

**REQUEST FOR INFORMATION (RFI)**

**BROADBAND INFRASTRUCTURE EXPANSION**

Required for use by:

CITY OF CHICAGO  
Department of Procurement Services

Issued by:

CITY OF CHICAGO  
Department of Procurement Services

**SIX (6) HARDCOPIES OF THE RESPONSE AND SIX (6) CDS  
OF ANY PRODUCT LITERATURE OR DATA MUST BE SUBMITTED**

All responses shall be addressed and returned to:

Jamie L. Rhee, Chief Procurement Officer  
Attention: Rona Jeongco  
Department of Procurement Services  
Bid and Bond - Room 301, City Hall  
121 North La Salle Street  
Chicago, IL 60602

Responses must be received no later than **4:00 PM, Central Time, on October 19, 2012**. The outside of the envelope or package must clearly indicate the name of the project, “RFI for **Broadband Infrastructure Expansion**”, Specification No. **111304**, the time, and the date specified for receipt.

The name and address of the Respondent must be clearly printed on the outside envelope or package.

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RAHM EMANUEL  
MAYOR

JAMIE L. RHEE  
CHIEF PROCUREMENT OFFICER

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Rona Jeongco, Contract Negotiator, (312) 744-7284

## REQUEST FOR INFORMATION

### SUBJECT: Broadband Infrastructure Expansion

INQUIRIES: All inquiries or questions must be directed to Rona Jeongco, Contract Negotiator, Professional Services Unit at the City of Chicago Department of Procurement Services, (312) 744-7284, or fax (312) 744 -7679 or by email at [rona.jeongco@citvofchicago.org](mailto:rona.jeongco@citvofchicago.org).

Questions must be received no later than **October 3, 2012**. If a determination is made that a clarification or change to the RFI document is required, a written addendum will be mailed or faxed by the Department of Procurement Services to all RFI document holders. Respondents are responsible for obtaining all RFI materials.

### Deadline and Procedures for Submitting Responses

Responses must be received by the City of Chicago in the City's Bid and Bond Room (Room 301, City Hall) no later than 4:00 p.m. Central Time on **October 19, 2012**. The Bid and Bond Room can be reached at telephone number 312-744-9773.

1. Responses must be delivered to the following address:

Jamie L. Rhee, Chief Procurement Officer  
Department of Procurement Services  
Bid and Bond Room  
Room 301, City Hall  
121 North LaSalle Street  
Chicago, Illinois 60602

Submit six (6) hard copies and six (6) CDs of your response including any product literature or data. Submittals shall be labeled: "RFI for Broadband Infrastructure Expansion" Specification No. 111304. Please return this sheet with completed information below as a part of your submittal documents.

Responding to this RFI is not a pre-requisite for responding to any subsequent solicitations relating to this project.

Response submitted by:

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Authorized Officer Signature in Ink

\_\_\_\_\_  
Address

\_\_\_\_\_  
Title

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fax Number

## I. GENERAL INVITATION

The City of Chicago issues this Request for Information (RFI) to gather ideas and recommendations for developing and expanding citywide broadband infrastructure and improve access to high-speed internet for residents across the City. This process will inform the development of a comprehensive telecommunications infrastructure that supports economic growth by meeting the technological needs of current and future businesses and institutions and ensures that all Chicagoans have access to reliable wired and/or wireless service at adequate speeds and affordable prices.

The City seeks ideas and comments from Respondents on one or more of the following goals:

- Goal 1: Create an open-access gigabit fiber network in targeted commercial and industrial corridors to foster innovation, drive job creation, and stimulate economic growth.
- Goal 2: Provide free or heavily discounted multimegabit internet service over a wired or wireless network to underserved and disadvantaged residential areas across the City.
- Goal 3: Establish free wireless networks in parks and public spaces across the City. In support of this effort, Millennium Park will begin providing free wireless service in coordination with the release of this RFI.

These goals support the City's efforts to become the technology hub of the nation and increase access to broadband for all residents, with the ultimate goal of providing gigabit service citywide in the future. To further these goals, the City may offer a variety of supporting assets, including access to existing City-owned fiber; right-of-way access to freight tunnels, water mains, and sewers; coordination with planned City construction work to modernize water and sewer infrastructure; up to \$30 million in IT spending by the City and its sister agencies; and other forms of investment.

The City welcomes ideas and recommendations from all interested or potentially interested parties, including organizations with a commercial interest in the project. Potential Respondents are encouraged to collaborate in offering ideas and recommendations. Respondents are not required to submit responses pertaining to all three goals and the City encourages interested parties to respond to any and all relevant aspects of this RFI.

This is not an invitation for bids or requests for proposals, therefore, no standard City terms and conditions or contractual language is contained herein, nor is it required in your response. No contract award will result from this solicitation. For purposes of the RFI, the term "Respondent" or "Vendor" means the entity providing a written response to this RFI.

## II. OBJECTIVES OF RFI

Mayor Emanuel is committed to making the critical investments required to ensure that Chicago is prepared to meet the demands of a 21st century economy. Providing the resources necessary for businesses, residents, and government to succeed and thrive is necessary for Chicago to remain a global leader and pioneer. Availability of and access to a high-speed broadband network has quickly become viewed as critical urban infrastructure, similar to electricity, water, and roadways. Today, broadband is not uniformly accessible to all Chicagoans and the speeds currently available do not provide an adequate foundation to propel the city forward in a technology-based economy.

### **Goal 1: Create an open-access gigabit fiber network in targeted commercial and industrial corridors to foster innovation, drive job creation, and stimulate economic growth.**

The City's first step toward achieving affordable high-speed internet access for all Chicagoans will build upon existing fiber infrastructure to serve core industrial and commercial areas with gigabit speed

broadband and focus on providing immediate access to the businesses located in these locations. Key to this effort will be leveraging existing fiber assets, deploying new fiber where necessary, and connecting this backbone to serve new and existing businesses in target locations.

The City's primary goal is to increase penetration of affordable broadband service to foster innovation, drive job creation, and stimulate economic growth. To help the City achieve these goals, Respondents should include in their responses ideas and recommendations for accomplishing the following objectives:

- A) Provide gigabit service at a substantial discount to current market prices of comparable service for established businesses.
- B) Increase competition to drive down prices, so large companies receive faster speeds at cheaper prices.
  - a) Provide a reliable platform for technology and research institutions that require high-speed broadband to conduct business.
  - b) Enhance educational opportunities at universities and delivery of health care services.
  - c) Stimulate new product, application, and service development through increased bandwidth and network capacity.
  - d) Allow businesses to focus on growing their business, not the lack of access to needed telecommunications infrastructure.
- C) Provide discounted or no-cost gigabit service in targeted corridors of the City to drive (re)location of select businesses to those areas.
  - a) Support the City's economic development strategy through (re)location incentives.
  - b) Drive targeted economic development efforts in specified areas of the city.
  - c) Position Chicago as a leading destination for next-generation, technology-focused business relocation.
- D) Provide discounted or no-cost gigabit service to urban anchor institutions where gigabit service is available.
  - a) Provide priority access to schools, libraries, community colleges, and public safety agencies that face increasing demand for internet access.
  - b) Prioritize extending fiber to anchor institutions to reduce gaps in overall network topology
  - c) Provide access to nonprofits and other organizations that serve the community.

In addition, the City anticipates that implementation of a gigabit-speed fiber network will:

1. Create a platform for technology companies to create the next-generation of products and services.
2. Reduce existing and/or future government telecommunications costs while simultaneously providing faster speed and improved service.
3. Leverage and coordinate ongoing infrastructure improvement efforts to reduce network development costs.
4. Encourage competition and transparency.
5. Provide a comprehensive broadband infrastructure that can be expanded upon to serve other areas of the City in the future.
6. Position Chicago as a global leader in technology and innovation.

**Goal 2: Provide free or heavily discounted multimegabit internet service over a wired or wireless network to underserved and disadvantaged residential areas across the City.**

In addition to providing cutting edge broadband service for commercial and industrial sectors, wide-spread access to reliable, affordable high-speed internet service is critical in ensuring that all Chicagoans are connected to the modern economy. Low-income and disadvantaged residents are often underserved by Chicago's current broadband infrastructure and a lack of universally available, affordable broadband service. Overcoming geographic or financial barriers to connect all residents of Chicago to the educational, cultural, and economic opportunities and resources they deserve is essential to empower Chicagoans to be at the forefront on an increasingly borderless, digital world. Existing programs in the City that provide very low cost connectivity options for qualifying households may offer a potential model for how to roll this out at scale.

To help the City achieve this goal, Respondents are invited to submit ideas and recommendations on approaches to providing free or heavily discounted multimegabit internet service over a wired or wireless network to underserved and disadvantaged residential areas across Chicago.

### **Goal 3: Establish free wireless networks in parks and public spaces across the City.**

The City's final goal is to provide free wireless internet service at parks and public spaces across Chicago. Expansion of access in these public spaces will add to the vibrancy of Chicago's neighborhoods and contribute to local economic activity. In addition to better serving the thousands of visitors to Chicago each year, local residents will also have the benefit of staying connected while enjoying the many outdoor spaces across the city.

To help the City achieve this goal, Respondents are invited to submit ideas and recommendations on approaches for providing free wireless internet service at parks and public spaces across the City, as well as propose any additional public spaces.

## **III. SCOPE OF REQUESTED INFORMATION**

### **A. Target Geographic Areas**

The City invites responses that include ideas and recommendations regarding the development of a gigabit fiber network in selected Innovation Zones, as well as expanded wired and/or wireless broadband service to underserved and disadvantaged residential areas and parks and public spaces across the City. Comprehensive responses will examine existing resources and evaluate the feasibility of network expansion in these areas, including the necessary steps and additional resources required to develop an expansive network.

#### **Innovation Zones**

The City seeks the development of an open-access gigabit fiber network that offers services at a reduced cost in the Innovation Zones identified below. Respondents are encouraged to propose additional Innovation Zones that would benefit from a gigabit fiber network.

- Loop Area
- West Loop Area
- River North
- Bucktown/Wicker Park
- Ravenswood Industrial Corridor
- McCormick Place/Cermak
- Loyola University
- DePaul University
- Illinois Medical District
- Michael Reese Hospital Site
- Illinois Institute of Technology
- University of Illinois – Chicago
- Columbia College Chicago/Roosevelt University
- University of Chicago
- University of Chicago Medical Center

### Underserved Residential Areas

Respondents are encouraged to propose underserved and disadvantaged residential areas across the City to be served with free or heavily discounted multimegabit internet service over a wired or wireless network.

### Parks and Public Spaces

The City seeks the development of free wireless networks in parks and public spaces across the city. Patrons will have the ability to search the web, check emails, and connect to corporate networks while enjoying the City's green spaces.

While the ultimate goal is to have all parks and public spaces citywide provide free wireless service, development of the following Primary Parks and Public Spaces should be given priority if taking a phased approach. The selected locations are areas across the City that experience a high volume of patrons, including pedestrians, bicyclists, and transit riders.

#### **Primary Parks**

- Grant Park
- Northerly Island
- Museum Campus/Soldier Field
- 31<sup>st</sup> Beach/Harbor
- 12<sup>th</sup> St Beach
- Lincoln Park Zoo/North Ave Beach
- Ohio St Beach
- Connors Park/Mariano Park
- Pritzker Park
- Bartelme Park
- South Shore Cultural Center
- Mann Park
- West Lawn
- Broadway Armory
- Humboldt Park
- Garfield Park Conservatory
- Wicker Park
- Portage Park
- Berger Park
- Washington Park
- Ridge Park
- Welles Park
- Bloomingdale Trail
- Dunbar Park

#### **Primary Public Spaces**

- Burton-Wells Plaza
- Emerald-34th Plaza
- Joe DiMaggio Plaza
- Lawrence-Lincoln-Western
- Lincoln Central Park
- Nelson Algren Memorial
- Perez Plaza
- Vernon Park Fountain
- Wentworth Plaza
- WWI Memorial Triangle
- Blue Island-Loomis-18<sup>th</sup>
- Vietnam Memorial
- Mautene Court
- Englewood Plaza
- Woodard Plaza
- Ogden Mall

\*Street-level maps of the Innovation Zones and Parks and Public Spaces are available through the Department of Procurement Services. Please see Appendices A and B.

### **B. Desired Network Characteristics**

The City intends to be an infrastructure partner only and does not intend to act as a retail service provider or network operator. Desired network characteristics are outlined below.

## General Requirements for All Technology Solutions

### *Gigabit Fiber, Wired or Wireless Multimegabit Broadband, Wireless Parks and Public Spaces*

Customers should be able to attach any devices to the network, as long as they do not impair network performance. Customers must also be able to post and access any lawful content on non-discriminatory terms. Data must be encrypted while traversing the broadband network in order to ensure the security and privacy of customers.

The network must be characterized by a transport infrastructure that is physically and logically redundant and provide raw Layer 2 transport in addition to IPv4 and IPv6 Layer 3 routing. The infrastructure must be capable of providing 99.9% availability, be resilient with low latency and jitter, and ensure that packets sent and received at the network edges are identical. Finally, the network must permit the adoption of technologies such as DWDM, LTE, 802.11ac and other technologies as they become standardized or gain a significant market share.

## Gigabit Fiber Network Requirements

In addition to the general requirements outlined above, the City requires an open network architecture that allows for multiple service providers and equal access to fiber infrastructure at reasonable wholesale cost, providing dedicated bandwidth to all customers and service providers. The network must be sufficient to support the provision of any combination of voice, video, and data services at gigabit speed, in both upstream and downstream directions, to residents, businesses, institutions, and City government.

## Wireless Service Requirements in Parks and Public Spaces

In addition to the general requirements outlined above, wireless service provided at parks and public spaces must have a minimum connection speed of 6 Mbps and utilize MIMO technology. The maximum number of clients that can associate per access point is 24. The minimum number of clients supported per location is expected to vary by location and can be determined at a later time based on park size.

## **C. Public Assets and Infrastructure**

The City of Chicago possesses a variety of public assets and infrastructure that may be leveraged to support the development and expansion of a comprehensive telecommunications network. The use of any of these assets may be subject to certain restrictions, regulations, and/or additional authorization by other agencies. Some assets may be preempted from use due to existing contractual relationships, limitations due to tax exempt bonds or grant funding restrictions concerning private use and some may be removed from consideration for some other reason. Any such preemption may be disclosed at any time.

In addition to the assets outlined below, the City may also consider additional investments and support for broadband infrastructure expansion. The Respondent is encouraged to propose additional areas where the City could extend support.

### **a. Fiber**

The City of Chicago owns a series of fiber lines that may be leveraged for this effort. This fiber is owned or controlled by several agencies, including the Office of Emergency Management and Communications (OEMC) and the Chicago Transit Authority (CTA). These agencies could make some of its fiber available where spare capacity exists.

\*Street-level fiber maps are available through the Department of Procurement Services. Please see Appendices A and B.

**b. Rights-of-way**

The City of Chicago has over 4,000 miles of roadways, consisting of over 1,000 miles of major streets and nearly 3,000 miles of residential streets, as well as over 2,000 miles of alleys. In addition, the City has an extensive network of freight tunnels, water mains, and sewers that can potentially be leveraged to support expansion of broadband infrastructure. Planned street maintenance could be utilized to coordinate any proposed work with preexisting construction schedules and these schedules may have certain flexibility to align with a potential network rollout.

\*Street-level maps of freight tunnels are available through the Department of Procurement Services. Please see Appendices A and B.

**c. Light and Utility Poles**

The City owns thousands of light poles across the City, including in the Innovation Zones, residential areas, and parks and public spaces. If considered an optimal form of supporting wireless infrastructure, light poles could potentially be leveraged for aerial placement of equipment. Depending on the type of equipment required, certain poles may require concurrent upgrades or replacement at the time of installation. In addition to City-owned light poles, there are thousands of utility poles in alleys owned by other entities, such as ComEd and AT&T. Usage of these poles would require further negotiation with the individual utilities.

**d. City Support**

In any future procurement that may follow the issuance of this RFI, the Mayor's Office will serve as the point of contact and support for any successful future procurement Respondent and will coordinate efforts with the Department of Innovation and Technology and other City agencies to ensure a smooth and rapid deployment.

**D. Market Potential**

The City of Chicago and its sister agencies spend over \$30 million on broadband services each year. This includes spending by the City of Chicago, Chicago Park District, City Colleges of Chicago, Chicago Transit Authority, Chicago Housing Authority, Chicago Public Schools, and Chicago Public Libraries. In any future procurement that may follow the issuance of this RFI, the City anticipates partnering with sister agencies to leverage overall annual IT spending, subject to agreement by those agencies, to accelerate development of gigabit speed broadband in the Innovation Zones.

The City's current total broadband spending is not restricted to sites located in the proposed Innovation Zones where the gigabit fiber network will initially be expanded. The City expects to leverage only the portion of its total broadband infrastructure budget located in these areas, with the potential for the remaining spending to be made available as the gigabit network is expanded Citywide in the future.

The City is willing to work with Respondents to analyze potential demand in Innovation Zones and other areas by helping to pull together data on existing private broadband spending and demand for gigabit service. Respondents are invited to propose additional areas in the City where network expansion supports economic growth and presents viable economic opportunity for a potential service provider.

**IV. GENERAL TERMS FOR RFI**

**Disclaimer**

Responses to this RFI become the exclusive property of the City. All documents submitted in response to this RFI may be regarded as public records and may be subject to disclosure. This RFI is issued solely for



information and planning purposes and does not constitute a solicitation. No material submitted in response to this RFI will be returned. Respondents are solely responsible for all expenses associated with responding to this RFI.

#### A. Confidentiality

All submissions are subject to the Illinois Freedom of Information Act. To the extent that the Respondent desires to submit proprietary information to the City, the City represents that it will use all reasonable efforts to claim available exemptions under state Freedom of Information Act (FOIA) law, and will notify Respondent if a FOIA request is received in connection with that proprietary information. All materials that the respondent believes are proprietary MUST be labeled "Proprietary, privileged and confidential." The City, of course, cannot guarantee that its efforts to claim available exemptions will be successful and the City may be required to disclose the Respondent's information.

#### B. Incurred Costs

The City of Chicago will not be liable in any way for any costs incurred by Respondents in replying to this RFI, including, but not limited, to costs associated with preparing the response, participating in any site visits, demonstrations, conferences or oral presentations.

#### C. Prohibition on Certain Contributions – Mayoral Executive Order No. 2011-4

No Contractor or any person or entity who directly or indirectly has an ownership or beneficial interest in Contractor of more than 7.5% ("Owners"), spouses and domestic partners of such Owners, Contractor's Subcontractors, any person or entity who directly or indirectly has an ownership or beneficial interest in any Subcontractor of more than 7.5% ("Sub-owners") and spouses and domestic partners of such Sub-owners (Contractor and all the other preceding classes of persons and entities are together, the "Identified Parties"), shall make a contribution of any amount to the Mayor of the City of Chicago (the "Mayor") or to his political fundraising committee during (i) the bid or other solicitation process for this Contract or Other Contract, including while this Contract or Other Contract is executory, (ii) the term of this Contract or any Other Contract between City and Contractor, and/or (iii) any period in which an extension of this Contract or Other Contract with the City is being sought or negotiated.

Contractor represents and warrants that since the date of public advertisement of the specification, request for qualifications, request for proposals or request for information (or any combination of those requests) or, if not competitively procured, from the date the City approached the Contractor or the date the Contractor approached the City, as applicable, regarding the formulation of this Contract, no Identified Parties have made a contribution of any amount to the Mayor or to his political fundraising committee.

Contractor shall not: (a) coerce, compel or intimidate its employees to make a contribution of any amount to the Mayor or to the Mayor's political fundraising committee; (b) reimburse its employees for a contribution of any amount made to the Mayor or to the Mayor's political fundraising committee; or (c) bundle or solicit others to bundle contributions to the Mayor or to his political fundraising committee.

The Identified Parties must not engage in any conduct whatsoever designed to intentionally violate this provision or Mayoral Executive Order No. 2011-4 or to entice, direct or solicit others to intentionally violate this provision or Mayoral Executive Order No. 2011-4.

Violation of, non-compliance with, misrepresentation with respect to, or breach of any covenant or warranty under this provision or violation of Mayoral Executive Order No. 2011-4 constitutes a breach and default under this Contract, and under any Other Contract for which no opportunity to cure will be granted.

Such breach and default entitles the City to all remedies (including without limitation termination for default) under this Contract, under Other Contract, at law and in equity. This provision amends any Other Contract and supersedes any inconsistent provision contained therein.

If Contractor violates this provision or Mayoral Executive Order No. 2011-4 prior to award of the Contract resulting from this specification, the CPO may reject Contractor's bid.

For purposes of this provision:

"Other Contract" means any agreement entered into between the Contractor and the City that is (i) formed under the authority of MCC Ch. 2-92; (ii) for the purchase, sale or lease of real or personal property; or (iii) for materials, supplies, equipment or services which are approved and/or authorized by the City Council.

"Contribution" means a "political contribution" as defined in MCC Ch. 2-156, as amended.

"Political fundraising committee" means a "political fundraising committee" as defined in MCC Ch. 2-156, as amended.

#### D. False Statements

##### (a) 1-21-010 False Statements

Any person who knowingly makes a false statement of material fact to the city in violation of any statute, ordinance or regulation, or who knowingly falsifies any statement of material fact made in connection with an application, report, affidavit, oath, or attestation, including a statement of material fact made in connection with a bid, proposal, contract or economic disclosure statement or affidavit, is liable to the city for a civil penalty of not less than \$500.00 and not more than \$1,000.00, plus up to three times the amount of damages which the city sustains because of the person's violation of this section. A person who violates this section shall also be liable for the city's litigation and collection costs and attorney's fees.

The penalties imposed by this section shall be in addition to any other penalty provided for in the municipal code. (Added Coun. J. 12-15-04, p. 39915, § 1)

##### (b) 1-21-020 Aiding and Abetting.

Any person who aids, abets, incites, compels or coerces the doing of any act prohibited by this chapter shall be liable to the city for the same penalties for the violation. (Added Coun. J. 12-15-04, p. 39915, § 1)

##### (c) 1-21-030 Enforcement.

In addition to any other means authorized by law, the corporation counsel may enforce this chapter by instituting an action with the department of administrative hearings. (Added Coun. J. 12-15-04, p. 39915, § 1)

## **APPENDIX A**

### **RESPONDENT BACKGROUND SUMMARY**

Certain information and materials that support the goals of this RFI are considered confidential. Prospective Respondents must complete a brief vetting process in order to receive the following maps:

- OEMC and CTA Fiber
- Innovation Zones and Parks and Public Spaces
- Freight Tunnels

In order for a Respondent to receive these materials, the following information, along with a completed Confidentiality Agreement (Appendix B), must be submitted to the Department of Procurement Services for review.

1. General Company Background Information
  - a. Legal name
  - b. Principal place of business
  - c. Legal form (i.e. individual, corporation, joint venture, limited partnership)
  - d. Names of principals and partners
  - e. Company website
2. Broadband Experience
  - a. Number of years the respondent has been involved in the broadband business and/or community
  - b. Overview of experience and background
  - c. Key personnel
3. Contact Information
  - a. Name, title, address, phone number, and email address of the principal contact

## **APPENDIX B**

### **CONFIDENTIALITY STATEMENT**

## CONFIDENTIALITY STATEMENT

The undersigned, on behalf of \_\_\_\_\_ ("Respondent"), executes this Confidentiality Statement ("Statement") as of the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

### **Background:**

Respondent is considering whether to respond to the Request for Information ("RFI") issued by the City of Chicago ("City"), regarding the construction and operation of a broadband fiber-optic network. In order to assist Respondent in its preparation of its response to the RFI, the City will provide Respondent with certain non-public information ("Confidential Information") about the City's infrastructure. The Confidential Information includes but is not limited to, a map or maps of the City of Chicago, showing existing lit and dark fiber, water and sewer openings, underground freight tunnels, and other sub-surface infrastructure of the City of Chicago that, for security and safety reasons, is not publicly available.

The City considers some or all of the Confidential Information to be exempt from disclosure pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq. and/or other laws or regulations relating to critical infrastructure information. However, in the interest of cooperating with Respondent and its exploration of possibilities relating to the RFI, the City is providing the Confidential Information with the understanding that it will be used only for the purpose of responding to the RFI, and will under no circumstances be distributed publically without the express written permission of the City.

Respondent understands that in discussing and providing Confidential Information to Respondent, the City does not waive any exemption(s) or privilege(s) from disclosure that it otherwise possesses under the Illinois Freedom of Information Act, or under any other state or federal law or regulation.

In recognition of the benefits to Respondent of receiving Confidential Information from the City, Respondent will undertake the following obligations with respect to the Confidential Information:

### **Respondent's Obligations:**

- 1) Respondent will maintain the confidentiality of the Confidential Information whether transmitted in writing, verbally, or electronically.
- 2) Respondent will only have a duty to protect Confidential Information if it is disclosed in a manner in which the City reasonably communicated, or Respondent should reasonably have understood under the circumstances, that the disclosure should be treated as confidential, whether or not the specific designation "confidential" or any similar designation is used.
- 3) Respondent may use Confidential Information only for the purpose of responding to the RFI. Respondent will use a reasonable degree of care to protect the Confidential Information and to prevent any unauthorized use or disclosure of Confidential Information. Respondent may share the Confidential Information with its employees, directors, agents or third party contractors who need to know it and if they have agreed with Respondent in writing to keep the information confidential. Respondent will promptly notify the City of any unauthorized access to Confidential Information of which Respondent becomes aware.
- 4) Consistent with applicable Illinois privacy laws, and subject to the provisions of the Illinois Freedom of Information Act ("FOIA"), Respondent shall: (a) protect all Confidential Information using the same practices it uses to protect trade secrets, (b) notify the City immediately upon receipt of a request if Respondent believes a response to a request requires the disclosure of Confidential Information and (c) immediately provide the City with a copy of any request by a third party seeking inspection and copies of such Confidential Information from Respondent. Respondent may disclose Confidential Information by subpoena or otherwise when compelled to do so by law if it provides reasonable prior notice to the City, unless a court orders that the City not be given notice. However, the City may oppose release, at the

City's expense. Respondent must provide reasonable assistance to the City in opposing the subpoena or request.

5) Confidential Information does not include information that (a) was known to Respondent without restriction before receipt from the City; (b) is publicly available through no fault of Respondent; (c) is rightfully received by Respondent from a third party without a duty of confidentiality; or (d) is independently developed by Respondent.

6) Respondent will make copies of the Confidential Information only as reasonably necessary for Respondent to engage in the purpose of responding to the RFI. Because the Confidential Information is confidential for public safety or security reasons, all copies of such information including the original(s) must be returned to the City or destroyed when no longer needed for the purpose of responding to the RFI. However, in no event are copies to be retained longer than one year from the date of this Statement unless otherwise permitted by the City in writing.

7) Respondent understands that the City is under no obligation to proceed with any business transaction with it.

8) Respondent understands that it does not acquire any intellectual property rights to the Confidential Information except the limited rights necessary to use the Confidential Information for the purpose of responding to the RFI.

9) By accepting the Confidential Information, Respondent understands and acknowledges that the exclusive venue for any dispute relating to it shall be Cook County, Illinois, and that its obligations with respect to the Confidential Information will be governed by the laws of the State of Illinois, including its conflict-of-laws principles.

10) Respondent represents and warrants that its undersigned officer has full authority and capacity to execute this Statement on its behalf.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

Signed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Notary Public