

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 Embury, LTD for the product and/or services described herein.
 (Name of Person or Firm)

This is a request for _____ (One-Time Contractor Requisition # 30474 copy attached) or Term Agreement or _____ Delegate Agency (Check one). If Delegate Agency, this request is for "blanket approval" of all contracts within the

(Program Name) (Attached List) Pre-Assigned Specification No. _____
 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, if 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: _____
 Modification #: _____ (Attach List, if multiple)

Olivia Boyd 747-4296 Olivia Boyd Library 10/11/06
 Originator Name Telephone Signature Department Date

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

<input checked="" type="checkbox"/> PROCUREMENT HISTORY See Attached.	S. S. R. B. DATE <u>10/23/06</u> APPROVED <u>DWY</u> CONDITIONALLY APPROVED <u>DWY</u> ✓ RETURN TO DEPT _____ DISAPPROVED _____
<input checked="" type="checkbox"/> ESTIMATED COST \$818,060.58	
<input checked="" type="checkbox"/> SCHEDULE REQUIREMENTS This is a term agreement for 5 years.	
<input checked="" type="checkbox"/> EXCLUSIVE OR UNIQUE CAPACITY See Attached.	
<input type="checkbox"/> OTHER	

APPROVED BY: Brenda Klauz 10/11/2006 [Signature] 10/23/06
 DEPARTMENT HEAD DATE BOARD CHAIRMAN DATE

* Conditions have been satisfied by research into whether this can/should be a joint procurement opportunity. Based on outreach/Findings, it should not. ~~OK~~ OK to proceed as sole source.
 DWY

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: 10/12/06
 REQ No.: 30474
 Specification No.: 51780
 PO No.: (if known):
 Modification No.: (if known):
 Project Description: Audio/Video Security Storage Cases and Related Supplies (T24994)

Contact Person: Laura Zupko
 Tel: 7-4662 Fax: 7-4077 E-mail: lzapko@chipublic.org
 Project Manager: Olivia Boyd
 Tel: 7-4296 Fax: 7-4522 E-mail: oboyd@chipublic.org
 Previous PO No. (if known): T542092-01-01

FUNDING:

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

LINE	FY	FUND	DEPT	ORGN	APPR	ACTV	OBJT	PROJECT	RPTG	\$ DOLLAR AMOUNT
000	000	0473	91	2005	8124		0348	47391061		\$ 818,060.58

Estimated Value \$ 818,060.58

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

SCOPE STATEMENT:

Attached is a Detailed Scope of Services and/or Specification

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

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

TYPE OF PROCUREMENT REQUESTED (check all that apply):

NEW REQUEST

- Blanket Agreement
 Standard Agreement
 Small Orders

MOD/AMENDMENT

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

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

CONTRACT TERM: Requested Term (number of months): 60 months

PRE BID/SUBMITTAL REQUIREMENTS:

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

Blb

**CITY OF CHICAGO
 PURCHASE REQUISITION**

Copy (Department)

DELIVER TO: 091-9000 HWLC SYSTEMWIDE SUPPLIES UNIT 400 SO. STATE Chicago, IL 60605	REQUISITION: 30474 PAGE: 1 DEPARTMENT: 91 - CHICAGO PUBLIC LIBRARY PREPARER: Olivia E Boyd NEEDED: APPROVED: 10/11/2006
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REQUISITION DESCRIPTION
 AUDIO/VIDEO SECURITY STORAGE CASES AND RELATED SUPPLIES
 SPECIFICATION NUMBER: 51780

COMMODITY INFORMATION

LINE	ITEM	QUANTITY	UOM	UNIT COST	TOTAL COST
1	4209200125 GRESSCO SINGLE CD CASES #89001	49,000.00	Each	0.00	0.00

SUGGESTED VENDOR: EMBURY, LTD

REQUESTED BY: Olivia E Boyd

DIST	BFY	FUND	COST CTR	APPR	ACCNT	ACTV	PROJECT	RPT CAT	GENRL	FUTR	Dist. Amt.
1	000	0473	0912005	8124	220348	0000	47391061	000000	00000	0000	0.00
LINE TOTAL:											0.00

LINE	ITEM	QUANTITY	UOM	UNIT COST	TOTAL COST
2	4209200130 GRESSCO DOUBLE CD CASES #89002	4,000.00	Each	0.00	0.00

SUGGESTED VENDOR:

REQUESTED BY: Olivia E Boyd

DIST	BFY	FUND	COST CTR	APPR	ACCNT	ACTV	PROJECT	RPT CAT	GENRL	FUTR	Dist. Amt.
1	000	0473	0912005	8124	220348	0000	47391061	000000	00000	0000	0.00
LINE TOTAL:											0.00

LINE	ITEM	QUANTITY	UOM	UNIT COST	TOTAL COST
3	4209210100 DISPLAY CASE AND ACCESSORIES - DIGITAL VIDEO DISPLAY (DVD) GRESSCO KWIK CASE, PRODUCT NO. 89011	110,000.00	Each	0.00	0.00

SUGGESTED VENDOR:

REQUESTED BY: Olivia E Boyd

DIST	BFY	FUND	COST CTR	APPR	ACCNT	ACTV	PROJECT	RPT CAT	GENRL	FUTR	Dist. Amt.
1	000	0473	0912005	8124	220348	0000	47391061	000000	00000	0000	0.00
LINE TOTAL:											0.00

LINE	ITEM	QUANTITY	UOM	UNIT COST	TOTAL COST
4	4209210110 DISPLAY CASE AND ACCESSORIES - MAGNETIC DETACHER FOR KWIK CASES, GRESSCO PRODUCT NO. 89003	250.00	Each	0.00	0.00

SUGGESTED VENDOR:

REQUESTED BY: Olivia E Boyd

DIST	BFY	FUND	COST CTR	APPR	ACCNT	ACTV	PROJECT	RPT CAT	GENRL	FUTR	Dist. Amt.
1	000	0473	0912005	8124	220348	0000	47391061	000000	00000	0000	0.00
LINE TOTAL:											0.00

REQUISITION TOTAL: 0.00

PROCUREMENT HISTORY

This is the Chicago Public Library's second request for a blanket agreement with Embury, Limited. Prior to this request, there was a term agreement with Embury, Limited that was awarded on January 1, 1996 and was set to expire on December 31, 2001. During that contract period the Chicago Public Library did not exercise the last extension option and the contract lapsed on December 31, 2000 because there was low usage on the contract. At that time the Harold Washington Library Center was the only library branch that circulated VHS Cassettes, CD's and music cassettes in CPL system. During the period between January 1, 2001 and today, the Library has processed one (1) small order purchase for Kwik Cases in the amount of \$2,733.50. In addition, we have used foundation funding to procure the Audio Visual Security Storage Cases and Related Supplies. At this time it is necessary to actively pursue a contract for Audio Visual Security Storage Cases and Related Supplies because our collection has grown exponentially in ratio to our patron demand for DVD's and CD's at all of our 79 library branch locations. We have tested this program within our library branches and it was successful. We would like to expand the collection of materials to all of our library branches.

EXCLUSIVE OR UNIQUE CAPABILITY

The Chicago Public Library seeks to use Kwik Cases which are manufactured by Gressco, Limited. Embury, Limited is the only authorized distributor for the state of Illinois. These products are not available through general office supply companies or Audio Visual supply companies. The Kwik Case Security System is not interchangeable with any other security system for CD's and DVD's. If the Chicago Public Library were to use another system the change would be costly because all of the Library branches have this technology. Currently, the Chicago Public Library has a DVD collection of almost 30,000 individual DVD's and a CD collection of over 12,000 music CD's. These numbers are constantly growing. We anticipate that the audio/visual collection will grow by 20,000 DVD's per year and 6,000 CD's per year.

Due to concerns about theft and damage to materials like DVDs and CDs, the Chicago Public Library must protect these popular and fragile materials with security cases. The Kwik Case security system includes a plastic case for the materials and a steel unlocking device which opens the case. The plastic cases are made of a polycarbonate that is a virtually indestructible, bullet-proof material. The main body of the case is seamless, and the hinge on the bottom is very sturdy. In our experience with the Kwik Case products, they have withstood numerous theft attempts. The Library chose this product line because of the way the cases almost completely cover the CD's on all four sides and completely cover the DVD's on all four sides.

Another uniqueness of the system is the unlocking device. The unlocking device is a steel cylindrical device that unlocks the cases in one smooth move. This process is better ergonomically than many of the competing systems on the market where users have to use both hands and use handheld keys, loose keys or buttons to unlock the cases. Kwik Cases are designed for users to open the cases with one hand. The Chicago Public Library services thousands of patrons per day. In order to keep the lines down, we must ensure that the cases are not only easy to lock and unlock by the library administrators, but be tamper resistant to thieves. Additionally, the Kwik Cases use the same magnetic device to unlock all the cases. Some of the other products we looked at have special keys, buttons or instruments that must be attached to the cases to lock and unlock them. That is a hazard for the Chicago Public Library as we can not afford to equip each person at the checkout desks with keys for these materials. Anything with small, loose parts may be lost in high volumes or may be circulated to the general public, thus making the system inoperable, expensive and inefficient to use. The Kwik Case line was featured in a special design issue of Library Journal on September 15, 2005 for "What's New" in library service products (www.libraryjournal.com/article/CA6257504.html#SECURITY) for its ergonomic design and magnetic locking device. The device is made to be bolted to the counters in our libraries. Finally, the Kwik Case is compatible with our existing 3M Security Equipment. The cases come attached with security strips that allow the cases to be desensitized and resensitized just as our library books. Therefore, if someone tries to take a case out of the library, our security equipment will detect this.

Security Devices for Audio/Visual Materials

Before deciding to purchase Kwik Cases, we did ask many of our local and national colleagues what they were using for DVD security. Locally, some of our largest near neighbors like the Oak Park Public Library system use Kwik Cases. Among the many major urban libraries also using Kwik Cases are Brooklyn, Los Angeles, Dallas, Las Vegas, Orange County, and Minneapolis. It is a very popular security option for libraries with high theft rates for materials.

Embury, Ltd.

Library Furnishing Speci

809 Burton Blv
DeForest, WI 5
Phone 608-84
Fax 608-84

EQUIPMENT LIST/QUOTATION

CHICAGO PUBLIC LIBRARY
400 S. State Street 10-N
Chicago, IL 60605

Attn: Brandy Knazze
October 3, 2006

QTY	MODEL NO	DESCRIPTION	PRICE EACH	EXTENDED PRICE
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49000	89001	KWIK CASE, SINGLE CD	3.36	164571.89
49000	89016	KWIK CASE, SECURITY STRIPS		
49000	89013.	KWIK CASE, TAGGING CHARGE		
4000	89002	KWIK CASE, DOUBLE CD	4.77	19064.05
4000	89016	KWIK CASE, SECURITY STRIPS		
4000	89013.	KWIK CASE, TAGGING CHARGE		
110000	89011	KWIK CASE, DIGITAL VIDEO DISPLAY (DVD)	5.20	572284.24
110000	89016	KWIK CASE, SECURITY STRIPS		
110000	89013.	KWIK CASE, TAGGING CHARGE		

250	89003	KWIK CASE, DETACHER	248.56	62140.40
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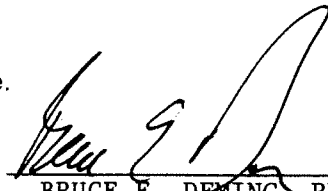
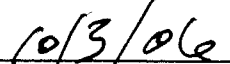
TOTAL DELIVERED	\$818,060.58
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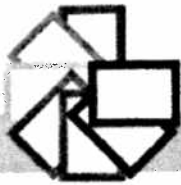
QUOTATION NOTES

- *Contract pricing through October 31, 2007.
- *Prices include materials and freight
- *Prices do include 3M security tags and tagging charge.
- *Prices do not include sales tax
- * The lead time will be 6-12 weeks.

ORDERING INFORMATION

- *Send Purchase Order to Embury, Ltd.
- *Please submit this quotation with your order


BRUCE E. DEMING, PRESIDENT

OCTOBER 3, 2006



GRESSCO LTD.

Kwik Case
Furniture

Request More
Information

How Kwik Case
Works

Testimonials

Trade Shows

Contact Gressco



Kwik Case Order Form



Thank you for your Kwik Case order! Please provide the requested information below and your order will be submitted. You will receive confirmation email including your pricing information.



*Library Name:

Customer Number:

Purchase Order Number:

*Contact First Name:

*Contact Last Name:

*Person/Department the
Order Should Ship to:

*Address:

*City:

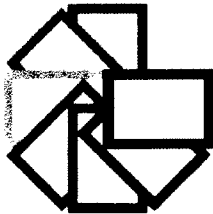
*State:

*Zip:

*Phone Number:

*Email:

Item #	Qty	Description
89001		Single CD case
89002		Double CD case
89003		Detacher
89005		Video case
89011		DVD I case
89021		Thin DVD II case
89014		Extra Capacity case
BS-1		3M Security Strip



GRESSCO LTD.

328 Moravian Valley Road
PO Box 339
Wauaukee, WI 53597
P: 800-345-3480
F: 608-849-6304

DATE: August 31, 2006
TO: Brandie Knazze, Chicago Public Library, Contract Supervisor
FROM: Katie Johnson, Security Product Manager – Kwik Case®
RE: Sole Source for Kwik Case in the United States and Canada

Gressco Ltd. is the sole manufacturer and distributor of the Kwik Case® audiovisual media theft security system for the United States and Canada.

Gressco's authorized distributor for Wisconsin and Illinois is Embury, Ltd. Please contact Bruce Deming or Becky Bjorge at 800-236-5636.

Signature

8/31/06.

Date

Bob Childers, President
Gressco, Ltd.

CC: Embury, Ltd.

Audio/Video Security Storage Cases and Related Supplies Detailed Specifications

1. DETAILED SPECIFICATIONS

1.1. SCOPE

The Contractor must furnish and deliver Audio/Video Security Storage Cases and Related Supplies, F.O.B., City of Chicago, Chicago Public Library, in accordance with all terms and conditions of this specification.

1.2. AUDIO/VIDEO SECURITY STORAGE MATERIALS

The Contractor must furnish various Gressco brand Kwik Case items per the contract. No deviations will be accepted. All Audio and Video Security Cases must be delivered with 3M Security Tagging Strips.

Item #1:	Gressco's Kwik Case Single CD Case Product # 89001
Item #2:	Gressco's Kwik Case Double CD Case Product # 89002
Item #3:	Gressco's Kwik Case Digital Video Display Case Product # 89011
Item #4:	Gressco's Magnetic Detacher for Kwik Cases Product # 89003

1.3. PACKAGING

All orders will be packaged and delivered to the individual branch locations listed on the sub-order, FOB, City of Chicago. No sub-orders will be combined for central distribution.

It is the responsibility of the Contractor to insure that all packaging material is suitable to insure the safe handling of materials during transport. Should the Contractor choose to utilize a Common Carrier for delivery of requested materials, tracking capability for any materials not received will also be the responsibility of the Contractor.

1.4. REPLACEMENT

The Contractor will be responsible for any materials that have been damaged in transport. The Contractor, at no additional cost to the Chicago Public Library, replace all defective and damaged items, and make arrangements for pick-up and redelivery of acceptable items, upon notification from the Chicago Public Library. In addition, the Contractor will, at no additional cost to the Chicago Public Library agree to replace any lost materials that have not been received by the Chicago Public Library. The Chicago Public Library will not accept responsibility of receipt until delivery has been made, inside the specified location and verification signage by Chicago Public Library staff (with proper identification) has been obtained by the Common Carrier.

This acceptance of material delivery does not indicate that materials have been examined and found satisfactory. Items still may be returned as damaged or unacceptable after inventory review.

1.5. EXCEPTIONS

Any deviations from these specifications must be noted on the Proposal Page or Pages attached thereto, with the exact nature of the change outlined in sufficient detail. The reason for which deviations were made should also follow if not self-explanatory. Failure of a bidder to comply with the terms of this paragraph may be cause for rejection.

The City reserves the right to disqualify bids which do not completely meet outlined specifications. The impact of exceptions to the specification will be evaluated by the City in determining its need.

Embury, Ltd.

Library Furnishing Specialists

809 Burton Blvd., Unit E
DeForest, WI 53532
Phone 608-846-0999
Fax 608-846-0995

September 29, 2006

Ms. Monica Cardenas
THE CHICAGO PUBLIC LIBRARY
400 South State Street, 10th Floor
Chicago, IL 60605

RE: Kwik Case Security System Contract with the City of Chicago

Dear Ms. Cardenas:

Embury, Ltd. is pleased to have the opportunity to continue doing business with the Chicago Public Library System and to provide you with the Kwik Case Security System products. Embury, Ltd. is the exclusive, authorized distributor of the Kwik Case audio/visual media theft security system for the state of Illinois. See the attached Memo dated August 31st, 2006 from Gressco Ltd.

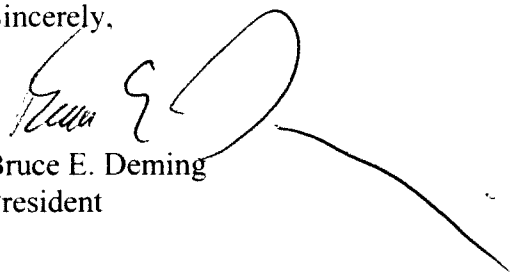
The Kwik Case Security System is a very successful system for AV materials in thousands of libraries throughout the country and Canada. They are small and light weight. Attached are a few samples of the cases.

Because Gressco Ltd. always supplies to us the Kwik Case product completely assembled, tagged with security strips (if used and requested), and freight is included; we have no variables in which Embury, Ltd. (the contractor) can obtain and/or meet your MBE/WBE firm participation request.

Embury, Ltd. and Gressco Ltd are both located in central Wisconsin. Embury, Ltd. is a very small company, with only five employees, working out of our office outside of Madison. We feel our hands are tied and are forced to ask for a complete waiver from MBE/WBE participation. The Application for Waiver is attached with our bid proposal. We are more than willing to address any questions and/or concerns you might have regarding our efforts to meet your MBE/WBE participation goals.

We look forward to a long and successful relationship.

Sincerely,



Bruce E. Deming
President

Embury, Ltd.

Library Furnishing Specialists

809 Burton Blvd., Unit E
DeForest, WI 53532
Phone 608-846-0999
Fax 608-846-0995

MBE/WBE COMPLIANCE PLAN

FOR:

*THE CITY OF CHICAGO –
CHICAGO PUBLIC LIBRARIES*

PRODUCT:

KWIK CASE SECURITY SYSTEM

Version 0.1: September 13, 2006

Presented by: Sheri Harris

MBE/WBE Compliance Plan

Project: Chicago Public Libraries, Chicago, Illinois

OUTREACH ATTEMPTS & CONTACTS MADE TO MBE/WBE FIRMS

MBE/WBE Company Name	Products to Purchase	CONTACTS	Update / Comments
Taylor Business Equipment Contact: Nancy Taylor	Office machine parts & supplies	NANCY TAYLOR	www.taylorfax.com ON 9/13/06
EI-Mar Office Supply Inc. Contact: Darlene	Furniture & Office Equipment	DARLENE	Open Credit Accepted 9/14/06
Montenegro Paper Ltd. Contact: Irma Bates	Paper	IRMA BATES	Requested catalog ON 9/13/06 4:12 PM
360 Supply Llc Contact: Angelica Cox	Office machines & Accessories	ANGELICA COX	www.360-supply.com ON 9/13/06
J&J MOTOR SERVICE	Shipping & transportation	JANCIE & COLLEEN	ON 9/10/06 PRICING UNREASONABLE
A&T TRUCKING CO.	Shipping & transportation	ARISTA	Not enough sufficient information to give quote for freight on 9/19/06

Team goals

Our team's goals are to give our best effort in every area to meet the goal for MBE/WBE participation and demonstrate that a good faith effort has been made to include minority/woman-owned enterprises as subcontractors regarding the Kwik Case contract.

Team assignments / structure

Chicago Public Libraries – Project Team Roles and Responsibilities			
Name of team	Team goals	Team leads	Team roles
Bruce Deming	Use MBE/WBE Firms if possible		Management
Sheri Harris	Find more MBE/WBE businesses that can service us		Accounting
Becky Bjorge	Locate and use more Trucking Company's that are MBE/WBE certified		Logistics / Installation coordinator

Intentions to recruit potential minority/women subcontractors:

See attached search list from the Directory of Certified Minority and/or Women Business Enterprises.

Risks and issues management

Potential exceptions and problems

The Kwik Case products are already manufactured. Therefore, the only subcontractors that we could possibly use would be for (1) the tagging of the product, and (2) the shipping of the product from Waunakee, WI to Chicago, IL. The problems that have arisen to use MBE/WBE participation are: (1) The women who does the tagging of the product lives in Wisconsin, therefore would not meet the Illinois contract qualifications. (2) The MBE/WBE trucking and shipping companies that we have been in contact with are quoting us prices beyond our standard and reasonable shipping costs. (3) The product does not need to be installed therefore, there is not installation required or needed.

Appropriate corrective measures and or solutions

The only solution to use a MBE/WBE shipping subcontractor would be to charge the City of Chicago for the shipping that would otherwise be included with our pricing to the city. This would be an additional "prepay and add" to the cost of the Kwik Case products.

Tracking of Efforts to Use MBE/WBE Enterprises

Date recorded	Company Name	Contact Person	Quoted Price	Notes: Reasonable / unreasonable pricing
9/10/06	J&J MOTOR SERVICE	JANICE/COLLEEN		Not enough information
9/19/06	A&T TRUCKING CO.	ARISTA		Not enough information

All the other shipping/freight companies that we contacted, which were listed on the directory, were bus and/or dump truck companies.

Because we do not know the quantities of the shipments, weights, and or shipping addresses prior to the actual orders we were unable to obtain any shipping costs from any MBE/WBE firms.

RESOLUTION – APPLICATION FOR WAVIER

With our best efforts being made to meet the goal for MBE/WBE participation, we shall have to apply for a Waiver to be considered for award.

In the meantime, we will continue to look and use MBE/WBE participation even though it would not be associated with the Kwik Case Security System contract. The potential businesses we will consider would be for such things as office supplies, equipment supplies, paper, shipping, and travel needs.

APPLICATION FOR WAIVER

This form shall be completed and submitted with the Bidder's Statement of Qualifications. Firms wishing to be considered for award are required to demonstrate that a good faith effort has been made to include minority/woman-owned enterprises as subcontractors. This form will be used to evaluate the extent to which a good faith effort has been made. The undersigned submits the following data with respect to the firm's efforts to meet the goal for MBE/WBE Participation.

1. List pre-bid conferences your firm attended where MBE/WBE requirements were discussed.

None

2. Identify advertising efforts undertaken by your firm which were intended to recruit potential minority/women subcontractors for various aspects of this project. Provide names of newspapers, dates of advertisements and copies of ads that were run.

None

3. Note specific efforts to contact in writing those MBE/WBEs capable of and likely to participate as subcontractors for this project.

None

4. Describe steps taken by your firm to divide work into areas in which MBE/WBE would be capable of performing.

We have no options or variables to work with a MBE/WBE firm. Please see attached letter.

5. What efforts were taken to negotiate with prospective MBE/WBEs for specific sub-bids? Include the names, addresses, and telephone numbers of MBE/WBEs contacted, a description of the information given to MBE/WBEs regarding plans and specifications for the assigned work, and a statement as to why additional agreements were not made with MBE/WBEs.

All efforts were taken to find an option or variable to use and/or work with an MBE/WBE firm. There are none available.

6. List reasons for rejecting a MBE/WBE which has been contacted.

We did not reject any. We have no variable options to have them participate in this contract.

7. Describe efforts your firm may have taken to assist a MBE/WBE in overcoming legal or other requirements which may have to be met.

None

8. Describe the follow-up contacts with MBE/WBEs made by your firm after the initial solicitation.
No follow up contacts were made when we realized we have no variables or options to use MBE/WBE participation for this contract.

9. Describe the efforts made by your firm to provide interested MBE/WBEs with sufficiently detailed information about the plans, specifications and requirements of the contract.
We do not have sufficient enough information about the plans, quantities, shipments, and requirements of the contract to try and find a variable to be able to work with and supply a MBE/WBE firm. See attached letter.

10. Describe your firm's efforts to locate MBE/WBEs not on the directory list and assist MBE/WBEs in becoming certified as such.
One effort was made. They are in the state of Wisconsin and would not qualify for the City of Chicago, Illinois requirements.

Based on the above stated good faith efforts made to locate and supply MBE/WBEs, the bidder hereby requests that the original MBE/WBE percentage goal be waived and that the percentage goal for this project be set at 0 percent.

The undersigned hereby certifies, having read the answers contained in the foregoing Application for Waiver, that they are true and correct to the best of his/her knowledge, information and belief.

Signature 

Name **Bruce E. Deming**

Title **President**

Company **Embury, Ltd.**

Date **September 29, 2006**

FOR CITY USE

AFFIDAVIT NO. _____

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

The City of Chicago (the "City") requires disclosure of the information requested in this Economic Disclosure Statement and Affidavit ("EDS") before any City agency, department or City Council action regarding the matter that is the subject of this EDS. Please fully complete each statement, with all information current as of the date this EDS is signed. 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 for action requiring City Council or other City agency approval must file this EDS.
2. **Entities holding an interest in the Applicant:** Generally, whenever an ownership interest in the Applicant (for example, shares of stock of the Applicant or a limited partnership interest in the Applicant) is held or owned by a legal entity (for example, a corporation or partnership, 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 until individual owners are disclosed. **However**, if an entity filing an EDS is a corporation whose shares are registered on a national securities exchange pursuant to the Securities Exchange Act of 1934, only those shareholders that own 10% or more of that filing entity's stock must file EDSs on their own behalf.

ACKNOWLEDGMENT OF POSSIBLE CREDIT AND OTHER CHECKS: By completing and filing this EDS, the Undersigned acknowledges and agrees, on behalf of itself and the entities or individuals named in this EDS, that the City may investigate the creditworthiness of some or all of the entities or 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 is completed: April 11, 2006

A. **Who is submitting this EDS?** That individual or entity will be the "Undersigned" throughout this EDS. Embury, Ltd.

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

NOTE: The Undersigned is the individual or entity submitting this EDS, whether the Undersigned is an Applicant or is an entity holding an interest in the Applicant. This EDS requires certain disclosures and certifications from Applicants that are not required from entities holding an interest in the Applicant. When completing this EDS, please observe whether the section you are completing applies only to Applicants.

- Check here if the Undersigned is filing this EDS as an Applicant.
- Check here if the Undersigned is filing as an entity holding an interest in an Applicant.

Also, please identify the Applicant in which this entity holds an interest:

B. Business address of the Undersigned: 809 Burton Blvd.
Unit E
DEFOREST, WI 53532

C. Telephone: 608-846-0999 Fax: 608-846-0995 Email: BDeming@emburyHd.com

D. Name of contact person: Bruce Deming

E. Tax identification number (optional): 39-1608291

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 if applicable):

Purchase of Kwik Cases.
o Magnetic Detachers.

G. Is the Matter a procurement? Yes No

H. If a procurement, Specification # _____ and Contract # _____

I. If not a procurement:

1. City Agency requesting EDS: _____

2. City action requested (e.g. loan, grant, sale of property):

3. If property involved, list property location:

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

SECTION ONE: DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF ENTITY

1. Indicate whether the Undersigned is an individual or legal entity:
- | | |
|--|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Limited Liability Company |
| <input checked="" type="checkbox"/> Business corporation | <input type="checkbox"/> Joint venture |
| <input type="checkbox"/> Sole proprietorship | <input type="checkbox"/> Not-for-profit corporation |
- (Is the not-for-profit corporation also a 501(c)(3)?)
- | | | |
|--|--|-----------------------------|
| <input type="checkbox"/> General partnership | <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 Wisconsin
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?
- | | | |
|---|-----------------------------|------------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
|---|-----------------------------|------------------------------|

B. ORGANIZATION INFORMATION

1. IF THE UNDERSIGNED IS A 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 such members, write "no members."

Name	Title
<u>Bruce E. Deming</u>	<u>President</u>
<u>Bruce E. Deming</u>	<u>Treasurer</u>
<u>Sheri Harris</u>	<u>Secretary</u>

b(1). If the Matter is a procurement and the Undersigned is a corporation 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 7.5% of the corporation's outstanding shares.

Name	Business Address	Percentage Interest
<u>n/a</u>		

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

b(2). If the Matter **is not** a procurement, and the Undersigned is a corporation 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% of the corporation's outstanding shares.

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.

Name	Business Address	Percentage Interest
Bruce E. Deming	809 Burton Blvd. De Forest, WI 53532	100%

2. IF THE UNDERSIGNED IS A PARTNERSHIP OR JOINT VENTURE:
For general or limited partnerships or joint ventures: 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.

Name	Business Address	Percentage Interest
n/a		

3. IF THE UNDERSIGNED 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 the company is managed.

Name	Business Address	Percentage Interest
n/a		

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

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

Name	Title
Bruce E. Deming	President

4. IF THE UNDERSIGNED IS A LAND TRUST, BUSINESS TRUST, ESTATE OR OTHER SIMILAR ENTITY:

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

Name	Business Address
n/a	

b. List below the name, business address and percentage of beneficial interest of each beneficiary on whose behalf title is held.

Name	Business Address	Percentage Interest
n/a		

5. IF THE UNDERSIGNED IS ANY OTHER LEGAL ENTITY, first describe the entity, then provide the name, business address, and the percentage of interest of all individuals or legal entities having an ownership or other beneficial interest in the entity.

Describe the entity:

n/a

Name	Business Address	Percentage Interest

SECTION TWO: BUSINESS RELATIONSHIPS WITH CITY ELECTED OFFICIALS

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

A. DEFINITIONS AND DISCLOSURE REQUIREMENT

1. The Undersigned 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. Pursuant to Chapter 2-156 of the Municipal Code of Chicago (the "Municipal Code"), 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 Undersigned had a "business relationship" 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):

n/a

SECTION THREE: DISCLOSURE OF RETAINED PARTIES

A. DEFINITIONS AND DISCLOSURE REQUIREMENTS

1. The Undersigned must disclose certain information about attorneys, lobbyists, accountants, consultants, subcontractors, and any other person whom the Undersigned has retained or expects to retain in connection with the Matter. In particular, the Undersigned must disclose the name of each such person, his/her business address, the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Undersigned is not required to disclose employees who are paid solely through the Undersigned'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 Undersigned is uncertain whether a disclosure is required under this Section, the Undersigned must either ask the City whether disclosure is required or make the disclosure.

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

B. CERTIFICATION

Each and every attorney, lobbyist, accountant, consultant, subcontractor, or other person retained or anticipated to be retained directly by the Undersigned with respect to or in connection with the Matter is listed below [begin list here, add sheets as necessary]:

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

[] CHECK HERE IF NO SUCH INDIVIDUALS HAVE BEEN RETAINED BY THE UNDERSIGNED OR ARE ANTICIPATED TO BE RETAINED BY THE UNDERSIGNED.

SECTION FOUR: CERTIFICATIONS

I. CERTIFICATION OF COMPLIANCE

For purposes of the certifications in A, B, and C below, the term "affiliate" means any individual or entity that, directly or indirectly: controls the Undersigned, is controlled by the Undersigned, or is, with the Undersigned, 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 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 Undersigned is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, nor are the Undersigned or its affiliates 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 Undersigned certified to the above statements.

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

B. The Undersigned and its affiliates have 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:

None.

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

C. If the Undersigned is the Applicant, the Undersigned 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.

D. If the Undersigned is the Applicant, the Undersigned 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 Section Four, I, (A-C) 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 Undersigned has reason to believe has not provided or cannot provide truthful certifications.

If the Undersigned is unable to make the certifications required in Section Four, paragraph I (C) and (D) above, provide an explanation:

None

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Undersigned 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 individual who, directly or indirectly, owns or holds a 10% or more interest in the Undersigned. *Note: This may include individuals disclosed in Section One (Disclosure of Ownership Interests), and individuals disclosed in an EDS filed by an entity holding an interest in the Applicant.*

If the Undersigned's response below is #1 or #2, then all of the Undersigned's Substantial Owners must remain in compliance with any such child support obligations until the Matter is completed. Failure of the Undersigned'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.

Check one:

1. No Substantial Owner has been declared in arrearage on any child support obligations by the Circuit Court of Cook County, Illinois or by another Illinois court of competent jurisdiction.

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

- ___ 2. The Circuit Court of Cook County, Illinois 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, Illinois 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 Undersigned and, if the Undersigned is a legal entity, its principals (officers, directors, partners, members, 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 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;
 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 (A)(2) of this section;
 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 of this EDS, been convicted, adjudged guilty, 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 subparts B and D concern:
- the Undersigned;
 - any party participating in the performance of the Matter ("an **Applicable Party**");
 - any "**Affiliated Entity**" (meaning an individual or entity that, directly or indirectly: controls the Undersigned, is controlled by the Undersigned, or is, with the Undersigned, 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 individual 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 individual or entity;
 - any responsible official of the Undersigned, any Applicable Party or any Affiliated Entity or any other official, agent or employee of the Undersigned, any Applicable Party or any Affiliated Entity, acting pursuant to the

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

direction or authorization of a responsible official of the Undersigned, any Applicable Party or any Affiliated Entity (collectively "Agents").

Neither the Undersigned, nor any Applicable Party, nor any Affiliated Entity of either the Undersigned 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:

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 Section 2-92-610 of the Municipal Code (**Living Wage Ordinance**).

C. The Undersigned 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 Undersigned, 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.

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

None

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

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

IV. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION

For purposes of this Part IV, under Section 2-32-455(b) of the Municipal Code, 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 Section 2-32-455(b) of the Municipal Code.]

A. **CERTIFICATION**

The Undersigned certifies that the Undersigned [check one]

is
 is not

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

B. **If the Undersigned IS a financial institution, then the Undersigned 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 Undersigned is unable to make this pledge because it or any of its affiliates (as defined in Section 2-32-455(b) of the Municipal Code) is a predatory lender within the meaning of Chapter 2-32 of the Municipal Code, explain here (attach additional pages if necessary):

n/a

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Undersigned 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 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 have a financial interest in his or her own name or in the name of any other person in the Matter?

[] Yes No

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

NOTE: If you answered "No" to Item V(1), you are not required to answer Items V(2) or (3) below. Instead, review the certification in Item V(4) and then proceed to Part VI. If you answered "Yes" to Item V(1), you must first respond to Item V(2) and provide the information requested in Item V(3). After responding to those items, review the certification in Item V(4) and proceed to Part VI.

2. Unless sold pursuant to a process of competitive bidding, 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 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 involve a City Property Sale?

Yes

No

3. If you answered "yes" to Item V(1), provide the names and business addresses of the City officials or employees having such interest and identify the nature of such interest:

Name	Business Address	Nature of Interest
n/a		

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

VI. CERTIFICATION REGARDING SLAVERY ERA BUSINESS

The Undersigned has searched any and all records of the Undersigned 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 Undersigned 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 Undersigned checks (2), the Undersigned must disclose below or in an attachment to this EDS all requisite information as set forth in that paragraph (2).

1. The Undersigned verifies that (a) the Undersigned has searched any and all records of the Undersigned and any and all predecessor entities for records of investments or profits from slavery, the slave industry, or slaveholder insurance policies, and (b) the Undersigned 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.

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

2. The Undersigned verifies that, as a result of conducting the search in step (1)(a) above, the Undersigned 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 Undersigned verifies that the following constitutes full disclosure of all such records:

SECTION FIVE: CERTIFICATIONS FOR FEDERALLY-FUNDED MATTERS

I. CERTIFICATION REGARDING LOBBYING

A. List below the names of all individuals registered under the federal Lobbying Disclosure Act of 1995 who have made lobbying contacts on behalf of the Undersigned with respect to the Matter: [Begin list here, add sheets as necessary]:

None.

[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 Undersigned means that NO individuals registered under the Lobbying Disclosure Act of 1995 have made lobbying contacts on behalf of the Undersigned with respect to the Matter.]

B. The Undersigned has not spent and will not expend any federally appropriated funds to pay any individual listed in Paragraph (A) above for his or her lobbying activities or to pay any individual 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.

C. The Undersigned 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 the Matter is federally funded and any funds other than federally appropriated funds have been or will be paid to any individual 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 Undersigned 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/sfillin.pdf>, linked on the page http://www.whitehouse.gov/omb/grants/grants_forms.html.

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

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

II. CERTIFICATION REGARDING NONSEGREGATED FACILITIES

A. If the Undersigned is the Applicant, the Undersigned 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.

"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 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. If the Undersigned is the Applicant and the Matter is federally funded, the Undersigned will, before the award of subcontracts (if any), 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 Undersigned must retain the certifications required by this paragraph (B) for the duration of the contract (if any) and must make such certifications promptly available to the City upon request.

C. If the Undersigned is the Applicant and the Matter is federally funded, 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 for federally funded Matters (e.g., the Applicant) and proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations. **(NOTE: This Part III is to be completed only if the Undersigned is the Applicant.)**

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

N/A

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

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

SECTION SIX: NOTICE AND ACKNOWLEDGMENT 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 Municipal Code, impose certain duties and obligations on individuals or entities seeking City contracts, work, business, or transactions. The Board of Ethics has developed an ethics training program for such individuals and entities. 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 of the Municipal Code. The Undersigned must comply fully with the applicable ordinances.

BY CHECKING THIS BOX THE 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 individual or entity 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, including:
 - a. any cash gift or any anonymous gift; and
 - b. any gift based on a mutual understanding that the City official's or employee's or City contractor's actions or decisions will be influenced 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 appointed City official from engaging in any contract, work, transaction or business of the City, unless the matter is wholly unrelated to the appointed official's duties or responsibilities.
- 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 their 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, they were personally and substantially involved in the same matter.

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- 7) Provide that former City employees and officials cannot ever 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 SEVEN: 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 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 Undersigned understands that it must comply with all 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 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 Undersigned's participation in the Matter 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 Undersigned 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 not withheld or reserved any disclosures as to economic interests in the Undersigned, 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.
- E. The information provided in this EDS must be kept current. In the event of changes, the Undersigned must supplement this EDS up to the time the City takes action on the Matter.


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CERTIFICATION

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS on behalf of the Undersigned, 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.

Embury, Ltd.
(Print or type name of individual or legal entity submitting this EDS)

Date: 4-11-06

By: 
(sign here) Bruce E. Deming



Print or type name of signatory:
Bruce E. Deming

Title of signatory:
President.

Acknowledged to before me on [date] 4-11-06, at Dane County, Wisconsin [state].

Shari L. Harris

Commission expires: 3-11-2007.