



**CITY OF FORT WORTH  
CHAPTER 252 EXEMPTION FORM**

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorneys for review. The attorneys will review the information you have provided to determine whether an exemption to Chapter 252's bidding requirements is defensible. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney's determination.

**Section 1: General Information**

Requesting Department:	Police Department
Name of Contract Manager:	Kathryn Agee
Departmental Attorney:	Jerris Mapes, Armana Muhammad
Item or Service sought:	Research for the implementation and evaluation of various evidence-based crime reduction strategies
Goods:	<input type="checkbox"/>
Service:	<input checked="" type="checkbox"/>
Anticipated Amount:	\$218,898.00
Vendor:	University of Texas at San Antonio
Current/Prior Agreement for item/service:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
CSC or Purchase Order #:	N/A
Amount:	N/A
Projected M&C Date:	December 9, 2025
How will this item or service be used?	Police Chief Eddie Garcia and his senior staff would like to implement evidence-based, crime reduction strategies citywide as well as Police division-based strategies responsive to the needs of each division.
Has your department started a requisition or otherwise contacted the Purchasing Division related to obtaining this good/service?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

If yes, please provide requisition number or brief explanation of contact with Purchasing Division: N/A

## **Section 2: Claimed Exemption and Justification (Other than sole source)**

### **NOTE: For sole-source exemption requests, complete Section 3.**

Please indicate the non-sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer (starting on page 5) for detailed information about common exemptions:

- ☐ A procurement necessary to preserve or protect the public health or safety of the City of Fort Worth's residents;
- ☐ A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- ☒ A procurement for personal, professional, or planning services;
- ☐ A procurement for work that is performed and paid for by the day as the work progresses;
- ☐ A purchase of land or a right-of-way;
- ☐ Paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- ☐ A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- ☐ A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- ☐ Personal property sold:
  - at an auction by a state licensed auctioneer;
  - at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
  - by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
  - under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;

- ☐ Services performed by blind or severely disabled persons;
- ☐ Goods purchased by a municipality for subsequent retail sale by the municipality;
- ☐ Electricity; or
- ☐ Advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form. **Providing strategic advice, research, evaluation support, and data analysis for crime reduction strategies for the Police Department is a professional service.** The research will provide evidence-based, crime reduction strategies requiring **doctorate level education and experience in criminal justice.** Those performing the research will be Rob Tillyer, Ph.D., University of Texas at San Antonio; John M. MacDonald, Ph.D., University of Pennsylvania; and Michael R. Smith, Ph.D., J.D. University of Texas at San Antonio. Drs. Tillyer, MacDonald, and Smith are **published authors of various aspects of criminology and national subject matter experts on the topic.** These researchers have provided similar services to other cities and Police Departments, i.e. City of Dallas Police Department, City of San Antonio Police Department, City of Tacoma, WA Police Department, City of Salt Lake City, UT Police Department, City of San Jose, CA Police Department. Dr. MacDonald and Dr. Smith each have over **25 years' experience researching criminology**; Dr. Tillyer has about **17 years' experience also in the field of criminology.** The Curriculum Vitae are attached for each researcher. The **Intellectual and Mental Skill used to perform the service includes: independent judgment, critical thinking, and analytical reasoning.** Tasks include designing research methodologies, interpreting complex datasets, and synthesizing findings into actionable recommendations.

### **Section 3: Claimed Sole-Source Exemption and Justification**

**NOTE: For all non-sole-source exemption requests, complete Section 2.**

Please indicate the sole-source exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer (starting on page 5) for detailed information about common exemptions:

- ☐ items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
- ☐ films, manuscripts, or books;
- ☐ gas, water, and other utility services;
- ☐ captive replacement parts or components for equipment;
- ☐ books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- ☐ management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

How did you determine that the item or service is only available from one source?

[EXPLAIN HOW YOU DETERMINED EXCEPTION APPLIES (RESEARCH, COMMUNICATIONS, DOCUMENTATION)]

Attach screenshots and provide an explanation of any independent research you conducted, through internet searches, searching cooperatives, or discussions with others knowledgeable on the subject matter that corroborate that the item is available only from a single source.

[SHOW YOUR RESEARCH/WORK THAT LEAD TO YOUR CONCLUSION]

Did you attach a sole source justification letter? ☐ Yes ☐ No

Describe the uniqueness of the item or service (e.g. compatibility or patent issues, etc.).

[DESCRIBE THE UNIQUENESS OF THE ITEM/SERVICE THAT QUALIFIES IT AS A SOLE SOURCE]

#### **Section 4: Attorney Determination**

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase? ☒ Yes ☐ No.

Was there anything attached to this form that was relied on in making this determination? ☒ Yes ☐ No.

If yes, please explain: Vendor CV's

Was there anything not included on this form or attached hereto that was relied on in making this determination? ☐ Yes ☒ No.

If yes, please explain:[EXPLAIN OUTSIDE SOURCE OF INFORMATION]

**Approved By:**

Amarna Muhammad  
Amarna Muhammad / Jessika Williams  
Assistant City Attorney

Date: 11/12/25

## EXEMPTION FORM PRIMER

Below are explanations and examples of common exemptions that could apply to City purchases. If you have questions about the information provided or need additional information, please contact your department's assigned attorney or the appropriate purchasing attorney.

- **PUBLIC HEALTH & SAFETY** - A procurement necessary to preserve or protect the public health or safety of the municipality's residents;

Examples of activities that have been found to fall within this exception include ambulance services; solid waste collection and disposal; and first-responder safety equipment such as breathing apparatus for firefighters and bullet-proof vests for police officers.

- **UNFORESEEN DAMAGES** - A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;

Examples of this type of procurement would include repairing or replacing roofs and windows damaged by hail or a tornado. But parts and services for routine maintenance or replacement of old, worn out roofs or windows would not meet this exception.

- **PERSONAL, PROFESSIONAL, OR PLANNING SERVICES**

Personal services are ones that are unique to the individual providing them. Therefore, personal services contract cannot generally be subcontracted or assigned.

Professional services are not defined under Chapter 252, so there is no precise definition to follow. While there is no universal definition of this term, "several cases suggest that [these types of services are] 'predominately mental or intellectual, rather than physical or manual.'" Tex. Atty Gen Op. JM-940 (1988) (*quoting Maryland Casualty Co. v. Cray Water Co.*, 160 S.W. 2d 102 (Tex. Civ. App.—Eastland 1942, no writ). The Texas Attorney General has also opined that "professional services" no longer includes only the services of lawyers, physicians, or theologians, but also those members of disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence. *Id.*

Facts needed to support a professional service exemption include the specialized requirements of that profession and the mental and intellectual skill required by the person while performing the service. Purchases of goods are not professional services.

- **SOLE SOURCE** – A procurement for items available only from one source

This exemption is commonly referred to as the sole source exemption. The fact that the vendor in question has the best price or can meet our timing needs does not make a purchase of a good or service available from only one source. A sole source does not exist solely on the basis of personal or departmental preference or a desire to keep all units the same brand or make. The information needed to support this exemption is documentation showing that

no other provider can provide the service or category of good except for the vendor you are proposing. Some examples of sole source purchases include (i) service agreements when only one vendor is authorized to work on the equipment by the manufacturer and allowing another vendor would void the warranty and (ii) purchase of a good that is copyrighted or trademarked and only provided by one vendor.