



Request # WCP24-022
(assigned by OMB)

**CITY OF PITTSBURGH
REQUEST FOR WAIVER OF COMPETITIVE
PROCESS**

Contract Title: Professional Services Agreement w/ Comber Miller LLC

Contract Description: Firm will handle pending litigation for a matter involving City employees

Contract Duration: Until end of services/matter Previous Contract # (if applicable) _____

Requesting Department: Law Contract Type: Professional Services

Requests for exemption must be based on one or more of the categories listed in City Code 161.02B located here:

Please list all exemption types that apply (see page 2) 5

Justification*:

This law firm will be assisting City attorneys with litigating a matter involving actions taken by City employees.

Signed by: Krysia Kubiak
Department Director

Date: 7/22/24

*In addition to the justification, the Law forms attached below must also be completed and all appropriate backup submitted.

DocuSigned by:
Jennifer L. Obinger
OMB Procurement: _____ Date: 7/23/2024
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After completion, please email this form, along with any appropriate backup to procurement@pittsburghpa.gov

Waiver Request is hereby: X Granted Denied

DocuSigned by:
Krysia Kubiak
Chief Solicitor: _____ Date: 7/26/2024
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If a waiver is granted, contract authorization is then required by City Council. Department shall submit appropriate legislation and note the Resolution number on this form and submit a copy along with the contract when submitting to the Controller's Office for signature.

§ 161.02B – EXEMPTIONS FROM COMPETITIVE PROCESS

(a) The following contracts are exempt from the requirement of a competitive process for selection, contingent upon obtaining a written waiver issued by the Director of the Office of Management & Budget or his/her designee, confirming that a recognized exemption applies to the contract because it falls within one or more of the following categories:

- (1) Emergency Contract, defined as: A contract required where there exists unforeseen circumstances beyond the City's control that either: (a) present a real and identifiable threat to the proper performance of essential functions or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- (2) Sole Source contracts, defined as: contracts involving services documented to fall within one of three categories: (i) where competition is precluded due to existence of patent rights, copyrights, or related proprietary claim; (ii) where supplier is the only identifiable source of the product or service; or (iii) where distributor or service provider has exclusive franchise or operating agreement w/ supplier or manufacturer of goods otherwise determined to be sole source.
- (3) Single Source contracts, defined as: contracts involving services documented to fall within one of the three categories: (i) available from only one source (in which case accompanying waiver request must clearly define the scope in which it is unique); (ii) for which only one prospective contractor is willing to enter into a contract with the City; or (iii) where an item required for the service has design and/or performance features that are essential to the department, including due to compatibility with services or goods currently in use, and no other source satisfies the City's requirements.
- (4) Contracts requiring compliance with terms and conditions of a court order, grant, collective bargaining agreement or governmental order.
- (5) Contracts for expert witnesses, consultants, or counsel associated with anticipated, pending, or potential litigation, including cases in which confidentiality could be compromised by public solicitation.
- (6) Intergovernmental agreements.
- (7) Contracts for supplies, equipment, or materials at auctions and surplus sales conducted by the government of the United States or any agency thereof, any agency of the Commonwealth of Pennsylvania, any municipality or other government agency, or any private party, if the items can be obtained at a competitive price, if determined in advance and in writing that the procurement by auction or surplus sale is in the best interests of the City.
- (8) Contracts for subscriptions to periodicals, databases, legal research services, or legal publications.
- (9) Services of visiting speakers or performing artists.
- (10) Contracts for which a continuation of services is desired by the using department in order to maintain the essential functions of the City as determined in writing by the Office of Management and Budget, including but not limited to contracts for maintenance of existing software or equipment.
- (11) Legally required advertisements and postage.
- (12) Dues and memberships in trade or professional organizations.
- (13) Abstracts of titles for real property and title insurance.
- (14) Statutorily-dictated procurement.

(b) The Office of Management & Budget shall maintain a policy further defining the categories listed above and the process by which waivers are to be requested, reviewed and executed if deemed appropriate.