

**PUBLIC HOUSING**

**PEEKSKILL HOUSING AUTHORITY**

**REQUEST FOR QUALIFICATIONS  
FOR PUBLIC HOUSING REPOSITIONING**

**SPECIAL COUNSEL LEGAL SERVICES**

**RFQ #042022**

**DATE OF ISSUE:**

**APRIL 12,2022**

**RESPONSE DUE DATE:**

**MAY 10,2022 3:00PM**

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## LEGAL NOTICE

### PEEKSKILL HOUSING AUTHORITY Request For Qualifications “RFQ” For Repositioning Legal Services RFQ # 042022

#### **SECTION 1: INTRODUCTION**

Background. The mission of the Authority is to provide decent, safe and affordable housing for low and moderate-income residents of the City of Peekskill.

The Peekskill Housing Authority (PHA), Peekskill, New York presently employs a staff of 11 full-time employees and is the provider of subsidized housing in Peekskill. PHA’s goal is to be a leader in the housing industry by providing safe, clean and affordable housing opportunities to low-income persons while promoting self-sufficiency, upward mobility, and customer satisfaction. With integrity, high ethical standards, and competence, PHA is committed to transparently provide housing to offer to low-income residents of the City of Peekskill:

- Quality affordable housing opportunities,
- Neighborhood revitalization and community renewal activities,
- Partnerships with private and public entities to optimize resources through innovative programs,
- Efficient and effective management of resources,
- Education, literacy, social, career development and economic self-sufficiency programs.

The PHA owns, manages, and supervises a total of 273 public housing units.

1.1 Intent.

The Peekskill Housing Authority (“PHA”) is requesting competitive qualifications from responsible, qualified individuals, firms, or teams to provide legal services for the agency’s repositioning process as outlined in the following “Scope of Work”. The PHA intends to select one or more legal service provider(s) with demonstrated and successful experience as general and/or special counsel in connection with affordable housing development and such other matters relative to New York municipal housing authorities.

1.2 Submissions.

This RFQ invites sealed responses (“Responses”) from qualified legal service providers (“Respondents”). The PHA intends to enter into a retainer agreement with one or more of the Respondents to render legal services (the “Selected Respondent”). One (1) original and seven (7) paper copies of the Response and one (1) digital copy of the Response on a USB drive must be submitted, sealed in an opaque envelope clearly marked with the name and number of the proposal and the name and address of the proposer. Proposals must be received no later than **May 10, 2022, at 3:00 P.M.**, at the following address:

Peekskill Housing Authority Office

807 Main Street, Peekskill, NY 10566

Confidential Bid Documents

P Holden Croslan

1.3 Sole Point of Contact.

The sole point of contact for this RFQ is P Holden Croslan, Executive Director of the Peekskill Housing Authority. The Sole Point of Contact can be reached by phone at (914) 739-1700 or by email at [pcroslan@peekskillha.com](mailto:pcroslan@peekskillha.com). Direct all questions, comments, or requests for clarification or changes regarding this RFQ to this individual. Respondents must not communicate directly or by proxy with the Authority’s Board of Directors or any of the Authority’s employees not specifically named in this RFQ, regarding this RFQ, except upon invitation by the Authority in a formal interview by the Sole Point of Contact.

1.4 Key Dates.

<b>Date</b>	<b>Action</b>
April 12, 2022	Date of Issue
April 26, 2022	Deadline for Questions
May 10, 2022 at 3:00PM	RFQ Proposals Due
May 20 – June 17, 2022	Notification of Selected Respondent

1.5 Award.

It is the intent of the PHA to enter into a retainer agreement with the Selected Respondent (“Agreement”). Any notice of preliminary award pursuant to this RFQ shall be conditioned on the Selected Respondent and the PHA negotiating and entering into a form of Agreement that is acceptable to the Authority, in its sole and absolute discretion. Upon receipt of a preliminary notice of award, the Selected Respondent and the Authority

will negotiate the terms of the Agreement, which will include the specific responsibilities of the Selected Respondent.

## **SECTION 2: SCOPE OF SERVICES**

### **SCOPE OF WORK**

Under PHA direction, the successful firm will be responsible for assisting the PHA with any and all legal aspects associated with the repositioning process, including but not limited to negotiations and evaluation of agreements (e.g., HUD conversion, financing and development agreements, Operating Agreements, Payment in Lieu of Taxes, Ground Lease, Property Management Agreement, Low Income Housing Tax Credit, Declaration of Restrictive Covenants, and Section 8 Project Based Rental Assistance documents). The Legal Consultant will provide legal opinions and/or recommendations that will enable PHA to achieve its program goals. The Legal Consultant will also be responsible for analyzing and evaluating documents; analyzing the legal implications of finance options; conveying to PHA the likely legal implications of the developer and/or investor proposals; and assisting PHA in protecting its interests and resources.

The Legal Consultant will be responsible for drafting any documents with respect to repositioning including tax credit transactions. The scope of services may include representation with respect to land use matters including subdivision or land use issues, the real estate transfer, title and/or survey review, preparation of bid documents, and representation on any environmental concerns, litigation, leasing or resolution of construction contract disputes. PHA's counsel may be responsible for some real property/land use matters on behalf of the project.

The Legal Consultant will be a direct advisor to the PHA, its staff and consultants throughout the development process. Additionally, with PHA's approval, the Legal Consultant will be expected to work in partnership with the development team consisting of the PHA's attorney, staff and Commissioners, the PHA's development partner, HUD, the City of Peekskill, the State of New York, and other key stakeholders.

Legal Consultant scope of services includes (but is not limited to):

- a) Advise the PHA on local, state, and federal statutory and regulatory matters relative to implementation of the project;
- b) Provide comprehensive representation of the PHA in negotiations with HUD, the proposed development partner, investors, consultants, other agencies, and lenders as necessary;
- c) Represent the PHA in connection with tax credit syndication and issuance of tax-exempt bonds;
- d) Represent the PHA relative to all financing associated with the Project;
- e) Legal advice and assistance in creating appropriate legal entities as affiliates or subsidiaries of the PHA;

- f) Legal advice, written opinions pertaining to conversion from public housing to other programs;
- g) Author, review and/or provide comments on all relevant and related documents;
- h) Participate in necessary development team meetings, Board of Commissioner meetings, and other meetings as deemed necessary by the PHA;
- i) Coordinate and, with PHA's approval, procure legal sub consultants (if necessary);
- j) Work with the City of Peekskill, County of Westchester, and other jurisdictions to secure a Payment in Lieu of Taxes Agreement;
- k) Preparation and negotiation of the documents required for the closing of the repositioning conversion;
- l) Assistance in converting public housing to other programs, including preparation of closing packages to file with HUD;
- m) Assist and represent the PHA relative to the capital renovation projects and all of the various components associated therewith;
- n) Assist the PHA with the structure and terms of any partnership agreement(s) into which the PHA may enter with its development partner and/or equity investor;
- o) Facilitate approval by HUD for the repositioning conversions;
- p) Develop legal mechanisms for transferring ownership and management of properties to the PHA after certain regulatory and financing periods have lapsed;
- q) Assistance in working with the New York State Homes and Community Renewal on the allocations of Low Income Housing Tax Credits and related issues with funding and financing;
- r) Developer Agreement between the Authority and its proposed developer. This document establishes the duties and responsibilities of the parties, the allocation of expenses and risks, provides guarantees, describes the proposed ownership structure and the Authority's role, if any, in the ownership of the project, as well as the compensation for both parties;
- s) All others matters as applicable.

**SECTION 3: EVALUATION SCORING**

3.1 The evaluation process is designed to award the Response not necessarily to the Respondent of least cost, but rather to the Respondent (a) with the best combination of attributes based on the evaluation criteria, and (b) who submits a Response that, all things considered, the Authority determines is the best value and in the best interest of the Authority. A score shall be calculated for each criterion for each Response. The score shall be the sum of the rating assessed by the evaluation team for any given criterion, multiplied by the pre-established weight for that criterion. The total of the scores for all criteria in each proposal will be known as the proposer’s final score.

3.2 Criteria and weights are as follows:

EVALUATION CRITERIA	Maximum Points
<p>1. Firm Staff Experience            Evidence of the respondent’s experience, knowledge and expertise of closing transactions and providing legal guidance with respect to projects such as RAD, public housing, Low Income Housing Tax Credit Program, HUD, HOME, supportive housing and New York State funding, Project-Based Section 8, FHA, and other mixed finance sources.</p> <ul style="list-style-type: none"> <li>a) Knowledge of current mixed finance legal structures accepted by New York State and HUD.</li> <li>b) Experience providing realistic legal strategies and/or recommendations for implementing affordable housing developments.</li> <li>c) Experience providing legal services in the areas of New York real estate transactions and partnership formations.</li> <li>d) Reviewing, negotiating and drafting documents in order to secure HUD and New York State approvals.</li> </ul>	[ 30 ]
<p>2. Staff’s Qualifications and Experience: Qualifications and relevant experience of firm’s personnel (and sub-consultant’s personnel, if applicable) likely to be assigned for any work assignment.</p>	[ 25 ]
<p>3. Cost: Retainer and proposed hourly rates for providing these services. List the names and an all-inclusive preferred hourly rate for each staff member likely to be assigned for any work assignment created by this RFP.</p>	[ 15 ]
<p>4 Prior experience with funding sources for repositioning from public housing to other programs utilizing HUD and New York State funds.</p>	[ 25 ]
<p>5. Utilization and/or employment of Section 3 residents/firms in this project, and the involvement and use of MBE/WBE enterprises in this project as well as commitment to NYS and Federal goals. Alternative means to show good faith for these goals.</p>	[ 5 ]
<p><i>TOTAL POINTS</i></p>	100

- The Authority may make such investigations it deems necessary to determine the ability of the Respondent to perform the Scope of Services. The Respondent shall furnish to the Authority, within five (5) days of a request, all such information and data for this purpose as may be requested.
- The Authority reserves the right to reject any Response if the information submitted by, or investigation of, such Respondent fails to satisfy the Authority that such Respondent is qualified to carry out the Scope of Services. During the evaluation of Responses, the Authority may require clarification of information or may invite Respondents to an oral presentation.
- The Authority will select the Respondents that it deems to be the best value and, in the Authority's, best interest and issue a preliminary notice of award to the Selected Respondent. The Authority is free to withdraw such preliminary notice at any time and for any reason, including failure to complete final negotiation of the Agreement, or disapproval of the Agreement by the Authority.
- All inquiries with respect this RFQ must be submitted in writing to the Sole Point of Contact via electronic mail at [pcroslan@peekskillha.com](mailto:pcroslan@peekskillha.com). Replies will be issued by addenda posted on the Authority's website. Only questions answered by formal written Addenda will be binding to the Authority. It is the responsibility of all Respondents to refer frequently to the Authority's website to check for any addenda.

#### **SECTION 4: PROPOSAL CONTENT AND FORMAT REQUIREMENTS:**

##### **4.1 Qualifications. Respondents must submit a concise Response that includes the following:**

- A description of its experience in general representation of public entities, including New York State municipal housing authorities or other public authorities.
- A description of its experience with the Scope of Services. Provide a brief description of services the Respondent expects to provide to the Authority. Indicate whether the Respondent is prepared to render the Scope of Services using its own resources or whether some services will be subcontracted. If the Respondent seeks to subcontract some services, indicate the subcontractor that the proposer seeks to use. The description should emphasize services to be subcontracted, if any.
- A description of its availability to accommodate the legal needs of the Authority. The Respondent must demonstrate that primary and reasonably qualified backup and support attorneys are available as needed, and that the Respondent has staff capabilities to perform the work on a timely basis. Please identify the nature of resources available to support this effort (i.e., solo practitioner, small firm, large firm, subcontractor services available where necessary, etc.).
- The names of the partners, associates, and paralegals who would be assigned to the Authority's account and their experience in performing services similar to the services requested in this RFQ. Include resumes for all employees expected to be involved on this account. Include a description of each employee's function in the firm, title, office address, and number of years of service with the firm and other relevant experience.
- Discuss any conflicts of interest, actual or perceived, that may arise in connection with the proposing attorney(s) or firm's involvement with the Authority. If conflicts do or might arise, describe how the firm would resolve them.



- Indicate the address of the office through which the Authority’s account will be primarily serviced and any anticipated travel or other such costs.
- Provide any other information you believe would make the proposing law firm’s representation of the Authority superior to other firms’ representation.
- Provide three client references, including name, address, email and telephone number.
- Indicate whether the proposer is a New York State certified Minority or Women-Owned Business Enterprise or Service-Disabled Veteran-Owned Business. The PHA is committed to equal opportunity in its procurement and encourages Section 3 and M/WBE firms to respond to this solicitation.

The PHA encourages applications from Minority/Women Business Enterprises (M/WBEs), and Section 3 firms. We also encourage law firms to partner with these types of entities to provide employment opportunities to the disadvantaged. In accordance with New York State and HUD law and regulations, it is the policy of the PHA to encourage Minority and Women Business Enterprises as well as Section 3 firm participation in this program by contractors, subcontractors, and suppliers, and all Proposers are expected to cooperate in implementing this policy.

#### 4.2 Cost.

Total fees for specific development projects will be negotiated as specific task orders based upon preferred hourly rates. Task orders will contain detailed descriptions of the services to be provided and a maximum price for each task. Task orders for the entire project will be negotiated prior to the execution of a contract. Any changes to the project’s task orders will be negotiated and approved in the form of a “change order.” Legal consulting services will be billed according to the agreed upon hourly rate. Legal consulting services not specific to a task order will be billed according to the agreed upon rate and terms of the fee proposal.

Please include hourly billing rates of key staff with their responsibilities, including sub-consultants, if applicable. Fee proposals shall also provide a budget for travel, material, and related costs. All parts of the fee proposal are considered negotiable.

#### 4.3 The Response must include:

- (a) For each person whose resume is provided above, provide their normal hourly rate and the hourly rate at which the Authority would be charged.
- (b) For each applicable category of support staff or other assigned staff, the normal hourly rate and the hourly rate the proposer would charge the Authority, if billed separately.
- (c) Any reduced rates or fees charged other State or local governments in New York for these types of services.
- (d) A statement of the basis on which any other firm expenses related to services provided to the Authority would be billed, if other than cost.

- (e) A statement of any special considerations with respect to billing or payment of fees and expenses that your firm offers and that you believe would differentiate you from other proposers and make your firm's services more cost effective for the Authority.

#### 4.4 Mandatory Documentation.

The proposal submission must include the following documents completed and executed by the proposer:

- Exhibit A – Initial Disclosure Form;
- Exhibit B – Legal Status Form;
- Exhibit C – Non-Collusion Bidding Certificate;
- Exhibit D – Bidder Hold Harmless Agreement;
- Exhibit E – Form HUD-5369-B Instructions to Offerors of Non-Construction;
- Exhibit F – Form HUD-5369-C Certifications and Representations of Offerors Non-Construction Contract;
- Exhibit G – Form HUD 5370-C General Conditions for Non-Construction Contracts.

### **SECTION 5: STATEMENT OF LIMITATIONS**

By submitting a response to this RFQ, each Respondent acknowledges and accepts the Authority's following statement of limitations.

- The issuance of this RFQ and the submission of a Response, or the selection of a Selected Respondent does not obligate the Authority in any manner whatsoever. Legal obligations will only arise upon Authority approval and execution of the Agreement.
- The Authority reserves the right to (a) amend, modify, or withdraw this RFQ in its sole discretion; (b) revise any requirements of this RFQ; (c) select multiple Responses; (d) reject any or all Responses; (e) make an award under this RFQ in whole or in part; (f) disqualify any Respondent whose conduct and/or proposal fails to conform to the requirements of this RFQ; (g) seek clarifications and revisions of Responses; (h) use Response information obtained through interviews and its investigations of a Respondent's qualifications, experience, ability or financial standing, and any material or information submitted by the Respondent; (i) prior to the Respondent selection, amend the RFQ specifications to correct errors or oversights, or to supply additional information, as it becomes available; (j) prior to the Respondent selection, direct Respondents to submit Response modifications addressing subsequent RFQ amendments; (k) change any of the scheduled dates; (l) eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Respondents; (m) waive any requirements that are not material; (n) negotiate with the Selected Respondent within the scope of the RFQ in the best interests of the Authority; (o) conduct contract negotiations with the next responsible Respondent, should the Authority be unsuccessful in negotiating the Selected Respondent; and (p) require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Response and/or to determine a Respondent's compliance with the requirements of this RFQ.
- Those submitting Responses do so entirely at their own expense. There is no express or implied obligation by the Authority whatsoever to reimburse any Respondent for any costs incurred in preparing a Response, preparing or submitting additional information requested by the Authority, participating in any selection interviews, negotiating and preparing the Agreement.

## **SECTION 6: ADDITIONAL INFORMATION**

### **6.1 Freedom of Information Law.**

The New York State Freedom of Information Law, as set forth in Article 6, Section 84–90 of the Public Officers Law, mandates public access to government records. However, Responses may contain technical, financial background or other data, the public disclosure of which could cause substantial injury to the Respondent’s competitive position or constitute a trade secret (“Confidential Information”). Respondents who have a good faith belief that the information submitted in its Response is protected from disclosure must clearly identify the pages of the Response containing such information by typing in bold face on the top of each page, “THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW”. The Authority assumes no liability for disclosure of information so identified, provided that the Authority has made a good faith legal determination that the information is not protected under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

### **6.2 Vendor Responsibility.**

All Respondent’s must be “responsible,” which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out the Scope of Services under this RFQ, and in addition must demonstrate that the Respondent has and will maintain the level of integrity needed to contract with the Authority.

**EXHIBIT A**  
**INITIAL DISCLOSURE FORM**

**1. Exceptions to the RFQ** (Please check one of the following)

- This Response does not take exception to any requirement of the RFQ.
- This Response does take exception to requirements of the RFQ. The specific exceptions are listed in a separate attachment.

**2. State Debarment List**

Is the Respondent on the State of New York's Debarment List?

- Yes  
 No

**3. Arbitration/Litigation**

Has either the Respondent or any of its principals (regardless of place of employment) been involved for the most recent ten (10) years in any resolved or pending arbitration or litigation?

- Yes If "yes," attach a sheet fully describing each such matter.  
 No

**5. Criminal Proceedings**

Has the Respondent or any of its principals (regardless of the place of employment) ever been the subject of any criminal proceedings?

- Yes If "yes," attach a sheet fully describing each such matter.  
 No

**6. Legal Malpractice**

Within the last three years, has the Respondent or any of its principals (regardless of the place of employment) been sued for legal malpractice?

- Yes If "yes," attach a sheet fully describing each such matter.  
 No

**7. Ethics and Offenses in Public Projects or Contracts**

Has the Respondent or any of its principals (regardless of the place of employment) ever been found to have violated any state or local ethics law, regulation, ordinance, code, policy or standard or to have committed any other offense arising out of the submission of proposals or bids or the performance of work on public works projects or contracts?

- Yes If "yes," attach a sheet fully describing each such matter.  
 No

**NOTE:**

THIS DOCUMENT, IN ORDER TO BE CONSIDERED A VALID PROPOSAL MUST BE SIGNED BY A PRINCIPAL OFFICER OR OWNER OF THE BUSINESS ENTITY THAT IS SUBMITTING THE PROPOSAL. SUCH SIGNATURE CONSTITUTES THE PROPOSER'S REPRESENTATIONS THAT IT HAS READ, UNDERSTOOD AND FULLY ACCEPTED EACH AND EVERY PROVISION OF EACH DOCUMENT COMPRISING THE RFQ, UNLESS AN EXCEPTION IS DESCRIBED ABOVE.

Firm Name: \_\_\_\_\_ Address \_\_\_\_\_

Signed By: \_\_\_\_\_ Title \_\_\_\_\_

Date: \_\_\_\_\_ Telephone # \_\_\_\_\_

\* The signatory must be an authorized representative of the proposer with full power and authority to execute this Disclosure Form.

\_\_\_\_\_

*Signature*

*This form must be signed and returned with the proposal*

**EXHIBIT B LEGAL  
STATUS FORM**

*Please fully complete the applicable section below, attached a separate sheet if you need additional space, and sign this form.*

For purposes of this disclosure, “permanent place of business” means an office continuously maintained, occupied and used by the proposer's regular employees regularly in attendance to carry on the proposer's business in the proposer's own name. An office maintained, occupied and used by a proposer only for the duration of a contract will not be considered a permanent place of business. An office maintained, occupied and used by a person affiliated with a proposer will not be considered a permanent place of business of the proposer.

Please Check One:

Sole Proprietorship: <input type="checkbox"/>	Limited Liability Company: <input type="checkbox"/>	Corporation: <input type="checkbox"/>	Partnership: <input type="checkbox"/>
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**If a Sole Proprietorship**

Proposer’s Full Legal Name:

Does the proposer have a “permanent place of business” in New York, as defined above?

Yes  No

If yes, please provide full street address (Not a P.O. Box) of that “permanent place of business” below.

Street Address:

City:	State:	ZIP Code:
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Mailing Address (if different from Street Address):

City:	State:	ZIP Code
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Owner’s Full Legal Name:

Number of years engaged in business under “Sole Proprietor” or Trade Name:

**If a Corporation**

Proposer’s Full Legal Name:

Does the proposer have a “permanent place of business” in New York, as defined above?

Yes  No

If yes, please provide full street address (Not a P.O. Box) of that “permanent place of business” below.

Proposer’s Full Legal Name:

Street Address:

City:	State:	ZIP Code:
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Mailing Address (if different from Street Address):

City:	State:	ZIP Code:
Owner's Full Legal Name:		
Number of years engaged in business:		
Name of Current Officers:		
Chief Executive Officer:		
President:		
CFO/Treasurer:		
Secretary:		
<b>If a Limited Liability Company</b>		
Proposer's Full Legal Name:		
Does the proposer have a "permanent place of business" in New York, as defined above? <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> If yes, please provide full street address (Not a P.O. Box) of that "permanent place of business" below.		
Street Address:		
City:	State:	ZIP Code:
Mailing Address (if different from Street Address):		
City:	State:	ZIP Code:
Owner's Full Legal Name:		
Number of years engaged in business:		
Number of Current Manager(s) or Member(s):		
<b>If a Partnership</b>		
Proposer's Full Legal Name:		
Does the proposer have a "permanent place of business" in New York, as defined above? <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> If yes, please provide full street address (Not a P.O. Box) of that "permanent place of business" below.		
Street Address:		
City:	State:	Zip Code:
Mailing Address (if different from Street Address):		

City:	State:	Zip Code:
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Owner's Full Legal Name:
Number of years engaged in business:
Names of Current Partner(s):

**Disclosure Form Authorization**

Firm Name: \_\_\_\_\_ Address \_\_\_\_\_

Signed By: \_\_\_\_\_ Title \_\_\_\_\_

Date: \_\_\_\_\_ Telephone # : \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\* The signatory must be an authorized representative of the proposer with full power and authority to execute this Disclosure Form.

*This form must be signed and returned with proposal*



**EXHIBIT C  
NON-COLLUSION BIDDING CERTIFICATE**

By submission of this Response, the Respondent and each person signing on behalf of the Respondent certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

The fees set forth within this proposal have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;

Unless otherwise required by law, the fees which have been quoted in this proposal have not been knowingly disclosed by the Respondent and will not knowingly be disclosed by the Respondent prior to opening, directly or indirectly, to any other Respondent or to any competitor; and

No attempt has been made or will be made by Respondent to induce any other person, partnership or corporation to submit or not to submit, a Response for the purpose of restricting competition.

FIRM NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

\_\_\_\_\_

SIGNED BY \_\_\_\_\_ TITLE \_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_ TELEPHONE # \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

***This form must be signed and returned with proposal***

**EXHIBIT D**

**RESPONDENT HOLD HARMLESS AGREEMENT**

\_\_\_\_\_ (“Respondent”) hereby agrees that it will indemnify and save harmless the Peekskill Housing Authority from and against all losses from claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against the Peekskill Housing Authority by reason of any omission or act of Respondent, its agents, employees, subcontractors in connection with that certain NON-COLLUSION BIDDING CERTIFICATE submitted herewith, to the extent permissible by law. This indemnification shall include all costs and disbursements incurred by the Peekskill Housing Authority in defending any suit, including attorneys’ fees. Furthermore, at the option of the Peekskill Housing Authority, as the case may be, Respondent shall provide defense for and defend all claims, demands and causes of action referred to above, and bear all other costs and expenses related thereto.

FIRM NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
\_\_\_\_\_

SIGNED BY \_\_\_\_\_ TITLE \_\_\_\_\_  
\_\_\_\_\_

DATE \_\_\_\_\_ TELEPHONE # \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

*This form must be signed and returned with proposal*

**EXHIBIT E**  
**FORM HUD-5369-B**  
**INSTRUCTIONS TO OFFERORS OF NON-CONSTRUCTION**  
(attached)

**EXHIBIT F**

**FORM HUD-5369-C**

**CERTIFICATIONS AND REPRESENTATIONS OF OFFERORS NON-CONSTRUCTION  
CONTRACT**

(attached)

**EXHIBIT G**

**FORM HUD-5370-C**

**GENERAL CONDITIONS FOR NON-CONSTRUCTION**

(attached)