

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 Velocita<sup>wireless</sup> DIBA SkyTel for the product and/or services described herein.  
 (Name of Person or Firm)

This is a request for \_\_\_\_\_ (One-Time Contractor 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. N/A

(Program Name) \_\_\_\_\_ Pre-Assigned Contract No. N/A

**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)

Lisa Clark 744-4667 Lisa Clark Streets & Sanitation 7/25/08  
 Originator Name Telephone Signature Department Date

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

<input checked="" type="checkbox"/> <b>PROCUREMENT HISTORY</b> See Attached	<b>S. S. R. B.</b>
<input checked="" type="checkbox"/> <b>ESTIMATED COST</b> See Attached	DATE <u>8/5/08</u> APPROVED... <u>[Signature]</u>
<input checked="" type="checkbox"/> <b>SCHEDULE REQUIREMENTS</b> See attached	COMPLETIONALLY APPROVED... _____ RETURN TO DEPT... _____
<input checked="" type="checkbox"/> <b>EXCLUSIVE OR UNIQUE CAPABILITY</b> See attached	DISAPPROVED... _____
<input type="checkbox"/> <b>OTHER</b>	

APPROVED BY [Signature] 7/29/08  
 DEPARTMENT HEAD OR DESIGNEE DATE

[Signature] 8/5/08  
 BOARD CHAIRPERSON DATE



MEMORANDUM

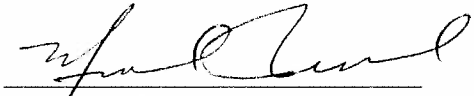
City of Chicago  
Richard M. Daley, Mayor

Department of  
Streets and Sanitation

Michael J. Picardi  
Commissioner

Administrative Services  
City Hall, Room 701  
121 North LaSalle Street  
Chicago, Illinois 60602  
(312) 744-3997  
(312) 744-3267 (FAX)  
<http://www.cityofchicago.org>

TO: Montel M. Gayles  
Chief Procurement Officer

FROM:   
Michael J. Picardi, Commissioner  
Department of Streets and Sanitation

DATE: July 25, 2008

SUBJECT: Request Sole Source Contract and No Stated Goals  
2 Way Paging Services  
FMPS Requisition Number: 39336

The Department of Streets and Sanitation is requesting a sole source contract with Velocita Wireless D/B/A SkyTel (SkyTel) for 2 way paging services.

In the past we have received Emergency Letters and Sole Source Contracts from Procurement Services which allowed us to use the 2 way paging services of SkyTel. The Sole Source Board granted Streets and Sanitation a sole source contract on 8/16/07 for a 1 year contract with Bell Industries D/BA SkyTel- PO 15867. The vendor was also granted an MBE/WBE waiver on 10/3/07. We were told by the sole source board to go out for bid for the 2008-2009 snow season.

The Department of Streets and Sanitation put an RFP out for these services through the Department of Procurement Services on Specification Number 63373. Proposals came in on May 14, 2008. Pursuant to conversations between Procurement Services and DoIt , Douglas Coupland, Procurement Services was notified that there were only 2 companies offering paging services in the US: SkyTel and USA Mobility and that they would be the only likely respondents. SkyTel informed Procurement Services that they would not be able to submit a proposal because they could not comply with the MBE/WBE requirements. There was only 1 proposal submitted from USA Mobilty and they were rated Not Qualified (see attached memo from the Evaluation Committee to the Commissioner of Streets and Sanitation) due to insufficiencies in 2 critical areas of the evaluation criteria. Regarding Compliance, USA Mobilty's submitted proposal clearly stated that "There are no possible subcontractors for our industry"

SkyTel is the only company we know that can provide the services we need. Therefore, we are asking for a term agreement contract with Velocita Wireless D/B/A SkyTel for 3 years with 3 1-year extension options. The 2 way paging services will be used primarily during the snow seasons but may be needed on a year round basis. Streets and Sanitation requires the use of these 2 way pagers for winter or other emergency related communications with all field personnel 24

08 JUL 29 PM 2:18



weather communications for preventative safety services by City personnel for the City of Chicago. If we do not have a contract in place for these services field personnel call outs during snow or other emergency events would have to be done manually.

Based on what we encountered with the RFP, there are no opportunities for direct MBE/WBE participation on this contract as SkyTel only provides signal service. The pagers already belong to the Department. There are no opportunities for indirect MBE/WBE participation since SkyTel has very little central management. Their local representatives only have satellite offices. In addition, if the City were to need to procure additional pagers we would not be able to purchase pagers from a local vendor and have SkyTel services programmed to these units. This is because the frequency on those pagers would not be the same as the SkyTel frequency. SkyTel owns and operates their own network and only pagers that SkyTel has programmed their frequency on will work with their services.

Therefore, we are asking for No Stated Goals for this sole source term agreement request.

If you have any questions, please contact Lisa Clark 744-4667.

cc: Quail, Vanessa  
Richardson, Bobby  
Swanson, Steve  
Dacanay, Mike  
Mayor, Greg  
Smith, Valleta  
John D O'Brien  
Charles Matlock  
File



City of Chicago  
Richard M. Daley, Mayor

Department of  
Procurement Services

Montel M. Gayles  
Chief Procurement Officer

City Hall, Room 403  
121 North LaSalle Street  
Chicago, Illinois 60602  
(312) 744-4900  
(312) 744-2949 (TTY)  
<http://www.cityofchicago.org>

08 JUN -5 PM 2:07

To: Michael J. Picardi, Commissioner  
City of Chicago  
Department of Streets and Sanitation  
121 N. LaSalle, City Hall, Room 700  
Chicago, IL 60602

From: Evaluation Committee for 2 Way Paging Services

Date: June 4, 2008

Re: 2 Way Paging Services for the Department of Streets and Sanitation  
Specification No.: 63373

Dear Commissioner Picardi:

The Evaluation Committee received one (1) proposal to evaluate for 2 Way Paging Services from USA Mobility Wireless, Inc. The Evaluation Committee recommends that the Department of Procurement Services not enter into negotiations with USA Mobility Wireless, Inc. as they were found not to be qualified for this RFP solicitation.

The rank of the respondent is as follows:

Not Qualified – USA Mobility Wireless, Inc.

The Evaluation Committee's deliberation process was conducted in two (2) phases. Prior to reviewing the proposals, the committee established the Evaluation Committee Guidelines. Then we conducted Phase I evaluation where it was determined if the respondent submitted responsive proposals per the Evaluation Committee Guidelines. During Phase II, the committee reviewed and discussed the proposal based on the conditions set in the Evaluation Committee Guidelines and the Scope of Services.

USA Mobility Wireless, Inc. was deemed "Non Responsive" in two (2) critical criterion categories and in one (1) important criterion category, and deemed "Not Qualified" in one very important criterion category. The categories that they were found to be "Non Responsive" in are Criterion 1: Professional and Technical Competence, Criterion 2: Quality, Comprehensiveness and Adequacy of Respondent's Implementation Plan, and Criterion 4: Level, Relevancy and Quality of MBE/WBE Participation. The category that they were found to be "Not Qualified" in was Criterion 5: Legal Actions. This company did not respond to the City's requirement regarding pager escalation nor were any





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the references provided for 2 way paging, only 1 way paging. Further, the implementation plan was incomplete and did not provide adequate information regarding the change over of the computer dispatching system. Regarding MBE/WBE participation, the Respondent stated that "there are no possible subcontractors in this industry" Also, the Respondent is the product of a merger between two companies and the acquiring entity is currently in bankruptcy. For the reasons listed above, the Respondent, USA Mobility Wireless, Inc., was found by the EC to not be qualified to perform the services outlined in the RFP for 2 Way Paging Services for the Department of Streets and Sanitation.

Robert Richardson, Department of Streets and Sanitation

Lisa Clark, Department of Streets and Sanitation

Greg Mayor, Department of Streets and Sanitation

Michael Dacanay, Department of Streets and Sanitation

Charles Matlock, Department of Procurement Services



# DPS PROJECT CHECKLIST

For DPS Use Only

Date Received \_\_\_\_\_  
 Date Returned \_\_\_\_\_  
 Date Accepted \_\_\_\_\_  
 CACN's Name \_\_\_\_\_

**IMPORTANT:** PLEASE READ AND FOLLOW THE INSTRUCTIONS FOR COMPLETING THE PROJECT CHECKLIST AND CONTACT THE APPROPRIATE UNIT MANAGER IF YOU HAVE ANY FURTHER QUESTIONS. ALL INFORMATION SHOULD BE COMPLETED, 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.

**GENERAL INFORMATION:**

Date: 7.22.08  
 REQ No.: 39336

Contact Person: Lisa Clark  
 Tel: 4.4607 Fax: 4.3267 E-mail: lisclark@cityofchicago.org

Specification No.: (if known): 67644  
 PO No.: (if known):

Project Manager: Mike Dacanay  
 Tel: 4.0157 Fax: E-mail: @cityofchicago.org

Modification No.: (if known):  
 Project Description: 2 way Paging Services

Previous PO No.: (if known): 13867

**FUNDING:**

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

LINE	FY	FUND	DEPT	ORGN	APPR	ACTV	OBJT	PROJECT	RPTG	\$ DOLLAR AMOUNT
01	08	100	81	2045	0140	0140				
										Estimated Value \$

\*IF GRANT FUNDED, A COPY OF THE APPROVED GRANT AND APPLICATION ARE REQUIRED and any other Terms and Conditions that may apply.

**SCOPE STATEMENT:**

Attached is a Detailed Scope of Services and/or Specification

**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.

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.

**TYPE OF PROCUREMENT REQUESTED (check all that apply):**

**NEW REQUEST**

- Blanket Agreement  
 Standard Agreement  
 Small Orders

**MOD/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):

**PRE BID/SUBMITTAL REQUIREMENTS:**

Requesting Pre Bid/Submittal Conference?  Yes  No

Requesting Site Visit?  Yes  No

# DPS PROJECT CHECKLIST

## 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

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:

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## PROFESSIONAL SERVICES SUPPLEMENTAL CHECKLIST

- Detailed description of project listing obligations of each party.
  - The Schedule of Compensation
  - Deliverables
  - Request for individual contract services (if applicable)
  - The appropriate EPS form
  - ITSC (approved by BIS)
  - OBM (approved by Budget form/memo)
  - Grant document attached
- Attach any documentation indicating any previous purchase activity to assist in the procurement process

## TELECOMMUNICATIONS AND UTILITIES SUPPLEMENTAL CHECKLIST

**Required Attachments:** Detailed Scope of Services/Specification which sets forth all of the anticipated services and products the user department wants provided, 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.

Has the project been reviewed by BIS?            Yes    No

Attach copy of BIS Recommendation; Reservation(s); or participate under current contract.

Does the project include software?            Yes    No

If yes, is signed ITSC form attached?            Yes    No

Does the location involve:  
A public way?    Yes    No

Any concession in the City's facilities?            Yes    No

Is it anticipated City Council approval of the project or contract will be required?            Yes    No

**VELOCITA**<sup>TM</sup>  
W I R E L E S S

10 Woodbridge Center Drive  
Woodbridge NJ 07095  
Tel 732.602.5500  
Fax 732.602.5501  
www.velocitawireless.com

June 25, 2008

Lisa Clark  
City of Chicago  
Department of Streets and Sanitation  
121 N LaSalle  
Room 700  
Chicago, IL 60602

**Re: Velocita Wireless LLC d/b/a SkyTel**

Dear Ms. Clark:

SkyTel acknowledges that it is the City of Chicago's ("The City") policy to encourage all entities with which it enters into contracts for the provision of goods or services to use minority, women, and disabled business enterprises ("MWBE") as suppliers and sub-contractors to the fullest extent consistent with the efficient performance of such contracts. SkyTel commits that it will make a good faith reasonable effort to support The City's MWBE program; however that SkyTel has no stated or measurable goals to utilize MWBE suppliers or sub-contractors primarily because of the unique nature of SkyTel's situation. With regard to the SkyTel's sales operations, there are simply very few vendors fitting the MWBE parameters that are operating wireless networks or manufacturing hardware used in connection with wireless services sold by SkyTel. Further, with regard to vendors that might provide day-to-day or operational services to SkyTel, all procurement decisions are made by Velocita Wireless LLC, and SkyTel has no decision-making authority over the matters. Recall that effective June 13, 2008, Bell Industries, Inc., which had been doing business as SkyTel, closed on an Asset Purchase Agreement whereby Velocita Wireless LLC acquired substantially all of the assets utilized in the SkyTel wireless messaging business.

For the above reasons and in connection with ongoing efforts related to a contract between SkyTel and The City, SkyTel has been asked to submit this correspondence officially and respectfully requesting a waiver from the MWBE requirement in place for vendors to The City.

I trust you will find this correspondence to be sufficient, but should you have any questions or desire to discuss any aspects of its contents, please do not hesitate to contact me.

Regards,

  
Mark Avii



**EXHIBIT 1**  
**SCOPE OF SERVICES AND TIME LIMITS FOR PERFORMANCE**

The paging services will be required primarily during the snow season (October 1 through April 15) but it may be used on a year round basis. The City reserves the right to activate and de-activate the pagers as it sees fit.

**SCOPE:** The Contractor shall provide advanced messaging service, activation and maintenance for up to 1,700 paging units for use by the Chicago Department of Streets and Sanitation personnel or other departments' staff members as designated by Chicago Department of Streets and Sanitation staff, (Model PF1500 2-way pagers or current equivalent). The Contractor shall provide the required and defined service according to the Public Utilities Commission (PUC) regulations and the Federal Communications Commission (FCC) licensing requirements.

**PAGER REQUIREMENTS:** The Contractor will activate the existing customer owned pager units (or units purchased or leased through this Agreement) with a unique toll free access number assigned to each device, internet paging, support for group paging, message delivered, message read status and ability to reply are required. The Contractor shall meet the following requirements: 1) guarantee message delivery through direct messaging to the device or store and forward capabilities; 2) local Service will be assumed to be all areas within the immediate Chicago area; 3) there shall be no roaming charges for areas within Local Service; 4) the primary use of most pagers is for direct staff notification during Snow Season; 5) reception of frequency signals in and around the Chicago area (including the area surrounding and including O'Hare International Airport) is the responsibility of the Contractor; 6) if signal-enhancing equipment is required it will be reviewed and should additional equipment be installed it will be owned and maintained by the contractor at no additional cost to the City of Chicago; 7) Contractor shall provide direct access to secure web enabled dispatch services to include identification of message delivered, message read, escalation to alternate communication source such as telephone or other communication device; 8) site will have the ability to establish ad hock and permanent groups, 24x7x365; 9) logging reports shall be available via the same dispatch web location; and 10) ability to import device addresses for standard Excel spreadsheet or properly formatted text files.

**TWO WAY PAGER CAPABILITY:** Two Way Pagers must meet the following minimum specifications: capable of receiving alpha and numeric messages and can be programmed for local or nationwide service; run on a AA battery that lasts for 1 to 2 months based on the amount of messages received by the individual pager; capable of replying to a message sent to the pager with one of three response selections only, "yes, no, will call later" ; capable of receiving automatic correction of incomplete messages with no action required by the user. Capable of providing the below three service levels: Full Service: Pager has full two-way capabilities to receive messages and reply to incoming messages; Basic Service: Pager will receive incoming messages but will not have the ability to reply or receive stored messages; Storing Messages: When the pager owner is out of a coverage area, messages will be stored. When the pager returns to a full

service area within 72 hours the messages will be delivered; message time and date stamping; selective erase or erase all; alarm clock and private time; audible tones plus vibrate alert; zoom from 4 lines to 2; backlight display; message lock; memory retention when power off; low battery indicator; mobile email;

**ORDERING:** Pager services will be ordered as required by the designated Chicago Department of Streets and Sanitation staff or other department's staff members as designated by Chicago Department of Streets and Sanitation staff. The Contractor shall provide a single point of contact for ordering paging services. The City of Chicago designated point of contact will provide electronic lists of devices to be activated via a batch process. Upon receipt the Contractor shall acknowledge the orders and provide confirmation via email for every service activation, disconnect and addition. Contractor will provide service activation within one day for all pager orders.

**DELIVERY OF SERVICE:** Contractor is required to provide a delivery transition plan including the required number of days to implement new service from the date of notification of award.

**BILLING:** The format of the billing must allow City of Chicago Department of Streets & Sanitation staff members (or other department's staff members, as applicable) to identify which charges are associated with specific pagers. Contractor must provide a written plan detailing its procedures for resolving any discrepancies in billing. Such plan must be delivered to the City within one week of the effective date of this Agreement.

**SUPPORT:** The Contractor must provide a plan of available technical, administrative and service support during specified hours to directly resolve most service issues without involvement of City of Chicago Department of Streets and Sanitation administrative personnel. Such plan must be delivered within one week of the effective date of this Agreement. Contractor shall provide a customer support program, including Help Desk hours and the process for swapping equipment. The customer support program shall also include a statement on how the customer is to report a service problem. This program plan must be delivered to the City within one week of the effective date of this Agreement.

**LOST PAGERS:** The Contractor shall have a policy in place for resolving lost pagers, including options for lost, stolen and broken pagers. Included in this written technical plan is the policy for the length of time for a replacement, costs, length of time to set up a new pager, loaner units option, etc. This plan must be delivered to the City within one week of the effective date of this Agreement.

**MONITORING:** The Contractor may utilize monitoring of the paging system as a business tool to stay abreast of any problems that might occur within the system. The Contractor shall not, through this act of monitoring, infringe upon the rights of the system user. The Contractor shall not benefit from any information he gathers through

monitoring.

## **Procurement History**

Streets and Sanitation has utilized the Services of SkyTel for roughly the past 7 years. The Department requires the use of the SkyTel paging system primarily for winter weather related communications with all field personnel 24 hours a day. The use of the SkyTel communications system is a vital part of our snow and weather communications for preventative safety services by City personnel for the City of Chicago.

In the past, we have received Emergency Contracts from Procurement Services which allowed us to use the 2 way paging services of SkyTel. An RFP was advertised in 2004, but our 2 way paging needs were not part of that RFP. Streets and Sanitation met with Verizon in 2005 to see if they could possibly handle the service for us. They were not able to due to hosting issues.

In July 2006, we met with Procurement Services to discuss the possibility of using the above Verizon/American Messaging Services Contract as we found out SkyTel was acquired by Verizon/American Messaging Services.

After that meeting, DPS inquired as to why the Streets and Sanitation's two-way paging requirements were deleted from the Scope of Services during the development of the Wireless Communications RFP, and contacted BIS.

Per BIS's recollection, those requirements were deleted because at that time, the entity known as Verizon Paging Services did not have a product similar to the custom application designed by SkyTel. As a result of this propriety system, Streets and Sanitation was advised to seek contract through the Sole Source initiative.

The Sole Source contract was not completed because SkyTel could not or would not complete the Economic Disclosure Statement due to being in the process of either being sold or merging with Verizon. Thus, a sole source emergency contract was sought, approved and created. PO 11319.

However, Verizon Paging sold its assets and as of June 21, 2006 and is now known as American Messaging Services (AMS).

Rick Darling of AMS was contacted by DPS , and as he explained it, SkyTel is not associated or affiliated with American Messaging Services. While AMS bought the Verizon Wireless Paging Division, SkyTel remained with the Verizon Company.

The SkyTel application is hosted on SkyTel's website, they will not allow it to be interfaced with any other pager brand. This explains why Streets and Sanitation contracted directly with SkyTel again for the 2006-2007 snow season. We asked for a sole source contract on August 14, 2006, REQ 29459. That was approved by the board and Procurement drafted the contract and sent to SkyTel. SkyTel was unwilling to agree with some of our terms and conditions. Therefore, a PO was never created and we had no other choice but to pay for services for the 2006-2007 season on a direct voucher.

Streets and Sanitation intended to go out with an RFP for the 2007-2008 snow season. We entered REQ 31747 on February 2, 2007. However, due to scheduling issues at Procurement Services we will now not have time to go out for bid and train all the drivers on how to operate the new equipment. Thus we are asked for a sole source agreement for the 2007-2008 snow season. The Po was awarded to Bell Industries D/B/A SkyTel- PO 15867.

For the 2008-2009 season, The Department of Streets and Sanitation put an RFP out for these services through the Department of Procurement Services on Specification Number 63373. Proposals came in on May 14, 2008. Pursuant to conversations between Procurement Services and DoIt , Douglas Coupland, Procurement Services was notified that there were only 2 companies offering paging services in the US: SkyTel and USA Mobility and that they would be the only likely respondents. SkyTel informed Procurement Services that they would not be able to submit a proposal because they could not comply with the MBE/WBE requirements. There was only 1 proposal submitted from USA Mobilty and they were rated Not Qualified due to insufficiencies in 2 critical areas of the evaluation criteria. Regarding Compliance, USA Mobilty's submitted proposal clearly stated that "There are no possible subcontractors for our industry"

SkyTel is the only company we know that can provide the services we need. Therefore, we are asking for a term agreement contract with Velocita Wireless D/B/A SkyTel for 3 years with 3 1-year extension options. The 2 way paging services will be used primarily during the snow seasons but may be needed on a year round basis. Streets and Sanitation requires the use of these 2 way pagers for winter or other emergency related communications with all field personnel 24 hours a day. The use of 2 way pagers is a vital part of the Department's snow and weather communications for preventative safety services by City personnel for the City of Chicago. If we do not have a contract in place for these services field personnel call outs during snow or other emergency events would have to be done manually.

### **Estimated Cost**

This will be funded by City funds.

Streets & Sanitation has already purchased roughly 1,000 pagers and those pagers are now property of the City. SkyTel has supplied a quote for 700 additional pagers that may be needed to replace old or add new pagers to our inventory. SkyTel is also responsible for the service package and activations.

The approximate quote for year one would be \$402,184. The approximate quote for year two and three would be \$291,605 each. This would be a DUR contract so these dollars figures are estimates and these figures are based on the City needing the services for a 12 month period each year. These figures will adjust to the actual number of devices activated during the entire period of performance estimated at 7-12 months per year. Upon a properly executed agreement/contract the breakdown is as follows:

Based on your request to renew service to the SkyTel pagers for the 2008-2009 Snow Season, we are providing an approximate quote for the seven months of service during the snow season and for any needs throughout the year for a three year term required for the Snow Program. Since Streets & Sanitation has already purchased the pagers, they would only be responsible for the service package and activations.

The approximate quote for seven months of service for 1000 customer owned devices used last season is \$98,472. This figure would adjust to the actual number of devices activated (estimated at 1700) during the entire period of performance, estimated at 7-12 months. Upon a properly executed agreement/contract the breakdown is as follows:

Semi-Annual ( 7 months) to Annual (12 months) Service: \$148,750.00-\$255,000.00  
 FCC Mandated Universal Service Fee (estimated) - \$2,805.00  
 (Calculated As: Service Total \$255,000.00 x 0.011 = \$2,805.00)  
 Activation Fees - \$ 17,000.00  
 Unication® M90 Device estimated at 700 pagers - \$90,993.00  
 Programming Cable estimated at 700 pagers - \$13,993.00  
 Shipping rate for new units if ordered \$7.99 per unit

The per unit cost provisioning is as follows:

Description/Item	Individual Cost	Quantity	Total Cost
Nationwide 2-Way Service – 500/100-Char msg blks/mo.	\$ 12.50 ea/mo	1700	\$148,750 - \$255,000.00
Service Activation	\$10.00	1700	\$17,000.00
800/888 per-Call Surcharge from Payphones, SkyWord Plus/BLOCK	\$0.43	1700	0
Overall Rate Per Character Beyond Message allowance	N/C		0
FCC Mandated Universal Service Fee	1.1% of monthly cost		\$2,805.00 (estimated)
<b>New Unit Purchase Models</b>			
M90	\$129.99	1 per pager	\$90,993.00
Programming Cable	\$19.99	1 per pager	\$13,993.00
Device maintenance is available on the new units	\$2.00 (mthly)		
Shipping Rate per new unit(per occurrence)	\$7.99		

See attached original quote from Skytel.

### **Schedule Requirements**

We are asking for a 3 year contract with 3 1- year extension options. The contract must be in place by October 1, 2008 for the snow season.

### **Unique Capability**

SkyTel Central Messaging is a centralized web-based dispatch and communications hub that provides a single resource to send messages, check replies and see what messages have been delivered and read. With Central Messaging you have powerful features like the ability to create multiple choice responses, and **escalate** the same message to multiple wireless devices (**even land lines using text-to-voice**) for the same person. The solution allows multiple levels of authorized access via secure logon, and can be a great place to maintain group specific address books. You can also review and export Message Logs as well as run reports of activity within the application.

### **Read Acknowledgements**

When **Read Acknowledgements** is enabled on a 2Way device, individuals sending messages to that device will have the ability to know if and when the message recipient read their message. This feature is added to devices receiving messages. It is intended for messages sent via the SkyTel website, SkyTel Access software, the SkyTel IVR, or email. With this feature, message senders can confirm when a message was delivered to a device, when the device holder reads it, and what the reply is.

**Delivered/Read Notifications** is a companion option for Read Acknowledgements (above), intended for individuals who regularly use their SkyWriter 2Way device to send messages. With this option, when you send a message to any SkyTel advanced messaging device, you can get a Delivered Notification. If the device also has the Read Acknowledgements feature, you can get a Read Notification. Notifications are delivered directly back to your device, in the same manner as replies.

### **Send Messages Directly to a Telephone**

Message-to-Phone now comes standard with all SkyTel 2Way and Wireless Email services. With the SkyTel Message-to-Phone feature, you can send a message from your handheld to almost any telephone in the continental US. You simply enter the client's name and telephone number in your unit's address book and send them a message. A few moments later, you get a confirmation message letting you know that your message was delivered

### **Online Account Management**

The SkyTel Online Account Management application allows customers to view and pay their invoice using secure Internet pages on [www.SkyTel.com](http://www.SkyTel.com). At Chicago Streets and Sanitation's discretion, paper invoices can be stopped. In this case, Chicago Streets and

Sanitation would receive an email notification when a new invoice is ready to be viewed online. The online invoice is provided in Adobe Acrobat PDF format, and up to three month's invoices can be viewed and downloaded at any given time. Payment through Online Account Management can be made via major credit card.

SkyTel Online Account Management provides numerous other functions to help customers manage their SkyTel account and devices.

### **MBE/WBE**

Based on what we encountered with the RFP, there are no opportunities for direct MBE/WBE participation on this contract as SkyTel only provides signal service. The pagers already belong to the Department. In addition, if the City were to need to procure additional pagers we would not be able to purchase pagers from a local vendor and have SkyTel services programmed to these units. This is because the frequency on those pagers would not be the same as the SkyTel frequency. SkyTel owns and operates their own network and only pagers that SkyTel has programmed their frequency will work with their services.

There are no opportunities for indirect MBE/WBE participation since SkyTel has very little central management. Their local representatives only have satellite offices.

Therefore, we are asking for No Stated Goals for this sole source term agreement request.



# Department of Streets and Sanitation



## Service Renewal

### 2008-2009 Snow Program Rate Analysis

Based on your request to renew service to the SkyTel pagers for the 2008-2009 Snow Season, we are providing an approximate quote for the seven months of service during the snow season and for any needs throughout the year for a three year term required for the Snow Program. Since Streets & Sanitation has already purchased the pagers, they would only be responsible for the service package and activations.

The approximate quote for seven months of service for 1000 customer owned devices used last season is \$98,472. This figure would adjust to the actual number of devices activated (estimated at 1700) during the entire period of performance, estimated at 7-12 months. Upon a properly executed agreement/contract the breakdown is as follows:

Semi-Annual ( 7 months) to Annual (12 months) Service: \$148,750.00-\$255,000.00

FCC Mandated Universal Service Fee (estimated) - \$2,805.00

(Calculated As: Service Total \$255,000.00 x 0.011 = \$2,805.00)

Activation Fees - \$ 17,000.00

Unication<sup>®</sup> M90 Device estimated at 700 pagers - \$90,993.00

Programming Cable estimated at 700 pagers - \$13,993.00

Shipping rate for new units if ordered \$7.99 per unit

The per unit cost provisioning is as follows:

Description/Item	Individual Cost	Quantity	Total Cost
Nationwide 2-Way Service – 500/100-Char msg blks/mo.	\$ 12.50 ea/mo	1700	\$148,750 - \$255,000.00
Service Activation	\$10.00	1700	\$17,000.00
800/888 per-Call Surcharge from Payphones, SkyWord Plus/BLOCK	\$0.43	1700	0
Overcall Rate Per Character Beyond Message allowance	N/C		0
FCC Mandated Universal Service Fee	1.1% of monthly cost		\$2,805.00 (estimated)
<b>New Unit Purchase Models</b>			
M90	\$129.99	1 per pager	\$90,993.00
Programming Cable	\$19.99	1 per pager	\$13,993.00
Device maintenance is available on the new units	\$2.00 (mthly)		
Shipping Rate per new unit(per occurrence)	\$7.99		

# Department of Streets and Sanitation

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## Service Renewal

Please let me know if you have any questions.

Linda Nardi  
SkyTel  
National Account Executive  
Phone: 815-675-6484  
Pager: 800-757-3409  
E-mail: [linda.nardi@skytel.com](mailto:linda.nardi@skytel.com)



10 Woodbridge Center Drive  
Woodbridge NJ 07095  
Tel 732.602.5500  
Fax 732.602.5501  
www.velocitawireless.com

July 9, 2008

Lisa Clark  
City of Chicago  
121 N. LaSalle Street  
Chicago, IL 60602

Dear Ms. Clark:

In accordance with B.1.b of the City of Chicago Economic Disclosure Statement and Affidavit, each legal entity listed must submit an EDS Form on its own behalf. United Wireless Holdings Inc. is a holding company located overseas and currently has no signatories located in the United States. Therefore, United Wireless Holdings is unable submit an EDS Form as requested.

If there are any questions please do not hesitate to contact Velocita Wireless LLC at 732-602-5500.

Very truly yours,

A thick, black, handwritten signature that appears to be "Mark Hull". The signature is stylized with a large loop at the end.

MARK HULL  
Member of Velocita Wireless LLC  
d/b/a Skytel

CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND AFFIDAVIT

SECTION I -- GENERAL INFORMATION

A. Legal name of Disclosing Party submitting this EDS. Include d/b/a/ if applicable:

VELOCITA WIRELESS LLC d/b/a SKYTEL

Check ONE of the following three boxes:

Indicate whether Disclosing Party submitting this EDS is:

1.  the Applicant  
OR

2.  a legal entity holding a direct or indirect interest in the Applicant. State the legal name of the Applicant in which Disclosing Party holds an interest: \_\_\_\_\_  
OR

3.  a specified legal entity with a right of control (see Section II.B.1.b.) State the legal name of the entity in which Disclosing Party holds a right of control: \_\_\_\_\_

B. Business address of Disclosing Party:

500 Clinton Center DR., Ste. 2300  
Clinton, MS 39056

C. Telephone: 815-675-6484 Fax: 800-757-3409 Email: Linda.NARDI@skytel.com

D. Name of contact person: LINDA NARDI

E. Federal Employer Identification No. (if you have one): 26-0335467

F. Brief description of contract, transaction or other undertaking (referred to below as the "Matter") to which this EDS pertains. (Include project number and location of property, if applicable):

Wireless Messaging Service & Device Contract

G. Which City agency or department is requesting this EDS? Dept. of Streets & Sanitation

If the Matter is a contract being handled by the City's Department of Procurement Services, please complete the following:

Specification # 59216 and Contract # 15867

any other person or entity that controls the day-to-day management of the Disclosing Party. **NOTE:** Each legal entity listed below must submit an EDS on its own behalf.

Name	Title
<del>Eric Eife</del> <del>MARK Hull</del> United Wireless Holdings Inc	Member
MARK Hull	member
Eric Eife	member

2. Please provide the following information concerning each person or entity having a direct or indirect beneficial interest (including ownership) in excess of 7.5% of the Disclosing Party. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture, interest of a member or manager in a limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None." **NOTE:** Pursuant to Section 2-154-030 of the Municipal Code of Chicago ("Municipal Code"), the City may require any such additional information from any applicant which is reasonably intended to achieve full disclosure.

Name	Business Address	Percentage Interest in the Disclosing Party
United Wireless Holdings, Inc	710 Route 46 East, Fairfield, NJ 07004	83.54%
MARK Hull	10 Woodbridge Center Dr, Woodbridge, NJ 07095	10.13%
Eric Eife	10 Woodbridge Center Dr, Woodbridge, NJ 07095	6.33%

**SECTION III -- BUSINESS RELATIONSHIPS WITH CITY ELECTED OFFICIALS**

Has the Disclosing Party had a "business relationship," as defined in Chapter 2-156 of the Municipal Code, with any City elected official in the 12 months before the date this EDS is signed?

Yes  No

If yes, please identify below the name(s) of such City elected official(s) and describe such relationship(s):

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**SECTION IV -- DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES**

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist, accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total

amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll.

“Lobbyist” means any person or entity who undertakes to influence any legislative or administrative action on behalf of any person or entity other than: (1) a not-for-profit entity, on an unpaid basis, or (2) himself. “Lobbyist” also means any person or entity any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the City whether disclosure is required or make the disclosure.

Name (indicate whether retained or anticipated to be retained)	Business Address	Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)	Fees (indicate whether paid or estimated)
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N/A.

(Add sheets if necessary)

[ ] Check here if the Disclosing party has not retained, nor expects to retain, any such persons or entities.

**SECTION V -- CERTIFICATIONS**

**A. COURT-ORDERED CHILD SUPPORT COMPLIANCE**

Under Municipal Code Section 2-92-415, substantial owners of business entities that contract with the City must remain in compliance with their child support obligations throughout the term of the contract.

Has any person who directly or indirectly owns 10% or more of the Disclosing Party been declared in arrearage on any child support obligations by any Illinois court of competent jurisdiction?

[ ] Yes       No      [ ] No person owns 10% or more of the Disclosing Party.

If “Yes,” has the person entered into a court-approved agreement for payment of all support owed and is the person in compliance with that agreement?

[ ] Yes      [ ] No

## B. FURTHER CERTIFICATIONS

1. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section II.B.1. of this EDS:
  - a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - b. have not, within a five-year period preceding the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with: obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;
  - c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause B.1.b. of this Section V;
  - d. have not, within a five-year period preceding the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and
  - e. have not, within a five-year period preceding the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the City or by the federal government, any state, or any other unit of local government.
2. The certifications in subparts 2, 3 and 4 concern:
  - the Disclosing Party;
  - any "Applicable Party" (meaning any party participating in the performance of the Matter, including but not limited to any persons or legal entities disclosed under Section IV, "Disclosure of Subcontractors and Other Retained Parties");
  - any "Affiliated Entity" (meaning a person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members, shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the City, using substantially the same management, ownership, or principals as the ineligible entity); with respect to Applicable Parties, the term Affiliated Entity means a person or entity that directly or indirectly controls the Applicable Party, is controlled by it, or, with the Applicable Party, is under common control of another person or entity;

- any responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Applicable Party or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity (collectively "Agents").

Neither the Disclosing Party, nor any Applicable Party, nor any Affiliated Entity of either the Disclosing Party or any Applicable Party nor any Agents have, during the five years before the date this EDS is signed, or, with respect to an Applicable Party, an Affiliated Entity, or an Affiliated Entity of an Applicable Party during the five years before the date of such Applicable Party's or Affiliated Entity's contract or engagement in connection with the Matter:

- bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the City, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity;
- agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
- made an admission of such conduct described in a. or b. above that is a matter of record, but have not been prosecuted for such conduct; or
- violated the provisions of Municipal Code Section 2-92-610 (Living Wage Ordinance).

3. Neither the Disclosing Party, Affiliated Entity or Applicable Party, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of (1) bid-rigging in violation of 720 ILCS 5/33E-3; (2) bid-rotating in violation of 720 ILCS 5/33E-4; or (3) any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating.

4. Neither the Disclosing Party nor any Affiliated Entity is listed on any of the following lists maintained by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the Bureau of Industry and Security of the U.S. Department of Commerce or their successors: the Specially Designated Nationals List, the Denied Persons List, the Unverified List, the Entity List and the Debarred List.

5. The Disclosing Party understands and shall comply with (1) the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code; and (2) all the applicable provisions of Chapter 2-56 of the Municipal Code (Office of the Inspector General).



6. If the Disclosing Party is unable to certify to any of the above statements in this Part B (Further Certifications), the Disclosing Party must explain below:

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If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

C. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION

For purposes of this Part C, under Municipal Code Section 2-32-455(b), the term "financial institution" means a bank, savings and loan association, thrift, credit union, mortgage banker, mortgage broker, trust company, savings bank, investment bank, securities broker, municipal securities broker, securities dealer, municipal securities dealer, securities underwriter, municipal securities underwriter, investment trust, venture capital company, bank holding company, financial services holding company, or any licensee under the Consumer Installment Loan Act, the Sales Finance Agency Act, or the Residential Mortgage Licensing Act. However, "financial institution" specifically shall not include any entity whose predominant business is the providing of tax deferred, defined contribution, pension plans to public employees in accordance with Sections 403(b) and 457 of the Internal Revenue Code. (Additional definitions may be found in Municipal Code Section 2-32-455(b).)

1. CERTIFICATION

The Disclosing Party certifies that the Disclosing Party (check one)

is  is not

a "financial institution" as defined in Section 2-32-455(b) of the Municipal Code.

2. If the Disclosing Party IS a financial institution, then the Disclosing Party pledges:

"We are not and will not become a predatory lender as defined in Chapter 2-32 of the Municipal Code. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in Chapter 2-32 of the Municipal Code. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the City."

If the Disclosing Party is unable to make this pledge because it or any of its affiliates (as defined in Section 2-32-455(b) of the Municipal Code) is a predatory lender within the meaning of Chapter

2-32 of the Municipal Code, explain here (attach additional pages if necessary):

N/A

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

D. CERTIFICATION REGARDING INTEREST IN CITY BUSINESS

Any words or terms that are defined in Chapter 2-156 of the Municipal Code have the same meanings when used in this Part D.

1. In accordance with Section 2-156-110 of the Municipal Code: Does any official or employee of the City have a financial interest in his or her own name or in the name of any other person or entity in the Matter?

[ ] Yes

No

NOTE: If you checked "Yes" to Item D.1., proceed to Items D.2. and D.3. If you checked "No" to Item D.1., proceed to Part E.

2. Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no City elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City (collectively, "City Property Sale"). Compensation for property taken pursuant to the City's eminent domain power does not constitute a financial interest within the meaning of this Part D.

Does the Matter involve a City Property Sale?

[ ] Yes

No

3. If you checked "Yes" to Item D.1., provide the names and business addresses of the City officials or employees having such interest and identify the nature of such interest:

Name

Business Address

Nature of Interest

N/A

4. The Disclosing Party further certifies that no prohibited financial interest in the Matter will be acquired by any City official or employee.

**E. CERTIFICATION REGARDING SLAVERY ERA BUSINESS**

The Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities for records of investments or profits from slavery, the slave industry, or slaveholder insurance policies from the slavery era (including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of their slaves) and has disclosed in this EDS any and all such records to the City. In addition, the Disclosing Party must disclose the names of any and all slaves or slaveholders described in those records. Failure to comply with these disclosure requirements may make the Matter to which this EDS pertains voidable by the City.

Please check either 1. or 2. below. If the Disclosing Party checks 2., the Disclosing Party must disclose below or in an attachment to this EDS all requisite information as set forth in that paragraph 2.

1. The Disclosing Party verifies that (a) the Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities for records of investments or profits from slavery, the slave industry, or slaveholder insurance policies, and (b) the Disclosing Party has found no records of investments or profits from slavery, the slave industry, or slaveholder insurance policies and no records of names of any slaves or slaveholders.

2. The Disclosing Party verifies that, as a result of conducting the search in step 1(a) above, the Disclosing Party has found records relating to investments or profits from slavery, the slave industry, or slaveholder insurance policies and/or the names of any slaves or slaveholders. The Disclosing Party verifies that the following constitutes full disclosure of all such records:

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**SECTION VI -- CERTIFICATIONS FOR FEDERALLY-FUNDED MATTERS**

**NOTE:** If the Matter is federally funded, complete this Section VI. If the Matter is not federally funded, proceed to Section VII.

**A. CERTIFICATION REGARDING LOBBYING**

1. List below the names of all persons or entities registered under the federal Lobbying Disclosure Act of 1995 who have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter: (Begin list here, add sheets as necessary):

N/A

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(If no explanation appears or begins on the lines above, or if the letters "NA" or if the word "None" appear, it will be conclusively presumed that the Disclosing Party means that NO persons or entities registered under the Lobbying Disclosure Act of 1995 have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter.)

2. The Disclosing Party has not spent and will not expend any federally appropriated funds to pay any person or entity listed in Paragraph A.1. above for his or her lobbying activities or to pay any person or entity to influence or attempt to influence an officer or employee of any agency, as defined by applicable federal law, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with the award of any federally funded contract, making any federally funded grant or loan, entering into any cooperative agreement, or to extend, continue, renew, amend, or modify any federally funded contract, grant, loan, or cooperative agreement.

3. The Disclosing Party will submit an updated certification at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the statements and information set forth in paragraphs A.1. and A.2. above.

If the Matter is federally funded and any funds other than federally appropriated funds have been or will be paid to any person or entity for influencing or attempting to influence an officer or employee of any agency (as defined by applicable federal law), a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the Matter, the Disclosing Party must complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The form may be obtained online from the federal Office of Management and Budget (OMB) web site at <http://www.whitehouse.gov/omb/grants/sflllin.pdf>, linked on the page [http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html).

4. The Disclosing Party certifies that either: (i) it is not an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; or (ii) it is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 but has not engaged and will not engage in "Lobbying Activities".

5. If the Disclosing Party is the Applicant, the Disclosing Party must obtain certifications equal in form and substance to paragraphs A.1. through A.4. above from all subcontractors before it awards any subcontract and the Disclosing Party must maintain all such subcontractors' certifications for the duration of the Matter and must make such certifications promptly available to the City upon request.

## B. CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY

If the Matter is federally funded, federal regulations require the Applicant and all proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations.

Is the Disclosing Party the Applicant?

Yes

No

If "Yes," answer the three questions below:

1. Have you developed and do you have on file affirmative action programs pursuant to applicable federal regulations? (See 41 CFR Part 60-2.)

Yes

No

2. Have you filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements?

Yes

No

3. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause?

Yes

No

If you checked "No" to question 1. or 2. above, please provide an explanation:

As of 9/30/07 Velocita wireless LLC did not qualify to file an affirmative action program.

## SECTION VII -- ACKNOWLEDGMENTS, CONTRACT INCORPORATION, COMPLIANCE, PENALTIES, DISCLOSURE

The Disclosing Party understands and agrees that:

A. By completing and filing this EDS, the Disclosing Party acknowledges and agrees, on behalf of itself and the persons or entities named in this EDS, that the City may investigate the creditworthiness of some or all of the persons or entities named in this EDS.

B. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract or other agreement between the Applicant and the City in connection with the Matter, whether procurement, City assistance, or other City action, and are material inducements to the City's execution of any contract or taking other action with respect to the Matter. The Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.

C. The City's Governmental Ethics and Campaign Financing Ordinances, Chapters 2-156 and 2-164 of the Municipal Code, impose certain duties and obligations on persons or entities seeking City contracts, work, business, or transactions. The full text of these ordinances and a training program is available on line at [www.cityofchicago.org/Ethics](http://www.cityofchicago.org/Ethics), and may also be obtained from the City's Board of Ethics, 740 N. Sedgwick St., Suite 500, Chicago, IL 60610, (312) 744-9660. The Disclosing Party must comply fully with the applicable ordinances.

D. If the City determines that any information provided in this EDS is false, incomplete or inaccurate, any contract or other agreement in connection with which it is submitted may be rescinded or be void or voidable, and the City may pursue any remedies under the contract or agreement (if not rescinded, void or voidable), at law, or in equity, including terminating the Disclosing Party's participation in the Matter and/or declining to allow the Disclosing Party to participate in other transactions with the City. Remedies at law for a false statement of material fact may include incarceration and an award to the City of treble damages.

E. It is the City's policy to make this document available to the public on its Internet site and/or upon request. Some or all of the information provided on this EDS and any attachments to this EDS may be made available to the public on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims which it may have against the City in connection with the public release of information contained in this EDS and also authorizes the City to verify the accuracy of any information submitted in this EDS.

F. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the City takes action on the Matter. If the Matter is a contract being handled by the City's Department of Procurement Services, the Disclosing Party must update this EDS as the contract requires.

The Disclosing Party represents and warrants that:

G. The Disclosing Party has not withheld or reserved any disclosures as to economic interests in the Disclosing Party, or as to the Matter, or any information, data or plan as to the intended use or purpose for which the Applicant seeks City Council or other City agency action.

For purposes of the certifications in H.1. and H.2. below, the term "affiliate" means any person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members; shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with the federal government or a state or local government, including the City, using substantially the same management, ownership, or principals as the ineligible entity.

H.1. The Disclosing Party is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, nor are the Disclosing Party or its affiliates delinquent in paying any fine, fee, tax or other charge owed to the City. This includes, but is not limited to, all water charges, sewer charges, license fees, parking tickets, property taxes or sales taxes.

H.2. If the Disclosing Party is the Applicant, the Disclosing Party and its affiliates will not use, nor permit their subcontractors to use, any facility on the U.S. EPA's List of Violating Facilities in connection with the Matter for the duration of time that such facility remains on the list.

H.3 If the Disclosing Party is the Applicant, the Disclosing Party will obtain from any contractors/subcontractors hired or to be hired in connection with the Matter certifications equal in form and substance to those in H.1. and H.2. above and will not, without the prior written consent of the City, use any such contractor/subcontractor that does not provide such certifications or that the Disclosing Party has reason to believe has not provided or cannot provide truthful certifications.

NOTE: If the Disclosing Party cannot certify as to any of the items in H.1., H.2. or H.3. above, an explanatory statement must be attached to this EDS.

### CERTIFICATION

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City.

VELOCITA WIRELESS LLC  
d/b/a SKYTEL  
(Print or type name of Disclosing Party)

Date: 7-8-08.

By:



(sign here)

MARK HULL  
(Print or type name of person signing)

Member  
(Print or type title of person signing)

Signed and sworn to before me on (date) July 8, 2008, by Mark Hull,  
at Middlesex County, New Jersey (state).

Jeannette Barretta Notary Public.

Commission expires: \_\_\_\_\_

Jeannette Barretta  
Notary Public  
State of New Jersey  
My Commission Expires 04/04/2012



10 Woodbridge Center Drive  
Woodbridge NJ 07095  
Tel 732.602.5500  
Fax 732.602.5501  
www.velocitawireless.com

July 23, 2008

Lisa Clark  
City of Chicago  
Department of Streets and Sanitation  
121 N. LaSalle  
Room 700  
Chicago, IL 60602

Dear Ms. Clark:

Velocita Wireless LLC d/b/a SkyTel submitted an Economic Disclosure Statement to the City of Chicago. Unfortunately at that time, the Economic Disclosure Statement for Velocita's parent company, United Wireless Holdings, was not included in the package. Therefore, attached please find a fully executed Economic Disclosure Statement for United Wireless Holdings as required.

If you should have any questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink that reads "Jeannette Barretta". The signature is fluid and cursive.

Jeannette Barretta  
Contracts Manager

Enclosure



**CITY OF CHICAGO  
ECONOMIC DISCLOSURE STATEMENT  
AND AFFIDAVIT**

**SECTION I -- GENERAL INFORMATION**

A. Legal name of Disclosing Party submitting this EDS. Include d/b/a/ if applicable:

United Wireless Holdings Inc

Check ONE of the following three boxes:

Indicate whether Disclosing Party submitting this EDS is:

1.  the Applicant

OR

2.  a legal entity holding a direct or indirect interest in the Applicant. State the legal name of the Applicant in which Disclosing Party holds an interest: Velocity Wireless LLC d/b/a Skytel

OR

3.  a specified legal entity with a right of control (see Section II.B.1.b.) State the legal name of the entity in which Disclosing Party holds a right of control: \_\_\_\_\_

B. Business address of Disclosing Party:

710 Route 46 East, Ste 205  
Fairfield, NJ 07004

C. Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

D. Name of contact person: Andrew Fitton

E. Federal Employer Identification No. (if you have one): 26-0328635

F. Brief description of contract, transaction or other undertaking (referred to below as the "Matter") to which this EDS pertains. (Include project number and location of property, if applicable):

Wireless Messaging Service and Device Contract

G. Which City agency or department is requesting this EDS? Dept. of Streets & Sanitation

If the Matter is a contract being handled by the City's Department of Procurement Services, please complete the following:

Specification # 59216 and Contract # 15867

**SECTION II -- DISCLOSURE OF OWNERSHIP INTERESTS**

**A. NATURE OF DISCLOSING PARTY**

1. Indicate the nature of the Disclosing Party:

- |   |  |
|---|--|
| <input type="checkbox"/> Person   | <input type="checkbox"/> Limited liability company*      |
| <input type="checkbox"/> Publicly registered business corporation       | <input type="checkbox"/> Limited liability partnership*  |
| <input checked="" type="checkbox"/> Privately held business corporation | <input type="checkbox"/> Joint venture*                  |
| <input type="checkbox"/> Sole proprietorship                            | <input type="checkbox"/> Not-for-profit corporation      |
| <input type="checkbox"/> General partnership*                           | (Is the not-for-profit corporation also a 501(c)(3))?    |
| <input type="checkbox"/> Limited partnership*                           | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Trust  | <input type="checkbox"/> Other (please specify)          |

\* Note B.1.b below.

2. For legal entities, the state (or foreign country) of incorporation or organization, if applicable:

Delaware

3. For legal entities not organized in the State of Illinois: Has the organization registered to do business in the State of Illinois as a foreign entity?

- Yes  No  N/A

**B. IF THE DISCLOSING PARTY IS A LEGAL ENTITY:**

1.a. List below the full names and titles of all executive officers and all directors of the entity. For not-for-profit corporations, also list below all members, if any, which are legal entities. If there are no such members, write "no members." For trusts, estates or other similar entities, list below the legal titleholder(s).

Name	Title
<u>Andrew Fitton</u>	<u>Executive Chairman.</u>
<u>Russell Backhouse</u>	<u>Director</u>
_____	_____
_____	_____

1.b. If you checked "General partnership," "Limited partnership," "Limited liability company," "Limited liability partnership" or "Joint venture" in response to Item A.1. above (Nature of Disclosing Party), list below the name and title of each general partner, managing member, manager or

any other person or entity that controls the day-to-day management of the Disclosing Party. **NOTE:** Each legal entity listed below must submit an EDS on its own behalf.

Name	Title

2. Please provide the following information concerning each person or entity having a direct or indirect beneficial interest (including ownership) in excess of 7.5% of the Disclosing Party. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture, interest of a member or manager in a limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None." **NOTE:** Pursuant to Section 2-154-030 of the Municipal Code of Chicago ("Municipal Code"), the City may require any such additional information from any applicant which is reasonably intended to achieve full disclosure.

Name	Business Address	Percentage Interest in the Disclosing Party
Andrew Fitton	10 Woodbridge Center DR, Woodbridge, NJ 07095	100%

**SECTION III -- BUSINESS RELATIONSHIPS WITH CITY ELECTED OFFICIALS**

Has the Disclosing Party had a "business relationship," as defined in Chapter 2-156 of the Municipal Code, with any City elected official in the 12 months before the date this EDS is signed?

Yes       No

If yes, please identify below the name(s) of such City elected official(s) and describe such relationship(s):

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**SECTION IV -- DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES**

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist, accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total

amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll.

“Lobbyist” means any person or entity who undertakes to influence any legislative or administrative action on behalf of any person or entity other than: (1) a not-for-profit entity, on an unpaid basis, or (2) himself. “Lobbyist” also means any person or entity any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the City whether disclosure is required or make the disclosure.

Name (indicate whether retained or anticipated to be retained)	Business Address	Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)	Fees (indicate whether paid or estimated)
N/A.			

(Add sheets if necessary)

Check here if the Disclosing party has not retained, nor expects to retain, any such persons or entities.

### SECTION V -- CERTIFICATIONS

#### A. COURT-ORDERED CHILD SUPPORT COMPLIANCE

Under Municipal Code Section 2-92-415, substantial owners of business entities that contract with the City must remain in compliance with their child support obligations throughout the term of the contract.

Has any person who directly or indirectly owns 10% or more of the Disclosing Party been declared in arrearage on any child support obligations by any Illinois court of competent jurisdiction?

Yes       No       No person owns 10% or more of the Disclosing Party.

If “Yes,” has the person entered into a court-approved agreement for payment of all support owed and is the person in compliance with that agreement?

Yes       No

## B. FURTHER CERTIFICATIONS

1. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section II.B.1. of this EDS:
  - a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
  - b. have not, within a five-year period preceding the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with: obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;
  - c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause B.1.b. of this Section V;
  - d. have not, within a five-year period preceding the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and
  - e. have not, within a five-year period preceding the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the City or by the federal government, any state, or any other unit of local government.
2. The certifications in subparts 2, 3 and 4 concern:
  - the Disclosing Party;
  - any “Applicable Party” (meaning any party participating in the performance of the Matter, including but not limited to any persons or legal entities disclosed under Section IV, “Disclosure of Subcontractors and Other Retained Parties”);
  - any "Affiliated Entity" (meaning a person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members, shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the City, using substantially the same management, ownership, or principals as the ineligible entity); with respect to Applicable Parties, the term Affiliated Entity means a person or entity that directly or indirectly controls the Applicable Party, is controlled by it, or, with the Applicable Party, is under common control of another person or entity;

- any responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Applicable Party or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity (collectively "Agents").

Neither the Disclosing Party, nor any Applicable Party, nor any Affiliated Entity of either the Disclosing Party or any Applicable Party nor any Agents have, during the five years before the date this EDS is signed, or, with respect to an Applicable Party, an Affiliated Entity, or an Affiliated Entity of an Applicable Party during the five years before the date of such Applicable Party's or Affiliated Entity's contract or engagement in connection with the Matter:

- a. bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the City, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity;
- b. agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
- c. made an admission of such conduct described in a. or b. above that is a matter of record, but have not been prosecuted for such conduct; or
- d. violated the provisions of Municipal Code Section 2-92-610 (Living Wage Ordinance).

3. Neither the Disclosing Party, Affiliated Entity or Applicable Party, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of (1) bid-rigging in violation of 720 ILCS 5/33E-3; (2) bid-rotating in violation of 720 ILCS 5/33E-4; or (3) any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating.

4. Neither the Disclosing Party nor any Affiliated Entity is listed on any of the following lists maintained by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the Bureau of Industry and Security of the U.S. Department of Commerce or their successors: the Specially Designated Nationals List, the Denied Persons List, the Unverified List, the Entity List and the Debarred List.

5. The Disclosing Party understands and shall comply with (1) the applicable requirements of the Governmental Ethics Ordinance of the City, Title 2, Chapter 2-156 of the Municipal Code; and (2) all the applicable provisions of Chapter 2-56 of the Municipal Code (Office of the Inspector General).

6. If the Disclosing Party is unable to certify to any of the above statements in this Part B (Further Certifications), the Disclosing Party must explain below:

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If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

**C. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION**

For purposes of this Part C, under Municipal Code Section 2-32-455(b), the term "financial institution" means a bank, savings and loan association, thrift, credit union, mortgage banker, mortgage broker, trust company, savings bank, investment bank, securities broker, municipal securities broker, securities dealer, municipal securities dealer, securities underwriter, municipal securities underwriter, investment trust, venture capital company, bank holding company, financial services holding company, or any licensee under the Consumer Installment Loan Act, the Sales Finance Agency Act, or the Residential Mortgage Licensing Act. However, "financial institution" specifically shall not include any entity whose predominant business is the providing of tax deferred, defined contribution, pension plans to public employees in accordance with Sections 403(b) and 457 of the Internal Revenue Code. (Additional definitions may be found in Municipal Code Section 2-32-455(b).)

**1. CERTIFICATION**

The Disclosing Party certifies that the Disclosing Party (check one)

is  is not

a "financial institution" as defined in Section 2-32-455(b) of the Municipal Code.

**2. If the Disclosing Party IS a financial institution, then the Disclosing Party pledges:**

"We are not and will not become a predatory lender as defined in Chapter 2-32 of the Municipal Code. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in Chapter 2-32 of the Municipal Code. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the City."

If the Disclosing Party is unable to make this pledge because it or any of its affiliates (as defined in Section 2-32-455(b) of the Municipal Code) is a predatory lender within the meaning of Chapter

2-32 of the Municipal Code, explain here (attach additional pages if necessary):

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If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

**D. CERTIFICATION REGARDING INTEREST IN CITY BUSINESS**

Any words or terms that are defined in Chapter 2-156 of the Municipal Code have the same meanings when used in this Part D.

1. In accordance with Section 2-156-110 of the Municipal Code: Does any official or employee of the City have a financial interest in his or her own name or in the name of any other person or entity in the Matter?  
 Yes                       No

NOTE: If you checked "Yes" to Item D.1., proceed to Items D.2. and D.3. If you checked "No" to Item D.1., proceed to Part E.

2. Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no City elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City (collectively, "City Property Sale"). Compensation for property taken pursuant to the City's eminent domain power does not constitute a financial interest within the meaning of this Part D.

Does the Matter involve a City Property Sale?

Yes                       No

3. If you checked "Yes" to Item D.1., provide the names and business addresses of the City officials or employees having such interest and identify the nature of such interest:

Name	Business Address	Nature of Interest

4. The Disclosing Party further certifies that no prohibited financial interest in the Matter will be acquired by any City official or employee.



**E. CERTIFICATION REGARDING SLAVERY ERA BUSINESS**

The Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities for records of investments or profits from slavery, the slave industry, or slaveholder insurance policies from the slavery era (including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of their slaves) and has disclosed in this EDS any and all such records to the City. In addition, the Disclosing Party must disclose the names of any and all slaves or slaveholders described in those records. Failure to comply with these disclosure requirements may make the Matter to which this EDS pertains voidable by the City.

Please check either 1. or 2. below. If the Disclosing Party checks 2., the Disclosing Party must disclose below or in an attachment to this EDS all requisite information as set forth in that paragraph 2.

1. The Disclosing Party verifies that (a) the Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities for records of investments or profits from slavery, the slave industry, or slaveholder insurance policies, and (b) the Disclosing Party has found no records of investments or profits from slavery, the slave industry, or slaveholder insurance policies and no records of names of any slaves or slaveholders.

2. The Disclosing Party verifies that, as a result of conducting the search in step 1(a) above, the Disclosing Party has found records relating to investments or profits from slavery, the slave industry, or slaveholder insurance policies and/or the names of any slaves or slaveholders. The Disclosing Party verifies that the following constitutes full disclosure of all such records:

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**SECTION VI -- CERTIFICATIONS FOR FEDERALLY-FUNDED MATTERS**

**NOTE:** If the Matter is federally funded, complete this Section VI. If the Matter is not federally funded, proceed to Section VII.

**A. CERTIFICATION REGARDING LOBBYING**

1. List below the names of all persons or entities registered under the federal Lobbying Disclosure Act of 1995 who have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter: (Begin list here, add sheets as necessary):

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(If no explanation appears or begins on the lines above, or if the letters "NA" or if the word "None" appear, it will be conclusively presumed that the Disclosing Party means that NO persons or entities registered under the Lobbying Disclosure Act of 1995 have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter.)

2. The Disclosing Party has not spent and will not expend any federally appropriated funds to pay any person or entity listed in Paragraph A.1. above for his or her lobbying activities or to pay any person or entity to influence or attempt to influence an officer or employee of any agency, as defined by applicable federal law, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with the award of any federally funded contract, making any federally funded grant or loan, entering into any cooperative agreement, or to extend, continue, renew, amend, or modify any federally funded contract, grant, loan, or cooperative agreement.

3. The Disclosing Party will submit an updated certification at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the statements and information set forth in paragraphs A.1. and A.2. above.

If the Matter is federally funded and any funds other than federally appropriated funds have been or will be paid to any person or entity for influencing or attempting to influence an officer or employee of any agency (as defined by applicable federal law), a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the Matter, the Disclosing Party must complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The form may be obtained online from the federal Office of Management and Budget (OMB) web site at <http://www.whitehouse.gov/omb/grants/sflllin.pdf>, linked on the page [http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html).

4. The Disclosing Party certifies that either: (i) it is not an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; or (ii) it is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 but has not engaged and will not engage in "Lobbying Activities".

5. If the Disclosing Party is the Applicant, the Disclosing Party must obtain certifications equal in form and substance to paragraphs A.1. through A.4. above from all subcontractors before it awards any subcontract and the Disclosing Party must maintain all such subcontractors' certifications for the duration of the Matter and must make such certifications promptly available to the City upon request.

## B. CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY

If the Matter is federally funded, federal regulations require the Applicant and all proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations.

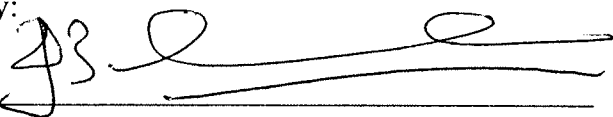
H.3 If the Disclosing Party is the Applicant, the Disclosing Party will obtain from any contractors/subcontractors hired or to be hired in connection with the Matter certifications equal in form and substance to those in H.1. and H.2. above and will not, without the prior written consent of the City, use any such contractor/subcontractor that does not provide such certifications or that the Disclosing Party has reason to believe has not provided or cannot provide truthful certifications.

NOTE: If the Disclosing Party cannot certify as to any of the items in H.1., H.2. or H.3. above, an explanatory statement must be attached to this EDS.

**CERTIFICATION**

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the City.

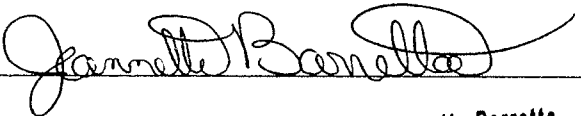
United Wireless Holdings Inc. Date: 7-23-08  
(Print or type name of Disclosing Party)

By:   
(sign here)

R BACKHOUSE  
(Print or type name of person signing)

\_\_\_\_\_  
(Print or type title of person signing)

Signed and sworn to before me on (date) 7-23-08, by Russell Backhouse,  
at Middlesex County, New Jersey (state).

 Notary Public.

Commission expires: Jeannette Barretta  
Notary Public

State of New Jersey  
My Commission Expires 04/04/2012

