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COOK COUNTY, ILLINOIS**

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CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

September 17, 2021

VIA EMAIL

Ammar Rizki
Chief Financial Officer
Cook County Bureau of Finance
ammarr.rizki@cookcountyil.gov

Re: Branded Cities RFI

Dear Mr. Rizki,

You have asked the State's Attorney's Office for an opinion regarding whether the Cook County Chief Financial Officer (hereafter "CFO") lawfully entered into a contract for asset management pursuant to a Request for Information ("RFI"). Your specific questions, our conclusions, and a discussion of the reasons supporting our conclusions follow.

QUESTIONS PRESENTED

Was the Branded Cities contract properly procured under the Asset Marketing Ordinance?

CONCLUSION

Yes, the Asset Marketing Ordinance, Sec. 2-321 of the Cook County Code of Ordinances, authorizes the CFO to develop and implement asset marketing programs, such as the Branded Cities contract for billboards.

DISCUSSION

In November 2014, the Cook County Board of Commissioners (hereafter the "Board") enacted the Asset Marketing Ordinance (hereafter the "Ordinance" or "Sec. 2-321") for the purpose of deriving

additional revenue or value from County assets. The Ordinance authorizes the CFO, either directly or with the support of a Program Manager, to implement asset marketing programs pursuant to the Ordinance. Although the Ordinance provides that the Program Manager will be “selected under the provisions of the Cook County Procurement Code,” *see* County Code Sec. 2-321(b), the Ordinance does not otherwise make reference to the Procurement Code. The Board approved a contract with The Superlative Group (“Superlative”) on November 19, 2014 for Superlative to serve as the Program Manager.

The Ordinance also established the Asset Marketing Committee to “promulgate rules, policies, procedures, restrictions and guidelines relating to the administration of [Sec. 2-321].” The Committee did so, and the Board approved the Asset Marketing Committee’s rules on July 1, 2015.

In August 2015, Superlative developed and distributed a Request for Information (“RFI”) for a digital marketing initiative. We are not aware of how widely this RFI was distributed, but the minimum qualifications appear to limit the pool to companies who had business presence in at least three major metropolitan areas and at least \$10,000,000 in annual revenue. According to records provided by the Bureau of Finance, two vendors, Branded Cities and Clear Channel, initially expressed interest in the RFI, but only Branded Cities submitted a complete proposal. Branded Cities met the minimum qualifications of the RFI, and the Asset Marketing Committee directed Superlative to enter into contract negotiations on December 16, 2016. The Branded Cities contract was presented to the Board for approval on July 29, 2021, but it was deferred to Committee for further consideration.

The CFO and the Program Manager were duly authorized by the Ordinance and the Asset Marketing Committee’s rules and procedures to develop asset marketing programs, such as the digital marketing initiative, outside of the Procurement Code. Indeed, the Board has approved other asset marketing contracts that were initiated in a similar manner as Branded Cities, including the Bottling Group (LLC) contract on June 8, 2016, and the ACE Coffee Bar contract on September 13, 2017. While of course we offer no opinion upon any advantages or disadvantages of the contract with Branded Cities, nothing in the Ordinance or the rules suggest that the CFO or Program Manager improperly procured or negotiated the contract.

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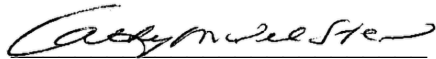
Please feel free to contact our office should you have any additional questions about this letter or the opinion sought. We condition this opinion upon the facts presented and may wish to revisit this matter should new information be made available.

Very truly yours,

KIMBERLY M. FOXX
State's Attorney of Cook County

By: /s/ Prathima Yeddanapudi
Assistant State's Attorney
Advice, Transactions & Litigation

APPROVED BY:



Cathy McNeil Stein
Chief, Civil Actions Bureau