

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

**S. S. R. B.**  
 D/NCP Form Rev 10/16/09  
 APPROVED 4-0  
 CONDITIONALLY APPROVED  
 RETURN TO DEPT  
 DISAPPROVED

**JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT**

**COMPLETE THIS SECTION IF NEW CONTRACT**

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

Request that negotiations be conducted only with \_\_\_\_\_ 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" for all contracts within the \_\_\_\_\_ (Attach List) Pre-Assigned Specification No. \_\_\_\_\_  
 (Program Name) Pre-Assigned Contract No. \_\_\_\_\_

**COMPLETE THIS SECTION IF AMENDMENT OR MODIFICATION TO CONTRACT**

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

Contract #: <u>13750</u>	Company or Agency Name: <u>NCC CORPORATION</u>
Specification # <u>52186</u>	Contract or Program Description: <u>AFIS MAINTENANCE</u>
Modification #: _____	(Attach List, if multiple)
<u>Michael P. Polomb</u> <u>745-5794</u>	_____
Originator Name Telephone	Signature Department Date

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

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

APPROVED BY: [Signature]  
 DEPARTMENT HEAD OR DESIGNEE  
[Signature]  
 CHIEF PROCUREMENT OFFICER

DATE

[Signature] 10/16/09  
 BOARD CHAIRPERSON DATE  
[Signature] 10/16/09  
 DATE OF APPROVAL



Richard M. Daley  
Mayor

Department of Police • City of Chicago  
3510 S. Michigan Avenue • Chicago, Illinois 60653

Jody P. Weis  
Superintendent of Police

August 25, 2009

Montel Gayles  
Chief Procurement Officer  
Department of Procurement Services  
City Hall Room 403

**ATTN: TERRENCE GLAVIN**

**SUBJECT: SOLE SOURCE FOR  
NEC CORPORATION  
CONTRACT NUMBER 13750  
TWO (2) YEAR TIME EXTENSION**

The above Sole Source expires on December 31, 2009. The contract allows for an up to two (2) year extension. This Department would like to take advantage of this clause. To that end attached please find;

- 1) One Sole Source Justification.
- 2) One sole source letter from the vendor.
- 3) One quote from the vendor.
- 4) MBE/WBE Implementation Plan
- 5) One Economic Disclosure Statement.

It is respectfully requested that this be scheduled for the September agenda.

Sincerely,

A handwritten signature in cursive script that reads "Michael P. Palumbo".

Michael P. Palumbo  
Contract Administrator  
Police Department

**Bureau of Administrative Services**  
Records Services Division

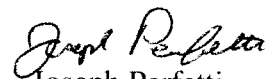
03 June 2009

TO: Theodore F. O'Keefe  
Deputy Superintendent  
Bureau of Administrative Services

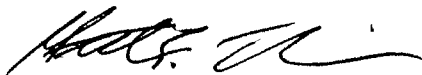
FROM: Joseph Perfetti  
Director  
Records Services Division

SUBJECT: Sole Source Request for AFIS Maintenance

The Chicago Police Department upgraded its Automated Fingerprint Identification System (AFIS) in January of 2008. The contract for the AFIS System maintenance expires on 31 December 2009. It is respectfully requested that a two year maintenance agreement be procured with NEC. Attached are the documents necessary for a sole source justification. Upon your approval, the documents will be forwarded to Department of Procurement Services from our Finance Division.

  
Joseph Perfetti  
Director  
Records Services Division

APPROVED:



Matthew E. Tobias  
Assistant Deputy Superintendent  
Bureau of Administrative Services



Theodore F. O'Keefe  
Deputy Superintendent  
Bureau of Administrative Services

## **PROCUREMENT HISTORY** (INCLUDING FUTURE PROCUREMENT OBJECTIVES)

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

The Chicago Police Department is seeking to engage in a 2 year contract extension with NEC relative to the maintenance of the Automated Fingerprint Identification System (AFIS). The current contract (13750) expires on December 31, 2009. The maintenance period for this request is 01 January 2010 thru December 31, 2011.

In 1985, then Superintendent Rice put together a project team of Police Department representatives to research the feasibility of obtaining a new criminal identification technology. A private sector oversight committee comprised of various business executives monitored the project.

At the inception of this project, comprehensive benchmark procedures were developed that were used to identify the vendor that would answer the Police Department's requirements. Two of the three vendors performed benchmark testing for a two week period. The third vendor that was not benchmarked was non-responsive to the RFP. The RFP was authored at the Police Department in concert with MIS, and the Law and Purchasing Departments.

Based on the benchmark results and a review by the oversight committee a recommendation from the Police Department project team was forwarded to Superintendent Rice and negotiations were initiated with NEC. The AFIS System was installed and operational in 1987.

In 1999, the Chicago Police Department procured the newest AFIS technology (AFIS 21) from NEC. The implementation of AFIS 21 delivered a streamlined fingerprint process which greatly reduced the need for human intervention. This new technology also established an automated interface between the fingerprint identification process and CPD's new criminal history records management system called CHRIS.

In 2002, the Chicago Police Department procured a database and fingerprint archive upgrade to the AFIS System which expanded the database storage capacity and improved archive functionality.

In 2008, The Field Services Section performed an upgrade and database expansion to the Automated Fingerprint Identification System (AFIS). The upgraded system has expanded the system core functionality to include both enhanced fingerprint and palm print functionality. Listed below are the upgrades and expansions to the CPD AFIS.

- Palm print matching (30% of impressions recovered at crime scenes are fractions of palm prints, this new technology will allow latent examiners to search suitable palm impressions against the palm print database.
- Slap print matching and storage
- New 10-finger Tenprint database to improve Tenprint accuracy (6 rolled and 4 slap; day one forward for slap). The old system only had two finger matching.
- Capacity for 1,800 Fingerprint submissions per day. Old system was designed for 1100 prints per day and CPD was hitting its capacity on a daily basis
- Mobile ID functionality for 1000, 1:N cold searches per day with a 3 minute response
- Enhanced Latent Matching Algorithm (ELMA)
- Web based Archive and Reporting System

In addition to the functions stated above, the AFIS upgrade provided a technology refreshment to include the latest industry standard servers, workstations, operating systems and middleware.

Since 1987, all components (hardware and software) have been serviced by NEC onsite customer engineers.

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

This request is a continuation of a current procurement from NEC. The current Contact number is 13750 and Specification number is 52186. This request is for a two year extension.

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

The initial procurement of the AFIS system was procured via the RFP process. Since that time, the NEC system is proprietary in nature and involves proprietary fingerprint matching algorithms. No other AFIS vendor has ever maintained or upgraded an NEC AFIS system.

**4. Describe all research done to find other sources. (List other cities contacted, companies in the industry contacted, professional organizations, periodicals and other publications used). Not applicable**

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

There will be future requests for new contracts that will be in relation to the maintenance of the AFIS System.

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

Future competitive bidding, while possible, would be extremely costly.

**ESTIMATED COST**

1. **What is the estimated cost for this requirement (or for each contract, if multiple awards contemplated)? What is the funding source?**

The estimated cost for 2 years of maintenance is \$767,940.00. The funding source is the Police Department Corporate Budget.

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

The following represents the estimated costs for each year:

2010 - \$378,296.00

2011 - \$389,644.00

3. **Explain the basis for estimating the cost and what assumptions were made and/or data used (ie. Budgeted amount, previous contract price, current catalog or cost proposal from firms solicited, engineering or in-house estimate, etc).**

The basis for estimating the cost is derived from a cost proposal from the vendor.

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.**

The Chicago Police Department has a substantial dollar investment in the system design and multiple customized interfaces that would need to be duplicated at CPD expense if another AFIS vendor were considered. In 1999, CPD invested 4.3 million dollars in system design, development, data conversion, customized interfaces, training and system implementation. In 2002, CPD invested 778,000 dollars in a system upgrade to expand database capacity. In 2008, CPD invested 3.1 million dollars in a system upgrade.

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

Based on the quotes received by sole source vendor NEC , the provided cost was deemed acceptable by the Chicago Police Department.

## **SCHEDULE REQUIREMENTS**

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

The schedule is based on the life cycle of the technology and the previously negotiated contract dates.

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. Not Applicable**

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

Due to the fact that the current warranty will expire December 31, 2009, it is critical that the system be maintained to ensure it functions properly. Chicago Police Department relies entirely on the AFIS system to facilitate the criminal identification of persons taken into custody, processing of fingerprints for city applicant, crime scene latent processing, etc. Failure to properly maintain this equipment would negatively impact CPD's ability to process persons and create a legal liability for the Department.

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

Competitive bidding is not possible since other than NEC; no vendor exists that is capable of performing maintenance and system support of the NEC AFIS.

#### **EXCLUSIVE OR UNIQUE CAPABILITY**

- 1. If contemplating hiring a person or firm as a Professional Service Consultant, explain in detail what professional skills, expertise, qualifications, other factors make this person or firm exclusively or uniquely qualified for the project. Attach copy of cost proposal and scope of services. Not Applicable**
- 2. Does the proposed firm have personnel considered unquestionably predominant in the particular field? Not Applicable**
- 3. What prior experience of highly specialized nature does the person or firm exclusively possess that is vital to the job, project or program? Not Applicable**
- 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? Not Applicable**
- 5. What other capabilities and/or capacity does the proposed firm possess which is necessary for the specific job, project or program which make them the only source who can perform the work within the required time schedule without unreasonable costs to the City? Not Applicable**
- 6. If procuring products or equipment, describe the intended use and explain any exclusive or unique capabilities, features and/or function the**

**items have which no other brands or models, etc. possess. Is compatibility with existing equipment critical from an operational standpoint? Explain why. Not Applicable**

- 7. Is competition precluded because of the existence of patent rights, copyrights, trade secrets, technical data or other propriety data? Attach documentation verifying such. See Attached**
- 8. Is 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.**

CPD is seeking maintenance of an existing system that is proprietary in nature which precludes any other vendor from providing the required system maintenance and system support.

#### **MBE/WBE COMPLIANCE PLAN**

1. All submissions must contain detailed information about how the proposed firm will comply with the requirements of the City's Minority and Women Owned Business program. All submissions must include a complete C-1 and D-1 form, Which is available on the Procurement Service page on the City's intranet site. MBE/WBE will be addressed and on-going. See Attached.

#### **OTHER**

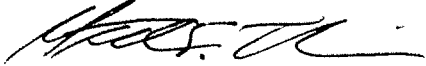
1. Explain other related considerations and attach all applicable supporting documents (an approved Information Technology Strategy Committee (ITSC) form, an approved Request for Individual Contract Services form, etc.)



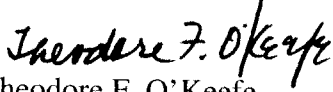
**REVIEW AND APPROVAL**



Joseph Perfetti  
Director  
Records Services Division



Matthew E. Tobias  
Assistant Deputy Superintendent  
Bureau of Administrative Services



Theodore F. O'Keefe  
Deputy Superintendent  
Bureau of Administrative Services



NEC Corporation of America  
Identification Solutions Divisions  
10850 Gold Center Drive, Suite 200  
Rancho Cordova, CA 95670

June 3, 2009

Joseph Perfetti  
Chicago Police Department  
3510 South Michigan Avenue  
Chicago, Illinois 60653

**Re: Sole Source Letter for Maintenance on the Chicago Police Department  
NEC AFIS System**

Dear Mr. Perfetti:

On behalf of NEC Corporation of America, I am responding to your request for sole source justification for the NEC AFIS system currently in use by the Chicago Police Department.

Due to the proprietary matching hardware components, proprietary matching algorithms and workstation application software, NEC is the only vendor that can provide maintenance on the NEC AFIS system.

For over 20 years, NEC Corporation of America has provided the Chicago Police Department with an Automated Fingerprint Identification System (AFIS) comprised of our proprietary matching hardware and software for extracting fingerprint minutia, creating multiple fingerprint databases, and searching/matching algorithms for fingerprint identification. The current Chicago Police Department criminal electronic fingerprint databases, used for comparison and searching tasks, are integrated, proprietary, and use native data-exchange algorithms that interface exclusively with the NEC Fingerprint Matching Processor (FMP) hardware subsystem and the NEC Global Workstations.

NEC Corporation of America is the sole provider of the Automated Fingerprint Identification System (AFIS) being used by the Chicago Police Department. In addition, NEC Corporation of America holds all patents and has exclusive proprietary software rights on all application programs, fingerprint matching algorithms and native fingerprint images. No other vendor can convert proprietary data or provide database performance expansion services, interfaces to external data sources or make modification to products legally authorized to be marketed by NEC under penalty of patent infringement laws of the United States.

Sincerely,

A handwritten signature in black ink that reads "Don Sheahan".

Don Sheahan  
Contracts Manager



**NEC Corporation of America**  
Identification Solutions Divisions  
10850 Gold Center Drive, Suite 200  
Rancho Cordova, CA 95670

March 25, 2009

Joseph Perfetti  
Chicago Police Department  
3510 South Michigan Avenue  
Chicago, Illinois 60653

**Re: Chicago Police Department**  
**January 1, 2010 through December 31, 2011**  
**Maintenance Quote – AFIS System**

Dear Mr. Perfetti;

This letter will serve as an official quote for maintenance pricing for the Chicago Police Department AFIS System. This quote covers the period from January 1, 2010 through December 31, 2011.

January 1, 2010 through December 31, 2010	\$378,296.00/year = \$94,574.00/quarter
January 1, 2011 through December 31, 2011	\$389,644.00/year = \$97,411.00/quarter

We understand that now more than ever during these economically difficult times, we must make every effort to provide a “best value” solutions geared to improved delivery of public safety services to your citizens. The NECAM team is proud of our history supporting national, state and local law enforcement in their crucial roles and we are committed to providing you with excellent service and support.

Please feel free to contact me with any questions or concerns.

Best regards,

Don Sheahan  
Contracts Manager

8. SCHEDULE C-1

City of Chicago Police Department  
Automated Fingerprint System Maintenance Renewal

Name of Project/Contract \_\_\_\_\_  
Specification Number: 41404

From Koi Computers, INC MBE: Yes  No \_\_\_  
(Name of MBE/WBE Firm) NEC Corporation of America WBE: Yes  No \_\_\_

To Identification Solution Division and the City of Chicago  
(Name of Prime Contractor)

The MBE/WBE status of the undersigned is confirmed by the attached letter of Certification from the City of Chicago effective date of \_\_\_\_\_ to \_\_\_\_\_ for a period of five years.

The undersigned is prepared to provide the following described services or supply the following described goods in connection with the above named project/contract:

General IT Equipment, Parts, and Supplies

The above described performance is offered for the following price and described terms of payment:

NEC estimated spend is \$40,000 (forty thousand dollars).  
Payment term is net forty-five (45) days.

If more space is needed to fully describe the MBE/WBE firms proposed scope of work and/or payment schedule, attach additional sheets.

The undersigned will enter into a formal written agreement for the above work with you as a Prime Contractor, conditioned upon your execution of a contract with the City of Chicago, and will do so within (3) three working days of receipt of a signed contract from the City of Chicago.

*Fanny HO*  
(Signature of Owner, President or Authorized Agent of MBE/WBE)  
Fanny HO

Name /Title (Print)  
President

Date  
05/05/09

Phone  
(630) 627-8811



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>

March 13, 2009

Fanny Ho, President  
**KOI Computers, Inc.**  
200 West North Avenue  
Lombard, Illinois 60148

**Annual Certificate Expires:**  
**Vendor Number:**

**March 1, 2010**  
**1052924**

Dear Ms. Ho:

Congratulations on your continued eligibility for certification as a **MBE/WBE** by the City of Chicago. This **MBE/WBE** certification is valid until **March 1, 2011**; however your firm must be re-validated annually. Your firm's next annual validation is required by **March 1, 2010**.

As a condition of continued certification during this five year period, you must file a No-Change Affidavit **within 60 days prior** to the date of expiration. Failure to file this Affidavit will result in the termination of your certification. **Please note that you must include a copy of your most current Federal Corporate Tax Return.** You must also notify the City of Chicago of any changes in ownership or control of your firm or any other matters or facts affecting your firm's eligibility for certification.

The City may commence action to remove your firm's eligibility if you fail to notify us of any changes of facts affecting your firm's certification or if your firm otherwise fails to cooperate with the City in any inquiry or investigation. Removal of eligibility procedures may also be commenced if your firm is found to be involved in bidding or contractual irregularities.

Your firm's name will be listed in the City's Directory of Minority Business Enterprises and Women Business Enterprises in the specialty area(s) of:

**Manufacturer and Supplier of Computer Systems; Supplier of Hardware, Software, and Computer Related Equipment and Supplies; Computer Services and Repair**

Your firm's participation on City contracts will be credited only toward **MBE/WBE** goals in your area(s) of specialty. While your participation on City contracts is not limited to your specialty, credit toward **MBE/WBE** goals will be given only for work done in the specialty category.

Thank you for your continued interest in the City's Minority and Women Business Enterprise Programs.

Sincerely,

Mark Hands  
Managing Deputy Procurement Officer

MH/emc

**IL UCP HOST: PACE**



02-Jan-07 11:55

From-CPD IDENTIFICATION CPD

+9127456921

T-179 P.01/07 F-166

8. SCHEDULE C-1

City of Chicago Police Department

Name of Project/Contract Automated Fingerprint System Maintenance Renewal  
Specification Number: 41404

From An Executive Decision MBE: Yes  No   
(Name of MBE/WBE Firm) WBE: Yes  No   
NEC Corporation of America

To Identification Solutions Division and City of Chicago  
(Name of Prime Contractor)

The MBE/WBE status of the undersigned is confirmed by the attached letter of Certification from the City of Chicago effective date of \_\_\_\_\_ to \_\_\_\_\_ for a period of five years.

The undersigned is prepared to provide the following described services or supply the following described goods in connection with the above named project/contract:

Promotional Items

The above described performance is offered for the following price and described terms of payment:

NEC's estimated spend is \$1,000.00 (one thousand dollars)

If more space is needed to fully describe the MBE/WBE firms proposed scope of work and/or payment schedule, attach additional sheets.

The undersigned will enter into a formal written agreement for the above work with you as a Prime Contractor, conditioned upon your execution of a contract with the City of Chicago, and will do so within (3) three working days of receipt of a signed contract from the City of Chicago.

Kathy Tuite  
(Signature of Owner, President or Authorized Agent of MBE/WBE)

Kathy Tuite  
Name /Title (Print)

5/5/09  
Date

713-281-2870  
Phone



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>

December 30, 2008

Kathy Tuite, Owner  
**An Executive Decision**  
1510 West Wolfram  
Chicago, Illinois 60657

**Annual Certificate Expires:**  
**Vendor Number:**

**November 1, 2009**  
**1049432**

Dear Ms. Tuite:

Congratulations on your continued eligibility for certification as a **WBE** by the City of Chicago. This **WBE** certification is valid until **November 2011**; however your firm must be re-validated annually. Your firm's next annual validation is required by **November 1, 2009.**

As a condition of continued certification during this five year period, you must file a No-Change Affidavit **within 60 days prior** to the date of expiration. Failure to file this Affidavit will result in the termination of your certification. **Please note that you must include a copy of your most current Federal Corporate Tax Return.** You must also notify the City of Chicago of any changes in ownership or control of your firm or any other matters or facts affecting your firm's eligibility for certification.

The City may commence action to remove your firm's eligibility if you fail to notify us of any changes of facts affecting your firm's certification or if your firm otherwise fails to cooperate with the City in any inquiry or investigation. Removal of eligibility procedures may also be commenced if your firm is found to be involved in bidding or contractual irregularities.

Your firm's name will be listed in the City's Directory of Minority Business Enterprises and Women Business Enterprises in the specialty area(s) of:

**Customized Apparel; Distribution of Promotional Items;  
Customized Awards**

Your firm's participation on City contracts will be credited only toward **WBE** goals in your area(s) of specialty. While your participation on City contracts is not limited to your specialty, credit toward **WBE** goals will be given only for work done in the specialty category.

Thank you for your continued interest in the City's Minority and Women Business Enterprise Programs.

Sincerely,

  
Lori Ann Lyson  
Deputy Procurement Officer

LAL/ymj

**IL UCP HOST: CTA**

NEIGHBORHOODS



**9. SCHEDULE D-1**

**AFFIDAVIT OF MBE/WBE GOAL IMPLEMENTATION PLAN**

Contract Name: City of Chicago Police Department  
Automated Fingerprint Identification System Maintenance Renewal

Specification No. 41404

State of California

County (City) of Sacramento

I HEREBY DECLARE AND AFFIRM that I am duly authorized representative of  
NEC Corporation of America , Identification Solutions Division

Name of Bidder/Proposer

and that I have personally reviewed the material and facts set forth herein describing our proposed plan to achieve the MBE/WBE goals of this contract.

All MBE/WBE firms included in this plan have been certified as such by the City of Chicago (Letters of Certification Attached).

**I. Direct Participation of MBE/WBE Firms**

(Note: The bidder/proposer shall, in determining the manner of MBE/WBE participation, first consider involvement with MBE/WBE firms as joint venture partners, subcontractors, and suppliers of goods and services directly related to the performance of this contract.)

A. If bidder/proposer is a certified MBE or WBE firm, attach copy of City of Chicago Letter of Certification. (Certification of the bidder/proposer as a MBE satisfies the MBE goal only. Certification of the bidder/proposer as a WBE satisfies the WBE goal only.)

B. If bidder/proposer is a joint venture and one or more joint venture partners are certified MBEs or WBEs, attach copies of Letters of Certification and a copy of Joint Venture Agreement clearly describing the role of the MBE/WBE firm(s) and its ownership interest in the joint venture.

**C. MBE/WBE Subcontractors/Suppliers/Consultants:**

1. Name of MBE/WBE: N/A

Address \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Dollar Amount Participation: \$ \_\_\_\_\_



Percent Amount of Participation: \_\_\_\_\_ %

Schedule C-1 attached? Yes \_\_\_\_\_ No \_\_\_\_\_ \*

\*(see next page)

2. Name of MBE/WBE: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Dollar Amount Participation: \$ \_\_\_\_\_

Percent Amount of Participation: \_\_\_\_\_ %

Schedule C-1 attached? Yes \_\_\_\_\_ No \_\_\_\_\_ \*

\*(see next page)

3. Name of MBE/WBE: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Dollar Amount Participation: \$ \_\_\_\_\_

Percent Amount of Participation: \_\_\_\_\_ %

Schedule C-1 attached? Yes \_\_\_\_\_ No \_\_\_\_\_ \*

\*(see next page)

4. Name of MBE/WBE: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Dollar Amount Participation: \$ \_\_\_\_\_

Percent Amount of Participation: \_\_\_\_\_ %

Schedule C-1 attached? Yes \_\_\_\_\_ No \_\_\_\_\_ \*

\*(see next page)

5. Name of MBE/WBE: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Dollar Amount Participation: \$ \_\_\_\_\_

Percent Amount of Participation: \_\_\_\_\_%

Schedule C-1 attached? Yes \_\_\_\_\_ No \_\_\_\_\_ \*

\*(see next page)

6. Attach additional sheets as needed.

\* All Schedule C-1s and Letters of Certification not submitted with bid/proposal must be submitted so as to assure receipt by the Contract Administrator within three (3) business days after bid opening (or proposal due date.)

II. Indirect Participation of MBE/WBE Firms

(Note: This section need not be completed if the MBE/WBE goals have been met through the direct participation outlined in Section I. If the MBE/WBE goals have not been met through direct participation, contractor will be expected to demonstrate that the proposed MBE/WBE direct participation represents the maximum achievable under the circumstances. Only after such a demonstration will indirect participation be considered.)

MBE/WBE Subcontractors/Suppliers/Consultants proposed to perform work or supply goods or services where such performance does not directly relate to the performance of this contract

A. Name of MBE/WBE: Koi Computers, Inc.

Address: 200 W. North Avenue, Lombard, IL 60148

Contact Person Fanny Ho

Phone: 630-627-8810

Dollar Amount Participation: \$ Approximately \$40,000.00 (forty thousand dollars)

Percent Amount of Participation 5.08 %

Schedule C-1 attached? Yes X No \_\_\_\_\_ \*

B. Name of MBE/WBE: An Executive Decision

Address: 1510 W. Wolfram, Chicago, IL 60657

Contact Person: Kathy Tuite

Phone: 773-281-2870

Dollar Amount Participation: Approximately \$1,000.00 (one thousand dollars)

Percent Amount of Participation: .13 %

Schedule C-1 attached? Yes  No

C. Name of MBE/WBE: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Dollar Amount Participation: \$ \_\_\_\_\_

Percent Amount of Participation: \_\_\_\_\_ %

Schedule C-1 attached? Yes \_\_\_\_\_ No \_\_\_\_\_

D. Name of MBE/WBE: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Dollar Amount Participation: \$ \_\_\_\_\_

Percent Amount of Participation: \_\_\_\_\_ %

Schedule C-1 attached? Yes \_\_\_\_\_ No \_\_\_\_\_

E. Attach additional sheets as needed.

\* All Schedule C-1s and Letters of Certification not submitted with bid/proposal must be submitted so as to assure receipt by the Contract Administrator within three (3) business days after bid opening (or proposal due

date).

III. Summary of MBE/WBE Proposal:

A. MBE Proposal

1. MBE Direct Participation (from Section I.)

MBE Firm Name	Dollar Amount	Percent
_____	\$ _____	_____ %
_____	\$ _____	_____ %
_____	\$ _____	_____ %
Total Direct MBE Participation	\$ _____	_____

2. MBE Indirect Participation (from Section II.)

MBE Firm Name	Dollar Amount	Percent
Koi Computers	\$ 40,000.00	5.08 %
_____	\$ _____	_____ %
_____	\$ _____	_____ %
Total Indirect MBE Participation	\$ _____	_____

B. WBE Proposal

1. WBE Direct Participation (from Section I.)

WBE Firm Name	Dollar Amount	Percent
_____	\$ _____	_____ %
_____	\$ _____	_____ %
_____	\$ _____	_____ %
Total Direct WBE Participation	\$ _____	_____

2. WBE Indirect Participation (from Section II.)

WBE Firm Name	Dollar Amount	Percent
An Executive Decision	\$ 1,000.00	.13%
_____	\$ _____	_____ %
_____	\$ _____	_____ %
Total Indirect WBE Participation	\$ _____	_____

To the best of my knowledge, information and belief, the facts and representations contained in this Schedule are true, and no material facts have been omitted.

The contractor designates the following person as their MBE/WBE Liaison Officer.

Name: Van Nguyen  
Phone Number: 916-463-7054

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct, and that I am authorized, on behalf of the contractor, to make this affidavit.

*Barry Fisher*  
Signature of Affiant (Date)

State of California

County of Sacramento

This instrument was acknowledged before me on \_\_\_\_\_ (date)

by Barry Fisher (name /s/ of person/s)  
as Vice President, IDS (type of authority, e.g., officer, trustee, etc.)  
of NEC Corporation of America (name of party on behalf of whom instrument executed)

\_\_\_\_\_  
Signature of Notary Public  
(Seal)

*SEE ATTACHED*

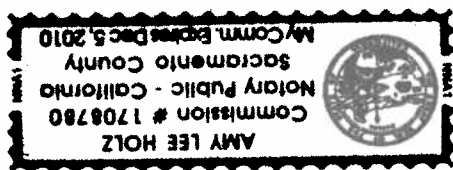
State of California )  
County of SACRAMENTO )

### CALIFORNIA JURAT

Subscribed and sworn to (or affirmed) before me on this 8<sup>TH</sup> day  
of MAY, 2009, by BARRY FISHER

proved to me on the basis of satisfactory evidence to be the person(s)  
who appeared before me.

Signature *Amy Lee Holz*



Seal

#### OPTIONAL INFORMATION

*Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.*

#### Description of Attached Document

This certificate is attached to a document titled/for the purpose of

MBE/WBE CERTIFICATE

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_.

Additional Information
<b>Method of Affiant Identification</b>
Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on: Page # <u>23</u> Entry # <u>6</u>
Notary contact: _____
Other
<input type="checkbox"/> Affiant(s) Thumbprint(s) <input type="checkbox"/> Describe: _____

**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:

NEC Corporation of America

**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:

10850 Gold Center Drive, #200  
Rancho Cordova, Ca 95670

C. Telephone: 916-463-7054 Fax: 916-463-7055 Email: van.nguyen@necam.com

D. Name of contact person: Van Nguyen

E. Federal Employer Identification No. (if you have one): 363112037

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):

AFIS Maintenance Contract Extension

G. Which City agency or department is requesting this EDS? Police Department

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

Specification # 52186 and Contract # 13750

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

**A. NATURE OF DISCLOSING PARTY**

1. Indicate the nature of the Disclosing Party:

- Person
- Publicly registered business corporation
- Privately held business corporation
- Sole proprietorship
- General partnership\*
- Limited partnership\*
- Trust
- Limited liability company\*
- Limited liability partnership\*
- Joint venture\*
- Not-for-profit corporation  
(Is the not-for-profit corporation also a 501(c)(3))?  
 Yes  No
- Other (please specify)

\* Note B.1.b below.

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

Delaware Corporation

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

Please See Attached

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
N/A	

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
<p>NEC Corporation of America is a wholly owned subsidiary of NEC Corporation, a Japanese Corporation located at 7-1, Shiba 5-Chome, Munato-ku, Tokyo, Japan</p>		

**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)
---	---------------------	---	--

- ① Koi Computers, Inc. 200 North Ave, Lombard, IL 60148  
- Anticipated - Vendor - estimated \$40,000.00
- ② An Executive Decision 1510 W. Wolfram, Chicago, IL 60657  
- Anticipated - Vendor - estimated \$1,000.00

(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:

Please See Attached

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

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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.



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:

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**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.

NEC Corporation of America  
(Print or type name of Disclosing Party)

Date: 4-27-09

By: *[Signature]*  
(sign here)

Barry Fisher  
(Print or type name of person signing)

Vice President - IDS  
(Print or type title of person signing)

Signed and sworn to before me on (date) \_\_\_\_\_, by \_\_\_\_\_,  
at \_\_\_\_\_ County, \_\_\_\_\_ (state).

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

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

*SEE ATTACHED*

**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:

NEC Corporation

**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: NEC Corporation of America  
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:

7-1 Shiba 5-Chome  
Minato-Ku, Tokyo Japan 108-8001

C. Telephone: 214-262-3701 Fax: 214-262-3737 Email: TOKada@necam.com

D. Name of contact person: Takayuki Okada

E. Federal Employer Identification No. (if you have one): \_\_\_\_\_

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):

AFIS Maintenance Contract Extension

G. Which City agency or department is requesting this EDS? Police Department

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

Specification # 52184 and Contract # 13750

**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 checked="" type="checkbox"/> Publicly registered business corporation | <input type="checkbox"/> Limited liability partnership*    |
| <input 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 checked="" type="checkbox"/> Other (please specify) |
|  | <u>Public, NASDAQ: NIPNY</u>                               |

\* Note B.1.b below.

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

Japan

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>Please See Attached</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
None		

**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):

\_\_\_\_\_

\_\_\_\_\_

**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
<hr/>		
<hr/>		
<hr/>		

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.

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:

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**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.

NEC Corporation  
(Print or type name of Disclosing Party)

Date: 4-24-09

By:

*T. Okada*  
(sign here)

Takayuki Okada  
(Print or type name of person signing)

Senior Vice President  
(Print or type title of person signing)

Signed and sworn to before me on (date) April 24, 2009, by Takayuki Okada,  
at Dallas County, Texas (state).

*Sarah S. Christianson* Notary Public.

Commission expires:





## Corporate Officers

As of April 1, 2009 Japanese

name	post
Kaoru Yano	President
Botaro Hirosaki	Senior Executive Vice President
Masatoshi Aizawa	Senior Executive Vice President
Konosuke Kashima	Executive Vice President
Akihito Otake	Executive Vice President
Yoichiro Shioji	Senior Vice President
Ken Kobayashi	Senior Vice President
Minoru Terao	Senior Vice President
Toshimitsu Iwanami	Senior Vice President
Susumu Otani	Senior Vice President

Masaki Kidowaki	Associate Senior Vice President
Takayuki Morita	Associate Senior Vice President
Koichi Uchida	Associate Senior Vice President
Tadashi Higashino	Associate Senior Vice President
Noboru Wakita	Associate Senior Vice President
Tomonori Nishimura	Associate Senior Vice President
Koji Yamasaki	Associate Senior Vice President
Naoki Yoshimura	Associate Senior Vice President
Manabu Kinoshita	Associate Senior Vice President
Takashi Niino	Associate Senior Vice President
Tomonori Nishimura	Associate Senior Vice President

Takao Ono	Senior Vice President
Junji Yasui	Senior Vice President
Yukihiro Fujiyoshi	Senior Vice President
Yukio Ito	Senior Vice President
Kuniaki Okada	Senior Vice President
Masaki Fukui	Senior Vice President
Takayuki Okada	Senior Vice President
Nobuhiro Endo	Senior Vice President
Toshiyuki Mineno	Senior Vice President
Masanori Nakamura	Senior Vice President
Takemitsu Kunio	Associate Senior Vice President
Yoichi Isokawa	Associate Senior Vice President
Yoichi Watanabe	Associate Senior Vice President
Takuji Tomiyama	Associate Senior Vice President
Fujio Okada	Associate Senior Vice President

Yasujiro Ryuno	Associate Senior Vice President
Takashige Mouri	Associate Senior Vice President
Masahiro Annaka	Associate Senior Vice President
Nobuyuki Yanaginuma	Associate Senior Vice President
Masamichi Imai	Associate Senior Vice President
Masato Yamamoto	Associate Senior Vice President
Norimitsu Tomonaga	Associate Senior Vice President

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## Directors

As of June 23, 2008 Japanese

name	post
<u>Hajime Sasaki</u>	Chairman of the Board
<u>Kaoru Yano</u> *	President (Representative Director)
<u>Botaro Hirosaki</u> *	Senior Executive Vice President and Member of the Board (Representative Director)
<u>Masatoshi Aizawa</u> *	Senior Executive Vice President and Member of the Board (Representative Director)
<u>Konosuke Kashima</u> *	Executive Vice President and Member of the Board

<u>Akihito Otake</u> *	Executive Vice President and Member of the Board
<u>Toshimitsu Iwanami</u> *	Senior Vice President and Member of the Board
<u>Susumu Otani</u> *	Senior Vice President and Member of the Board
<u>Takao Ono</u> *	Senior Vice President and Member of the Board
<u>Junji Yasui</u> *	Senior Vice President and Member of the Board
<u>Toshio Morikawa</u> **	Member of the Board (Advisor, Sumitomo Mitsui Banking Corporation)
<u>Yoshinari Hara</u> **	Member of the Board (Chief Corporate Adviser, Daiwa Securities Group Inc.)
<u>Sawako Nohara</u> **	Member of the Board (President, IPSe Marketing Inc.)

<u>Kenji Miyahara</u> <sup>***</sup>	<b>Member of the Board</b> (Senior Adviser, Sumitomo Corporation)
<u>Hideaki Takahashi</u> <sup>***</sup>	<b>Member of the Board</b> (Professor, Keio University Graduate School of Media and Governance)

<sup>\*</sup> Concurrently appointed as Corporate Officer.

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<sup>\*\*\*</sup> Messrs. Toshio Morikawa, Yoshinari Hara, Kenji Miyahara and Hideaki Takahashi and Ms. Sawako Nohara are outside Directors, as stipulated in Item 15, Article 2 of the Company Law of Japan.

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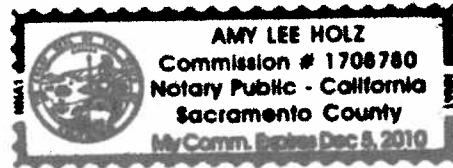
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State of California )  
County of SACRAMENTO )

# CALIFORNIA JURAT

Subscribed and sworn to (or affirmed) before me on this 27<sup>TH</sup> day  
of APRIL, 20 09, by BARRY FISHER

proved to me on the basis of satisfactory evidence to be the person(s)  
who appeared before me.



Signature *Amy Lee Holz*

Seal

## OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

This certificate is attached to a document titled/for the purpose of

City of Chicago  
Economic Disclosure Statement and  
Affidavit

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_.

Additional Information	
<b>Method of Affiant Identification</b>	
Proved to me on the basis of satisfactory evidence: <input checked="" type="radio"/> form(s) of identification <input type="radio"/> credible witness(es)	
Notarial event is detailed in notary journal on: Page # <u>21</u> Entry # <u>6</u>	
Notary contact: _____	
<b>Other</b>	
<input type="checkbox"/> Affiant(s) Thumbprint(s)	<input type="checkbox"/> Describe: _____



**NEC Corporation of America**

**Attachment to Page 7, Section V, B(6) of the Economic Disclosure Statement**

As a result of reorganization, effective July 1, 2006 NEC Business Network Solutions, Inc. (NECBNS) is a wholly owned subsidiary of NEC Corporation of America

On May 27, 2004, NEC Business Network Solutions, Inc. ("BNS") entered into a final disposition with the Department of Justice, to resolve an investigation over the company's involvement in a federally funded program commonly known as "E-Rate." BNS pled guilty to one count of wire fraud and a one count antitrust violation; the company paid \$15 million cash in fines and restitution, and provided ongoing maintenance, equipment and services valued at \$5.6 million to a number of other school districts. In addition, on June 30, 2006, the Federal Communication Commission, the federal agency with oversight of the Erate program issued a debarment notice against BNS for a period of 6 months (ending December 2006).

Unrelated to the disposition of the above-referenced matter, the assets of several NEC companies, including the assets of BNS, were combined to create NEC Unified Solutions, Inc. (a wholly owned subsidiary of NEC Corporation of America). Consequently, consistent with the terms and conditions of the above referenced disposition, NEC Unified is bound by certain terms and conditions of the Special Conditions of Probation agreed to by BNS.

The company is committed to strong ethical behavior throughout the organization. Elements of NEC's strengthened compliance program include:

- Appointment of a Chief Compliance Officer;
  - Systematic and regular training for all employees in ethics and compliance policies and procedures;
  - Training key staff in government procurement requirements;
  - Establishing high-level internal management oversight of all government business;
  - Conducting regular audits of all government contracts;
  - Implementing an anonymous hot-line for employees to report ethical concerns; and
  - Providing regular progress reports to the company's Board and to the federal government."
-



NEC Corporation of America  
6535 North State Highway 161  
Irving, Texas 75039

**Officers**

Takayuki Okada	President & Chief Executive Officer
Soichiro Matsuyama	Senior Vice President, CFO & Treasurer
Gerald P. Kenney	Senior Vice President, General Counsel & Secretary
Yoshichika Iida	Senior Vice President
William David Davenport	Senior Vice President
Darrell Glenn Kennemer	Vice President & Corporate Compliance Officer
Deon T. Retemeyer	Assistant Secretary
Jeremy S. Kashian	Assistant Secretary
Yoshio Kakishita	Assistant Secretary

**Directors**

Takayuki Okada  
Takao Ono  
Kunitomo Matsuoka  
Susumu Otani  
Junji Yasui  
Yukihiro Fujiyoshi  
Yukio Ito



NEC Corporation of America

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May 7, 2009

VIA FEDERAL EXPRESS

Joe Perfetti  
Chicago Police Department  
3510 S. Michigan Ave.  
Chicago, IL 60653

**Re: *Chicago's Police Department Sole Source AFIS Maintenance Renewal  
MBE/WBE Goal Implementation Plan & Waiver Request***

Dear Mr. Perfetti:

Enclosed, please find the following for your consideration and approval:

- Schedule D-1 Affidavit of MBE/WBE Goal Implementation Plan (Indirect Participation);
- Schedule C-1s and Certifications for: (i) Koi Computers, Inc; and (ii) An Executive Decision;
- Economic Disclosure Statement and Affidavit

We have reviewed the City of Chicago's Minority Business Directory to verify that there are no other product or service providers that NEC could directly or indirectly utilize in the performance of the above-referenced agreement.

Therefore, NEC respectfully requests the following waivers:

- 4.37 % of WBE; and
- 11.82 % of MBE.

Due to the customized nature of the Automated Fingerprint Identification System ("AFIS"), locating direct subcontractors with the ability and expertise to provide products or services is not possible for the above-referenced agreement. NEC AFIS are proprietary architecture, single-purpose computer systems that are specifically designed, both from hardware and software perspectives, to provide a solution to law enforcement agencies. These systems are custom-designed, manufactured, implemented and supported by highly trained and specialized technical personnel.

NEC Corporation of America is a wholly owned subsidiary of NEC Corporation, a Japanese corporation. NEC Corporation holds all patents and has exclusive proprietary software rights on all NEC application programs, fingerprint matching algorithms and native fingerprint images. NEC Corporation of America is the only vendor in the United States authorized to convert proprietary data or provide database upgrade services, interfaces to external data sources or make modifications thereto.

NEC Corporation of America is a federal prime contractor, primarily through our GSA Multiple Award Schedule. NEC has a stated Affirmative Action Plan and it is our intent and commitment to utilize MBE/WBE and other minority vendors in connection with our operations wherever and whenever possible.

It is our hope that you will find NEC's efforts meets the MBE/WBE requirements. Thank you for the support, guidance and consideration in this matter.

Sincerely,



Van Nguyen  
NEC Corporation of America  
Contracts Department  
916-463-7054  
[Van.nguyen@necam.com](mailto:Van.nguyen@necam.com)

Enclosure