

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

S. S. R. B.  
 DATE 10/16/09  
 APPROVED 3-0

JNCP Form Rev 11/11/08  
 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 Law Bulletin PC 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 \_\_\_\_\_  
 Legal Notices Publication (Attach List) Pre-Assigned Specification No. \_\_\_\_\_  
 (Program Name) Pre-Assigned Contract No. \_\_\_\_\_

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

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

Contract #: _____	Company or Agency Name: <u>Law Bulletin Publishing Company</u>
Specification # _____	Contract or Program Description: <u>Legal Notices Publication</u>
Modification #: <u>NA</u>	(Attach List, if multiple)
<u>Patrick Ryan</u> <u>312.744.7375</u>	<u>Patrick J. Ryan</u> <u>Law</u> <u>09/08/2009</u>
Originator Name Telephone	Signature Department Date

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

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

APPROVED BY: Mara S. Georges  
 DEPARTMENT HEAD OR DESIGNEE  
Jamie Miller  
 CHIEF PROCUREMENT OFFICER

09/08/2009  
 DATE

[Signature]  
 BOARD CHAIRPERSON  
10/16/09  
 DATE

11/19/09  
 DATE OF APPROVAL

## **INSTRUCTIONS FOR PREPARATION OF NON-COMPETITIVE PROCUREMENT FORM** (Rev. 5/04)

If a City Department has determined that the purchase of supplies, equipment, work and/or services can not be done on a competitive basis, a sole source justification must be prepared on this "Justification for Non-Competitive Procurement Form" in which procurement is requested on a non-bid or non-competitive basis in accordance with 65 ILCS 5/8-10-4 of the Illinois Compiled Statutes. All applicable questions in each Subject Area below must be answered. The information provided must be complete and in sufficient detail to allow for a decision to be made by the Non-Competitive Procurement Review Board. Also attach a complete CPAC Project Checklist, and any other required forms (see Other #1, below). The Board will not consider justifications with incomplete information documentation

### **PROCUREMENT HISTORY**

1. Describe the requirement and how it evolved from initial planning to its present status.
2. Is this a first time requirement or a continuation of previous procurement from the same source? If so, explain the procurement history.
3. Explain attempts made to competitively bid the requirement. (Attach copy of notices and list of sources contacted)
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).
5. Explain future procurement objectives. Is this a one-time request or will future requests be made for doing business with the same source?
6. Explain whether or not future competitive bidding is possible. If not, why not?

### **ESTIMATED COST**

1. What is the estimated cost for this requirement (or for each contract, if multiple awards contemplated)? What is the funding source?
2. What is the estimated cost by fiscal year, if the job project or program covers multiple years?
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).
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.
5. Explain what negotiation of price has occurred or will occur. Detail why the estimated cost is deemed reasonable.

### **SCHEDULE REQUIREMENTS**

1. Explain how the schedule was developed and at what point the specific dates were known.
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.
3. Outline the required schedule by delivery or completion dates and explain the reasons why the schedule is critical.
4. Describe in detail what impact delays for competitive bidding would have on City operations, programs, costs and budgeted funds.

### **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.
2. Does the proposed firm have personnel considered unquestionably predominant in the particular field?
3. What prior experience of a highly specialized nature does the person or firm exclusively possess that is vital to the job, project or program?
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?
5. What other capabilities and/or capacity does the proposed firm possess which is necessary for the specific job, project or program which makes them the only source who can perform the work within the required time schedule without unreasonable costs to the City?
6. If procuring products or equipment, describe the intended use and explain any exclusive or unique capabilities, features and/or functions the items have which no other brands or models, etc. possess. Is compatibility with existing equipment critical from an operational standpoint? Explain why.
7. Is competition precluded because of the existence of patent rights, copyrights, trade secrets, technical data, or other proprietary data? Attach documentation verifying such.
8. If procuring replacement parts and/or maintenance services, explain whether or not replacement parts and/or services can be obtained from any other sources? If not, is the proposed firm the only authorized or exclusive dealer/distributor and/or service center? If so, attach letter from manufacturer.

### **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 Services page on the City's intranet site.

### **OTHER**

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**

This form must be signed by both the Originator of the request and approved by the Department Head or authorized designee. After review and final disposition from the Board, this form will be stamped to indicate the final disposition and signed by the Chairperson of the Board of authorized designee. (c "This form must be signed by both the Originator of the request and approved by the Department Head or authorized designee. After review and final disposition from the Board, this form will be stamped to indicate the final disposition and signed by the Chairperson of the Board of authorized designee." )

# DPS PROJECT CHECKLIST

For DPS Use Only	
Date Received	_____
Date Returned	_____
Date Accepted	_____
CA/CN's Name	_____

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

**GENERAL INFORMATION:**

Date: 08/25/2009  
REQ No.: NA

Contact Person: Pat Ryan  
Tel: 744-7375 Fax: 742-0664 E-mail: pjryan@cityofchicago.org

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

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

Modification No.: (if known):

Previous PO No.: (if known): 12784

Project Description: Legal Notice Publications - Demolition, Demo Lien, Foreclosure, Condemnation & Judicial Sales

**FUNDING:**

City:  Corpo rate  Bond  Enterprise  Grant\*  Other  
 State:  IDOT/Trans it  IDOT/Highway  Grant\*  Other  
 Federal:  FHWA  FTA  FAA  Grant\*  Other

LINE	FY	FUND	DEPT	ORGN	APPR	ACTV	OBJT	PROJECT	RPTG	\$ DOLLAR AMOUNT
1	2010	100	99	4431	0931	0931				300,000
2	2011	100	99	4431	0931	0931				300,000
3	2012	100	99	4431	0931	0931				300,000
4/5	2013/14	100	99	4431	0931	0931				600,000

Estimated Value \$1,500,000

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

**SCOPE STATEMENT:**

Attached is a Detailed Scope of Services and/or Specification

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

The following is a general description of what should be included in a Scope of Services or Specification:  
 A clear description of all anticipated services and products, including: time frame for completion, special qualifications of prospective vendors, special requirements or needs of the project, locations, anticipated participating user departments, citation of any applicable City ordinance or state/federal regulation or statute.

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

**NEW REQUEST**

- Blanket Agreement
- Standard Agreement
- Small Orders

**MOD/AMENDMENT**

- Time Extension
- Vendor Limit Increase
- Scope Change/Price Increase/Additional Line Item(s)
- Other (specify):

**FORMS:**  Requisition  Special Approvals  Non-Competitive Review Board (NCRB)

**CONTRACT TERM:** 5 YR Requested Term (number of months): 60

**PRE BID/SUBMITTAL REQUIREMENTS:**

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




# DEPARTMENT OF LAW

# MEMORANDUM

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Subject: Law Bulletin Legal Advertising Services

To: Jamie Rhee, Acting Chief of Procurement Services

From: Patrick J. Ryan, Director of Administration 

Date: September 8, 2009

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The Law Department requests that the City enter into a non-competitive contract award with Law Bulletin Publishing for Legal Advertising Services. While the Law Department would typically recommend that a competitive solicitation be facilitated for this provision of service, we currently do not know of any other vendor that is willing and/or able to provide the legal requirements associated with this service.

I have included the following documents to facilitate this request.

- Project Checklist
- Justification for Non-Competitive Procurement
- Scope of Service
- Fee Schedule

A hard copy of this information has been forwarded to your office.

Please contact me by email or at 744.7375 if you have any questions or require specific information related to this request.

**JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT OF LAW  
BULLETIN LEGAL ADVERTISING SERVICES FOR THE LAW  
DEPARTMENT**

**PROCUREMENT HISTORY**

The law requires publication of notice against unserved defendants in various cases such as Foreclosure, Heat, Demolition, Housing Abandonment Prevention Program (HAPP), Preserving Communities Together Program (PCT – formerly Chicago Abandoned Property Program - CAPP) and others to perfect service. The publication is referred to as a default publication. In order for the City to obtain jurisdiction over the property, the law requires that defendants be served by personal service or by publication. A publication is necessary in every case as unknown owners cannot be personally served. The law requires that the notice be published in one newspaper of general circulation. The law also requires two publications for a foreclosure sale: a publication in a general circulation newspaper and a publication in a local newspaper where the property being sold is located.

The Law Bulletin has provided the City with both of these sale publications for almost fifteen years. The use of the Law Bulletin for the publication of these legal notices is a continuation of previous procurement policies that have existed for at least twenty-nine years and probably longer.

We made telephone inquiries to both the Chicago Tribune and the Chicago Sun-Times, but neither of these newspapers was interested in providing the City with the two publication notices required by law that the Law Bulletin provides, and the certifications and follow-up services that are required by law.

As long as the law requires publication to perfect service and publication for foreclosure sales in a general circulation newspaper and a local newspaper, this procurement will be necessary on a continuing basis. It is possible that future competitive bidding may be an option if competitors are willing to provide the resources and services that the Law Bulletin now provides.

**ESTIMATED COST**

The cost for default publication is \$225.00 in cases such as Foreclosure, Heat, HAPP, CAPP, Demolition cases and \$7.00 per line for Condemnation Notices. The additional cost of publication of foreclosure sales, including both the Law Bulletin and the local newspaper publication is \$392.00. Law Bulletin costs are reasonable based on the amount of work performed and the price of newspaper space in general.

**SCHEDULE REQUIREMENTS**

The schedule is determined by the required legal procedures involved in the various lawsuits that the Law Department handles. Delays in publication would bring all

applicable City lawsuits to a complete halt, inhibit the City's ability to proceed with the foreclosure of properties, and reduce our ability to promptly wreck vacant and dangerous buildings.

### **EXCLUSIVE OR UNIQUE CAPABILITY**

The Law Bulletin is the legal publication of the City of Chicago and their personnel is trained and experienced in the production of legal notice publications. As previously stated, the Law Bulletin has provided this service to the City of Chicago for many years.

For Heat, HAPP, PCT, and Demolition cases, and also default publications, the Law Bulletin provides the service of mailing a copy of the legal notices to defendants where addresses are available. For Foreclosure sales, the Law Bulletin relieves the Law Department of the major task of developing and maintaining separate relationships and billing with each of the local newspapers. Given the Law Departments volume, approximately 800 Demolition cases, 450 Foreclosure cases, 200 Condo cases, 100 Heat cases, 50 PCT cases, 40 TBI/STF cases, and 25 HAPP cases per year, the Law Bulletin's services are essential. The Law Bulletin also corrects mistakes in its own or local affiliates' publication notices at no charge to the City. In addition, the Law Bulletin also provides the City with all necessary court documents, including a Certificate of Publication consisting of affidavits evidencing both the Law Bulletin publication and the local newspaper publication. If there are any issues concerning the local newspaper, they are handled by the Law Bulletin. The Law Bulletin is currently the only paper willing to provide these services.

## SCOPE OF SERVICES

Law Bulletin Publishing Company ("Law Bulletin") will publish notice in the Law Bulletin against unserved defendants as directed by the City of Chicago Law Department in various cases such as foreclosure, heat, condemnation, and demolition to perfect service. This publication is referred to as default publication. In addition, the Law Bulletin will place a notice of a foreclosure sale in a local newspaper as well as the Law Bulletin.

For Demolition, Heat Troubled Buildings Initiative (formerly HAPP), the Preserving Communities Together Program (formerly CAPP) and foreclosure cases, the Law Bulletin will provide the service of ensuring that the Clerk of the Circuit Court of Cook County mail a copy of the legal notice to defendants at the addresses listed on the Affidavit for Service by Publication, which has been executed by the City of Chicago Law Department. Further, the Law Bulletin will ensure that the Clerk of the Circuit Court files her Certificate of Mailing and that such mailings are done.

The Law Bulletin will provide the City with all necessary court documents including a Certificate of Publication consisting of affidavits evidencing both the Law Bulletin publication and, in the case of foreclosure sale notices, the Certificate of Publication from the local newspaper, which also publishes the notice.

The Law Bulletin will handle all communication with and business issues related to the local newspaper such as billing, ad placement, publication of notice pursuant to statute, etc.

### **CURRENT PROCEDURES (contacts to be modified as needed):**

- 1) Invoices, vouchers, and copies of the notices are emailed after the first insertion of the notice to the following:

MI cases sent to:

Kristina Mokrzycki  
30 N. LaSalle St., Suite 700  
312-744-5397  
E-mail address: [kmokrzycki@cityofchicago.org](mailto:kmokrzycki@cityofchicago.org)

L cases sent to:

Julie Bengston  
City Hall  
121 N. LaSalle St., Room 600  
312-744-0748  
E-mail address: [jbengston@cityofchicago.org](mailto:jbengston@cityofchicago.org)

Invoices, vouchers, and copies of the notices are sent by regular mail to the following because her e-mail will not accept the material by e-mail:

CH cases sent to:

Janice McBride

33 N. LaSalle St., Suite 200

312-744-8872

E-mail address: [Janice.Mcbride-Scott@cityofchicago.org](mailto:Janice.Mcbride-Scott@cityofchicago.org)

- 2.) After the third insertion of the notice, the Law Bulletin mails its Certificate of Publication to those named above. For sale notices the Law Bulletin also mails the Certificate of Publication from the newspaper that publishes the common advertisement. The Certificates are mailed after the third and final insertion because it is the Affidavit of the newspaper, swearing to the fact that the notice published all three times.

#### **ADDITIONAL SERVICES AVAILABLE**

The City of Chicago Law Department will have access to Law Bulletin's web-based service called the Public Notice Network. The service allows the Corporation Counsel to submit notices and affidavits electronically through the Public Notice Network password secured website. The website will show the insertion dates of the notice, the invoice number, certificate due date, scanned copies of the Certificates of Publication, etcetera.

Presently, judicial sale notices, handled by the selling agent appointed by the Court, are placed for publication through the Law Bulletin's Public Notice Network.

There is no additional cost for this service.



**SCHEDULE OF COMPENSATION**

**Law Bulletin Publishing Company  
Pricing Schedule – Public Notices**

**Corporation Counsel of the City of Chicago**

Demolition Notices:	\$	225.00
Demolition Lien Foreclosure:	\$	225.00
Condemnation Notice:	\$	7.00 per line
<u>Judicial Sale Notices</u>		
Chicago Daily Law Bulletin:	\$	225.00
Second Newspaper:	\$	<u>167.00</u>
Total Judicial Sales Notice:	\$	392.00