

**City of Kingston Purchasing Department**  
**RFP#: K18-01**  
**Adaptive Development of Broadway Commons (615 Broadway) for Mixed Use**  
**Thursday, March 8, 2018**  
**11:00am**

## **Request for Proposals**

**Adaptive Development of Broadway Commons (615 Broadway) for Mixed Use**  
**KINGSTON, NY**



**RFP Release Date: Friday, February 2, 2018**

**Proposals Due: Thursday, March 8, 2018 at 11:00 A.M. local time.**

**It is recommended that responses be submitted in advance, at least one day prior to the specified date and time to allow for a timely receipt. LATE RESPONSES will NOT be considered.**

**Send a clearly marked original and three (3) copies of each proposal.**

**Please use the above RFP number on all correspondence.**

**Steven T. Noble  
John Tuey  
Suzanne Cahill  
Brian J. Woltman**

**Mayor of the City of Kingston  
Comptroller  
Planning Director  
Purchasing Agent**

### **I. INTRODUCTION**

The City of Kingston, New York hereinafter referred to as (the “City”) is seeking responses from qualified developers to design, construct and operate a mixed use development on land owned currently by the City of Kingston. The City is interested in a mix of housing units or appropriate commercial and retail space with public greenspace.

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Information regarding the City of Kingston, its' departments, Laws and Codes can be obtained from the City's web site <http://www.kingston-ny.gov>. Respondents are encouraged to review this information.

Section VIII of this RFP contains an outline of important meeting dates and deadlines.

The successful respondent to the RFP will negotiate the terms and conditions of the sale of these parcels the terms of which will be contained in an Agreement negotiated by and between the Developer and the City.

## **II DEVELOPMENT CONCEPT**

There is one site for which the City will contemplate proposals for adaptive development; the locations is as follows:

**Broadway Commons (615 Broadway) Site**  
615 Broadway  
SBL# 56.109-3-16

The City is seeking a highly qualified developer to propose a mixed-use project which will enhance and complement the current structures and use patterns existent in the neighborhood.

Contemplated uses can include, but are not limited to, a mix of residential, retail and office space, in addition to a public square/greenspace. All development proposals MUST comply with requirements of the City's Procurement Policy and Procedures, these guidelines may be accessed at [www.kingston-ny.gov/Purchasing](http://www.kingston-ny.gov/Purchasing).

## **III. DEVELOPMENT OBJECTIVES**

The City seeks to achieve the following objectives through this RFP:

1. Clearly demonstrate that the City will receive public benefits that are commensurate with the value of the real estate being offered including any purchase price offered as part of the proposal.
2. Maximize the level of public benefits to be generated by the proposed development including real estate taxes, job opportunities and public greenspace.
3. Support central business district revitalization, utilizing smart growth principles, sustainability and green building technologies, and inclusive planning.
4. Secure a development which integrates components, operational aspects, designs and site layouts with surrounding land use redevelopment plans.
5. Secure a financially feasible development.

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6. Facilitate and continue the revitalization of Kingston's Midtown Area through the development of public greenspace to allow for the community gatherings and events.
7. The City expects any proposal submitted to preserve the Deep Listening Plaza which honors Pauline Oliveros, and will view favorably proposals which would further enhance this area.

**IV. DEVELOPMENT GUIDELINES**

1. The City is the fee title holder of the parcel. The City demolished a former motel structure located at the 615 Broadway lot in the Fall of 2011. The City seeks a development which embraces mixed-use concepts as part of its design.
2. The City will view favorably proposals which include street level commercial, retail, or dining establishments. Any proposals for street level residential units will not be considered.
3. Any proposed project should align with the City of Kingston's Comprehensive Plan.
4. Any proposed construction should implement green building technologies, sustainable practices, smart growth principles, and integration by complimenting the business district character.

**V. SUBMISSION REQUIREMENTS**

All respondents to this RFP are required to submit detailed information as set forth below. Responses that do not materially conform to this outline will not be considered. Additional material and information, as deemed appropriate by the respondent may be included in the submission package.

Responses must be submitted in a sealed envelope with the RFP number and Title along with the name and address of the respondent printed clearly on the outside of the envelope.

Responses are due and must be received no later than 11:00am, March 8, 2018. Late responses WILL NOT be accepted after the due date and time. All respondents are required to submit a clearly marked original, with three (3) photocopies, along with an electronic version of their response to:

Mr. Brian J. Woltman  
City of Kingston Purchasing Department  
City Hall - 420 Broadway  
Kingston, NY 12401

The respondents shall be required to complete, and include within their RFP Submission, the following forms which are supplied in this solicitation; an Information Sheet, and an Affidavit of Non-Collusion. The response submission should be typed on both sides of 8.5" x 11" paper. Pages should be paginated.

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Responses may NOT be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to City of Kingston approval. Oversized drawings may be submitted, but must be accompanied by 8.5" x 11" sectionals or reductions to 8.5" x 11", no telegraphic or facsimile proposals will be accepted. The response will be evaluated on the basis of its content, not length.

Respondents relying upon the mail or other delivery services must allow for sufficient delivery time for their proposal to arrive by the due date and time.

Faxed or e-mailed submissions **WILL NOT BE ACCEPTED.**

**Applicants are solely responsible for ensuring that their responses arrive by the due date and time.**

All submissions must include a cover letter signed by a duly authorized member of the prime development entity. The individual must be one of the persons identified in Section V, Subsection C of this RFP as having the authority to represent and make legally binding commitments for the entity.

All RFP submission materials become the property of the City of Kingston. Proposal submission material will generally be made available for inspection and copying by interested parties upon written request, except when exempted from disclosure under the New York State Freedom of Information Law. The City of Kingston is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by the City of Kingston. Individuals or firms that submit proposals to the City of Kingston may request that the City except all or part of such a proposal from public disclosure, on the grounds that the proposal contains trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for exception must be in writing and state, in detail, the specific reasons for the requested exception. It also must specify the proposal or portions thereof for which the exception is requested. If the City of Kingston grants the request for exception from disclosure, the City will keep such proposal or portions thereof in secure facilities.

The City of Kingston shall not be liable for any costs incurred by respondents in the preparation of responses or for any work performed in connection therein.

A. Formal Letter of Interest by Principal Developer

All responses are required to include a Formal Letter of Interest from the Principal Developer.

Letter should be addressed to:

**City of Kingston Purchasing Department**  
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Mr. Brian Woltman, Purchasing Agent  
Kingston Purchasing Department  
City Hall  
420 Broadway  
Kingston, New York 14201  
(845) 334- 3943 t  
(845) 334- 3944 f  
[bwoltman@kingston-ny.gov](mailto:bwoltman@kingston-ny.gov)

B. Conceptual Plan

Provide a conceptual development plan for the RFP which is consistent with the Development Concept, Development Objectives and Development Guidelines outlined within this RFP. Also, provide an accompanying narrative that will enable the City to sufficiently understand the respondent's submission and conformity with the RFP criteria. Respondents are required to submit conceptual drawings illustrating preliminary proposals for site uses and building placement. The plan and the narrative should include preliminary indications of approximate square footages for each proposed use. In addition, the response should include information concerning project quality, features and amenities. Each respondent will include an outline development budget and a preliminary operating pro-forma based on their project concept and their understanding of the Kingston market.

C. Experience and Qualifications of the Developer/Development Team

Provide a full description of the principal developer and (its related development entities and subsidiaries) along with all team members, including all principals and persons who have or will have either a direct or indirect financial interest in the development project. Descriptions of the development entity must include, at a minimum, the types of development undertaken by the entity, description of its geographic market focus, length of time in business, description of the principals and key personnel who are most likely to work on the project, description of all persons who have, or will have, a financial interest in the project and identification and resumes of key personnel of any proposed team member.

All submissions must:

- Identify the development entity's name, street address, mailing address, phone number, fax, e-mail address and web page. Specify the legal form of the organization (e.g. corporation, partnership, LLC, Joint Venture, other).
- Describe the development entity including the number of years in business.
- Identify the person(s) with the authority to represent and make legally binding commitments for the principal development entity.
- List all officers, partners, owners, shareholders and members of the development entity by name, title, percentage of ownership and list addresses, telephone numbers and e-mail addresses.

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- Provide biographical summaries of company officers and/or principals/owners.
- Identify all members of the proposed development team that are likely to be engaged in a project in Kingston including engineering, architectural, construction, property management, marketing agent, geotechnical, environmental, legal, financial, public relations, and other consultants. Indicate the role of each in implementing the development and managing the completed project.
- Describe the structure of the development team submitting responses to this RFP.
- Describe the familiarity of the project location and City of Kingston.
- Provide a statement of adequate financial resources. List Business Financial Statements for last three years; a balance of sheet and reconciliation of Net Worth, Profit and Loss Statement (Income Statement).
- Include a finance plan for your project.
- List name, address, telephone, e-mail, percent of ownership, personal net worth and annual compensation of all owners (having 20% or greater interest), officers, directors and/or partners
- Estimated project start (submission of documents for review) and anticipated completion date.

**D. Relevant Development Experience**

Provide a list of similar projects which the developer/developer team has completed. This description must be in a narrative form that is clear and comprehensive. Brochures and collateral material can be included as appropriate, but should not substitute for a narrative description. All respondents must provide examples of a minimum of three completed development projects with project budgets in excess of \$5 million.

Information presented about these projects should include:

- Name and location of the project.
- Name, address and telephone number of three references who can be contacted concerning the project, as well as municipal officials involved in the approval and oversight of the project.
- Type of facilities included in the project.
- Total square footage of the project and its component parts.
- Total project costs.
- Sources and Uses statement.
- Photographs of the exteriors and interiors of the completed projects sufficient to determine the quality of the overall project design and architectural detail.
- List of litigation, if any.
- Original budget and timeline for completion and final budget and timeline for completion.

In addition to the above, respondents should also provide as much of the information delineated below as possible pertaining to the three completed projects referenced above:

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- Evidence of the developer's experience and/or capacity to implement mixed-use projects containing market rate housing and retail/commercial uses.
- Number of all types of housing units developed.
- Size, pricing and distribution (e.g. studio, one-bedroom etc.) of housing units developed.
- Actual project start and completion dates.
- Number of phases of the project.
- Total duration of all phases.
- Construction type.
- Site and environmental conditions.
- Developer's project team and contact information for all members of the project team.
- Sources and Uses of funds.
- Variance from original project budget.
- References for sources of debt and equity financing.
- Description of leasing activity, current tenants, time necessary to achieve 90% lease-up.
- A description of the total square footage developed.
- A description of the total square footage it currently manages.

**E. Financial Capacity**

All respondents must provide evidence of the ability to obtain financing for major real estate projects. Please provide information regarding the financial condition of your firm along with bank and credit references.

Documentation under this section may be submitted under a separate cover to ensure confidentiality. If you choose to submit this information separately, please note it clearly in the appropriate section of the RFP submission.

- Financial Statements of the parent company of the principal developer, whether publicly traded or privately held for the last three fiscal years. Publicly traded companies should submit the latest annual report and form 10K. Financial statements should be complete and include a balance sheet, profit and loss statement, statement of cash flow and notes to the statements. Audited statements are preferred.
- Dun & Bradstreet report or Federal ID number of the parent company of the principal developer, whether publicly traded or privately held.
- Narrative describing any current or outstanding litigation pending against the team or any of its members, as well as any litigation brought by or against any individual involved with the project, during the last five years.
- List of prior debts involving monetary defaults, bankruptcies or foreclosures.

**VI. SELECTION PROCESS AND CRITERIA**

All responses will be reviewed and evaluated by a selection committee. Responses will be reviewed and evaluated based upon information contained in the respective submission packages and responsiveness to the submission criteria delineated below.

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The selection committee will evaluate the submissions beginning after the posted submission date.

Upon review of the submissions, the City reserves the right to:

1. Take no further action.
2. Select a short list of developers
3. Select a developer based upon the quality of their submission.

#### Selection Criteria

The factors to be considered in the selection process include but are not limited to:

1. Project impact and feasibility
2. Development team qualifications, capabilities and prior experience.
3. Attractiveness of the proposed conceptual plan and its ability to facilitate the RFP's Development Concept, Development Objectives and Development Guidelines.
4. Financial strength of the developer/developer team.
5. Potential candidates will be required to further develop their respective concept in greater detail, in order that the decision makers and public presentation provide an adequate level of information for constructive review and consideration.

#### **VII. INQUIRIES**

All questions pertaining to this RFP are required to be made in writing no later than 4:00pm Tuesday, February 13, 2018 and must be submitted using the questionnaire form included within this specification. All questions must be emailed to Brian Woltman at the following email address: [bwoltman@kingston-ny.gov](mailto:bwoltman@kingston-ny.gov)

Respondents with a question directly related to this specification are required to cite the particular page and number, section, and paragraph to which the inquiry refers.

All substantive questions received by the above mentioned deadline will be responded to in the form of an addendum issued no later than Wednesday, February 21, 2018.

The addendum will be sent to all respondents that have registered to receive the RFP. Only an addendum from the City of Kingston will be considered official. Respondents are advised that the City of Kingston cannot ensure a response to any inquiries received after the due date for question submissions.

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**VIII. SCHEDULE OF PERTINENT DATES**

<u>Milestone</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
Issue RFP	February 6, 2018	10:00am	City Hall/Online
Developers' Conference*	February 16, 2018	11:00am	615 Broadway
RFP Due Date	March 8, 2018	11:00 am	Purchasing Office (City Hall)
Review RFP Submissions	March 12, 2018	N/A	City Hall
Interview Short List RFP Respondents	TBD		City Hall
Select Finalists	TBD		City Hall
Public Presentation Of Finalists	TBD		City Hall
Selection of Preferred Developer	TBD		City Hall
Signed Memorandum of Understanding (MOU)	TBD		City Hall
Agreement	TBD		City Hall

**IX. DEVELOPERS' CONFERENCE**

A developers' conference will be held on Friday, February 16, 2018 to answer questions from interested applicants concerning the RFP. Representatives from the City will be available on site to answer questions. The conference will begin at 11:00 am at 615 Broadway, Kingston, NY 12401. The conference will be held rain or shine. Respondents wishing to attend the conference should notify Brian Woltman.

\*In the event of winter weather the conference location may be shifted to the Mayor's Conference Room at City Hall, 420 Broadway, Kingston, NY 12401.

**X. DEFINITIONS**

Respondent: The term "respondent" means any firm or individual submitting a response for the development of the real estate listed in this RFP.

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Response: The term “response” means the material submitted by a “respondent” in reply to this Request for Qualifications.

Property: The term “property” means the real estate hereinafter defined.

Real Estate: The term “real estate” means the real property delineated in section I. of this RFP.

## **XI. TERMS AND CONDITIONS**

**Instructions to Respondents: All submissions must be in accordance with this Request for Qualifications.**

**RFP Information:** The information set forth in this RFP concerning the real estate and its condition, size status, legal requirements and other matters is believed to be accurate but is not so warranted. The City of Kingston and its officers, employees, representatives, agents and consultants make no representation express or implied as to the physical condition of the real estate, status of the title thereto, its suitability for any use, the absence of hazardous and toxic materials, or any other matter. The City makes no representations as to the accuracy of any statements made herein regarding any environmental conditions of the real estate and any information provided with regard to the environment is not to be relied upon and should be independently verified. All measurements are approximate.

The information provided for respondents is for informational purposes only, and may not be relied upon and does not constitute a representation or warranty by the City of Kingston, its representatives, employees, officers, agents, or consultants that the information contained therein is accurate or complete, and no legal commitment, obligation or liability of the City of Kingston or its representatives, employees, officers, agents or consultants shall arise by use of, or the information relating to any of these materials.

**As is Condition & Disclaimers:** The real estate will be conveyed “as is” with all faults. The City of Kingston makes no representations or warranties regarding the real estate and the property whatsoever, including without limitation whether the property is in compliance with applicable zoning use and other similar regulations, laws and codes (including without limitation building codes and Americans with Disabilities Act), and respondents are not to rely upon any representations or warranties of any kind whatsoever, express or implied, from the City of Kingston, its representatives, employees, officers, agents or consultants.

**Revisions, Interpretations or Corrections:** Revisions, interpretations or corrections of specifications made by the City of Kingston shall be by addendum issued before the date set forth for the submission of responses to this RFP. Interpretations, corrections or changes made in any other manner will not be binding, and respondents shall not rely upon such revisions, interpretations, corrections or changes.

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**Conflict of Interest:** The City of Kingston's employees and the immediate family of City of Kingston employees are not permitted to submit a response to this RFP. Furthermore, no official or employee of the City of Kingston shall have any personal interest, direct or indirect, in this transaction, nor shall any such elected or appointed official, department head, agent or employee having such an interest participate in any decision, meeting, evaluation or exert any opinion or influence relating to this transaction that affects his or her personal interests or the interests of any person or entity in which he or she is directly or indirectly, interested.

**Zoning and Permitting:** The City of Kingston does not warrant that the real estate is suitable for any particular use. Verification of the present zoning and determination of permitted uses, along with compliance of the property for present or proposed future use, shall be the responsibility of the respondent. The City of Kingston does not guarantee that any zoning information is necessarily accurate or will remain unchanged. Any inaccuracies or changes in zoning information shall not be cause for adjournment or rescission of any contract resulting from this RFP. Finally, respondent assumes the entire responsibility of complying with any government requirements and procedures related to intended use, including, but not limited to, licenses, zoning, permitting, habitation restrictions, historic preservation requirements, etc.

**RFP Award Acceptance:** The City of Kingston reserves the right at all times to accept or reject in their sole discretion, any or all responses and to waive any defects or technicalities or advertise for new RFP responses where the acceptance, rejection, waiving or advertising of such would be in the best interest of the City of Kingston. The RFP process may be terminated or modified without notice at any time.

**Notice of Acceptance or Rejection:** Notice, by the City of Kingston regarding either acceptance, or rejection of a response to this RFP shall be deemed to have been sufficiently given when mailed to the respondent, or his or her duly authorized representative, at the address indicated in the cover letter accompanying respondent's submission of a response to this RFP.

**Postponement or Cancellation:** The City of Kingston reserves the right to postpone or cancel this RFP, or reject all responses, if in its judgment it deems it to be in the best interest of the City to do so.

In the event of a postponement or cancellation of this RFP; the City of Kingston shall not be liable for any costs incurred by respondent in the preparation of their response or for any work performed in connection therein.

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**RECEIPT CONFIRMATION FORM**

**PLEASE COMPLETE AND RETURN THIS CONFIRMATION FORM WITHIN 5 WORKING DAYS OF RECEIVING THIS RFP SPECIFICATION TO:**

Brian J. Woltman; Purchasing Agent  
City of Kingston Purchasing Department  
420 Broadway, City Hall  
Kingston, NY 12401  
Telephone: (845) 334-3943 Fax: (845) 334-3944  
[bwoltman@kingston-ny.gov](mailto:bwoltman@kingston-ny.gov)

**Failure to return this form may result in no further communication or addenda regarding this RFP.**

Company Name/Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ EXT: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

I have received a copy of the above noted RFP Specification.

\_\_\_\_\_ We will be submitting a PROPOSAL

\_\_\_\_\_ We will NOT be submitting a PROPOSAL – (please indicate reason)

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Signature: \_\_\_\_\_

Title: \_\_\_\_\_

A Developer's Conference has been scheduled for this RFP, please indicate if you plan to attend: **Yes / No**



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**PLEASE RETURN THE FOLLOWING SHEETS**  
**WITH YOUR PROPOSAL**

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INFORMATION SHEET

NAME OF RESPONDER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

TYPE OF ENTITY: Corp. \_\_\_\_\_ Partnership \_\_\_\_\_ Individual \_\_\_\_\_  
LLC \_\_\_\_\_

If a non publicly owned Corporation: NAME OF CORPORATION: \_\_\_\_\_

List Principal Stockholders (holding over 5% of outstanding shares) \_\_\_\_\_  
\_\_\_\_\_

LIST OFFICERS: \_\_\_\_\_  
\_\_\_\_\_

LIST DIRECTORS: \_\_\_\_\_  
\_\_\_\_\_

DATE OF ORGANIZATION: \_\_\_\_\_

If a partnership:  
PARTNERS: \_\_\_\_\_  
\_\_\_\_\_

NAME OF PARTNERSHIP: \_\_\_\_\_

DATE OF ORGANIZATION: \_\_\_\_\_

\* If the business is conducted under an assumed name, a copy of the certificate required to be filed under the New York General Business Law must be attached.

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**AFFIDAVIT OF NON-COLLUSION**

NAME OF RESPONDER: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

I hereby attest that I am the person responsible within my firm for the final decision as to the prices(s) and amount of this proposal or, if not, that I have written authorization, enclosed herewith, from that person to make the statements set out below on his or her behalf and on behalf of my firm.

I further attest that:

1. The price(s) and amount of this proposal have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition with any other contractor, responder or potential responder.
  2. Neither the price(s), nor the amount of this proposal, have been disclosed to any other firm or person who is a responder or potential responder on this project, and will not be so disclosed prior to proposal opening.
  3. No attempt has been made or will be made to solicit, cause or induce any firm or person to refrain from responding to this RFP, or to submit a proposal higher than the proposal of this firm, or any intentionally high or non-competitive proposal or other form of complementary proposal.
  4. The proposal of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from any firm or person to submit a complementary proposal.
  5. My firm has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any other firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by an firm or person to refrain from responding to this RFP or to submit a complementary proposal on this project.
  6. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person, and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any project, in consideration for my firm's submitting a complementary proposal, or agreeing to do so, on this project.
  7. I have made a diligent inquiry of all members, officers, employees, and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's proposal on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in this affidavit.
- 8. By submission of this proposal, I certify that I have read, am familiar with, and will comply with any and all segments of these specifications.**

The person signing this proposal, under the penalties of perjury, affirms the truth thereof.

\_\_\_\_\_  
Signature & Company Position

\_\_\_\_\_  
Print Name & Company Position

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Federal I.D. Number