

CITY OF CHICAGO
 DEPARTMENT OF PROCUREMENT SERVICES
 ROOM 403, CITY HALL, 121 N. LASALLE STREET

DATE 8/5/10
 APPROVED [Signature]
 JNC CONDITIONALLY APPROVED
 RETURN TO DEPT. _____
 DISAPPROVED _____

JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT

COMPLETE THIS SECTION IF NEW CONTRACT

For contract(s) in this request, answer applicable questions in each of the 4 major subject areas below in accordance with the Instructions for Preparation of Non-Competitive Procurement Form on the reverse side.

Request that negotiations be conducted only with Derrick Jackson for the product and/or services described herein.
 (Name of Person or Firm)

This is a request for (One-Time Contractor Requisition # 51299, copy attached) or _____ Term Agreement or _____ Delegate Agency (Check one). If Delegate Agency, this request is for "blanket approval" for all contracts within the _____ (Attach List) Pre-Assigned Specification No. _____
 (Program Name) Pre-Assigned Contract No. _____

COMPLETE THIS SECTION IF AMENDMENT OR MODIFICATION TO CONTRACT

Describe in detail the change in terms of dollars, time period, scope of services, etc., its relationship to the original contract and the specific reasons for the change. Indicate both the original and the adjusted contract amount and/or expiration date with this change, as applicable. Attach copy of all supporting documents. Request approval for a contract amendment or modification to the following:

Contract #: _____	Company or Agency Name: <u>Law Department</u>
Specification # <u>88130</u>	Contract or Program Description: <u>Expert Consulting Services Related to Firefighters Local No. 2 Contract Negotiations</u>
Modification #: _____	(Attach List, if multiple)
James Brennwald Originator Name	312-744-5395 Telephone
<u>[Signature]</u> Signature	Law Department
	07/14/2010 Date

Indicate **SEE ATTACHED** in each box below if additional space needed:

<input checked="" type="checkbox"/> PROCUREMENT HISTORY
See Attached
<input checked="" type="checkbox"/> ESTIMATED COST
See Attached
<input checked="" type="checkbox"/> SCHEDULE REQUIREMENTS
See Attached
<input checked="" type="checkbox"/> EXCLUSIVE OR UNIQUE CAPABILITY
See Attached
<input checked="" type="checkbox"/> OTHER
See Attached

APPROVED BY: Patrick J. Ryan
Digitally signed by Patrick J. Ryan
 DN: cn=Patrick J. Ryan, o=City of Chicago, ou=Department of Law, email=pjryan@cityofchicago.org, c=US
 Date: 2010.07.13 16:40:35 -0500

[Signature]
 DEPARTMENT HEAD OR DESIGNEE
[Signature]
 CHIEF PROCUREMENT OFFICER

07/13/2010
 DATE

[Signature]
 BOARD CHAIRPERSON
08510
 DATE

8/5/10
 DATE OF APPROVAL

REQUEST FOR NO STATED GOALS

To: Jamie Rhee
Chief Procurement Officer

From: James Brennwald *JCB*
Assistant Chief Labor Counsel
Department of Law

Date: August 4, 2010

Subject: Request For Waiver of MBE/WBE Goals

JR
ok
Rec'd

8410

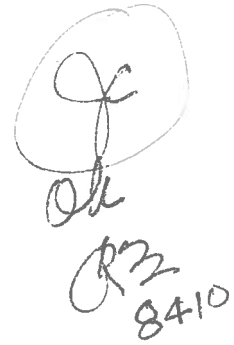
The Department of Law seeks to enter into a sole source contract with Derrick Jackson, and respectfully requests a waiver of the City of Chicago's MBE/WBE goals. Under this contract, Mr. Jackson will provide expert consultation to the City's bargaining team in its current negotiations for a new collective bargaining agreement with Chicago Firefighters Union, Local No. 2, which negotiations are now in their final stages. The Law Department anticipates that negotiations, including any related interest arbitration, will be concluded by the end of 2010. In order to provide a more complete description of the nature of the contract, and Mr. Jackson's unique qualifications, I have enclosed for your reference our Justification for Non-Competitive Procurement, as well as the Request for Contract or Temporary Services approved by the Inspector General's Office and the Office of Budget and Management.

Given the discrete, one-time and short-term nature of this contract, and the fact that this engagement is with an individual possessed of unique expertise to perform the narrow and specific consulting services called for in the contract, such that these services cannot be subcontracted in any fashion, there can be no direct compliance with the City's MBE/WBE goals requirements. For these same reasons, and because Mr. Jackson does not have an office, indirect compliance is also not feasible.

We appreciate your consideration of this request, and would be happy to provide any additional information you may require.

August 4, 2010

James Q. Brennwald
Assistant Chief Labor Counsel
City of Chicago, Department of Law
30 N. LaSalle, Room 1040
Chicago, IL 60602



RE: Consulting Contract

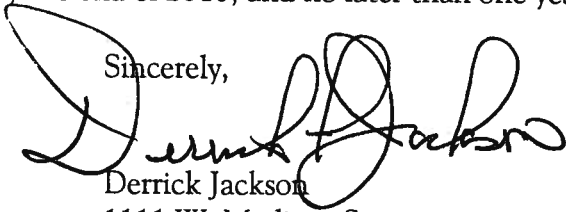
Dear Mr. Brennwald:

This is to confirm that I am willing to enter into a consulting contract with the City of Chicago's Law Department to perform the following services, for payment at the rate of \$90.00 (Ninety Dollars) per hour, with a total contract limit of \$50,000:

Expert consultation to the City's bargaining team in its current negotiations for a new collective bargaining agreement with Chicago Firefighters Union, Local No. 2 ("Local 2"), including (1) review and evaluation of Local 2 proposals and potential City proposals and counter-proposals; (2) advice and input regarding the potential impact on City and Chicago Fire Department operations of any proposals or draft proposals, and strategies for achieving the objectives of the City and the Chicago Fire Department in negotiations; and (3) assisting in any interest arbitration proceeding, including testifying as a witness for the City.

My understanding is that the contract will terminate upon the completion of the City's current negotiations with Local 2 for a new collective bargaining agreement, including the completion of any interest arbitration proceeding. I also understand that, based on current estimates, the contract will be completed by the end of 2010, and no later than one year from now.

Sincerely,


Derrick Jackson
1111 W. Madison St.
Chicago, IL 60607



DEPARTMENT OF LAW

MEMORANDUM

Subject: Sole Source Request for Derrick Jackson Contract

To: Jamie Rhee, Chief Procurement Officer

From: James Brennwald, Assistant Chief Labor Counsel

Date: July 14, 2010

I have attached the following documents to facilitate this request.

- Project Checklist
- Justification for Non-Competitive Procurement
- Scope of Service
- MBE/WBE Waiver Request
- IGO & OBM Approval Documents (Exhibit A)
- Requisition #51299

A hard copy and electronic copy of this information has been forwarded to your attention. The Law Department requests that we may appear before the Non-Competitive Review Board on August 3, 2010 as time is of the essence.

Please contact me at jbrennwald@cityofchicago.org or 744-5395 if you have any questions regarding this request.

James Brennwald

INSTRUCTIONS FOR PREPARATION OF NON-COMPETITIVE PROCUREMENT FORM (Rev. 5/04)

If a City Department has determined that the purchase of supplies, equipment, work and/or services can not be done on a competitive basis, a sole source justification must be prepared on this "Justification for Non-Competitive Procurement Form" in which procurement is requested on a non-bid or non-competitive basis in accordance with 65 ILCS 5/8-10-4 of the Illinois Compiled Statutes. All applicable questions in each Subject Area below must be answered. The information provided must be complete and in sufficient detail to allow for a decision to be made by the Non-Competitive Procurement Review Board. Also attach a complete CPAC Project Checklist, and any other required forms (see Other #1, below). The Board will not consider justifications with incomplete information documentation

PROCUREMENT HISTORY

1. Describe the requirement and how it evolved from initial planning to its present status.
2. Is this a first time requirement or a continuation of previous procurement from the same source? If so, explain the procurement history.
3. Explain attempts made to competitively bid the requirement. (Attach copy of notices and list of sources contacted)
4. Describe all research done to find other sources. (List other cities contacted, companies in the industry contacted, professional organizations, periodicals and other publications used).
5. Explain future procurement objectives. Is this a one-time request or will future requests be made for doing business with the same source?
6. Explain whether or not future competitive bidding is possible. If not, why not?

ESTIMATED COST

1. What is the estimated cost for this requirement (or for each contract, if multiple awards contemplated)? What is the funding source?
2. What is the estimated cost by fiscal year, if the job project or program covers multiple years?
3. Explain the basis for estimating the cost and what assumptions were made and/or data used (ie. budgeted amount, previous contract price, current catalog or cost proposal from firms solicited, engineering or in-house estimate, etc).
4. Explain whether the proposed Contractor or the City has a substantial dollar investment in original design, tooling or other factors which would be duplicated at City expense if another source was considered. Describe cost savings or other measurable benefits to the City which may be achieved.
5. Explain what negotiation of price has occurred or will occur. Detail why the estimated cost is deemed reasonable.

SCHEDULE REQUIREMENTS

1. Explain how the schedule was developed and at what point the specific dates were known.
2. Is lack of drawings and/or specifications a constraining factor to competitive bidding? If so, why is the proposed Contractor the only person or firm able to perform under these circumstances? Why are the drawings and specifications lacking? What is the lead time required to get drawings and specifications suitable for competition? If lack of drawings and specifications is not a constraining factor to competitive bidding, explain why only one person or firm can meet the required schedule.
3. Outline the required schedule by delivery or completion dates and explain the reasons why the schedule is critical.
4. Describe in detail what impact delays for competitive bidding would have on City operations, programs, costs and budgeted funds.

EXCLUSIVE OR UNIQUE CAPABILITY

1. If contemplating hiring a person or firm as a Professional Service Consultant, explain in detail what professional skills, expertise, qualifications, other factors make this person or firm exclusively or uniquely qualified for the project. Attach copy of cost proposal and scope of services.
2. Does the proposed firm have personnel considered unquestionably predominant in the particular field?
3. What prior experience of a highly specialized nature does the person or firm exclusively possess that is vital to the job, project or program?
4. What technical facilities or test equipment does the person or firm exclusively possess of a highly specialized nature which is vital to the job?
5. What other capabilities and/or capacity does the proposed firm possess which is necessary for the specific job, project or program which makes them the only source who can perform the work within the required time schedule without unreasonable costs to the City?
6. If procuring products or equipment, describe the intended use and explain any exclusive or unique capabilities, features and/or functions the items have which no other brands or models, etc. possess. Is compatibility with existing equipment critical from an operational standpoint? Explain why.
7. Is competition precluded because of the existence of patent rights, copyrights, trade secrets, technical data, or other proprietary data? Attach documentation verifying such.
8. If procuring replacement parts and/or maintenance services, explain whether or not replacement parts and/or services can be obtained from any other sources? If not, is the proposed firm the only authorized or exclusive dealer/distributor and/or service center? If so, attach letter from manufacturer.

MBE/WBE COMPLIANCE PLAN

1. All submissions must contain detailed information about how the proposed firm will comply with the requirements of the City's Minority and Women Owned Business program. All submissions must include a complete C-1 and D-1 form, which is available on the Procurement Services page on the City's intranet site.

OTHER

Explain other related considerations and attach all applicable supporting documents (an approved Information Technology Strategy Committee (ITSC) form, an approved Request for Individual Contract Services form, etc.)

REVIEW AND APPROVAL

This form must be signed by both the Originator of the request and approved by the Department Head or authorized designee. After review and final disposition from the Board, this form will be stamped to indicate the final disposition and signed by the Chairperson of the Board of authorized designee. (tc "This form must be signed by both the Originator of the request and approved by the Department Head or authorized designee. After review and final disposition from the Board, this form will be stamped to indicate the final disposition and signed by the Chairperson of the Board of authorized designee." }

DPS PROJECT CHECKLIST

For DPS Use Only

Date Received

Date Returned

Date Accepted

CA/CN's Name

IMPORTANT: ALL INFORMATION SHOULD BE COMPLETED, ATTACH ALL REQUIRED MATERIALS AND SUBMIT FOR ROUTING TO THE DEPARTMENT OF PROCUREMENT SERVICES, ROOM 403, CITY HALL, 121 N. LASALLE STREET, CHICAGO, ILLINOIS 60602, ATTENTION: CHIEF PROCUREMENT OFFICER.

General Information:

Date: 07/13/2010	Need by (estimated date): 08/04/2010	
Requisition No.: 51299	Contact Person:	Project Manager:
Specification No.: (if known)	Jim Brennwald	NA
PO No.: (if known)	Telephone: 744-5395	Telephone: NA
Modification No.: (if known)	Fax: 742-9029	Fax: NA
Previous PO No.: (if known)	Email: jbrennwald@cityofchicago.org	Email: NA

Project Description: Provide expert consultation to the City's negotiating team in current negotiations for a new collective bargaining agreement with Chicago Firefighters Union Local No. 2, including any interest arbitration proceeding.

Funding:

City:	<input checked="" type="checkbox"/> Corporate	<input type="checkbox"/> Bond	<input type="checkbox"/> Enterprise	<input type="checkbox"/> Grant*	<input type="checkbox"/> Other:
State:	<input type="checkbox"/> IDOT/Transit	<input type="checkbox"/> IDOT/Highway		<input type="checkbox"/> Grant*	<input type="checkbox"/> Other:
Federal:	<input type="checkbox"/> FHWA	<input type="checkbox"/> FTA	<input type="checkbox"/> FAA	<input type="checkbox"/> Grant*	<input type="checkbox"/> Other:

LINE	FY	FUND	DEPT	ORGN	APPR	ACTV	PROJECT	RPTG	\$ DOLLAR AMOUNT
1	2010	0100	059	2005	0931	0931			\$50,000

Term Estimated Value \$ 50,000

*IF GRANT FUNDED, ATTACH COPY OF THE APPROVED GRANT AND APPLICATION AND ANY OTHER TERMS AND CONDITIONS OF FUNDING SOURCE THAT MAY APPLY. GRANT FUNDS MUST BE ___ COMMITTED OR ___ SPENT BY DEADLINE: _____ (DATE)

Scope Statement:

Attached is a Detailed Scope of Services and/or Specification. E-mail softcopy in Microsoft Word to DPS Unit Manager

IMPORTANT:

THIS IS A CRITICAL PORTION OF YOUR SUBMITTAL. IN ORDER FOR DPS TO ACCEPT YOUR SUBMITTAL YOU MUST COMPLETE THE SPECIFIC SCOPE REQUIREMENTS AS SET FORTH IN THE SUPPLEMENTAL CHECKLIST FOR THAT UNIT.

Purchase Order Type (Check All That Apply):

New Request

- Blanket/Term/DUR/Agreement
- Master Agreement (Task Order)
- Standard/One-Time Purchase

Modification/Amendment

- Time Extension**
- Vendor Limit Increase
- Scope Change/Price Increase/Additional Line Item(s)
- Other (specify):

Forms

- Requisition
- Special Approvals
- Non-Competitive Review Board (NCRB)

Contract Term:

** Requested Term (Number of Months): 12 Months (anticipated - services required until completion of negotiations including completion of any interest arbitration proceedings)

Pre-Bid/Submittal Requirements:

- Mandatory Pre Bid/Submittal Conference? Yes* No
- Requesting Site Visit? Yes No

*If yes, explain reasons why mandatory attendance is necessary.

OPS PROJECT CHECKLIST

The following is a general description of what should be included in a Scope of Services or Specification:

A clear description of all anticipated services and products, including: time frame for completion, special qualifications of prospective vendors, special requirements or needs of the project, locations, anticipated participating user departments, citation of any applicable City ordinance or state/federal regulation or statute.

ARCHITECTURAL/ENGINEERING SUPPLEMENTAL CHECKLIST

Required Attachments: Scope of Services, including location, description of project, services required, deliverables, and other information as required

Risk Management

Current Insurance Requirements prepared/approved by Risk Management:

Yes No

Will services be performed within 50 feet of CTA train or other railroad property?

Yes No

Will services be performed on or near a waterway?

Yes No

If applicable, Pre-Qualification Category No.

Category Description:

For Pre-Qualification Program, attach list of suggested firms to be solicited

Other Agency Concurrence Required: None State Federal Other _____

If Amendment request, please verify and provide the following:

Contractor's Name:

Contractor's Address:

Contractor's e-mail Address:

Contractor's Phone Number:

Contractor's Contact Person:

Attach Recommendation of MBE/WBE/DBE Analysis Form

Yes No

AVIATION CONSTRUCTION SUPPLEMENTAL CHECKLIST

DOA sign-off for final design documents:

Yes No

Required Attachments:

Copy of Draft Contract Documents and Detailed Specifications

Risk Management:

Current Insurance Requirements prepared/approved by Risk Management:

Yes No

Will work be performed within 50 feet of CTA or ATS structure or property?

Yes No

Will work be performed airside?

Yes No

*NOTE: Any non-construction Aviation request, complete the applicable section.

Do bid documents contain Sensitive Security Information (SSI)?

Yes* No Redacted

*If yes, attach Confidentiality Statement

Attach Recommendation of MBE/WBE/DBE Analysis Form

Yes No

If Amendment request, please verify and provide the following:

Contractor's Name:

Contractor's Address:

Contractor's e-mail Address:

Contractor's Phone Number:

Contractor's Contact Person:

DPS PROJECT CHECKLIST

COMMODITIES SUPPLEMENTAL CHECKLIST

Required Attachments:

- Detailed Specifications (Scope of Services) including detailed description of the product, delivery location, user department contact, price escalation considerations
- Bidder's qualification, contract term and extension options
- Contractor's qualifications, citation of any applicable City/State/Federal statutes or regulations, citation of any applicable technical standards
- Price Lists/Catalogs, technical drawings and other exhibits and attachments as appropriate.

Attach Recommendation of **MBE/WBE/DBE Analysis Form**

Yes No

Is this a **Revenue Producing contract**?

Yes No

If **Modification request**, please verify and provide the following:

Contractor's Name:

Contractor's Address:

Contractor's e-mail Address:

Contractor's Phone Number:

Contractor's Contact Person:

CONSTRUCTION SUPPLEMENTAL CHECKLIST

Required attachments:

Copy of Draft (80% Completion), Contract Documents and Detailed Specifications

Risk Management

Current Insurance Requirements prepared/approved by Risk Management:

Yes No

Will services be performed within 50 feet of CTA train or other railroad property?

Yes No

Will services be performed on or near a **waterway**?

Yes No

Attach Recommendation of **MBE/WBE/DBE Analysis Form**

Yes No

If **Modification request**, please verify and provide the following:

Contractor's Name:

Contractor's Address:

Contractor's e-mail Address:

Contractor's Phone Number:

Contractor's Contact Person:

PROFESSIONAL SERVICES SUPPLEMENTAL CHECKLIST

If **New Request** (Check applicable boxes):

Is this a **Request for Information (RFI)**?

Yes No

Is this a **Request for Qualifications (RFQ)**?

Yes No

Is this a **Request for Proposal (RFP)**?

Yes No

If RFQ or RFP, did any outside Consultant provide advice or deliverables in developing the RFQ or RFP?

Yes* No

*If yes, Company Name: **PO#**

Attach a narrative explaining the consulting services and deliverables provided.

Is this a **Non-Competitive Procurement**?

Yes* No

*If yes, attach completed Non-Competitive Justification form, vendor proposal and completed MBE/WBE compliance plan (Schedules C-1 and D-1) submitted to the Non-Competitive Review Board.

Is this a request for **Individual Contract Services**?

Yes* No

*If yes and you seek a sole source contract to hire a person as a Consultant, attach completed Office of Compliance "Request for Individual Contract Services" approval form signed by Department Head, Office of Compliance & OBM.

Is this a **Revenue Producing contract**?

Yes No

Does this request involve the **purchase of Software**?

Yes* No

*If yes, is City required to sign a software license?

Yes* No

*If yes, attach descriptions of software and software license agreement.

DPS PROJECT CHECKLIST

PROFESSIONAL SERVICES SUPPLEMENTAL CHECKLIST (continued)

Required Attachments (IF RFP/RFQ OR SOLE SOURCE):

Statement of Work (SOW), Deliverables or Scope of Services defined

Does SOW involve any work in the public way?

Yes* No

*If yes, attach list of locations.

Does SOW involve any public improvement to property that requires performance bond or prevailing wage?

Yes* No

*If yes, attach list of locations.

Is City Council approval required?

Yes No

Project or Program Background Information (included in NCRB doc)

Project Goals and Objectives (included in NCRB doc)

Qualifications or Licenses/Certifications required for any disciplines (qualifications included in NCRB doc)

Evaluation Criterion desired in RFP or RFQ (non applicable)

Evaluation Committee (EC) members recommended. Attach list of names, titles and departments (non applicable)

Technical and/or Functional Requirements, if applicable (non applicable)

Cost Proposal/Schedule of Compensation structure (If Sole Source, over Contract Term by Milestone Deliverables) (included in NCRB doc)

If an Information Technology (IT) project valued at \$100,000.00 or more, attach approval transmittal sheet from Information Technology Governance Board (ITGB) (non applicable)

Attach Recommendation of **MBE/WBE/DBE Analysis Form**
(waiver requested)

Yes No

If **Amendment request**, please verify and provide the following:

Contractor's Name:

Contractor's Address:

Contractor's e-mail Address:

Contractor's Phone Number:

Contractor's Contact Person:

VEHICLES/HEAVY EQUIPMENT SUPPLEMENTAL CHECKLIST

Required Attachments:

Detailed Specifications including detailed description of the vehicle(s) or equipment, mounted equipment, if any, and options/accessories

Special Provisions (Delivery, Warranty, Manuals, Training, Additional Unit Purchase Options, Bid Submittal Information, etc.)

Delivery Location(s)

Technical Literature

Drawings, if any

Part Number List (Manufacturer; or Dealer; or Other Source)

Current Price List(s)/Catalog(s)

Special Approval Form

Exhibits and Attachments

Attach Recommendation of **MBE/WBE/DBE Analysis Form**

Yes No

Is this a **Revenue Producing Contract**?

Yes No

If **Modification request**, please verify and provide the following:

Contractor's Name:

Contractor's Address:

Contractor's e-mail Address:

Contractor's Phone Number:

Contractor's Contact Person:

DPS PROJECT CHECKLIST

WORK SERVICES/FACILITY MAINTENANCE SUPPLEMENTAL CHECKLIST

Required Attachments:

- Detailed Specifications (Scope of Services) including detailed description of the work, locations (with supporting detail), user department contacts, work hours/days, laborer/supervisor mix, compensation and price escalation considerations
- Bidder's qualification, contract term and extension options
- Contractor's qualifications, citation of any applicable City/State/Federal statutes or regulations, citation of any applicable technical standards
- Price Lists/Catalogs, technical drawings and other exhibits and attachments as appropriate
- If an Information Technology (IT) project valued at \$100,000.00 or more, attach approval transmittal sheet from Information Technology Governance Board (ITGB)

Risk Management:

- Will services be performed within 50 feet (50') of CTA train or other railroad property? Yes No
- Will services be performed on or near a waterway? Yes No
- Will services require the handling of hazardous/bio-waste material? Yes No
- Will services require the blocking of streets or sidewalks which may affect public safety? Yes No

- Attach Recommendation of MBE/WBE/DBE Analysis Form Yes No
- Is this a Revenue Producing contract? Yes No

If Modification or Amendment request, please verify and provide the following:

- Contractor's Name:
- Contractor's Address:
- Contractor's e-mail Address:
- Contractor's Phone Number:
- Contractor's Contact Person:

**DETAILED SCOPE OF SERVICES FOR
DERRICK JACKSON**

Scope:

Consultant will provide the following services:

Expert consultation to the City's bargaining team in its current negotiations for a new collective bargaining agreement with Chicago Firefighters Union, Local No. 2 ("Local 2"), including (1) review and evaluation of Local 2 proposals and potential City proposals and counter-proposals; (2) advice and input regarding the potential impact on City and Chicago Fire Department operations of any proposals or draft proposals, and strategies for achieving the objectives of the City and the Chicago Fire Department in negotiations; and (3) assisting in any interest arbitration proceeding, including testifying as a witness for the City.

Deliverables:

This contract does not call for specific deliverables, other than Mr. Jackson's expertise, and his availability for negotiation-related meetings and any interest arbitration proceedings.

Length of project:

This contract will terminate upon the completion of the City's current negotiations with Local 2 for a new collective bargaining agreement, including the completion of any interest arbitration proceeding. Current estimate is by the end of 2010, and no later than one year from now.

Price: \$90 per hour, with a total contract limit of \$50,000.

**DEPARTMENT OF LAW
JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT
DERRICK JACKSON**

PROCUREMENT HISTORY:

No procurement history. Mr. Jackson retired from his position as a Deputy Fire Commissioner in the Chicago Fire Department ("CFD") at end of April 2010 (see attached "Exhibit A," Request for Contract or Temporary Services, approved by the Inspector General's Office and the Office of Budget and Management). The City has never previously engaged Mr. Jackson's services as a consultant.

ESTIMATED COST:

Mr. Jackson will be paid at the rate of \$90 per hour, with a cap of \$50,000 for the project assignment. We anticipate that current negotiations for a new collective bargaining agreement ("CBA") with the Chicago Firefighter Union, Local No. 2 ("Local 2"), including any interest arbitration proceedings, will be concluded by the end of 2010, and no later than approximately one year from now. Mr. Jackson's engagement would terminate upon the conclusion of negotiations (see attached Exhibit A). The funding source for Mr. Jackson's services is the 0931 account of Finance General (funding strip: 100-59-2005-0931-0931).

SCHEDULE REQUIREMENTS

The need for Mr. Jackson's services will be driven entirely by the demands of the negotiation process, and any interest arbitration proceedings, and depending upon his availability. Mr. Jackson's services will be delivered primarily in internal meetings with the City's negotiators, in meetings with Local 2, and in hearings during any interest arbitration proceeding, as such meetings and hearing dates are scheduled. (See attached Exhibit A.)

EXCLUSIVE or UNIQUE CAPABILITY:

(See attached Exhibit A.)

Mr. Jackson was a Deputy Fire Commissioner for CFD until his retirement at the end of April 2010. As Deputy Fire Commissioner, and among other duties, Mr. Jackson was the principal individual responsible for all of CFD's labor relations, including collective bargaining with Local 2 in the negotiations of the two previous CBAs, dating back to 1999, and also including responsibility for overseeing the administration of the Local 2 CBA for the City. In his capacity as the individual responsible for CFD's labor relations with Local 2, he was intimately involved in all Local 2 issues, and the resolution of those issues with Local 2 representatives, and was also the principal representative of the CFD in the current collective bargaining negotiations with Local 2.

Currently, and for the past three years (as well as the prior two rounds of Local 2 negotiations), the core of the City's negotiating team has consisted of Mr. Jackson, outside counsel Jim Franczek, and the City's Chief Labor Negotiator, David Johnson. Mr. Jackson has at all times been the City negotiators' principal CFD contact. At the heart of the current negotiations are operational issues relating to manning and staffing needs in specific operations and functions of the Department, possible areas of retrenchment of staffing, and potential opportunities for finding economies in the area of need to rehire employees, etc. All of these are being vigorously

contested by Local 2. Part of Local 2's opposition to these proposals consists of its claims that our proposals suffer from various hidden defects: they will result in adverse, unforeseen operational consequences; will not save the CFD the kind of monies projected; will conflict with other operational goals and needs; will negatively impact the safety of fire fighters in the field, etc. After three years of negotiations, the proposals, concepts and ideas under active consideration are highly specific and are peculiar to operational needs and characteristics found within the CFD and nowhere else within the City.

While the City's negotiators receive support and assistance from other individuals in CFD, only Mr. Jackson has the experience and expertise necessary to inform the City's negotiating policies and strategies on the critical areas which are now the focus of bargaining with Local 2. It is the City's hope and expectation that, by the time negotiations for the next Local 2 CBA arrive in 2012, other individuals in CFD will have achieved a level of experience and expertise sufficient to meet the City's needs. However, at this point, Mr. Jackson is the only CFD representative capable of providing the knowledge and expertise needed for the current "end game" stage of negotiations with Local 2. In addition, the trust and respect that Mr. Jackson has earned from Local 2's negotiating team is unique and invaluable in these negotiations, and Mr. Jackson's absence from the bargaining table would significantly hamper the City's current efforts to convince Local 2 of the validity of the City's position with respect to its various proposals. In short, Mr. Jackson's credibility with Local 2 is a vital asset to the City in these negotiations.

Because the City is in the final stages of the negotiation process for a new Local 2 CBA, there simply will not be sufficient time to be able to train and educate someone else to assume Mr. Jackson's responsibilities within the applicable time frame, certainly not at the level of performance and demonstrated expertise the City requires. The City expects to know by the end of August 2010 whether a negotiated resolution with Local 2 is possible. If it is not, the City will proceed to interest arbitration for a new CBA, most likely on an expedited basis, where the City would rely upon Mr. Jackson as its principal witness in support of the City's proposals (and to rebut the Union's proposals). It is expected that any interest arbitration proceeding would be concluded by the end of 2010. Time is of the essence in attempting to bring these negotiations to a successful conclusion, and Mr. Jackson is ready, willing and able to provide his services immediately.

For all of these reasons, we believe that a sole source contract is justified for this unique consulting assignment. We will be happy to provide any additional information you require.

OTHER

A letter requesting waiver of the City's MBE/WBE requirements is attached.

REQUEST FOR NO STATED GOALS

To: Jamie Rhee
Chief Procurement Officer

From: James Brennwald
Assistant Chief Labor Counsel
Department of Law

Date: July 14, 2010

Subject: Contract with Derrick Jackson for Consulting Services

The Department of Law seeks to enter into a sole source contract with Derrick Jackson, and respectfully requests a waiver of the City of Chicago's MBE/WBE goals. Under this contract, Mr. Jackson will provide expert consultation to the City's bargaining team in its current negotiations for a new collective bargaining agreement with Chicago Firefighters Union, Local No. 2, which negotiations are now in their final stages. The Law Department anticipates that negotiations, including any related interest arbitration, will be concluded by the end of 2010. In order to provide a more complete description of the nature of the contract, and Mr. Jackson's unique qualifications, I have enclosed for your reference our Justification for Non-Competitive Procurement, as well as the Request for Contract or Temporary Services approved by the Inspector General's Office and the Office of Budget and Management.

Given the discrete, short-term nature of this contract, and the fact that this engagement is with an individual possessed of unique expertise to perform the narrow and specific consulting services called for in the contract, such that these services cannot be subcontracted in any fashion, we believe it would be impracticable to subject this contract to the City's MBE/WBE goals requirements. In addition, it should be noted that Mr. Jackson himself is a member of a "minority group" within the meaning of Section 2-92-420(r)(i) of the ordinance.

We appreciate your consideration of this request, and would be happy to provide any additional information you may require.



City of Chicago
Richard M. Daley, Mayor
Office of Budget and Management

Eugene L. Munin
Budget Director

City Hall, Room 604
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-3323
(312) 744-3618 (FAX)
(312) 744-3619 (TTY)

<http://www.cityofchicago.org>

EXHIBIT A

MEMORANDUM

TO: Jim Brennwald
Chief Assistant Corporation Counsel
Department of Law

FROM: Andrea Gibson *(signature)*
1st Deputy Budget Director
Office of Budget and Management

DATE: July 1, 2010

RE: Request for Individual Contract Services

CC: Karen Siemetz, Law Department
James Dunn, Law Department
Erin Keane, Deputy Budget Director
Mario Esquivel, Budget Analyst

Attached please find an approved request for Individual Contract Services for the Law Department to retain Derrick Jackson as an expert consultant to the City's negotiators in current negotiations for a new collective bargaining agreement with Chicago Firefighters Union Local No. 2, including any interest arbitration proceeding.

Duration of the assignment is until completion of negotiations, including the completion of any interest arbitration proceeding.

If you have any questions, or if this assignment requires any modification, please contact Mario Esquivel at 312-744-9439.

Attachment



Memorandum

To: Mara S. Georges
Corporation Counsel

From: Soo Choi, Assistant Inspector General
Inspector General's Office

Date: 6/18/2010

Re: Derrick Jackson Contractor Services Request

Attached is the Law Department's (Law) request for contract services to be provided by Derrick Jackson. In approving the request, the Inspector General's Office (IGO) is certifying only that the request and supporting information provided does not appear to facially present a common law employee issue.

Additionally, please be advised that in certifying Law's request, the IGO is not endorsing or approving, and its certification should not otherwise be construed as an IGO endorsement or approval of, any of the underlying contracting protocols attending the proposed contract relationship, including among other things, whether Jackson's contractual services were appropriately procured.

Once you have received approval from the Office of Budget Management, please send us a copy of the completed form for our files. If you have any questions or would like to discuss further, please contact me at 773-478-8740.

cc: Jim Brennwald, Assistant Chief Labor Counsel, Department of Law

TO: Soo Choi, Inspector General's Office

CITY OF CHICAGO
REQUEST FOR CONTRACT OR TEMPORARY SERVICES

Department: Law

Date: June 14, 2010

Explain Why Contractor or Temporary Services Are Necessary:

The City needs to retain the services of former Fire Deputy Commissioner Derrick Jackson as an expert consultant to the City's negotiating team in collective bargaining negotiations, including possible interest arbitration, for a new collective bargaining agreement ("CBA") with the Chicago Firefighters Union, Local No. 2 ("Local 2"), covering approximately 5,000 fire suppression and emergency medical services personnel in the Chicago Fire Department ("CFD"). The City and Local 2 have now been engaged in negotiations for approximately three years (the parties' most recent CBA was scheduled to expire on June 30, 2007, but has been extended by agreement of the parties, pending completion of negotiations for the new CBA). Jackson's expert consultation services would include: (1) review and evaluation of Local 2 proposals and potential City proposals and counter-proposals; (2) advice and input regarding the potential impact on City and CFD operations of any proposals or draft proposals, and strategies for achieving the objectives of the City and the CFD in negotiations; and (3) assisting in any interest arbitration proceeding, including testifying as a witness for the City.

Jackson was a Deputy Fire Commissioner for CFD until his retirement at the end of April 2010. As Deputy Fire Commissioner, and among other duties, Jackson was the principal individual responsible for all of CFD's labor relations, including collective bargaining with Local 2 in the negotiations of the two previous CBAs, dating back to 1999, and also including responsibility for overseeing the administration of the Local 2 CBA for the City. In his capacity as the individual responsible for CFD's labor relations with Local 2, he was intimately involved in all Local 2 issues, and the resolution of those issues with Local 2 representatives, and was also the principal representative of the CFD in the current collective bargaining negotiations with Local 2.

Currently, and for the past three years (as well as the prior two rounds of Local 2 negotiations), the core of the City's negotiating team has consisted of Jackson, outside counsel Jim Franczek, and the City's Chief Labor Negotiator, David Johnson. Jackson has at all times been the City negotiators' principal CFD contact. At the heart of the current negotiations are operational issues relating to manning and staffing needs in specific operations and functions of the Department, possible areas of retrenchment of staffing, and potential opportunities for finding economies in the area of need to rehire employees, etc. All of these are being vigorously contested by Local 2. Part of Local 2's opposition to these proposals consists of its claims that our proposals suffer from various hidden defects: they will result in adverse, unforeseen operational consequences; will not save the CFD the kind of monies projected; will conflict with other operational goals and needs; will negatively impact the safety of fire fighters in the field, etc. After three years of negotiations, the proposals, concepts and ideas under active consideration are highly specific and are peculiar to operational needs and characteristics found within the CFD and nowhere else within the City.

While the City's negotiators receive support and assistance from other individuals in CFD, only Jackson has the experience and expertise necessary to inform the City's negotiating policies and strategies on the critical areas which are now the focus of bargaining with Local 2. It is the City's hope and expectation that, by the time negotiations for the next Local 2 CBA arrive in 2012, other individuals in CFD will have achieved a level of experience and expertise sufficient to meet the City's needs. However, at this point, Jackson is the only CFD representative capable of providing the knowledge and expertise needed for the current "end game" stage of negotiations with Local 2. In addition, the trust and respect that Jackson has earned from Local 2's negotiating team is unique and invaluable in these negotiations, and Jackson's absence from the bargaining table would significantly hamper the City's current efforts to convince Local 2 of the validity of the City's position with respect to its various proposals. In short, Jackson's credibility with Local 2 is a vital asset to the City in these negotiations.

Because the City is in the final stages of the negotiation process for a new Local 2 CBA, there simply will not be sufficient time to be able to train and educate someone else to assume Jackson's responsibilities within the applicable time frame, certainly not at the level of performance and demonstrated expertise the City requires. The City expects to know by the end of August 2010 whether a negotiated resolution with Local 2 is possible. If it is not, the City will proceed to interest arbitration for a new CBA, most likely on an expedited basis, where the City would rely upon Jackson as its principal witness in support of the City's proposals (and to rebut the Union's proposals). It is expected that any interest arbitration proceeding would be concluded by the end of 2010.

Explain Why Individual Is Considered Independent Contractor, and not Employee:

Jackson will be retained solely and exclusively for this one-time project: to serve as an expert consultant for the City in its current negotiations collective bargaining negotiations with Local 2 for a new CBA, including providing consultation and testimony in any interest arbitration proceeding. Jackson would not perform any other services for the City, and his contract would end upon completion of negotiations for the new Local CBA, including the conclusion of any interest arbitration proceeding. Jackson will work only as needed, as determined by the demands of these negotiations and/or the interest arbitration proceeding, and depending on his availability. Jackson will not be working on City premises, nor will the City be providing him with support staff or any tools or equipment. Any written work product will be produced by Jackson from his home office, using his own computer. All other services will be performed by Jackson in meetings at the law offices of the City's chief spokesperson in these negotiations, Jim Franczek, and at other non-City locations where negotiation meetings with Local 2 are conducted. Jackson will be paid for his services at an hourly rate, based on bills submitted for services performed. Jackson will not work under the direction or control of the City, or supervise any City employees. Jackson will be consulted and otherwise relied on by the City's negotiators solely for his experience and expertise in the Local 2 issues that are at the heart of current negotiations.

Number of Contractors Needed: 1

Hours Per Week: Will vary, depending on contractor's availability and demands of negotiations and/or interest arbitration

EXHIBIT A

Project Assignment: Provide expert consultation to the City's negotiators in current negotiations for a new collective bargaining agreement with Chicago Firefighters Union Local No. 2, including any interest arbitration proceeding.

Duration of Assignment: Until the completion of negotiations, including the completion of any interest arbitration proceeding.

Department Representative to Contact for Further Information:

Name: Jim Brennwald

Phone: 312/744-5395

<u>Fund:</u>	<u>Dept. #:</u>	<u>Org. #:</u>	<u>Approp.:</u>	<u>Object:</u>
100	59	2005	0931	0931

APPROVED

Department Head:	<u>Mara S. Georges</u>	Date:	<u>6-14-10</u>
Inspector General:	<u>[Signature]</u>	Date:	<u>6/16/10</u>
Budget Office:	<u>[Signature]</u>	Date:	<u>6/30/10</u>

NOT APPROVED

Inspector General:	_____	Date:	_____
Budget Office:	_____	Date:	_____

Expert Consultant Contract

This Expert Consultant Contract ("Contract") is entered into this _____ day of _____, 2010, by and between the City of Chicago ("City"), acting through its Department of Law ("the Department"), and Derrick Jackson ("Contractor").

In consideration of the mutual agreements contained herein, the Department and Contractor agree that Contractor shall be retained by the Department effective _____, 2010, for the purpose of performing the following services as an independent contractor, and not as an employee of the City or the Department:

Expert consultation to the City's bargaining team in its current negotiations for a new collective bargaining agreement with Chicago Firefighters Union, Local No. 2 ("Local 2"), including (1) review and evaluation of Local 2 proposals and potential City proposals and counter-proposals; (2) advice and input regarding the potential impact on City and Chicago Fire Department operations of any proposals or draft proposals, and strategies for achieving the objectives of the City and the Chicago Fire Department in negotiations; and (3) assisting in any interest arbitration proceeding, including testifying as a witness for the City.

This contract will terminate upon the completion of the City's current negotiations with Local 2 for a new collective bargaining agreement, including the completion of any interest arbitration proceeding.

In consideration therefor, the Department shall pay Contractor at the rate of \$90.00 per hour for services rendered. Contractor will provide the described services to the City on a one-time basis, and depending on his availability and the demands of the above-referenced matter, and will be paid for his services based on a record of hours worked submitted by the Contractor, subject to review by the City.

It is mutually understood and agreed that Contractor is not an employee of the City or the Department, and shall not in any respect represent himself as an employee of the City or the Department. Contractor is not entitled to any benefits provided to City employees, including but not limited to any paid or unpaid leave time or any type of insurance benefits, and will be compensated for services rendered only as provided above.

Contractor will work only as needed, as determined by the demands of negotiations

EXHIBIT A

and/or the interest arbitration proceeding, and depending on his availability. Contractor will not be working on City premises, nor will the City be providing him with support staff or any tools or equipment. Any written work product will be produced by Contractor from his home office, using his own computer. All other services will be performed by Contractor in meetings at the law offices of the City's chief spokesperson in these negotiations, Jim Franczek, and at other non-City locations where negotiation meetings with Local 2 are conducted.

Contractor agrees to notify the Department of any and all agreements, including any and all arrangements with clients other than the City, and any and all interests or obligations, which may present a conflict of interest with respect to his performance of services for the City and the Department under this Contract, or which would otherwise compromise Contractor's ethical obligations to the City with respect to his performance of services under this Contract.

Contractor hereby represents and warrants that he is not employed by any department of the City.

It is further understood and agreed that this Contract may be terminated by the City at any time prior to its expiration, in the event that Contractor defaults in the performance of the specified services, or in the performance of any other term contained herein. Contractor may terminate this Contract prior to its expiration in the event of default by the City, or upon at least thirty (30) days written notice to the Department. Contractor may not delegate, subcontract, assign or otherwise transfer his obligations and/or right to payment under this Contract without the express agreement of the Department.

AGREED:

CITY OF CHICAGO
DEPARTMENT OF LAW

CONTRACTOR

By: _____

Date: _____

Date: _____

**CITY OF CHICAGO
 PURCHASE REQUISITION**

Copy (Department)

DELIVER TO: 031-2005 30 LASALLE 30 N. LA SALLE ST. ROOM 1720 Chicago, IL 60602	REQUISITION: 51299 PAGE: 1 DEPARTMENT: 31 - DEPARTMENT OF LAW PREPARER: Patrick J Ryan NEEDED: APPROVED: 7/13/2010
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REQUISITION DESCRIPTION

Expert Consultation to COC Negotiating Team for Firefighters Local No. 2 Contract Negotiations
 SPECIFICATION NUMBER: 88130

COMMODITY INFORMATION

LINE	ITEM	QUANTITY	UOM	UNIT COST	TOTAL COST							
1	91804 Expert Consulting Services	1.00	Each	0.00	0.00							
SUGGESTED VENDOR:		REQUESTED BY: Patrick J Ryan										
DIST	BFY	FUND	COST CTR	APPR	ACCNT	ACTV	PROJECT	RPT CAT	GENRL	FUTR	Dist. Amt.	
1	010	0100	0994431	0931	220931	0000	00000000	000000	00000	0000	0.00	
LINE TOTAL:											0.00	
REQUISITION TOTAL:											0.00	

Where a commodity is for a particular or unique use other than standard quality, grades, color, size or other characteristics, give details of how it will be and for what purpose.
 Requisitions prepared incorrectly will be returned to the using department.

RE: Derrick Jackson Docs

Glavin, Terrence

Sent: Thursday, August 05, 2010 3:57 PM

To: DeHaan, Jason; Butler, Richard; Ryan, Patrick; Cygan, Jeanette

Cc: Seimetz, Karen; Brennwald, James; Loboda, Steve

I vote to recommend approval.

Terrence D. Glavin
City of Chicago - Department of Procurement Services
(312) 744-0851
terrence.glavin@cityofchicago.org

From: DeHaan, Jason
Sent: Thursday, August 05, 2010 9:40 AM
To: Butler, Richard; Ryan, Patrick; Cygan, Jeanette
Cc: Glavin, Terrence; Seimetz, Karen; Brennwald, James; Loboda, Steve
Subject: RE: Derrick Jackson Docs

The documents provided by Patrick Ryan and James Brennward address NCRB's request for additional documentation in my opinion and support my vote to recommend approval.

Jason

From: Butler, Richard
Sent: Wednesday, August 04, 2010 7:56 PM
To: Ryan, Patrick; Cygan, Jeanette
Cc: Glavin, Terrence; DeHaan, Jason; Seimetz, Karen; Brennwald, James; Loboda, Steve
Subject: Re: Derrick Jackson Docs

Will notify your department once I hear from the NCRB. By way of this email NCRB members please expedite your review and response no later than Thursday August 5. TY

----- Original Message -----

From: Ryan, Patrick
To: Cygan, Jeanette
Cc: Glavin, Terrence; DeHaan, Jason; Butler, Richard; Seimetz, Karen; Brennwald, James
Sent: Wed Aug 04 12:34:23 2010
Subject: Derrick Jackson Docs

Hello -

I have attached an electronic copy of the documents that were requested by the Non-Competitive Review Board in regard to the Derrick Jackson consulting contract request:

- Letter of agreement to the rates and limit signed by Derrick Jackson
- Clarification of statement regarding MBE/WBE direct and indirect participation

Jim Brennwald will hand deliver the hard copy documents this afternoon. Please advise if there is anything else required of the Law Department at this time.

Thank you.

PJR

RE: Derrick Jackson Docs

Loboda, Steve

Sent: Thursday, August 05, 2010 9:26 AM
To: Butler, Richard; Ryan, Patrick; Cygan, Jeanette
Cc: Glavin, Terrence; DeHaan, Jason; Seimetz, Karen
Importance: High

I concur.

-----Original Message-----

From: Butler, Richard
Sent: Wednesday, August 04, 2010 7:57 PM
To: Ryan, Patrick; Cygan, Jeanette
Cc: Glavin, Terrence; DeHaan, Jason; Seimetz, Karen; Brennwald, James; Loboda, Steve
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Thank you.

PJR

RE: Derrick Jackson Docs

Seimetz, Karen

Sent: Thursday, August 05, 2010 9:22 AM

To: Butler, Richard; Ryan, Patrick; Cygan, Jeanette

Cc: Glavin, Terrence; DeHaan, Jason; Brennwald, James; Loboda, Steve

I just got a message from Jeanette to respond to this e-mail but as everyone will recall, I have recused myself from this vote.

-----Original Message-----

From: Butler, Richard

Sent: Wednesday, August 04, 2010 7:57 PM

To: Ryan, Patrick; Cygan, Jeanette

Cc: Glavin, Terrence; DeHaan, Jason; Seimetz, Karen; Brennwald, James; Loboda, Steve

Subject: Re: Derrick Jackson Docs

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