by the Prime Contractors.

Our approach to the above-cited tasks shall include:

- Utilizing reports as a tool to measure progress and alert us to discrepancies. However, by attending meetings and conducting the Site Visit and promoting a Team effort, everyone involved in the project must embrace the opportunity to ensure that commitments are met at a minimum. However, our goal is to encourage parties to exceed initial commitments whenever possible.

Trinal, Inc. greatly appreciates the opportunity to submit this proposal for Diversity Program Compliance & Monitoring for Michael Reese Hospital Complex. We are committed to monitoring the project in an effort to validate whether contractors are meeting their commitments with the intention of assisting them whenever possible by providing a proactive approach, which informs the contractors of their progress, and identifying issues relative to M/WBE participation and/or workforce hiring that may need clarification early on during the project.

Term of the Contract

Given our experience relative to the actual effort involved on the initial phase of the Michael Reese Project, Trinal, Inc. proposes a lump sum of \$42,000.00 in total for buildings 18, 19 and 22, which shall be prorated monthly over a 7-month period or until completion of the projects, whichever comes first. If the project timeline exceeds the 7 month period, upon request, Trinal, Inc. shall continue to provide the services as outlined above based on the following hourly rates: Principle at \$153.00 per hour, Client Manager at \$125.00 per hour, Project Manager at \$95.00 per hour Site Visit Coordinator at \$65.00 per hour and Clerical Assistant at \$52.00 per hour. The services as outlined in this proposal shall commence upon receipt of a notice to proceed.

ATTACHMENT B
SCHEDULE OF COST

DIVERSITY PROGRAM MONITORING AND COMPLIANCE SERVICES
MICHAEL REESE HOSPITAL COMPLEX
FIRST AMENDMENT
CONTRACT NUMBER PS 1691
PROJECT NO.: 04100

The Commission shall pay the Consultant for the satisfactory performance of the Services a **Lump Sum Fee ("Fee")** of **\$42,000.00** for all work included in Attachment A which shall be prorated over seven (7) months and invoiced monthly .