

JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT

COMPLETE THIS SECTION IF NEW CONTRACT(S)

For contract(s) in this request, answer applicable questions in each of the 4 major subjects 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 Niton for the product and/or services described herein.
(Name of Person or Firm)

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

Specification # _____ Contract or Program Description: _____
Mod # _____ (Attach List, if multiple)

Anne Evers
Original Name

(312) 746-7824
Telephone

Anne Evers
Signature

HEALTH
Department

4/22/04
Date

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

(X) PROCUREMENT HISTORY

Niton Corporation is the company that these x-ray fluorescence (XRF) machines were purchased from in the early 1990's. They are the ones that can resource the radioactive elements in the machines. We have been very pleased with their service and it is always timely and efficient.

(X) ESTIMATED COST

It costs \$2,100 per machine per year. We currently have 4 machines for a total of \$8,400 annually.

(X) SCHEDULED REQUIREMENTS

None at this time.

(X) EXCLUSIVE OR UNIQUE CAPABILITY

As this is sensitive and radioactive material that we are accountable to U.S. EPA and U.S. HUD for the proper maintenance, we send it back to the manufacturer, who is also regulated by these agencies, for the annual maintenance.

() OTHER

APPROVED BY: _____
Department Head
Or Designee

Date

Board Chairperson

Date



The Leader in Portable XRF Technology

April 14, 2004

Ms. Anne Evens
Chicago Dept of Health
3061 West Belden
Chicago, IL 60647

Via Fax: 1-312-746-7860

Dear Anne:

Attached kindly find the quotation requested in support of the NITON XL-309 XRF Spectrum Analyzer.

Convert your single detector instrument to a dual-detector XL-309. The conversion does not include new batteries, new accessories, or a new source.

510-305RC Total conversion price (any existing XL-300 analyzer)\$6,500.00

Discount for City of Chicago.....\$500.00

Total\$6,000.00

Conversion includes:

NITON XL-309 (500-305R) with

- One-day training for up to 3 persons at any scheduled training class. *No extra charge*
- Updated version of *SpectraView* spectrum analysis software and Extras*No extra charge*
Scans 1,024 channels, helps identify many metals in paint
- 12-month Limited Warranty.....*No extra charge*
On parts & labor. Batteries, accessories, re-sourcing & routine maintenance not included.

Re-sourcing & Routine Maintenance (any existing XL analyzer):

500-609R Maintenance & Replacement of 10-mCi cadmium-109 source\$2,600.00

City of Chicago.....\$2,100.00

Suggested at 15-month (Cd-109 source half-life) intervals for 10 mCi sources.

Re-sourcing includes used source disposal, leak test with test certificate and full instrument calibration. Maintenance includes: No charge software upgrades, re placement of internal battery, complete parts inspection, cleaning & preventive upkeep.

900 Middlesex Turnpike, Building 8 • Billerica, MA 01821

• Toll-Free 800-875-1578 x359 • Phone 978-670-7460 • Fax 978-670-7430

Email egingras@niton.com • Website www.niton.com

NITON

LLC

The Leader In Portable XRF Technology

Options & Accessories for the XL-309:

500-555R	L.I.S.A. (lead-in-soil analysis): <100ppm concentration in 60 secs (Includes extra shipping)	\$2,395.00*
510-102	Dust Wipe Analysis (includes extra shipping).....	\$2,395.00*
510-100	Air Filter Analysis (37 mm diameter cellulose ester filters) Includes dust wipes analysis.....	\$3,395.00**
500-556	Deluxe soil grinder.....	\$1,495.00
500-679	Bolstered custom canvas tote bag	\$200.00
500-676	Nylon Belt Holster.....	\$200.00
500-575	Ceiling jig: Extends up to 12 feet (includes extra shipping)	\$695.00
500-579	Extension jig (includes extra shipping).....	\$695.00

Extended Warranties:

500-606R Limited Warranty extended to 24 months.....	\$1,495.00
500-614R Limited Warranty extended to 30 months.....	\$2,295.00
500-612R Limited Warranty extended to 36 months.....	\$2,995.00

Terms: Net 30**Delivery:** Approximately 1 to 2 weeks ARO and completion of NITON training and state licensing requirements.

If you should have any questions, or require additional information, please call me at the number listed below. Thank you for your interest in NITON Corporation. We look forward to working with you in the near future.

Sincerely,



Eric Gingras
Regional Sales Manager

CC: John Tiggas, NITON representative

* Pricing valid when ordered as part of initial instrument configuration. Price for upgrade subsequent to delivery is \$2,995.00.

** Pricing valid when ordered as part of initial instrument configuration. Price for upgrade subsequent to delivery is \$3,625.00

900 Middlesex Turnpike, Building 8 • Billerica, MA 01821
• Toll-Free 800-875-1578 x359 • Phone 978-670-7460 • Fax 978-670-7430
Email egingras@nlon.com • Website www.nlon.com

CITY OF CHICAGO
ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

FOR CITY USE
AFFIDAVIT NO. _____

Pursuant to Chapter 2-154 of the Municipal Code of Chicago (the "Municipal Code") or, if applicable, under § 8.5 of the Illinois Municipal Purchasing Act 65 ILCS 5/8-10-8.5, the following information is required to be disclosed before any City agency, department or City Council action. Please fully complete each statement, with all information current as of the date this Economic Disclosure Statement and Affidavit ("EDS") is signed. Every question must be answered. If a question is not applicable, answer with "N.A." An incomplete EDS will be returned and any City action will be interrupted.

Please print or type all responses clearly and legibly. Add additional pages if needed, being careful to identify the portion of the EDS to which each additional page refers.

WHO MUST SUBMIT AN EDS:

1. **Applicants:** Any individual or entity (the "Applicant") making an application to the City of Chicago (the "City") for action requiring City Council or other City agency approval must file this EDS. For example, vendors seeking City contracts and individuals or entities applying for concessions, loans or grants are "Applicants."

2. **Entities holding an interest in the Applicant:** Whenever an ownership interest in the Applicant (such as shares of stock of the Applicant or a limited partnership interest in the Applicant, for example) is held or owned by a legal entity (such as a corporation or partnership, for example) rather than an individual, each such legal entity must also file an EDS on its own behalf, and any parent of that legal entity must do so, except as provided below, until individual owners are disclosed. Under the Municipal Code, if the Applicant is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only legal entities that own 10 % or more of the Applicant's stock must file EDSs on their own behalf. However, under the Purchasing Act, legal entities holding 7.5% or more of a vendor Applicant must file EDSs.

ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS: By completing and filing this EDS, the Applicant acknowledges and agrees, on behalf of itself and the individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the individuals named in this EDS.

CERTIFYING THIS EDS: Execute the certification on the date of the initial submission of this EDS. You may be asked to re-certify this EDS on the last page as of the date of submission of any related ordinance to the City Council, or as of the date of the closing of your transaction.

PUBLIC DISCLOSURE: It is the City's policy to make this document available to the public on its Internet site and/or upon request.

GENERAL INFORMATION

Date this EDS completed: 10/24/03

- A. Who is submitting this EDS? That party will be the "Applicant" throughout this EDS.
- () Check here if you are filing as "Applicant." Exact legal name: Niton LLC
- () Check here if you are filing on behalf of an "entity holding an interest in an Applicant." Exact legal name _____
(Also, please identify Applicant in which this entity holds an interest: _____)
- B. Business address: 900 Middle See Turnpike (Bld 8)
- C. Telephone: 928-670-7460 Fax: 928-670-7430 Email: Sales@niton.com
- D. Name of contact person: Patricia A. McNeill pmcneill@niton.com
- E. If a procurement, Specification # _____ and Contract # _____
- F. If not a procurement:
 - ① City Agency requesting EDS Childhood Lead Program (Anne Evans)
 - 2. City action requested (e.g. loan, grant, sale of property): _____
 - 3. If property involved, list property location: _____
- G. Brief description of project, (include project number if applicable): _____

SECTION ONE: DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF ENTITY

1. Indicate whether the Applicant is an individual or legal entity:

- | | |
|---|--|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> Business corporation | <input type="checkbox"/> Joint venture |
| <input type="checkbox"/> Sole proprietorship | <input type="checkbox"/> Not-for-profit corporation |
| <input type="checkbox"/> General partnership | <input type="checkbox"/> (Is the not-for-profit corporation also a 501 (c)(3)?) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Limited partnership | <input type="checkbox"/> Other entity (please specify) |

2. State of incorporation or organization, if applicable: Delaware

3. For legal entities not organized in the State of Illinois: Is the organization authorized to do business in the State of Illinois as a foreign entity? Yes No N/A

B. ORGANIZATION INFORMATION

1. IF THE APPLICANT IS A FOR-PROFIT OR A NOT-FOR-PROFIT CORPORATION:

a. List below the names and titles of all executive officers and all directors of the corporation. For not-for-profit corporations, also list below any executive director of the corporation, and indicate all members, if any, who are legal entities. If there are no members, write "no members."

Name	Title	Last 4 digits of SSN
N/A		

b. For corporations whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, please provide the following information concerning shareholders who own shares equal to or in excess of 10 % (or 7.5 %, as applicable) of the corporation's outstanding shares. Note: it may be necessary for some shareholders to complete an EDS as an "Entity holding an interest in the Applicant."

Name	Business Address	Percentage Interest
N/A		

c. For corporations that are not registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, list below the name, business address and percentage of ownership interest of each shareholder. Note: it may be necessary for some shareholders to complete an EDS as an "Entity holding an interest in the Applicant."

Name	Business Address	Percentage Interest
N/A		

2. IF THE APPLICANT IS A PARTNERSHIP: N/A

For general or limited partnerships: list below the name, business address and percentage of ownership interest of each partner. For limited partnerships, indicate whether each partner is a general partner or a limited partner. Note: it may be necessary for some partners to complete an EDS as an "Entity holding an interest in the Applicant."

Name	Business Address	Percentage Interest
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3. IF THE APPLICANT IS A LIMITED LIABILITY COMPANY:

a. List below the name, business address and percentage of ownership interest of each (i) member and (ii) manager. If there are no managers, write "no managers," and indicate how managed. Note: it may be necessary for some members to complete an EDS as an "Entity holding an interest in the Applicant."

Name	Business Address	Percentage Interest
X Hal Brodzins	900 Middlesex Turnpike	50%
Lee Brodzins	900 Middlesex Turnpike	50%

b. List below the names and titles of all officers, if any. If there are no officers, write "no officers."

Name	Title
X John Niland	Treasurer
Ethel Romm	Secretary

4. IF THE APPLICANT IS A LAND TRUST, BUSINESS TRUST OR ESTATE: n/a

a. List below the name of each individual or legal entity holding legal title to the property that is the subject of the trust.

Name	Business Address	Last 4 digits of SSN

b. List below the name, business address and percentage of beneficial interest of each beneficiary on whose behalf title is held. Note: it may be necessary for some beneficiaries to complete an EDS as an "Entity holding an interest in the Applicant." n/a

Name	Business Address	Percentage Interest	Last 4 digits of SSN

SECTION TWO: BUSINESS RELATIONSHIPS WITH CITY ELECTED OFFICIALS

A. DEFINITIONS AND DISCLOSURE REQUIREMENT

1. Pursuant to an ordinance approved by the City Council on December 2, 1998, the Applicant must indicate whether it had a "business relationship" with a City elected official in the 12 months before the date this EDS is signed.

2. A "business relationship" means any "contractual or other private business dealing" of an official, or his or her spouse, or of any entity in which an official or his or her spouse has a "financial interest," with a person or entity which entitles an

official to compensation or payment in the amount of \$2,500 or more in a calendar year; but a "financial interest" does not include: (i) any ownership through purchase at fair market value or inheritance of less than 1% of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended, (ii) the authorized compensation paid to an official or employee for his office or employment; (iii) any economic benefit provided equally to all residents of the City; (iv) a time or demand deposit in a financial institution; or (v) an endowment or insurance policy or annuity contract purchased from an insurance company. A "contractual or other private business dealing" does not include any employment relationship of an official's spouse with an entity when such spouse has no discretion concerning or input relating to the relationship between that entity and the City.

B. CERTIFICATION

1. Has the Applicant had a "business relationship" with any City elected officials 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):

● STOP

If you are filing on behalf of an "Entity holding an interest in an Applicant," go to Section Seven (Notice and Acknowledgment Regarding City Governmental Ethics and Campaign Finance Ordinances), page 12. The following sections Three through Six are to be completed only by Applicant in Applicant's EDS:

SECTION THREE: DISCLOSURE OF RETAINED PARTIES

A. DEFINITIONS AND DISCLOSURE REQUIREMENTS

1. Pursuant to Executive Order 97-1, every City contract, lease, and all matters requiring City approval must be accompanied by a statement disclosing certain information about attorneys, lobbyists, accountants, consultants, subcontractors, and any other person whom the Applicant has retained or expects to retain in connection with the matter in connection with which this EDS is submitted. In particular, the Applicant must disclose the name of each such person, his/her business address, the nature of the relationship, and the amount of the fees paid or estimated to be paid. The Applicant is not required to disclose employees who are paid solely through the Applicant's regular payroll.

"Lobbyist" means any person (i) who, for compensation or on behalf of any person other than himself, undertakes to influence any legislative or administrative action, or (ii) any part of whose duty as an employee of another includes undertaking to influence any legislative or administrative action.

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

B. CERTIFICATION

Each and every attorney, lobbyist, accountant, consultant, subcontractor, or other person retained or anticipated to be retained directly by the Applicant with respect to or in connection with the project or transaction that is the subject of this EDS is listed below:

Name	Business Address	Relationship to Applicant (attorney, lobbyist, etc.; retained or anticipated to be retained)	Fees (indicate whether paid or estimated)

CHECK HERE IF NO SUCH PERSONS HAVE BEEN RETAINED DIRECTLY BY THE APPLICANT OR ARE ANTICIPATED TO BE RETAINED DIRECTLY BY THE APPLICANT.

SECTION FOUR: CERTIFICATIONS BY APPLICANT

I. CERTIFICATION OF COMPLIANCE

For purposes of the certifications in A, B, and C below, the term "affiliate" means any entity directly or indirectly controls the Applicant, is controlled by the Applicant, or is, with the Applicant, under common control of another individual or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interest 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.

A. The Applicant is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, nor is the Applicant delinquent in paying any fine, fee, tax or other charge owed to the City. This includes all water charges, sewer charges, license fees, parking tickets, property taxes or sales taxes. If there are any such delinquencies, note them below:

None

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

B. The Applicant has not, in the past five years, been found in violation of any City, state or federal environmental law or regulation. If there have been any such violations, note them below:

N/A

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

- C. The Applicant will obtain from any contractors/subcontractors hired or to be hired in connection with the City contract, work, business, or transaction that is the subject of this EDS certifications equal in form and substance to those in Section Four, 1, A-C above and will not, without the prior written consent of the City, use any such subcontractor that does not provide the certification or that the Applicant has reason to believe has not provided or cannot provide truthful certifications.

If the Applicant is unable to so certify, provide an explanation:

N/A

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

II. CHILD SUPPORT OBLIGATIONS- CERTIFICATION REGARDING COURT-ORDERED CHILD SUPPORT COMPLIANCE

For purposes of this part, "Substantial Owner" means any person who owns or holds a 10 % or more interest in the Applicant. Note: This may include individuals disclosed in Part One (Disclosure of Ownership Interests), and individuals disclosed in an EDS filed by an "Entity holding an interest in the Applicant."

If the Applicant's response below is #1 or #2, then all of the Applicant's Substantial Owners must remain in compliance with any such child support obligations until the transaction is completed. Failure of the Applicant's Substantial Owners to remain in compliance with their child support obligations in the manner set forth in either #1 or #2 constitutes an event of default. Moreover, failure of the Applicant to comply with the provisions of § 2-92-415 of the Municipal Code also constitutes an event of default.

Check one:

1. No Substantial Owner has been declared in arrearage on any child support obligations by the Circuit Court of Cook County or by another Illinois court of competent jurisdiction.
2. The Circuit Court of Cook County or another Illinois court of competent jurisdiction has issued an order declaring one or more Substantial Owners in arrearage on child support obligations. All such Substantial Owners, however, have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
3. The Circuit Court of Cook County or another Illinois court of competent jurisdiction has issued an order declaring one or more Substantial Owners in arrearage on child support obligations and (a) at least one such Substantial Owner has not entered into a court-approved agreement for the payment of all such child support owed; or (b) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed; or both (a) and (b).
4. There are no Substantial Owners.

III. FURTHER CERTIFICATIONS

A. The Applicant and, if the Applicant is a legal entity, its principals (officers, directors, partners, members, managers, executive director):

III. FURTHER CERTIFICATIONS

A. The Applicant and, if the Applicant is a legal entity, its principals (officers, directors, partners, member, managers, executive director):

1. 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;

2. have not within a five-year period preceding the date hereof 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;
3. 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) above;
4. 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
5. have not, within a five-year period preceding the date hereof, been convicted, or found liable in a civil proceeding, in any criminal or civil action instituted by the City or by the federal government, any state, or any other unit of local government.

B. The certifications in this subpart B concern:

- the Applicant,
- any party participating in the performance of the project or transaction that is the subject of this EDS ("an **Applicable Party**"),
- any "**Affiliated Entity**" (meaning an entity that, directly or indirectly, controls the Applicant, is controlled by Applicant, or is, with the Applicant, under common control of another individual 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 an entity that directly or indirectly controls the Applicable Party, is controlled by it, or, with the Applicable Party, is under common control of another individual or entity;
- any responsible official of the Applicant, any Applicable Party or any **Affiliated Entity**,
- any other official, agent or employee of the Applicant, any Applicable Party or any **Affiliated Entity**, acting pursuant to the direction or authorization of a responsible official of the Applicant, any Applicable Party or any **Affiliated Entity**.

Neither the Applicant, nor any Applicable Party, nor any **Affiliated Entity** of either the Applicant or any Applicable Party 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 project or transaction that is the subject of this EDS.

1. 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;
2. 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
3. made an admission of such conduct described in (1) or (2) above that is a matter of record, but have not been prosecuted for such conduct; or
4. violated the provisions of § 2-92-610 of the Municipal Code (**Living Wage Ordinance**)

C. The Applicant 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).

D. Neither the Applicant nor any employee, official, agent or partner of the Applicant 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.

E. If the Applicant is unable to certify to any of the above statements in this Part III, the Applicant must explain below:

N/A

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

IV. CERTIFICATION ON STATUS AS FINANCIAL INSTITUTION

For purposes of this Part IV, under § 2-32-455(b) of the Municipal Code of Chicago, the term "Financial Institution" means a bank, savings and loan association, thrift, credit union, mortgage banker, mortgage broker, a trust company, a savings bank, an investment bank, a securities broker, a municipal securities broker, a securities dealer, a municipal securities dealer, a securities underwriter, a municipal securities underwriter, an investment trust, a venture capital company, a bank holding company, a 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 Section 403(b) and 457 of the Internal Revenue Code. [Additional definitions may be found in Section 2-32-455(b) of the Municipal Code of Chicago.]

A. CERTIFICATION

The Applicant certifies that the Applicant [check one]

is
 is not

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

B. If the Applicant IS a financial institution, then the Applicant pledges:

"We are not and will not become a predatory lender as defined in Chapter 2-32 of the Municipal Code of Chicago. 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 of Chicago. 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 Applicant is unable to make this pledge because it or its affiliates (as defined in § 2-32-455(b) of the Municipal Code) are predatory lenders within the meaning of Chapter 2-32, explain here (attach additional pages if necessary):

N/A

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

V. CERTIFICATION REGARDING INTEREST IN CITY BUSINESS

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

1. In accordance with Section 2-156-110 of the Municipal Code:

Does any official or employee of the City of Chicago have a financial interest in his or her own name or in the name of any other person in this contract, work, business, or transaction?

Yes.
 No.

2. Unless sold pursuant to a process of competitive bidding, no official or employee shall have a financial interest in his or her own name or in the name of any other person 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 V.

Does the matter in connection with which this EDS is submitted involve a City Property Sale?

Yes.
 No.

If you answered "yes" to question one above, identify the officials or employees having such interest and the nature of such interest:

Name

Business Address

3. The Applicant further certifies that no prohibited financial interest in the contract, work, business or transaction that is the subject of this EDS will be acquired by any City official or employee.

VI. CERTIFICATION REGARDING SLAVERY ERA BUSINESS

Chapter 2-92-585 of the Municipal Code of Chicago requires that any entity entering into a contract with the City of Chicago must complete an affidavit verifying that the entity has searched any and all records of the entity 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 must disclose in the affidavit such records to the City. In addition, the ordinance requires that the entity disclose in the affidavit the names of any slaves or slaveholders described in those records. Failure to comply with § 2-92-585 makes the contract voidable on behalf of the City.

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

1. The Applicant verifies that (a) the Applicant has searched any and all records of the Applicant and any and all predecessor entities for records of investments or profits from slavery, the slave industry, or slaveholder insurance policies, and (b) Applicant 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 Applicant verifies that, as a result of conducting the search in step (1)(a) above, the Applicant 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 Applicant verifies that the following constitutes full disclosure of all such records:

SECTION FIVE: CERTIFICATIONS FOR FEDERALLY-FUNDED MATTERS

CHECK HERE AND SKIP THE CERTIFICATIONS IN SECTION FIVE, PARTS (I), (II), AND (III) IF THE CONTRACT, WORK, BUSINESS OR TRANSACTION IN CONNECTION WITH WHICH THIS EDS IS SUBMITTED IS NOT FEDERALLY FUNDED.

I. CERTIFICATION REGARDING LOBBYING

- A. List below the names of all persons registered under the federal Lobbying Disclosure Act of 1995 who have made lobbying contacts on behalf of the Applicant with respect to the contract, transaction, or project that is or are the subject of this EDS: [Begin list here, add sheets as necessary]:

SKIP

[If no explanation appears or begins on the lines above, or if the letters "NA" appear, or if the word "None" appear, it will be conclusively presumed that the Applicant means that NO persons registered under the Lobbying Disclosure Act of 1995 have made lobbying contacts on behalf of the Applicant with respect to the contract, work, business, or transaction in connection with which this EDS is submitted.]

B. The Applicant has not spent and will not expend any federal appropriated funds to pay any person listed in Paragraph (A) above for his or her lobbying activities or to pay any person 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 federally-funded contract, grant, loan, or cooperative agreement.

C. The Applicant 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 (I.A.) and (I.B.) above.

If any funds other than federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the federal contract, grant, loan, or cooperative agreement to which this EDS relates, the Applicant 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.

D. The Applicant 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".

E. The Applicant must obtain certifications equal in form and substance to paragraphs (I.A.) through (I.D.) above from all subcontractors before it awards any subcontract. The Applicant must maintain all such subcontractors' certifications for the duration of the contract and must make such certifications promptly available to the City upon request.

II. CERTIFICATION REGARDING NONSEGREGATED FACILITIES

A. The Applicant does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Applicant agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract with the City.

"Segregated facilities," as used in this provision, means any waiting rooms, work areas, restrooms, washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex or national origin because of habit, local or employee custom, or otherwise. However, separated or single-user restrooms and necessary dressing or sleeping areas must be provided to assure privacy between the sexes.

B. The Applicant will, before the award of subcontracts, obtain identical certifications from proposed subcontractors under which the subcontractor will be subject to the Equal Opportunity clause. Contracts and subcontracts exceeding \$10,000, or having an aggregate value exceeding \$10,000 in any 12-month period, are generally subject to the Equal Opportunity clause. See 41 CFR Part 60 for further information regarding the Equal Opportunity clause. The Applicant must retain the certifications required by this paragraph F for the duration of the contract and must make such certifications promptly available to the City upon request.

C. The Applicant will forward the notice set forth below to proposed subcontractors:

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

Subcontractors must submit to the Contractor a Certification of Nonsegregated Facilities before the award of any subcontract under which the subcontractor will be subject to the federal equal opportunity clause. The subcontractor may submit such certifications either for each subcontract or for all subcontracts during a period (e.g., quarterly, semiannually, or annually).

III. CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY

Federal regulations require prospective contractors (e.g., the Applicant) and proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations.

- A. 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
- B. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause?
 Yes No
- C. 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

SECTION SIX: NOTICE AND ACKNOWLEDGMENT REGARDING LIVING WAGE ORDINANCE

Section 2-92-610 of the Municipal Code ("Living Wage Ordinance") requires that eligible contractors (see A.1. and 2 below) pay a specified minimum living wage ("base Wage") to particular categories of workers employed in connection with the performance of certain City contracts. The Living Wage Ordinance applies to any written agreement or subcontract in connection with which "the City is committed to expend or does expend funds" and "which requires in the performance thereof the employment" of those categories of workers.

The ordinance was amended to provide for a higher Base Wage and regular increases to that wage effective January 1, 2003. The amended ordinance applies to agreements predating the amendment as well as to new agreements. For purposes of this Section Six, the term "Contractor" in paragraphs A through E below means the Applicant if the Living Wage Ordinance applies to a written agreement in connection with which this EDS is submitted.

BY CHECKING THIS BOX APPLICANT ACKNOWLEDGES AND AGREES THAT IF THIS EDS IS BEING SUBMITTED IN CONNECTION WITH A MODIFICATION TO AN EXISTING CONTRACT TO WHICH THE LIVING WAGE ORDINANCE APPLIES, THE FOLLOWING LIVING WAGE PROVISIONS WILL BECOME PART OF SUCH MODIFICATION, SUPERSEDING AND REPLACING ANY LIVING WAGE PROVISIONS WILL BECOME TO A PRIOR AGREEMENT, OR WITH A NEW AGREEMENT, THE FOLLOWING LIVING WAGE PROVISIONS THAT MAY BE CONTAINED IN SUCH MODIFICATION OR EXISTING CONTRACT.

A. Under Section 2-92-610 of the Municipal Code the Base Wage applies for certain categories of workers employed in the performance of City contracts, specifically non-City employed security guards, parking attendants, day laborers, home and health care workers, cashiers, elevator operators, custodial workers, and clerical workers ("Covered Employees"). Accordingly, pursuant to Section 2-92-610 and regulations promulgated under it:

- 1) If the contractor has 25 or more full-time employees, and
- 2) If at any time during the performance of the contract the contractor and/or any subcontractor or any other entity that performs any portion of the contracted work (collectively "Performing Parties") uses 25 or more full-time security guards, or any number of other full-time Covered Employees, then
- 3) The contractor must pay its Covered Employees, and must assure that all other Performing Parties pay their Covered Employees, not less than the minimum "Base Wage" as determined in accordance with this provision for all work performed pursuant to the contract.

B. The contractor's obligation to pay, and to assure payment of, the Base Wage will begin at any time during the contract term when the conditions set forth in A.1 and A.2 above are met, and will continue thereafter until the end of the contract.

C. Prior to January 1, 2003, the Base Wage is \$7.60 per hour; beginning January 1, 2003, the Base Wage is \$9.05 per hour. As of July 1, 2003, and each July 1 thereafter, the Base Wage will be adjusted, using the most recent federal poverty guidelines for a family of four as published annually by the U.S. Department of Health and Human Services, to constitute the following: the poverty guidelines for a family of four divided by 2000 hours or the current base wage, whichever is higher. At all times during the term of this contract, contractor and all other Performing Parties must pay the Base Wage (as adjusted in accordance with the above). If the payment of prevailing wages is required for work or services done under this contract, and the prevailing wages for Covered Employees are higher than the Base Wage, then the contractor and all other Performing Parties must pay the prevailing wage rates.

D. The contractor must include provisions in all subcontracts requiring its subcontractors to pay the Base Wage to Covered Employees. The contractor agrees to provide the City with documentation acceptable to the Chief Procurement Officer demonstrating that all Covered Employees, whether employed by the Contractor or by a subcontractor, have been paid the Base Wage, upon the City's request for such documentation. The City may independently audit the contractor and/or subcontractors to verify compliance herewith. Failure to comply with the requirements of this Section will be an event of default under this contract, and further, failure to comply may result in ineligibility for any award of a City contract or subcontract for up to three (3) years.

E. Not-for-Profit Corporations: If the contractor is a corporation having Federal tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and is recognized under Illinois not-for-profit law, then the provisions of Section A through D above do not apply.

RESUME:

All Undersigneds, including "Entities holding an interest in an Applicant," (defined on page 1 of this EDS) must complete the remainder of this EDS.

SECTION SEVEN: NOTICE AND ACKNOWLEDGEMENT REGARDING CITY GOVERNMENTAL ETHICS AND CAMPAIGN FINANCE ORDINANCES

The City's Governmental Ethics and Campaign Financing Ordinances, Chapters 2-156 and 2-164 of the City's Municipal Code, impose certain duties and obligations on persons seeking City contracts, work, business, or transactions. The City of Chicago Board of Ethics has developed an ethics training program for persons. The full text of these ordinances and the training program is available on line at 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 following is descriptive only and does not purport to cover every aspect of Chapters 2-156 and 2-164. The Undersigned must comply fully with the applicable ordinances.

BY CHECKING THIS BOX UNDERSIGNED ACKNOWLEDGES THAT THE UNDERSIGNED UNDERSTANDS THAT THE CITY'S GOVERNMENTAL ETHICS AND CAMPAIGN FINANCING ORDINANCES, AMONG OTHER THINGS:

- 1) Provide that any contract negotiated, entered into or performed in violation of the City's ethics laws can be voided by the City.
- 2) Limit the gifts and favors any person can give, or offer to give, to any City official, employee, contractor or candidate for elected City office or the spouse or minor child of any of them:
 - a. cannot give them any cash gift or any anonymous gift;
 - b. cannot give any gift based on a mutual understanding that the City official's or employee's or City contractor's actions or decisions will be affected in any way by the gift;
- 3) Prohibit any City elected official or City employee from having a financial interest directly or indirectly, in any contract, work, transaction or business of the City, if that interest has a cost or present value of \$5,000 or more, or if that interest entitles the owner to receive more than \$2,500 per year.
- 4) Prohibit any City appointed official from engaging in any contract, work, transaction or business of the City, unless the matter is wholly unrelated to the appointed official City duties or responsibility.

- 5) Provide that City employees and officials, or their spouses or minor children, cannot receive compensation or anything of value in return for advice or assistance on matters concerning the operation or business of the City, unless those services are wholly unrelated to their City duties and responsibilities.
- 6) Provide that former City employees and officials cannot, for a period of one year after their City employment ceases, assist or represent another on any matter involving the City if, while with the City were personally and substantially involved in the same matter.
- 7) Provide that former City employees and officials cannot assist or represent another on a City contract if, while with the City, they were personally involved in or directly supervised the formulation, negotiation, or execution of that contract.

SECTION EIGHT: CONTRACT INCORPORATION, COMPLIANCE, PENALTIES, DISCLOSURE

The Undersigned understands and agrees that:

- A. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract awarded to the Applicant by the City in connection with the project or transaction that is the subject of this EDS, 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 assisting the project or transaction that is the subject of this EDS. The Undersigned understands that it must comply with the statutes, ordinances, and regulations on which this EDS is based.
- B. 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 void or voidable, and the City may pursue any remedies under the contract (if not void or voidable), at law, or in equity, including terminating the Undersigned's participation in the project or transaction and/or declining to allow the Undersigned to participate in other transactions with the City.
- C. 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 Applicant 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.
- D. The Undersigned has withheld no disclosures as to economic interests in the undersigned, or undertaking, business, or transaction to which this EDS pertains nor reserved any information, data or plan as to the intended use or purpose for which it seeks City Council or other City agency action.
- E. The information provided in this EDS must be kept current. In the event of changes, the Undersigned must supplement this Affidavit, up to the time the City takes action on the bid, proposal, or other application for which this EDS is being submitted.

X Patricia A. McNeill Date: ~~10/22/03~~ 4/30/04
 (Print or type name of individual or legal entity submitting this EDS)
 By: Patricia A. McNeill
 (sign here)
 Title of signatory: Sales Dept (Cardee Entry)
 Print or type name of signatory: PATRICIA A. McNeill

(If signing in a Representative capacity, e.g. as an officer or agent of an Applicant or an entity holding an interest in the Applicant)

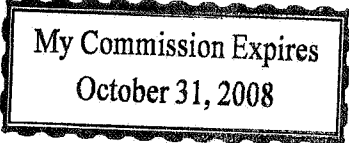
County of Middlesex
 State of Massachusetts
 Acknowledged under oath on [date] 4/30/04
 before me by _____
 as [title] _____
 of [firm] _____

(if signing in an individual capacity)

County of Middlesex
 State of Massachusetts
 Acknowledged under oath on [date] 4/30/04
 before me by Gada M. Zulcarf

Notary Public

Commission expires:



**CITY OF CHICAGO
PURCHASE REQUISITION**

Copy (Department)

DELIVER TO: 041-2555 DEPAUL 2FL 333 S. STATE ST. 2ND FLOOR Chicago, IL 60604	REQUISITION: 13327 PAGE: DEPARTMENT: 1 PREPARER: 41 - DEPARTMENT OF HEALTH Maribel E Valdez NEEDED: PRE-APPROVE
---	---

REQUISITION DESCRIPTION

TO RENEW CONTRACT T26757 FROM 4/1/04-3/31/05
 SPECIFICATION NUMBER: T26757

COMMODITY INFORMATION

LINE	ITEM	QUANTITY	UOM	UNIT COST	TOTAL COST							
1	94855	10,720	USD	1.00	10,720.00							
MAINTENANCE OF XRF MACHINES NEEDED FOR LEAD RISK ASSESSMENTS												
SUGGESTED VENDOR: NITON CORPORATION BLDG 8			REQUESTED BY: Maribel E Valdez									
DIST	BFY	FUND	COST CTR	APPR	ACCNT	ACTV	PROJECT	RPT CAT	GENRL	FUTR		
1	004	0720	0412555	0140	220140	0000	00000000	042555	00000	0000	10,720.00	
											LINE TOTAL:	10,720.00
											REQUISITION TOTAL:	10,720.00

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



PROJECT CHECKLIST

For CPAC Team Use Only	
Date Received	_____
Date Returned	_____
Date Accepted	04/11/04 3:24

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

PROJECT

Date: 5/11/04 **Contact Person:** Maribel Valdez
ID No. (Spec, RX, Project): T26757 **Tel:** 7-8828 **Fax:** 7-1031 **E-mail:** _____
Department: #41 Health **Project Manager:** Ann Evens
Bureau: Lead program **Tel:** 6-7824 **Fax:** 6-7860 **E-mail:** _____
Contract No.(if known) 13327 **Estimated Value** \$10,720
Project Title/Description Resources and parts for lead based analyzers.

SCOPE STATEMENT

Attached is a detailed scope of services and/or specification

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

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

TYPE OF PROCUREMENT REQUESTED (check all that apply)

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

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

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

FUNDING

City: Corporate Bond Enterprise Grant* Other _____
 State: IDOT/Transit IDOT/Highway Grant* Other _____
 Federal: FHWA FTA FAA Grant* Other _____
 Funding Strips 04-720-41-2555-0140-0140

* Attach copy of applicable grant agreement terms and conditions language:

TIME FRAME

Date Needed: June 15, 2004

Requested

Contract Term (y/m/d): 4/1/04-3/31/05

PRE BID/SUBMITTAL REQUIREMENTS

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