

05/05/2004 14:21 FAX 312 747 7010

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

JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT

COMPLETE THIS SECTION IF NEW CONTRACT, TERM AGREEMENT OR PURCHASE ORDER

For contract(s) or purchase order, 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 EngSoft Solutions the product and/or services described herein.
Name of Person or Firm

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

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:
Specification #: Contract or Program Description:
Mod #: (Attach List, if multiple)
Lance T. Lewis 7-0369 *Lance T. Lewis* Water Management 5-04-04
Originator Name Telephone Signature Department Date

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

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

APPROVED BY: *Richard P. [Signature]* 5-5-04
DEPARTMENT HEAD OR DESIGNEE DATE BOARD CHAIRPERSON DATE

Procurement History

Under provision of the Safe Drinking Water Act of 1974, the Federal government through the EPA has established national standards of safe drinking water. The Illinois EPA mandates that municipal governments establish programs to contain records and data on inspections, tests, retests, installation, and repairs on all back flow devices. The XC2 system, designed by EngSoft Solutions has been in use by Water Management for three years and contains data on 16,000 back flow as well 29,000 records on service terminations. XC2 system is vital to Water Management as it allows the Department to store records, monitor compliance and retests as required by EPA standards. Presently, Water Management requires EngSoft to provide maintenance and service to their exclusive product.

Estimated Cost

\$12695.00 includes updated software and technical support.

\$ 6595.00 includes three day training. Includes travel expenses for vendor.

\$19290 includes software and training

Scheduled Requirements

Installation of system on server and client workstations

3 day training for users and Data Base Administrator

Exclusive or Unique Capabilities

There are no other authorized organizations or persons qualified to install or provide specific training for the proposed software. EngSoft Solutions is manufacturer and sole distributor of the XC2 Backflow Prevention Management Software which is currently being used by the Department of Water Management, and is to be updated to the current version. Should any party, person or organization manipulate any aspect of the application or provide training not authorized by the manufacturer, all warranties will be voided and EngSoft will not be liable for any failure to the system.



EngSoft Solutions

WATER QUALITY & DISTRIBUTION SOFTWARE

H2O
BENCHMARK™



Providers of

**Water Quality, Distribution & Collection Software
Backflow Prevention Management Software
Work Order Management and Inventory Control Software**



Eric J. Griggs
Acting Chief Procurement Officer
City of Chicago, IL
Department of Procurement Services
City Hall, Room 403
121 N. LaSalle
Chicago IL 60602

Attn: Gail Borenstein

April 19, 2004

Subject: MBE/WBE Compliance - Request for Waiver

Dear Mr. Griggs,

This letter is to request a waiver of the MBE/WBE Compliance regulations regarding our contract with the City of Chicago for products and services to be provided to the Department of Water/Office of Water Management.

Our office has conducted a search of the MBE/WBE website for the City of Chicago, Department of Procurement Services to locate possible MBE/WBE certified business that we could subcontract to provide direct products or services or indirect products or services in regards to our proposed contract with the City.

EngSoft Solutions is the sole source for all aspects of **XC2® Backflow Prevention Management Software**, which is currently being used by the City of Chicago Department of Water, and is to be upgraded to the current version, as well as training to be provided to the staff for the use of the software to administer the backflow prevention program which is actively in place at the Department of Water. **XC2® Software** has been actively in use at the Department of Water since January 2000.

Our only office is located in the San Francisco, CA Bay Area and as such, we have no relationships with any organizations in the Chicago area except for the Department of Water. Our office has searched the database for any possible vendors who might be familiar with any aspect of backflow prevention program management or who may be familiar with the use of **XC2® Software**. No vendors of any relativity whatsoever were found.

Further, we have called and spoken with Ms. Gail Borenstein at the Department of Procurement Services in order to further assure if there is or might be any MBE/WBE organizations who could possibly provide these direct or indirect services. As of this writing, we have not been able to locate any MBE/WBE organizations who could provide any related services.

We have contacted the following Assist Agencies in Chicago:

Called: 02/24/04
Chicago Minority Business Development Council
1 E. Wacker Drive, Suite 1200
Chicago, IL 60601
Kevin Heard
312-755-8880 Ext. 20
kheard@cmbdc.org

Disposition: Have not heard back from this organization
=====

Called: 02/24/04
Women's Business Development Center
8 S. Michigan Ave., Suite 400
Chicago, IL 60603
Attn: Hedy Ratner, Executive Director
Phone: (312) 853-3477
Fax: (312) 853-0145
Women's Business Development Center

Disposition: Have not heard back from this organization
=====

Called: 02/24/04
Successful Independent Network (SIN) Association
2100 W. Washington, Chicago, IL 60612
Mailing Address: P.O. Box 1113, Chicago, IL 60608
Arnett King Gen. Mgr.
Phone: (773) 271-1364
Fax: (773) 271-1364

Disposition: Received responses from:

Kevin C. Scates
KCS Computer Consulting, Inc.
773-903-5158

Andre Mitchell
The Computer Doctor

Neither of these people had any experience whatsoever with XC2 Software or Backflow Prevention Management Software of any kind, nor had ever heard of Backflow Prevention.

Our proposed on-site services are for the installation of and training only of **XC2® Software** for the purpose of the management and administration of the City of Chicago's Backflow Prevention Program.

No other additional services or products will be provided by our company. The City of Chicago will be supplying all computer related hardware, operating system software, and network software required for the system to properly function. We will not be involved in any way to configure such hardware or software except to consult as to the requirements needed for our software to properly function. After thorough searching and consideration, we have found no MBE/WBE vendors who could supply any portion of this contract, either directly or indirectly.

As there are no other authorized organizations or persons qualified to install or provide specific training for **XC2® Software**, should any other party, person or organization modify any aspect of **XC2® Software**, its installation, setup or functions, or provide training that may be contrary to the correct use of the software as indicated by EngSoft Solutions, any and all warranties pertaining to our software or related services will be null and void. As well, EngSoft Solutions will not be liable for any failure, dysfunction or loss of data integrity, downtime or any other aspect pertaining to the software should any other party intervene.

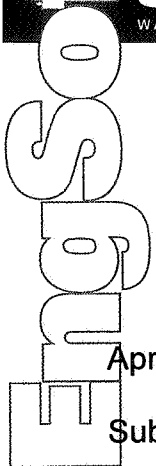
In the future, in the event that other contracts between our company and the City of Chicago are necessary, we will persevere to use MBE/WBE vendors whenever and however possible in order to successfully complete the contract requirements.

Please contact me directly if you have any questions or concerns regarding the above.

Regards,

A handwritten signature in black ink, appearing to read 'Randy Engle', with a long horizontal stroke extending to the right.

Randy Engle, President
EngSoft Solutions
randy.engle@engsoft.com



Providers of
Water Quality & Distribution Software
Backflow Prevention Management Software
Work Order Management and Benchmarking Software

April 14, 2004

Subject: Sole Source of XC2® Software

To Whom it May Concern,

This letter is to confirm that XC2® Software is a "sole source" software product, developed, sold and distributed exclusively by EngSoft Solutions, Fairfax, CA. No division of EngSoft Solutions nor any other company makes a similar or competing product. This product must be purchased directly by organizations from EngSoft Solutions at the address listed above. There are no agents or dealers authorized to represent this product.

XC2® Software is unique in the water utility/institution operations/maintenance industry in the scope of its functionality and feature set.

There are no other like items or products available for purchase that would serve the same purpose or scope of functions provided by XC2 Software and EngSoft Solutions and there is only one price for the above product because of exclusive distribution rights.

As well there exist no authorized organizations or persons outside of EngSoft Solutions who are capable of providing training for the use of, installation, maintenance, upgrades or setup of XC2® Software. In the event that any other person or organization not directly authorized by EngSoft Solutions provides any of the above stated services, any warranties regarding XC2® Software will be null and void.

If you desire additional information, don't hesitate to contact me at **800.761.4999** or visit our website at **www.engsoft.com**. Thank you for your interest in our products. We are happy to be of service.

Sincerely,

Randy Engle, President
EngSoft Solutions



**Water Quality, Distribution & Collection Software
Work Order Administration & Inventory Control Software
XC2® Backflow Prevention Management Software**

April 14, 2004

Quotation for: TRAINING - 3 Day
City of Chicago, IL
Water Management
Chicago, IL

Code	Item	Price
TRAIN-03C	User Training Three-Day (Mid West)	
	Installation of System on Server and Client Workstations Training for Users and DB Administrator. Includes all Travel Expenses - 1 month lead time required to schedule	
Total Proposal Amount:		\$6,595.00

RL

Quotation Pricing will be honored through June 13, 2004.
Purchase order must be received by this date.
Thereafter, revised proposal pricing will be necessary.

Terms: 2% -10 ~ Net 30 1.5% per month Charged after 30 days

NOTE:

2 Days of training would be suggested and adequate provided there are only 2 or 3 trainees. If there are more than 3 persons doing training, it is highly suggested that 3 days of training be contracted to insure that all aspects of the use of the software and all questions are answered for all persons involved.



Providers of
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Backflow Prevention Management Software
Work Order Management and Benchmarking Software

April 14, 2004

Quotation for:
City of Chicago, IL
Water Management

Quote #3 (3 Years)

Code	Item	Price
TECHPLUS-15	XC2 Tech Support Plus Server Upgrades	3 Year

3 Year Phone/Fax/Email Technical Support to XC2 15 User Systems
Includes updates to XC2 Software, available by web download
Includes upgrades to XC2 Client/Server database engine.
4 Designated Contact Persons
NOTE: See Technical Support Agreement for all Inclusions/Exclusions

Includes upgrade to the current shipping version of **XC2 Software**, v 3.5 (bid 269+).
You currently are using v.2.2.5. This is a major upgrade to our software which includes numerous features that have been requested by your organization as well as other organizations using XC2.

Note: Your current technical support contract expired in 2001. We have been providing technical support as a courtesy until such time as we could implement a new support contract. The proposal amount includes upgrades for the past two years, including new manuals for all users (15) and 1 administrator/server manual

System Requirements:

The current version of XC2 Software requires **Windows NT/2000/XP** as the operating system. Your current computers we believe are running Windows 95 and would not be suitable.

Total Proposal Amount:

\$12,695.00

QUOTE DOES NOT INCLUDE ANY LICENSING OR PERMIT FEES FOR ENGSOFT TO DO BUSINESS WITH THE CITY OF CHICAGO. SHOULD SUCH LICENSES OR PERMITS BE REQUIRED, ANY FEES INCURRED WILL BE ADDED TO THE ABOVE QUOTED AMOUNT.

Quotation Pricing will be honored through June 13, 2004.
Purchase order must be received by this date.
Thereafter, revised proposal pricing will be necessary.

Terms: 2%10 Net 30
1 1/2% per month will be charged for past due invoices



EngSoft

Providers of
Water Quality & Distribution Software
Backflow Prevention Management Software
Work Order Management and Benchmarking Software

April 14, 2004

Quotation for:
City of Chicago, IL
Water Management

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 1 1/2% per month will be charged for past due invoices



City of Chicago
 Richard M. Daley, Mayor
 Department of Water Management
 Richard A. Rice
 Commissioner

Bureau of Administrative Support
 Julie Hernandez-Tomlin
 Deputy Commissioner

DePaul Center, Suite 410
 333 South State Street
 Chicago, Illinois 60604
 (312) 747-7089
 (312) 747-7889 (FAX)

www.cityofchicago.org/watermanagement

April 19, 2004

04 APR 23 PM 1:36

Mr. Eric Griggs
 Chief Procurement Officer
 Department of Procurement Services
 Room 403, City Hall
 121 N. LaSalle Street
 Chicago, Illinois 60602

Dear Mr. Griggs:


The Department Water Management hereby concurs with and supports the 16/9% MBE and 4.5%WBE full waiver requested by EngSoft Solutions of Fairfax, California. EngSoft Solutions has highly trained technicians to administer their patented XC2 Backflow Prevention software and service.

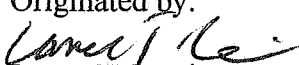
The XC2 system has been in use by the Department of Water Management for three years and contains data on service terminations and back flow devices. The Illinois EPA mandates that municipal governments establish programs to contain records and data on inspections, tests, retests, installation and repairs on all backflow devices.

EngSoft Solutions has contacted several Assist Agencies as provided by the Department of Procurement Services. Although EngSoft did receive responses from several certified MBE/WBE firm, none of the respondents were able to participate directly or indirectly in the proposed contract with EngSoft.

Your consideration in this matter is greatly appreciated.

Very truly yours,


 Richard A. Rice
 Commissioner

Originated by:

 Lance T. Lewis
 Supervisor of Contracts

CC: Julie Hernandez-Tomlin





PROJECT CHECKLIST

For CPAC Team Use Only	
Date Received	_____
Date Returned	_____
Date Accepted	_____

IMPORTANT: PLEASE READ AND FOLLOW THE INSTRUCTIONS FOR COMPLETING THE PROJECT CHECKLIST AND CONTACT THE APPROPRIATE TEAM LEADER IF YOU HAVE ANY FURTHER QUESTIONS. ALL INFORMATION SHOULD BE COMPLETED INCLUDING THE SUPPLEMENTAL CHECKLIST REQUIRED BY THE SPECIFIC CPAC TEAM. ATTACH ALL REQUIRED MATERIALS AND SUBMIT FOR HANDLING TO THE DEPARTMENT OF PROCUREMENT SERVICES, ROOM 403, CITY HALL, 121 N. LASALLE STREET, CHICAGO, ILLINOIS 60602.

PROJECT
 Date: 5-4-04
 ID No. (Spec, RX, Project): _____
 Department: Water Management
 Bureau: _____
 Contract No. (if known): _____
 Project Title/Description: Backflow prevention

Contact Person: L. Lewis
 Tel: 7-0269 Fax: _____ E-mail: _____
 Project Manager: _____
 Tel: _____ Fax: _____ E-mail: _____
 Estimated Value \$ 19290

SCOPE STATEMENT

Attached is a detailed scope of services and/or specification

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

The following is a general description of what would 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..

TYPE OF PROCUREMENT REQUESTED (check all that apply)

Competitive Bid RFQ/RFP/RFS/RFI Sole Source** Term Agreement One Shot
 Mod/Amendment Time Extension Additional Funding Small Order S/O Emergency

FORMS

<input type="checkbox"/> F-25* (add line item)	<input type="checkbox"/> F-10* (special approvals)	<input type="checkbox"/> SSRB** (sole source approval)
<input type="checkbox"/> F-26* (new term agreement)	<input type="checkbox"/> RX (one-shot requisition)	<input type="checkbox"/> OBM Authorization
<input type="checkbox"/> F-27* (time extension)	<input type="checkbox"/> APRF (all purpose request form)	
<input type="checkbox"/> F-29* (change vendor limit)		

* Additional F-forms may be required-refer to attached list

** Sole source requests must include vendor quotes/proposal and MBE/WBE compliance requirements

FUNDING

City: Corporate Bond Enterprise Grant* Other _____
 State: IDOT/Transit IDOT/Highway Grant* Other _____
 Federal: FHWA FTA FAA Grant* Other _____

LINE	FY	FUND	DEPT	ORGN	APPR	ACTV	OBJT	PROJECT	RPTG	DOLLAR AMOUNT
01	04	200	099	3115	0140	W503	22014			19290

Total: \$ 19290

* Attach copy of any applicable grant agreement terms and conditions

TIME FRAME

Date Needed: ASAP Requested Contract Term (y/m/d): _____

PRE BID/SUBMITTAL REQUIREMENTS

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