



Office of the City Clerk

City Hall
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Legislation Details (With Text)

File #: O2022-1286
Type: Ordinance
Status: Passed
File created: 4/27/2022
In control: City Council
Final action: 5/23/2022
Title: Redevelopment agreement including Neighborhood Opportunity Funds and Build Community Wealth Bonuses with Bubbly Dynamics LLC to renovate 1400 W 46th St into kitchens for food service incubator businesses
Sponsors: Lightfoot, Lori E.
Indexes: Neighborhoods Opportunity Fund, Redevelopment
Attachments: 1. O2022-1286.pdf

Date	Ver.	Action By	Action	Result
5/23/2022	1	City Council	Passed	Pass
5/18/2022	1	Committee on Budget and Government Operations	Recommended to Pass	
4/27/2022	1	City Council	Referred	

OFFICE OF THE MAYOR

CITY OF CHICAGO
LORI E. LIGHTFOOT MAYOR

April 27, 2022

TO THE HONORABLE, THE CITY COUNCIL OF THE
CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith an ordinance authorizing the execution of a neighborhood opportunity fund redevelopment agreement with Bubbly Dynamics LLC.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours.

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is authorized under its home rule powers to regulate the use and development of land; and

WHEREAS, Chapter 16-14-010 et seq. of the Municipal Code of Chicago (the "Code") contains the Neighborhood Opportunity Fund Ordinance (the "NOF Ordinance") establishing the Neighborhood Opportunity Fund (the "NOF"); and

WHEREAS, the purpose of the NOF is to (a) promote growth within the downtown area through the floor area bonus provisions of Section 17-4-1000 of the Code, and simultaneously generate new revenues for investment in business development and job growth in neighborhoods impacted by poverty, high unemployment, and other indicators of economic deprivation; (b) strengthen neighborhood commercial corridors in qualified investment areas; and (c) address the decline of private investment in qualified investment areas that damages the City's overall economic competitiveness, impedes the sustainable and equitable development of the City as a whole, contributes to inequality and poverty, and has a detrimental effect on the City's quality of life; and

WHEREAS, the NOF shall be used for projects located in or directly benefiting qualified investment areas, as indicated on a map published by the Commissioner (the "Commissioner") of the Department of Planning and Development ("DPD") and updated at least once every five years; and

WHEREAS, the authorized uses of the NOF are for eligible costs (as defined in the NOF Ordinance) related to (a) commercial establishments that provide, on a permanent or short-term (pop-up) basis, goods and services which complement and revitalize the areas in which they are located, and which may include, without limitation, grocery stores, retail establishments, and restaurants that sell food primarily for consumption on premises; (b) cultural establishments that provide, on a permanent or short-term (pop-up) basis, recreational and educational opportunities which complement and revitalize the areas in which they are located; and (c) incubation, mentoring, and training of small businesses that otherwise qualify as authorized uses under (a) or (b) above; and

WHEREAS, DPD has determined that the applicant named in Exhibit A attached hereto (the "Grantee") meets the requirements of the NOF Ordinance and is eligible to receive a NOF grant for the project described in Exhibit A. in the amount and under the terms and conditions set forth in Exhibit A (the "Grant"); and

WHEREAS, DPD has recommended that the City Council of the City approve the Grant to the Grantee, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated in and made a part of this ordinance as though fully set forth herein.

SECTION 2. The Commissioner and a designee of the Commissioner (collectively, the "Authorized Officer") are each hereby authorized, subject to approval by the Corporation Counsel, to enter into and execute a redevelopment agreement with the Grantee and to execute such agreements and instruments, and perform any and all acts as shall be necessary or advisable in connection with the implementation of the Grant. The execution of such agreements and instruments and the performance of such acts shall be conclusive evidence of such approval. The Authorized Officer is hereby authorized, subject to the approval of the Corporation Counsel, to negotiate any and all terms and provisions in connection with the Grant which do not substantially modify the terms described in Exhibit A hereto. Upon the execution and receipt of proper documentation, the Authorized Officer is hereby authorized to disburse the proceeds of the Grant to the Grantee.

SECTION 3. NOF proceeds in the amount set forth in Exhibit A are hereby appropriated for the purposes described herein.

SECTION 4. To the extent that any ordinance, resolution, rule, order or provision of the Code, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.

Exhibit A

Attached
August 12, 2021

John Edel ("Finalist") Bubbly
Dynamics, LLC 1400 W. 46th St.
Chicago, IL 60609

RE: Conditional Commitment of Neighborhood Opportunity Funds

Dear Mr. Edel,

On behalf of the City of Chicago Department of Planning and Development (DPD), we would like to congratulate you on being selected as a finalist for the Neighborhood Opportunity Fund (NOF) program!

Bubbly Dynamics, LLC ("Project") has received a conditional commitment of up to \$1,682,500 in Neighborhood Opportunity Funds ("Commitment"), which includes a conditional Build Community Wealth Bonus of up to \$250,000. The total amount of the Build Community Wealth Bonus is capped at the lesser of \$250,000 or 25% (per bonus) of total eligible project costs, and the total grant amount, inclusive of the Bonus, may not exceed \$2.5M. Finalists may qualify for either or both Local Residency and Hiring Bonuses.

The Project was selected for the plan and scope of work presented in the application and summarized below. Pending receipt of the NOF grant, the Finalist must inform DPD before proceeding with any changes to the proposed project plan or scope of work; failure to do so without DPD's written approval will result in termination of the NOF grant.

PROJECT LOCATION

1400 W. 46th St. Chicago, IL 60609

PROJECT PLAN & SCOPE

The proposed project completed the originally planned building envelope by enclosing 6,000 square feet which were intended by the building's architect in 1925 to be additional production space. The project will build-out seven commercial incubator kitchens, to renovate the 6,000 square foot of roof space that is directly accessible from the third floor. The incubator kitchen space will be designed for universal use to accommodate a variety of products and will include an expansion with HVAC and mechanical systems,

shared walk-in coolers and freezers, and all basics for working kitchen space such as three-basin sinks, reach-in-coolers, prep tables. The property will also convert a freight elevator to a passenger elevator and modernize two freight elevators. The incubator kitchen space will be lease to small businesses.

PROJECT SOURCES & USES

Anticipated Sources of Funds

Equity	\$660,000
Debt	\$342,750
NOF Grant	\$1,682,500
Other Public Funds	\$0
	\$2,865,000

Anticipated Project Costs (Uses)

Hard Costs	\$2,604,000
Soft Costs	\$261,000
Acquisition Costs	\$0
Site Preparation Costs	\$0
Total	\$2,865,000

NOF PAYMENT

NOF funds may be disbursed as progress payments through a project escrow, or as a single, 100% reimbursement upon project completion. The Finalist must select a payment method before signing the Redevelopment Agreement (RDA).

Project Escrow

Grant recipients may establish a project escrow account at their own cost, and receive four, incremental disbursements of their NOF grant funds during construction. The fourth, and final, disbursement is provided following project completion and DPD's issuance of a Certificate of Completion. Each escrow draw requires DPD documentation review and approval. Please reference the enclosed escrow agreement template for more information. Finalists who elect to receive their grant funds via a project escrow must have a fully executed escrow agreement either before or at the signing of the RDA.

Single Reimbursement

Grant recipients may receive a one-time disbursement of 100% of their NOF grant funds following project completion and DPD's issuance of a Certificate of Completion.

NOF BUILD COMMUNITY WEALTH BONUSES

Local Hiring (up to 25% of total project costs)

Grant recipients who commit to hiring two or more, new employees who maintain their primary residence in a QIA are eligible for a funding bonus of up to 25% of the total project costs. The Local Hiring bonus funds are issued as a reimbursement for wage expenses or training costs associated with the new employees following the issuance of the Certificate of Completion, NOT during project construction.

The new, qualifying employees:

- Must maintain their primary residence in the QIA
- Must work at least 20 hours/week, achieving at least 60 hours/week across all qualifying employees
- May be hired no earlier than three months prior to receiving the Certificate of Completion
- Must receive at least minimum wage, as defined by the City of Chicago
- Must be continually employed for a minimum of 12 weeks
- May not include the grant recipient's family members (by blood or marriage), persons dwelling at the grant recipient's primary residency, or the grant recipient themselves.

Grant recipients have 12 months following the issuance of the Certificate of Completion to submit a reimbursement request for bonus funds. Grant recipients may only submit reimbursement requests for qualified wage expenses once per calendar quarter. Grant recipients are advised to keep a separate record of wage expenses for the Local Hiring employees and to submit an organized file of expense records for reimbursement. Any unused bonus funds remaining at the end of the 12-month period will be returned to the

program.

Grant recipients must submit the following documents with their reimbursement requests to verify the new employees' home addresses and wage expenses:

- Employee Worksheet Form (included in RDA) listing all new hires, their primary residences, their hourly wages, and their average weekly hours worked.
- Payroll ledgers and/or copies of pay stubs that verify hours worked, hourly wage, and address for employees.

Local Residency (up to 25%)

Grant recipients whose primary residence is located within the QJA are eligible for a funding bonus of up to 25% of the total eligible project cost. Finalists who are interested in this bonus must submit two of the following four items as proof of residency:

1. Copy of the recorded lease or deed
2. Driver's license or State ID
3. Voter's registration card
4. Utility bill dated within the last 90 days

NOF COVENANTS

Operations & Occupancy Covenants

Grant recipients must continuously own, occupy, and operate the entirety of the Project for three years following the issuance of the Certificate of Completion. If a grant recipient fails to satisfy these requirements, the City shall have the right to cease NOF payments, terminate the RDA, or place a lien on the Project property in the value of disbursed City funds.

Prior to the issuance of the Certificate of Completion, the grant recipient may not, without the City's consent: merge, liquidate or consolidate the Project; sell, lease or transfer the Project or all or substantially all of its property; enter into any transaction outside the ordinary course of business that would materially adversely affect the ability of the grant recipient to complete the Project; assume or guarantee the obligations of any other person or entity that would materially adversely affect the ability of the grant recipient to complete the Project; or enter into a transaction that would cause a material and detrimental change to the grant recipient's condition.

Annual Compliance Report

Grant recipients must submit an Annual Compliance Report for at least three years following the issuance of the Certificate of Completion. Requirements for the Annual Compliance Reports will be detailed in the RDA.

NOF GRANT CONDITIONS

Issuance of the NOF grant is subject to the Finalist's ability to fulfill the following conditions, and Chicago City Council approval. Following Council approval of the NOF grant, the Finalist will be required to execute a Redevelopment Agreement with the City of Chicago, through DPD, outlining the legal requirements of the Project and the process for receiving NOF grant funds.

Conditions for Receiving Council Approval for the NOF Grant

1. Final Contractor Estimates. The Finalist must submit at least two, final and comprehensive contractor estimates for the final Project scope of work within three months of this correspondence (no later than November 12, 2021). All estimates must reflect the same scope of work and final Project Budget, as well as account for the City's M/WBE, Prevailing Wage and City Residency construction compliance requirements.
2. Final Project Budget. The Finalist must submit a final project budget within three months of this correspondence (no later than November 12, 2021). Once approved and issued, the NOF grant amount

will not be increased; therefore, the Finalist must assume the responsibility of any project cost increases following NOF grant

approval.

3. Preliminary or Final Design Documents. The Finalist must submit, at a minimum, a site plan, renderings, and elevations for the Project. All comments from DPD on the Project's design should be addressed as best as possible by the Finalist prior to seeking Council approval.
4. Preliminary Zoning Approval. The Finalist must verify that all proposed Project uses and physical improvements comply with the zoning requirements for the Project location. If the Project uses and/or improvements require a zoning map amendment, the Applicant must provide evidence of submitting a zoning map amendment application and obtaining Aldermanic input within three months of this correspondence (no later than November 12, 2021). The Finalist must receive all necessary zoning approvals on or before executing the RDA.
5. Preliminary Project Financing. The Finalist must submit proof of project financing, demonstrating that all sources of funds outside of the Commitment are available and secured, or will be secured by closing, within three months of this correspondence (no later than November 12, 2021). The Finalist must close on all financing sources on or before executing the RDA.
6. Preliminary Site Control. The Finalist must submit the following proof of site control, demonstrating that the Project location is secured, or will be secured by closing, within three months of this correspondence (no later than November 12, 2021). The Finalist must secure site control on or before executing the RDA.
 - a) Tenant Finalists: Letter of interest or executed lease (for at least three years) for the Project location.
 - b) Owner-Occupied Finalists: Deed or Real Estate Purchase Agreement (demonstrating closing within 90 days), for the Project location.
 - c) Property Owner Finalists: Deed or Real Estate Purchase Agreement (demonstrating closing within 90 days), for the Project location; AND letters of interest or executed tenant leases, for at least three years, for at least 75% of the Project.

Conditions for Executing the Redevelopment Agreement

The Finalist must satisfy the conditions below before the City will execute and deliver the RDA, unless the City waives such conditions, in writing. The Finalist must close on the RDA within one month following Council approval.

1. Final Zoning Approval. If the Project uses and/or improvements require a zoning map amendment, licenses or permits, the Finalist must provide evidence of the approved zoning map amendment, secured licenses and/or permits, and Aldermanic input.
2. Final Project Financing. If not yet submitted, the Finalist must submit proof of project financing, evidencing that all financing sources outside of the Commitment have been secured and are available.
3. Final Site Control. If not yet submitted, the Finalist must submit the following proof of site control, evidencing that the Project location has been secured.
 - a) Tenant Finalists: Executed lease for at least three years for the Project location.
 - b) Owner-Occupied Finalists: Deed for the Project location.
 - c) Property Owner Finalists: Deed for the Project location; AND executed tenant leases, for at least three years, for at least 75% of the Project.
4. Escrow Agreement. If the Finalist elects to receive their NOF grant funds via progress payments (escrow), the escrow agreement between the City, title company and Finalist must be fully executed;

Conditions for Receiving the Certificate of Completion

The Finalist must complete project construction within the timeframe dictated by the executed RDA. A Certificate of Completion (COC) must be issued prior to the second anniversary of RDA execution, or the Project will be considered in default and the NOF grant may be forfeited and the RDA may be terminated.

1. MBE/WBE Requirements. The Finalist must fulfill at least 26% Minority Business Enterprise (MBE) and 6% Women Business Enterprise (WBE) participation for all direct and indirect construction costs associated with the Project. Prior to

- closing, the Finalist, general contractor and all major subcontractors must meet with DPD staff to review the Finalist's plan to achieve these obligations, as established in the RDA and as mandated by Council ordinance and DPD policy.
2. City Residency Requirements. The Finalist must hire City residents to perform 50% of all construction hours.
 3. Prevailing Wage Requirements. The Finalist must adhere to the City's prevailing wage requirement for all construction trades, as established by the Illinois Department of Labor.
 4. Building Permits. The Finalist must submit proof of all permits required by the City's Municipal Code for work associated with the Project for all corresponding costs to be eligible for reimbursement.
 5. Occupancy Permits. The Finalist must obtain and submit proof of all permits required by the City's Municipal Code to occupy the Project premises.
 6. Business Licenses. The Finalist must obtain all necessary business licenses prior to the NOF grant being fully disbursed.
 7. Documentation. The Finalist must appropriately document all eligible project costs. Documentation includes, but is not limited to, detailed invoices, cancelled checks, sworn owner's statement, sworn statement of contractor and subcontractor to owner and final lien waivers.

PROJECT EXTENSION, WITHDRAWAL AND TERMINATION POLICIES

Project Deadline Extension

Finalists are allowed to request up to two extensions to satisfy the conditions for the NOF grant. Finalists in need of an extension must submit a written request to DPD justifying the need for the extension and receive written approval from DPD. Approval will be at the sole discretion of DPD. Finalists who are unable to satisfy the conditions after exhausting their extensions will have their grant funds returned to the program.

Project Withdrawal

Finalists must provide written notification to DPD staff of their intent to rescind their grant and withdraw from the program. DPD staff will send the Finalist an email confirmation of the project withdrawal and the return of their grant funds to the program.

Project Termination

DPD staff will send the Finalist an email notification of the project termination and the return of their grant funds to the program.

All questions regarding the conditions outlined in this letter, and general NOF requirements and procedures, can be addressed to Emmett Morrissey (Emmett.morrissey@cityofchicago.org <mailto:Emmett.morrissey@cityofchicago.org>) or 312-744-9499.

We look forward to supporting your efforts to revitalize the City's South, Southwest and West sides. Sincerely,

William Jeffries
Deputy Commissioner
Department of Planning and Development

4/18/22

On behalf of Bubbly Dynamics, LLC, I accept the above terms and conditions of this Conditional Commitment of Neighborhood Opportunity Funds/offered by the City of Chicago.

Date

Managing Member

Title

City of Chicago

Department of Planning and Development Attention: Emmett Morrissey 121 North LaSalle Street, RM 1006 Chicago, IL 60602

NOF-LARGE DELIVERABLE CHECKLIST & SCHEDULE

Milestone #1: Conditional Commitment of Funds (Letter)

0 Conditions for Next Milestone

Time to Next Milestone

Final Contractor Estimates (2)

3 MONTHS

Final Project Budget

Preliminary Zoning & Aldermanic Approval

Preliminary (Final acceptable) Project Financing Documentation

Preliminary (Final acceptable) Site Control Documentation

Preliminary / Final Design Documents

Milestone #2:

Complete

Documentation

0 Conditions for Next Milestone

Time to Next-Milestone

Final Zoning & Aldermanic Approval

3 MONTHS

Final Project Financing Documentation

Final Site Control Documentation

Election of Payment Method (Executed Escrow Agreement, if applicable)

Milestone #3:

Council Approval

(NOF Grant) &

Project Closing

(RDA)

0 Conditions for Next Milestone

Time to Next Milestone

M/WBE Construction Compliance Requirements Fulfilled

24 MONTHS

City Residency Construction Compliance Requirements Fulfilled

Prevailing Wage Construction Compliance Requirements Fulfilled

Occupancy Permits Secured

Business Permits Secured

Business Licenses Secured

Project Cost Documentation (invoices, sworn statements, lien waivers)

Milestone #4:

Project Completion

(Certificate of

Completion)

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

SECTION I - GENERAL INFORMATION

A. Legal name of the Disclosing Party submitting this EDS. Include d/b/a/ if applicable:

A. r^?uVl>^ P^rv^yv^ >c-s LL-C

Check ONE of the following three boxes:

Indicate whether the Disclosing Party submitting this EDS is:

1. L>f the Applicant

OR

2. [] a legal entity currently holding, or anticipated to hold within six months after City action on

2. the contract, transaction or other undertaking to which this EDS pertains (referred to below as the

2. "Matter"), a direct or indirect interest in excess of 7.5% in the Applicant. State the Applicant's legal

2. name:

OR

3. [] a legal entity with a direct or indirect right of control of the Applicant (see Section 11(B)(1)) State the legal name of the entity in which the Disclosing Party holds a right of control:

B. Business address of the Disclosing Party:

14-QO ^ Aip^ jt"

C. Telephone: 11 V^>^B_{Fa}X:

Email: joUfjWUI^^a

D. Name of contact person: Qov^Kt XAt ^

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

F. Brief description of the Matter to which this EDS pertains. (Include project number and location of property, if applicable):

G. Which City agency or department is requesting this EDS? ^_

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

Specification # ^ and Contract #

Ver.2018-1

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SECTION II - DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF THE DISCLOSING PARTY

☐ Person

☐ Publicly registered business corporation ☐ Privately held business corporation ☐ Sole proprietorship ☐ General partnership ☐ Limited partnership ☐ Trust

☐ Limited liability company

☐ Limited liability partnership

☐ Joint venture

☐ Not-for-profit corporation

(Is the not-for-profit corporation also a 501(c)(3))?

☐ Yes ☐ No ☐ Other (please specify)

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

3. For legal entities not organized in the State of Illinois: Has the organization registered to do business in the State of Illinois as a foreign entity?

☐ i/f Yes

☐ No

☐ Organized in Illinois

B. IF THE DISCLOSING PARTY IS A LEGAL ENTITY:

1. List below the full names and titles, if applicable, of: (i) all executive officers and all directors of the entity; (ii) for not-for-profit corporations, all members, if any, which are legal entities (if there are no such members, write "no members which are legal entities"); (iii) for trusts, estates or other similar entities, the trustee, executor, administrator, or similarly situated party; (iv) for general or limited partnerships, limited liability companies, limited liability partnerships or joint ventures, each general partner, managing member, manager or any other person or legal entity that directly or indirectly controls the day-to-day management of the Applicant.

NOTE: Each legal entity listed below must submit an EDS on its own behalf.

Name	Title
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2. Please provide the following information concerning each person or legal entity having a direct or indirect, current or prospective (i.e. within 6 months after City action) beneficial interest (including ownership) in excess of 7.5% of the Applicant. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture, interest of a member or manager in a

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limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None."

NOTE: Each legal entity listed below may be required to submit an EDS on its own behalf.

Name	Business Address	Percentage Interest in the Applicant
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SECTION III - INCOME OR COMPENSATION TO, OR OWNERSHIP BY, CITY ELECTED OFFICIALS

Has the Disclosing Party provided any income or compensation to any City elected official during the

12-month period preceding the date of this EDS? ☐ Yes ☐ No

Does the Disclosing Party reasonably expect to provide any income or compensation to any City elected official during the 12-month period following the date of this EDS? ☐ Yes ☐ No

If "yes" to either of the above, please identify below the name(s) of such City elected official(s) and describe such income or compensation:

Does any City elected official or, to the best of the Disclosing Party's knowledge after reasonable inquiry, any City

elected official's spouse or domestic partner, have a financial interest (as defined in Chapter 2-156 of the Municipal Code of Chicago ("MCC")) in the Disclosing Party? ☐ Yes ☒ No

If "yes," please identify below the name(s) of such City elected official(s) and/or spouse(s)/domestic partner(s) and describe the financial interest(s).

SECTION IV - DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist (as defined in MCC Chapter 2-156), accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll. If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the City whether disclosure is required or make the disclosure.

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Name (indicate whether retained or anticipated to be retained)	Business Address	Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)	Fees (indicate whether paid or estimated.) NOTE: "hourly rate" or "t.b.d." is not an acceptable response.
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(Add sheets if necessary)

[/f Check here if the Disclosing Party has not retained, nor expects to retain, any such persons or entities.

SECTION V - CERTIFICATIONS

A. COURT-ORDERED CHILD SUPPORT COMPLIANCE

Under MCC Section 2-92-415, substantial owners of business entities that contract with the City must remain in compliance with their child support obligations throughout the contract's term.

Has any person who directly or indirectly owns 10% or more of the Disclosing Party been declared in arrearage on any child support obligations by any Illinois court of competent jurisdiction?

☐ Yes ☒ No ☐ No person directly or indirectly owns 10% or more of the Disclosing Party.

If "Yes," has the person entered into a court-approved agreement for payment of all support owed and is the person in compliance with that agreement?

☐ Yes ☐ No

B. FURTHER CERTIFICATIONS

1. [This paragraph 1 applies only if the Matter is a contract being handled by the City's Department of Procurement Services.] In the 5-year period preceding the date of this EDS, neither the Disclosing Party nor any Affiliated Entity [see definition in (5) below] has engaged, in connection with the performance of any public contract, the services of an integrity monitor, independent private sector inspector general, or integrity compliance consultant (i.e., an individual or entity with legal, auditing, investigative, or other similar skills, designated by a public agency to help the agency monitor the activity of specified agency vendors as well as help the vendors reform their business practices so they can be considered for agency contracts in the future, or continue with a contract in progress).

2. The Disclosing Party and its Affiliated Entities are not delinquent in the payment of any fine, fee, tax or other source of indebtedness owed to the City of Chicago, including, but not limited to, water and sewer charges, license fees, parking tickets, property taxes and sales taxes, nor is the Disclosing Party delinquent in the payment of any tax administered by the Illinois Department of Revenue.

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3. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section 11(B)(1) of this EDS:

- a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
- b. have not, during the 5 years before the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with: obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;
- c. are not presently indicted for, or criminally or civilly charged by, a governmental entity (federal, state or local) with committing any of the offenses set forth in subparagraph (b) above;
- d. have not, during the 5 years before the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and
- e. have not, during the 5 years before the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the City or by the federal government, any state, or any other unit of local government.

4. The Disclosing Party understands and shall comply with the applicable requirements of MCC Chapters 2-56 (Inspector General) and 2-156 (Governmental Ethics).

5. Certifications (5), (6) and (7) concern:

- the Disclosing Party;
- any "Contractor" (meaning any contractor or subcontractor used by the Disclosing Party in connection with

the Matter, including but not limited to all persons or legal entities disclosed under Section IV, "Disclosure of Subcontractors and Other Retained Parties");

- any "Affiliated Entity" (meaning a person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity). Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members, shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the City, using substantially the same management, ownership, or principals as the ineligible entity. With respect to Contractors, the term Affiliated Entity means a person or entity that directly or indirectly controls the Contractor, is controlled by it, or, with the Contractor, is under common control of another person or entity;
- any responsible official of the Disclosing Party, any Contractor or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Contractor or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Contractor or any Affiliated Entity (collectively "Agents").

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Neither the Disclosing Party, nor any Contractor, nor any Affiliated Entity of either the Disclosing Party or any Contractor, nor any Agents have, during the 5 years before the date of this EDS, or, with respect to a Contractor, an Affiliated Entity, or an Affiliated Entity of a Contractor during the 5 years before the date of such Contractor's or Affiliated Entity's contract or engagement in connection with the Matter:

- a. bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the City, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity;
 - b. agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
 - c. made an admission of such conduct described in subparagraph (a) or (b) above that is a matter of record, but have not been prosecuted for such conduct; or
 - d. violated the provisions referenced in MCC Subsection 2-92-320(a)(4)(Contracts Requiring a Base Wage); (a)(5) (Debarment Regulations); or (a)(6)(Minimum Wage Ordinance).
6. Neither the Disclosing Party, nor any Affiliated Entity or Contractor, 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.
7. Neither the Disclosing Party nor any Affiliated Entity is listed on a Sanctions List maintained by the United States Department of Commerce, State, or Treasury, or any successor federal agency.
8. [FOR APPLICANT ONLY] (i) Neither the Applicant nor any "controlling person" [see MCC Chapter 1-23, Article I for applicability and defined terms] of the Applicant is currently indicted or charged with, or has admitted guilt of, or has

ever been convicted of, or placed under supervision for, any criminal offense involving actual, attempted, or conspiracy to commit bribery, theft, fraud, forgery, perjury, dishonesty or deceit against an officer or employee of the City or any "sister agency"; and (ii) the Applicant understands and acknowledges that compliance with Article I is a continuing requirement for doing business with the City. NOTE: If MCC Chapter 1-23, Article I applies to the Applicant, that Article's permanent compliance timeframe supersedes 5-year compliance timeframes in this Section V.

9. [FOR APPLICANT ONLY] The Applicant and its Affiliated Entities will not use, nor permit their subcontractors to use, any facility listed as having an active exclusion by the U.S. EPA on the federal System for Award Management ("SAM").

10. [FOR APPLICANT ONLY] The Applicant 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 Certifications (2) and (9) above and will not, without the prior written consent of the City, use any such

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contractor/subcontractor that does not provide such certifications or that the Applicant has reason to believe has not provided or cannot provide truthful certifications.

11. If the Disclosing Party is unable to certify to any of the above statements in this Part B (Further Certifications), the Disclosing Party must explain below:

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

12. To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all current employees of the Disclosing Party who were, at any time during the 12-month period preceding the date of this EDS, an employee, or elected or appointed official, of the City of Chicago (if none, indicate with "N/A" or "none").

»J / A

13. To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all gifts that the Disclosing Party has given or caused to be given, at any time during the 12-month period preceding the execution date of this EDS, to an employee, or elected or appointed official, of the City of Chicago. For purposes of this statement, a "gift" does not include: (i) anything made generally available to City employees or to the general public, or (ii) food or drink provided in the course of official City business and having a retail value of less than \$25 per recipient, or (iii) a political contribution otherwise duly reported as required by law (if none, indicate with "N/A" or "none"). As to any gift listed below, please also list the name of the City recipient.

C. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION

1. The Disclosing Party certifies that the Disclosing Party (check one)

☐ is ☐ is not

a "financial institution" as defined in MCC Section 2-32-455(b).

2. If the Disclosing Party IS a financial institution, then the Disclosing Party pledges:

"We are not and will not become a predatory lender as defined in MCC Chapter 2-32. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in MCC Chapter 2-32. 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."

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If the Disclosing Party is unable to make this pledge because it or any of its affiliates (as defined in MCC Section 2-32-455(b)) is a predatory lender within the meaning of MCC Chapter 2-32, explain here (attach additional pages if necessary):

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

D. CERTIFICATION REGARDING FINANCIAL INTEREST IN CITY BUSINESS

Any words or terms defined in MCC Chapter 2-156 have the same meanings if used in this Part D.

1. In accordance with MCC Section 2-156-110: To the best of the Disclosing Party's knowledge after reasonable inquiry, does any official or employee of the City have a financial interest in his or her own name or in the name of any other person or entity in the Matter?

☐ Yes ☐ No

NOTE: If you checked "Yes" to Item D(1), proceed to Items D(2) and D(3). If you checked "No" to Item D(1), skip Items D(2) and D(3) and proceed to Part E.

2. Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no City elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City (collectively, "City Property Sale"). Compensation for property taken pursuant to the City's eminent domain power does not constitute a financial interest within the meaning of this Part D.

Does the Matter involve a City Property Sale?

☐ Yes ☐ No

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

Name	Business Address	Nature of Financial Interest
------	------------------	------------------------------

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

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E. CERTIFICATION REGARDING SLAVERY ERA BUSINESS

Please check either (1) or (2) below. If the Disclosing Party checks (2), the Disclosing Party must disclose below or in an attachment to this EDS all information required by (2). Failure to comply with these disclosure requirements may make any contract entered into with the City in connection with the Matter voidable by the City.

^ 1. The Disclosing Party verifies that the Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era (including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of their slaves), and the Disclosing Party has found no such records. '

2. The Disclosing Party verifies that, as a result of conducting the search in step (1) above, the Disclosing Party has found records of investments or profits from slavery or slaveholder insurance policies. The Disclosing Party verifies that the following constitutes full disclosure of all such records, including the names of any and all slaves or slaveholders described in those records:

SECTION VI - CERTIFICATIONS FOR FEDERALLY FUNDED MATTERS

NOTE: If the Matter is federally funded, complete this Section VI. If the Matter is not federally funded, proceed to Section VII. For purposes of this Section VI, tax credits allocated by the City and proceeds of debt obligations of the City are not federal funding.

A. CERTIFICATION REGARDING LOBBYING

1. List below the names of all persons or entities registered under the federal Lobbying Disclosure Act of 1995, as amended, who have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter: (Add sheets if necessary):

(If no explanation appears or begins on the lines above, or if the letters "NA" or if the word "None" appear, it will be conclusively presumed that the Disclosing Party means that NO persons or entities registered under the Lobbying Disclosure Act of 1995, as amended, have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter.)

2. The Disclosing Party has not spent and will not expend any federally appropriated funds to pay any person or entity listed in paragraph A(1) above for his or her lobbying activities or to pay any person or entity to influence or attempt to influence an officer or employee of any agency, as defined by applicable federal law, a member of Congress, an officer or employee of Congress, or an employee

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of a member of Congress, in connection with the award of any federally funded contract, making any federally funded grant or loan, entering into any cooperative agreement, or to extend, continue, renew, amend, or modify any federally funded contract, grant, loan, or cooperative agreement.

3. The Disclosing Party will submit an updated certification at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the statements and information set forth in paragraphs A(1) and A(2) above.

4. The Disclosing Party certifies that either: (i) it is not an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; or (ii) it is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 but has not engaged and will not engage in "Lobbying Activities," as that term is defined in the Lobbying Disclosure Act of 1995, as amended.

5. If the Disclosing Party is the Applicant, the Disclosing Party must obtain certifications equal in form and substance to paragraphs A(1) through A(4) above from all subcontractors before it awards any subcontract and the Disclosing Party must maintain all such subcontractors' certifications for the duration of the Matter and must make such certifications promptly available to the City upon request.

B. CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY

If the Matter is federally funded, federal regulations require the Applicant and all proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations.

Is the Disclosing Party the Applicant?

☐ Yes

☐ No

If "Yes," answer the three questions below:

1. Have you developed and do you have on file affirmative action programs pursuant to applicable federal regulations? (See 41 CFR Part 60-2.)

☐ Yes

☐ No

2. Have you filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance

Programs, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements?
☒ J Yes ☐ No ☐ Reports not required

3. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause?
☐ Yes ☐ No

If you checked "No" to question (1) or (2) above, please provide an explanation:

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SECTION VII - FURTHER ACKNOWLEDGMENTS AND CERTIFICATION

The Disclosing Party 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 Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.
- B. The City's Governmental Ethics Ordinance, MCC Chapter 2-156, imposes certain duties and obligations on persons or entities seeking City contracts, work, business, or transactions. The full text of this ordinance and a training program is available on line at www.cityofchicago.org/Ethics <<http://www.cityofchicago.org/Ethics>>, and may also be obtained from the City's Board of Ethics, 740 N. Sedgwick St., Suite 500, Chicago, IL 60610, (312) 744-9660. The Disclosing Party must comply fully with this ordinance.
- C. 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 or void), at law, or in equity, including terminating the Disclosing Party's participation in the Matter and/or declining to allow the Disclosing Party to participate in other City transactions. Remedies at law for a false statement of material fact may include incarceration and an award to the City of treble damages.
- D. It is the City's policy to make this document available to the public on its Internet site and/or upon request. Some or all of the information provided in, and appended to, this EDS may be made publicly available on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims which it may have against the City in connection with the public release of information contained in this EDS and also authorizes the City to verify the accuracy of any information submitted in this EDS.
- E. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the City takes action on the Matter. If the Matter is a contract being handled by the City's Department of Procurement Services, the Disclosing Party must update this EDS as the contract requires. NOTE: With respect to Matters subject to MCC Chapter 1-23, Article I (imposing PERMANENT INELIGIBILITY for certain

specified offenses), the information provided herein regarding eligibility must be kept current for a longer period, as required by MCC Chapter 1-23 and Section 2-154-020.

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CERTIFICATION

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS, and all applicable Appendices, on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS, and all applicable Appendices, are true, accurate and complete as of the date furnished to the City.

By: / /£~^<f

/(Siggwiere)

(Print or type name of person signing)

(Print or type title of person signing)

Signed and sworn to before me on
Notary Public

Commission expires:

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

**FAMILIAL RELATIONSHIPS WITH ELECTED CITY OFFICIALS AND
DEPARTMENT HEADS**

This Appendix is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5%. It is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.

Under MCC Section 2-154-015, the Disclosing Party must disclose whether such Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently has a "familial relationship" with any elected city official or department head. A "familial relationship" exists if, as of the date this EDS is signed, the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof is related to the mayor, any alderman, the city clerk, the city treasurer or any city department head as spouse or domestic partner or as any of the following, whether by blood or adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister or half-brother or half-sister.

"Applicable Party" means (1) all executive officers of the Disclosing Party listed in Section II.B.1.a., if the Disclosing Party is a corporation; all partners of the Disclosing Party, if the Disclosing Party is a general partnership; all general partners and limited partners of the Disclosing Party, if the Disclosing Party is a limited partnership; all managers, managing members and members of the Disclosing Party, if the Disclosing Party is a limited liability company; (2) all principal officers of the Disclosing Party; and (3) any person having more than a 7.5% ownership interest in the Disclosing Party. "Principal officers" means the president, chief operating officer, executive director, chief financial officer, treasurer or secretary of a legal entity or any person exercising similar authority.

Does the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently have a "familial relationship" with an elected city official or department head?

☐ Yes

☐ No

If yes, please identify below (1) the name and title of such person, (2) the name of the legal entity to which such person is connected; (3) the name and title of the elected city official or department head to whom such person has a familial relationship, and (4) the precise nature of such familial relationship.

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

BUILDING CODE SCOFFLAW/PROBLEM LANDLORD CERTIFICATION

This Appendix is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5% (an "Owner"). It is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.

1. Pursuant to MCC Section 2-154-010, is the Applicant or any Owner identified as a building code scofflaw or problem landlord pursuant to MCC Section 2-92-416?

☐ Yes ☒ No

2. If the Applicant is a legal entity publicly traded on any exchange, is any officer or director of the Applicant identified as a building code scofflaw or problem landlord pursuant to MCC Section 2-92-416?

☐ Yes

☐ No

☒ If the Applicant is not publicly traded on any exchange.

3. If yes to (1) or (2) above, please identify below the name of each person or legal entity identified as a building code scofflaw or problem landlord and the address of each building or buildings to which the pertinent code violations apply.

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

PROHIBITION ON WAGE & SALARY HISTORY SCREENING - CERTIFICATION

This Appendix is to be completed only by an Applicant that is completing this EDS as a "contractor" as defined in MCC Section 2-92-385. That section, which should be consulted (www.amleaal.com <<http://www.amleaal.com>>), generally covers a party to any agreement pursuant to which they: (i) receive City of Chicago funds in consideration for services, work or goods provided (including for legal or other professional services), or (ii) pay the City money for a license, grant or concession allowing them to conduct a business on City premises.

On behalf of an Applicant that is a contractor pursuant to MCC Section 2-92-385, I hereby certify that the Applicant is in compliance with MCC Section 2-92-385(b)(1) and (2), which prohibit: (i) screening job applicants based on their wage or salary history, or (ii) seeking job applicants' wage or salary history from current or former employers. I also certify that the Applicant has adopted a policy that includes those prohibitions.

☐ Yes

☐ No

[fN/A - I am not an Applicant that is a "contractor" as defined in MCC Section 2-92-385. This certification shall serve as the affidavit required by MCC Section 2-92-385(c)(1). If you checked "no" to the above, please explain.