

JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT

COMPLETE THIS SECTION IF NEW CONTRACT(S)

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 Kathryn Zeledon Nelson for the product and/or services described herein.
(Name of Person or Firm)

This is a request for X (One-Time Contractor Requisition # 14719, copy attached) or _____ Term Agreement or
____ Delegate Agency (Check one). If Delegate Agency, this request is for "blanket approval" of all contracts within the
Consulting Services (Attach List) Pre-Assigned Specification No. _____
(Program Name) Pre-Assigned Contract No. _____

COMPLETE THIS SECTION IF AMENDMENT OR MODIFICATION TO CONTRACT

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

Contract #: _____ Company or Agency Name: Kathryn Zeledon Nelson
Specification #: 25404 Contract or Program Description: Consulting Services
Mod. #: _____ (Attach List, if multiple)

Karen Sanger 745-4196 _____ Fire 6/4/04
Originator Name Telephone Signature Department Date

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

X) PROCUREMENT HISTORY
SEE ATTACHED
(X) ESTIMATED COST
SEE ATTACHED
(X) SCHEDULE REQUIREMENTS
SEE ATTACHED
(X) EXCLUSIVE OR UNIQUE CAPABILITY
SEE ATTACHED
(X) OTHER
SEE ATTACHED

APPROVED BY [Signature] _____ DATE _____ BOARD CHAIRPERSON _____ DATE _____
DEPARTMENT HEAD OR DESIGNEE

JUSTIFICATION OF NON-COMPETITIVE PROCUREMENT

Procurement History

1. **Describe the requirement and how it evolved from initial planning to its present status.**

Upon notice of Kathryn Zeledon Nelson's intent to retire from the Fire Department the current projects she was working on were reviewed. It was determined that the City's interests would be best served by retaining her services until certain legal affairs could be brought to an end and / or new departmental legal representation could be brought obtained and updated to a level sufficient to represent this department with little or no disruption.

2. **Is this a first time requirement or a continuation of previous procurement from the same source? If so, explain the procurement history.**

This is a continuation of duties, which were a responsibility of Kathryn Zeledon Nelson in her previous capacity as Deputy Commissioner

3. **Explain attempts made to competitively bid the requirement. (Attach copy of notices and list of sources contacted).**

None have been made.

4. **If an RFP/RFQ or other application was issued.**

No RFP/RFQ was issued.

5. **Describe any research done to find other sources.**

No research was done to find other sources.

6. **Explain future procurement objectives. Is this a one-time request or will future requests be made for doing business with the same source?**

These duties are covered by an appointed position in the Fire Department. This is a one-time request.

7. **Explain whether or not future competitive bidding is possible. If not, why not?**

There will be no need for outside Professional Services Contracts to perform this duty in the future, so no future competitive bidding is possible.

Estimated Cost

1. **What is the estimated cost for this requirement? What is the funding source?**

- A maximum of \$110,000 for an eight-month period from 6/1/04 to 1/31/05
- The funding source is the Corporate (100) fund.
- For FY2004 the cost will be approximately \$90,000.
- Negotiated cost for \$75.00 per hour of a budgetary ceiling of \$110,000 as authorized by the Office of Budget and Management and accepted by Kathryn Zeledon Nelson.

2. **What is the estimated cost by fiscal year, if the job, project or program covers multiple years?**

FY2004 \$90,000 and FY2005 \$20,000.

3. **Explain the basis for estimating the cost and what assumptions were made and/or data used.**

The basis for estimating the cost were hourly cost is based upon Kathryn Zeledon Nelson's current salary on a hour basis and the estimated time to complete various project currently being worked on.

4. **Explain whether the proposed Contractor or the City has a substantial dollar investment in original design, tooling or other factors which would be duplicated at City expense if another source was considered. Describe cost savings or other measurable benefits to the City which may be achieved.**

It would be impossible to replace the institutional knowledge of Kathryn Zeledon Nelson and the Fire Department would greatly suffer without her legal knowledge of Fire Department Affairs. This could cost the City money in the long run.

5. **Explain what negotiation of price has occurred or will occur. Detail why the estimated cost is deemed reasonable.**

The hourly rate for Kathryn Zeledon Nelson is a per hour rate of her current salary.

Schedule Requirements

1. **Explain how the schedule was developed and at what point the specific dates were known.**

Does not apply

2. **Is lack of drawings and/or specifications a constraining factor to competitive bidding? If so, why is the proposed Contractor the only person or firm able to perform under these circumstances? Why are the drawings and specifications lacking? What is the lead time required to get drawings and specifications suitable for competition? If lack of drawings and specifications is not a constraining factor to competitive bidding, explain why only one person or firm can meet the required schedule.**

Does not apply

3. **Outline the required schedule by delivery or completion dates and explain the reasons why the schedule is critical.**

In this instance the schedule is critical because there can not be a gap between the retirement of Kathryn Zeledon Nelson and her hiring as a Consultant. This would result in a lack of continuity in on-going legal affairs.

4. **Describe in detail what impact delays for competitive bidding would have on City operations, programs, costs and budgeted funds.**

There is no cause for competitive bidding in this instance because no one else is qualified to do this job.

Exclusive or Unique Capability

1. **If contemplating hiring a person or firm as a Professional Service Consultant, explain in detail what professional skills, expertise, qualifications or other factors make this person or firm exclusively or uniquely qualified for the project. Attach copy of cost proposal and scope or services.**

See Procurement History

2. **Does the proposed firm have personnel considered unquestionably predominant in the particular field?**

Kathryn Zeledon Nelson will be the sole Consultant and for the purposes of Fire Department Legal Affairs, she is unquestionably predominate in the knowledge of Fire Department legal affairs.

3. **What prior experience of a highly specialized nature does the person or firm exclusively possess that is vital to the job, project or program?**

See Procurement History

4. **What technical facilities or test equipment does the person or firm exclusively possess of a highly specialized nature which is vital to the job?**

Does not apply

5. **What other capabilities and/or capacity does the proposed firm possess which is necessary for the specific job, project or program which makes them the only source who can perform the work within the required time schedule without unreasonable costs to the City?**

It is unrealistic and unreasonable to believe that Kathryn Zeledon Nelson's experience could be replaced by anyone in such a manner that the City and the Fire Department would not suffer in Legal Affairs at this time.

6. **If procuring products or equipment, describe the intended use and explain any exclusive or unique capabilities, features and/or functions the items have which no other brands or models, etc. possess. Is compatibility with existing equipment critical from an operational standpoint? Explain why.**

Does not apply

7. **Is completion precluded because of the existence of patent rights, copyrights, trade secrets, technical data, or other proprietary data? Attach documentation verifying such.**

Does not apply

8. **If procuring replacement parts and/or maintenance services, explain whether or not replacement parts and/or services can be obtained from any other sources? If not, is the proposed firm the only authorized or exclusive dealer/distributor and/or service center? If so, attach letter from manufacturer.**

Does not apply.

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See Procurement History

4. **What technical facilities or test equipment does the person or firm exclusively possess of a highly specialized nature which is vital to the job?**

Does not apply

5. **What other capabilities and/or capacity does the proposed firm possess which is necessary for the specific job, project or program which makes them the only source who can perform the work within the required time schedule without unreasonable costs to the City?**

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Does not apply.

Scope of Services

Kathryn Zeledon Nelson will continue to assist the Fire Department by providing various forms of legal and administrative services, including the following key areas:

- Oversight and direction on pending critical and / or complex internal investigations.
- Ongoing oversight of the bunker gear procurement process.
- Coordination between the CFD and the Law Department on a number of significant litigation and regulatory compliance matters.
- Ongoing management of the CFD subpoena compliance process and direction for upcoming re-vamping of the Department Records Division.
- Legislative review and oversight of Fire code re-draft project.
- Oversight of Cost Recovery initiative.

Schedule of Compensation

Kathryn Zeledon Nelson

The Consultant will be paid \$75.00 per hour for a period of eight months for services performed under the Scope of Services. The maximum compensation under this Agreement must not exceed \$110,000.00. The hourly compensation of \$75.00 includes all expenses, including personal salaries, fringe benefits and direct costs that the Consultant incurs in connection with the performance of the Services under this Agreement. For the fiscal year 2004 the cost will be approximately \$90,000.00, which represents the negotiated rate of \$75.00 per hour, as authorized by the Office of Budget and Management and accepted by Kathryn Zeledon Nelson.

The eight month term commences on June 1, 2004 and shall last until January 31, 2005.

City of Chicago

Karen L. Sanger
Staff Assistant

Chicago Fire Department
Finance and Fiscal Management
IIT Tower, 14th Floor
10 West 35th Street
Chicago, Illinois 60616

MANAGING DEPUTY COMMISSIONER
FISCAL MANAGEMENT

June 4, 2004

Recycled Paper

312 745-4196

312-745-3700 (FAX)
ksanger@cityofchicago.org

Chicago Fire Department

Cortez Trotter
Commissioner

14th Floor
10 West 35th Street
Chicago, Illinois 60616-3799
(312) 745-3705

<http://www.cityofchicago.org/fire>

Eric Griggs
Chief Procurement Officer
Department of Procurement Services
City Hall - Room 403

ATTN: JAMISE PERKINS

**SUBJECT: SPECIFICATION NUMBER 25404
KATHRYN ZELEDON NELSON
SOLE SOURCE CONTRACT**

In the matter of Kathryn Zeledon Nelson's Sole Source request with the City for consulting services, this department is requesting that the Non-Noted Goals relief from MBE/WBE participation be utilized. There are no costs incurred by the individual and as such there can be no subcontracting. Further, because this contract is requesting labor only, there cannot be a joint venture. It is for these reasons that any attempt at MBE/WBE participation would not be feasible. As such, Non-Noted Goals have been requested.

Your attention to this matter is greatly appreciated.

Sincerely,

Cortez Trotter
Fire Commissioner

PLEASE

KS/vv

cc: Marvin Shear, Managing Deputy Commissioner
Karen Sanger, Chief Voucher Coordinator
File



**CITY OF CHICAGO
 PURCHASE REQUISITION**

Copy (Department)

DELIVER TO: 336 FINANCE AND FISCAL MANAGEMENT 10 W. 35TH STREET 14TH FLOOR CHICAGO, IL 60616	REQUISITION: 14719 PAGE: 1 DEPARTMENT: 59 - FIRE DEPARTMENT PREPARER: Karen L Sanger NEEDED: APPROVED: 6/4/2004
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REQUISITION DESCRIPTION

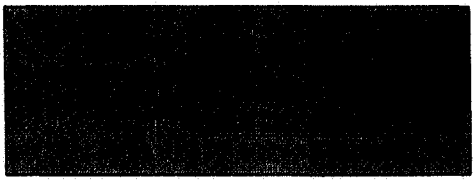
CONSULTING SERVICES FOR CHICAGO FIRE DEPARTMENT
 SPECIFICATION NUMBER: 25404

COMMODITY INFORMATION

LINE	ITEM	QUANTITY	UOM	UNIT COST	TOTAL COST						
1	96120 LEGAL CONSULTANT SERVICES	110,000.00	USD	1.00	110,000.00						
SUGGESTED VENDOR:											
REQUESTED BY: Karen L Sanger											
DIST	BFY	FUND	COST CTR	APPR	ACCNT	ACTV	PROJECT	RPT CAT	GENRL	FUTR	Dist. Amt.
1	004	0100	0594045	0140	220140	0003	00000000	000000	00000	0000	110,000.00
LINE TOTAL:											110,000.00
REQUISITION TOTAL:											110,000.00

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

CPAC PROJECT CHECKLIST



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: June 4, 2004 Contact Person: Karen Sanger
 ID No (Spec, RX, Project): Req#14719 Spec25404 Tel: 5-4196 Fax: 5-3700 E-mail: ksanger@cityofchicago.org
 Department: Fire Project Manager: same
 Bureau: Finance Tel: _____ Fax: _____ E-mail: _____
 Contract No (if known): _____ Estimated Value \$ _____
 Project Title/Description: Consulting Services

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

** 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 _____
 Funding Strip(s): 100-59-4056-0140 0140

* Attach copy of any applicable grant agreement terms and conditions

TIME FRAME

Date Needed: 6/1/04 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

ARCHITECTURAL/ENGINEERING SUPPLEMENTAL CHECKLIST

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

Risk Management

Will services be performed within 50 feet of CTA train or other railroad property? Yes No

Will services be performed on or near a waterway? Yes No

Pre-Qualification Category No. _____ **Category Description:** _____

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

Other Agency Concurrence Required: None State Federal Other (fill in) _____

AVIATION CONSTRUCTION SUPPLEMENTAL CHECKLIST

DOA sign-off for final design documents: Yes No

Required Attachments:

Copy of Draft Contract Documents and Detailed Specifications.

Risk Management:

Current Insurance Requirements prepared/approved by Risk Management: Yes No

Will work be performed within 50 feet of CTA or ATS structure or property? Yes No

Will work be performed airside? Yes No

CAPITAL EQUIPMENT (VEHICLES) 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: _____)

Copy of current Price List(s)/Catalog(s)

Form F-10 or other authorization document

Any other exhibits and attachments

COMMODITIES SUPPLEMENTAL CHECKLIST

Required attachments:

Copies of price lists, catalogs, drawings, variations of part numbers

Any other exhibits or attachments

CONSTRUCTION SUPPLEMENTAL CHECKLIST (LARGE & SMALL)

Required attachments: Copy of Draft (80% Completion)

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

Risk Management

Will services be performed within 50 feet of CTA train or other railroad property? Yes No

Will services be performed on or near a waterway? Yes No

TO: James Brenwald, Department of Law, Labor Division

CITY OF CHICAGO
REQUEST FOR INDIVIDUAL CONTRACT SERVICES

Department: Fire

Date: May 31, 2004

Explain Why Contractor Necessary:

Fire Commissioner Trotter has begun to initiate a wide array of organizational and personnel changes that are calculated to facilitate a new vision for the Fire Department. Such large scale organizational change presents many challenges. To help the Department meet these challenges it is imperative that certain key elements in this infrastructure remain constant.

Kathryn Zeledon Nelson has primary and significant responsibility for a number of systemic matters that would best be kept constant during the upcoming transition. In view of her particular historical knowledge and expertise regarding Fire Department matters, I am requesting that she be retained to provide the continuity and stability in a number of ongoing key areas (See Scope of Services).

Explain Why Individual Considered Independent Contractor, and Not Employee:

This individual is presently retired from city employment and will be engaged on an hourly basis, receiving no benefits of an employee.

Number of Contractors Needed: 1

Hours Per Week: 25 - 35 approx.

Project Assignment: See Scope of Services

Duration of Assignment: June 1, 2004 through January 31, 2005

Department Representative to Contact for Further Information


Name: Marvin Shear, Managing Deputy Commissioner Phone: 745-3681

Total Available Funding: _____

Changeable To:

<u>Fund</u>	<u>Dept #</u>	<u>Org#</u>	<u>Approp.</u>	<u>Object</u>
100	59	2005	.0140	.0140

-----APPROVED-----

Department Head: 

Date: 6-2-04

Law Department: _____

Date: _____

Budget Office: _____

Date: _____

-----NOT APPROVED-----

Law Department: _____

Date: _____

Budget Office: _____

Date: _____

OFFICE OF THE MANAGING DEPUTY COMMISSIONER
FINANCE AND FISCAL MANAGEMENT



4

City of Chicago
Richard M. Daley, Mayor

Chicago Fire Department

Cortez Trotter
Commissioner

14th Floor
10 West 35th Street
Chicago, Illinois 60616-3799
(312) 745-3705

<http://www.cityofchicago.org/fire>

JUN 09 2004

June 4, 2004

04 JUN 10 PM 3

Eric Griggs
Chief Procurement Officer
Department of Procurement Services
City Hall - Room 403

ATTN: JAMISE PERKINS

SUBJECT: SPECIFICATION NUMBER 25404
KATHRYN ZELEDON NELSON
SOLE SOURCE CONTRACT

In the matter of Kathryn Zeledon Nelson's Sole Source request with the City for consulting services, this department is requesting that the Non-States Goals relief from MBE/WBE participation be utilized. There are no costs incurred by the individual and as such there can be no subcontracting. Further, because this contract is requesting labor only, there cannot be a joint venture. It is for these reasons that any attempt at MBE/WBE participation would not be feasible. As such, Non-States Goals have been requested.

Your attention to this matter is greatly appreciated.

Sincerely,

Cortez Trotter
Fire Commissioner

KS/vv

cc: Marvin Shear, Managing Deputy Commissioner
Karen Sanger, Chief Voucher Coordinator
File





Jamie Perkind

04 JUN 10 PM 3:40

City of Chicago
Richard M. Daley, Mayor

Chicago Fire Department

Cortez Trotter
Commissioner

14th Floor
10 West 35th Street
Chicago, Illinois 60616-3799
(312) 745-3705

<http://www.cityofchicago.org/fire>

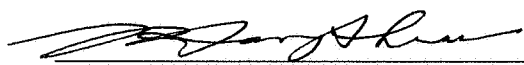
Office of the Managing Deputy Commissioner
Finance & Fiscal Management

MEMORANDUM

Date: June 7, 2004

To: Eric Griggs
Chief Procurement Officer
Department of Procurement Services

Attention: Thomas Crothers

From: 
Marvin J. Shear
Managing Deputy Commissioner

Subject: Creation of Personal Service Contract
Specification #25404
FMPS Requisition #14719

The Fire Department needs to enter into a Professional Service contract with Ms. Kathryn Zeledon-Nelson. Ms. Zeledon-Nelson served as the Fire Department's Deputy Commissioner of Policy and Internal Management until her retirement effective 31 May 2004. It has been determined her legal expertise in certain matters facing the Fire Department is paramount to a successful resolution of these issues. We are requesting the creation of a PO to compensate her for services rendered.

All documentation germane to this request is attached.

Your attention to this matter is greatly appreciated.

MS:ks

