

Request for Qualifications: General Contractors

Issue Date:

September 12, 2011

Submission Deadline: Round 1:

October 24, 2011

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I. INTRODUCTION

The City of New York ("City") Department of Housing Preservation and Development ("HPD") is seeking to evaluate and pre-qualify general contractors to perform moderate rehabilitation, substantial rehabilitation, and new construction of affordable housing ("Projects").

HPD is issuing this Request for Qualifications ("RFQ") in order to assess the capability, capacity, and integrity of firms that submit responses ("Applicants") to work as general contractors on Projects of varying sizes. HPD may conduct interviews with potentially eligible Applicants. Selected Applicants ("Qualified General Contractors") will be eligible to perform work on Projects that are assisted by HPD [and/or the New York City Housing Development Corporation ("HDC")]. HPD will establish categories into which Qualified General Contractors will be placed, based on experience, capability, capacity, financial resources, and stability, to work on construction projects with total costs within the following ranges: up to \$1 million; up to \$5 million; up to \$10 million; and more than \$10 million.

HPD will make a list of Qualified General Contractors ("List") available to developers/sponsors of HPD/[HDC]-assisted Projects. A developer/sponsor will not be obligated to select a Qualified General Contractor from the List. Being placed on the List is not a guarantee of receiving work, and it is possible that a Qualified General Contractor on the List may not be selected for any Project. Selection of an Applicant as a Qualified General Contractor only indicates that the Applicant has met the requirements to be placed on the List and will not create any rights on the Applicant's part.

For more information, Applicants should contact Ira Chinsky, Director of Procurement & Administration for the Division of Construction Services, at (212) 863-7486 or via email at chinskyi@hpd.nyc.gov.

II. REQUEST FOR QUALIFICATIONS PROCESS

A. Applications.

This RFQ seeks Applicants who have the experience, financial and organizational capability, capacity, and integrity to successfully construct or rehabilitate affordable housing (including housing that will remain occupied during rehabilitation).

Applicants must submit their qualifications and proof thereof in accordance with the instructions and forms contained in Section IV of this RFQ. Eligible Applicants may include, but are not limited to, not-for-profit entities, for-profit entities, joint ventures, corporations, partnerships, or sole proprietorships.

HPD will hold a pre-submission conference for potential Applicants on October 14 at 10 a.m. in 100 Gold Street, Room 8P6 New York, NY 10038. Potential Applicants are not required to attend the conference in order to apply for inclusion on the List.

Applications received by October 24, 2011 will be considered by HPD for inclusion on the initial List. After the first round of Applicant reviews, applications will be accepted on a rolling basis and we anticipate that the List will be updated quarterly. The application must include all information requested pursuant to Section IV of this RFQ for all principals and/or officers of the Applicant. Upon review, HPD, at its discretion, may notify an Applicant that additional information or clarification is necessary. An Applicant's submission of qualifications will be deemed to be permission for HPD to make such inquiries concerning the Applicant as HPD deems necessary.

B. Review.

1. An Applicant's submissions will be reviewed by agency personnel. HPD will notify an Applicant in writing whether it is qualified to be placed on the List, and if HPD has determined that it is not qualified, it shall state the reasons upon which such determination is based.
2. A Qualified General Contractor placed on the List shall have a continuing obligation to meet the conditions for placement on the List. HPD may remove the Qualified General Contractor on the basis of changed circumstance, conditions, or status of the Qualified General Contractor or its staff, or additional information acquired by HPD, or further analysis of the information upon which the original qualification determination was made where new information or further analysis indicates that the Qualified General Contractor does not meet the conditions for qualification. HPD shall notify the Qualified General Contractor in writing of the reasons upon which a determination to remove it from the List is based.

C. Biennial Review.

Every 2 years, HPD will review the qualifications of Qualified General Contractors on the List in order to determine the eligibility of Qualified General Contractors to remain on the List. At such time, Qualified General Contractors will be required to provide any information requested by HPD. Failure of Qualified General Contractors to provide any information requested by HPD will result in removal from the List.

III. QUALIFICATION CONSIDERATIONS

HPD's consideration of Applicants for placement on the List will include, but not be limited to, the following:

A. Construction Experience.

HPD will consider the extent of Applicants' experience constructing and/or rehabilitating affordable housing. Such consideration may include, but not be limited to, assessing the quality, efficiency, and timeliness of completed construction projects through site visits, contacting references, and reviewing other information available to HPD. Applicants must demonstrate their capacity to effectively construct and/or rehabilitate properties of a suitable scale.

B. Financial Capacity.

HPD will consider Applicants' financial capacity to perform Projects.

C. Current Workload.

HPD will consider the current workload of Applicants.

D. Experience of Principals.

HPD will consider the experience of Applicants' principals.

E. Building Code Violations.

HPD will consider the history of Building Code violations of Applicants as well as Applicants' affiliates and related entities.

F. Statutory and Regulatory Compliance.

HPD will consider Applicants' history of compliance with labor standards as well as other federal, state, and local statutory and regulatory requirements.

G. Applicant Background Information.

HPD will consider information disclosed by Applicants in Entity Disclosure Statements and Individual Disclosure Statements as well other sources of information regarding the Applicants' record of business integrity.

IV. APPLICATION REQUIREMENTS

Applicants must submit all forms and supporting documentation as described below in order for applications to be considered:

A. Contents of Application.

1. Form 1 - Applicant Description.

A completed Applicant Description Form 1 attached to this RFQ and made a part hereof.

2. Form 2 - Construction Experience.

A completed Construction Experience Form, Form 2 – Part 1 attached to this RFQ and made a part hereof, for the Applicants. On Form 2, Part 2 attached to this RFQ and made a part hereof, Applicants must list all residential construction projects that have been **completed** within the last two years. Form 2, Part 2 is available in Microsoft Excel format on HPD's website, www.nyc.gov/hpd.

3. Form 3 - Entity Disclosure Statement.

Applicant must submit a completed Entity Disclosure Statement, Form 3 attached to this RFQ.

4. Form 4 - Individual Disclosure Statement.

Applicants must submit Individual Disclosure Statements, Form 4 attached to this RFQ, completed by each principal of Applicants.

5. Form 5 - Supplemental Questions to Entity and Individual Disclosure Statements.

Applicants must submit a completed Supplemental Questions to Entity and Individual Disclosure Statements, Form 5 attached to this RFQ.

6. Financial Capacity.

Applicants must provide a notarized letter on surety letterhead indicating their bonding capacity or proof acceptable to HPD of Applicants' ability to obtain a letter of credit from a banking institution; proof of general liability insurance; and audited financial statements for the previous two years. Applicants that do not have audited financial statements must submit a letter from a certified public accountant indicating why audits have not been performed.

7. Resumes of Principals.

Applicants must submit resumes for all of their principals .

8. Description of Current Workload.

Applicants must provide a list of all of the new construction and rehabilitation projects they are currently undertaking, including the percentage of construction completed, cost, and projected time to complete each project.

B. Submission Requirements.

One (1) original and two (2) copies of Applicants' forms and supporting documentation must be submitted to HPD in response to this RFQ.

All applications will become the property of HPD. Interviews, site visits and/or additional information may be requested. **To be considered for inclusion on the initial List, applications must be delivered no later than 5:00pm on October 24, 2011 to:**

**Ira Chinsky
Director of Procurement & Administration
Division of Construction Services
Department of Housing Preservation and Development
100 Gold Street, Room 7A3
New York, NY 10038.**

After the first round of Applicant reviews, applications will be accepted on a rolling basis. We anticipate that the List will be updated quarterly.

V. CONDITIONS

This RFQ is subject to the conditions stated below:

- A. HPD is not obligated to pay, nor shall HPD in fact pay, any costs or losses incurred by Applicants at any time including the cost of responding to the RFQ.
- B. HPD reserves the right to reject, at any time, any or all submissions and/or cancel this RFQ in whole or in part. HPD also reserves the right, at any time, to waive compliance with, or change any of the terms and conditions of, this RFQ and to entertain modifications and additions to Applicants' submissions.
- C. Inclusion of Applicants on the List does not guarantee that any Applicant will be selected by any developer/sponsor for any Project.
- D. Inclusion of Applicant on the List will not create any rights on the Applicants' part.
- E. All determinations in connection with this RFQ (including, but not limited to, any determinations regarding the experience, capability, capacity, financial resources of any Applicant or regarding the addition of Qualified General Contractors to the List or removal of Qualified General Contractors from the List) shall be at the sole discretion of HPD.
- F. HPD is not legally obligated to issue this RFQ.
- G. This RFQ and any resulting agreement between any Applicant and a developer/sponsor are subject to all applicable laws, rules and regulations promulgated by any federal, state, or local authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.
- H. HPD reserves the right to discontinue the List at any time.
- I. HPD's inclusion of any Applicant on the List does not relieve such Applicant from any HPD required reviews if Applicant is selected by a developer/sponsor for any Project.
- J. HPD's inclusion of any Applicant on the List does not guarantee that HPD will approve such Applicant's participation on any particular Project if Applicant is selected by a developer/sponsor.
- K. HPD's inclusion of any Applicant on the List is not an endorsement of an Applicant's ability to perform on any particular Project. Developers/sponsors must make their own determinations as to whether any general contractors on the List are capable of performing on any particular Project.
- L. Any material misrepresentation made by an Applicant or any failure by an Applicant to disclose any material information in connection with its response to this RFQ may result in the Applicant's disqualification from consideration for inclusion on the List or, if Applicant is already on the List, the removal of the Applicant from the List as well as Applicant's disqualification from consideration for participation on any particular Project.
- M. Each Applicant has a continuing obligation, prior to and after placement on the List, to update HPD regarding any material changes to information that such Applicant has provided to HPD within 30 days of any such material changes, including, but not limited to material changes to information regarding investigations, subpoenas, and changes of

principals. Failure of any Applicant to update HPD on such material changes may result in the Applicant's disqualification from consideration for inclusion on the List or, if the Applicant is already on the List, the removal of the Applicant from the List as well as Applicant's disqualification from consideration for participation on any particular Project.

- N. Each Applicant has a continuing obligation, prior to and after placement on the List, to provide any documentation and/or information requested by the City. Failure of any Applicant to provide such documentation and/or information when requested by the City may result in the Applicant's disqualification from consideration for inclusion on the List or, if the Applicant is already on the List, the removal of the Applicant from the List as well as Applicant's disqualification from consideration for participation on any particular Project.

VI. CONFLICTS OF INTEREST

The City Charter imposes certain restrictions on post-employment business relationships with the City by former City employees and on business relationships with the City by current City employees. Such individuals should consult Chapter 68 of the City Charter. Any questions concerning such provisions should be addressed to:

Conflict of Interest Board
2 Lafayette Street
New York, New York 10007
(212) 442-1400

FORM 1
APPLICANT DESCRIPTION
(following pages)

QUALIFIED GENERAL CONTRACTORS LIST
APPLICANT DESCRIPTION

Name of Applicant: _____

Name of Authorized Representative _____

Address: _____

Telephone No: _____ FAX No. _____

Email Address: _____

COMPOSITION OF APPLICANT ENTITY:

1. Type of organization (*i.e.* partnership, corporation, limited liability company, joint venture, etc): _____

2. Tax ID number: _____

3. For corporations, provide the names of the principals, officers and any shareholders owning 10% or more. For partnerships, provide the names of all general partners. For joint ventures, provide the information separately for each entity that comprises the joint venture.

Name	Home Address	Position/Title	% Interest in Entity

CERTIFICATION

[This certification must be signed by an authorized representative of the applicant listed in this application].

Applicant certifies that the information provided in this application and all attachments and supporting documentation are true and correct. Applicant understands that HPD will rely on the information in or attached to this document for purposes of making a determination.

Applicant understands that this statement is part of a continuing application process and that until such time that the application is approved by HPD, Applicant agrees to report any changes in or additions to the information herein, and will furnish such further documentation or information as may be requested by HPD.

Applicant understands that it has an affirmative obligation to report any material changes to the information that was provided by Applicant during the application process, as well as any negative information, after Applicant is placed on the Qualified General Contractors List.

Name of Applicant

Signature of Authorized Representative

Date

Print or Type Name and Position/Title

[Corporate Seal]

FORM 2
CONSTRUCTION EXPERIENCE
(following pages)

QUALIFIED GENERAL CONTRACTORS LIST
CONSTRUCTION EXPERIENCE

Name of Applicant: _____

Please answer the following questions with short narratives. Use additional sheets as necessary.

1. Describe the Applicant's experience, if any, with new construction projects. Include the addresses, unit counts, the scopes of work, length of construction periods, and current conditions of projects.

2. Describe the Applicant's experience, if any, in the rehabilitation of distressed properties. Include the addresses, unit counts, initial physical conditions and occupancy levels, the scopes of work, length of construction periods, and current conditions of the buildings.

3. Describe the Applicant's experience, if any, with rehabilitation of occupied multifamily properties which required internal relocation ("checkerboarding") and/or external temporary or permanent relocation. Include the addresses and a description of the scopes of work.

4. List all subcontractors that Applicant has utilized on any projects within the last 2 years.

FORM 3
ENTITY DISCLOSURE STATEMENT
(following pages)

ENTITY DISCLOSURE STATEMENT

DEFINITIONS

“**Administrative Code**” means the Administrative Code of the City of New York, including but not limited to the Building Code and the Housing Maintenance Code.

“**Board of Responsibility**” means any board which may pass upon the responsibility of a bidder; or any board which has the authority to review a poor performance certification, including the New York City Board of Responsibility, the Board of Review of the New York City Board of Education, and the Panel of Responsibility of the New York City School Construction Authority, as well as any other board of responsibility convened by any other governmental or quasi-governmental entity in New York City, by whatever name known.

“**Building Code**” means Title 27, Chapter 1 of the Administrative Code.

“**City**” means the City of New York, a municipal corporation.

“**City Agency**” means any agency, department, office, commission or instrumentality of the City, including quasi-public corporations and authorities (e.g., the New York City Housing Authority, New York City Economic Development Corporation, New York City Transit Authority, New York City Housing Development Corporation, and New York City Health and Hospitals Corporation).

“**Entity**” means the entity identified in response to Question 1.

“**EIN**” means Federal Employer Identification Number.

“**Governmental Agency**” means any federal, state, or local agency, department, office, commission, instrumentality or court (including grand jury) and any quasi-public corporations and authorities (e.g., a City Agency, the Metropolitan Transportation Authority and the New York State Housing Trust Fund).

“**Housing Maintenance Code**” means Title 27, Chapter 2 of the Administrative Code.

“**HPD**” means the City’s Department of Housing Preservation and Development and all of its predecessor agencies.

“**Immediate Family**” means, with respect to any person, (i) his or her spouse or registered domestic partner, (ii) his or her children, siblings, and parents, and (iii) the spouses or registered domestic partners of his or her children, siblings, and parents.

“**Joint Venture**” means a one-time grouping of two or more persons or entities (or any combination thereof) engaged in the joint conduct of a particular transaction or specific undertaking.

“**Officer**” means the current President, Vice President, Secretary, Treasurer, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Board Chairperson, Director or Trustee, by whatever titles known, or any other person with signatory authority to legally bind the Entity or Related Entity.

“**Principal**” means any current Shareholder with a ten percent or more interest, any current General Partner, or any current Joint Venturer.

“**Related Entity**” means any entity identified in response to Question 3.

“**SSN**” means Social Security Number.

INSTRUCTIONS

Fill out this Entity Disclosure Statement in its entirety. Whenever an explanation of an answer is required, submit such explanation on the attached Entity Disclosure Statement Appendix and include all material facts. For any unanswered question, state the reason for the failure to answer (e.g., question is inapplicable, respondent lacks sufficient knowledge to answer, etc.).

PART A - ENTITY INFORMATION

1. Entity

Name _____

EIN/SSN _____ Date of Formation _____

Principal Office: Address _____

City _____ State _____ ZIP _____

New York City Address (if different) _____

City _____ State _____ ZIP _____

Main Telephone () _____ Fax Number () _____

Dun and Bradstreet Number _____

Other Credit Service Name and Number, if any _____

2. Type of Entity (Check one)

Business Corporation Not-For-Profit Corporation

Under which statute(s) was the Entity incorporated? (e.g., HDFC, MHSC, etc.)

State of incorporation _____

General Partnership Limited Partnership

State/County where partnership agreement is filed _____

Joint Venture Unincorporated Association

Sole Proprietorship (including tenants in common; joint tenants)

Limited Liability Company Limited Liability Partnership

Other _____

Is the Entity presently authorized to do business in New York State? NO YES

3. Related Entity(ies):

- A. Is the Entity a parent of, or does the Entity own, manage or control or have any interest in, any subsidiaries, members, chapters, franchises, affiliates or any other entities? NO YES
- B. Is the Entity owned, managed or controlled by, or is the Entity a subsidiary, member, chapter, franchise, or affiliate of, any other entity? NO YES

If YES to any of the above, provide such other entity's name, address, and SSN/EIN, the details of the relationship, and the names and home addresses of the Principals and Officers of such other entity on the Appendix. Include an organizational chart showing the relationship of such other entity (including its Principals and Officers) to the Entity named in Question 1.

4. Is the Entity or any Related Entity:

- A. Using any name, trade name, d/b/a name, abbreviation, EIN, or SSN other than those listed in response to Questions 1 and 3, or has it done so in the past? NO YES

If YES, provide other name(s) and/or number(s) on the Appendix.

- B. Listed on any national or regional stock exchange or on NASDAQ? NO YES

If YES, provide the name of the exchange and the listing on the Appendix.

- C. Required to register with the New York State Department of Law (Attorney General)? NO YES

If YES, provide the date of such registration and the date that the Entity or Related Entity filed its most recent financial statement on the Appendix.

If NO, and the Entity or Related Entity is a not-for-profit corporation, state the reason(s) in the Appendix.

5. List All Principals of the Entity (if the space below is inadequate, use the Appendix):

<u>NAME AND SSN/EIN</u>	<u>HOME ADDRESS INCLUDING ZIP CODE</u>	<u>POSITION/TITLE</u>	<u>PERCENT OF INTEREST OWNED</u>
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If the Entity is a privately held corporation (i.e., one whose shares are not publicly traded on any securities exchange), list the name, SSN/EIN and address of each shareholder who is not a Principal in the Appendix .

6. List All Officers of the Entity (if the space below is inadequate, use the Appendix):

<u>NAME AND SSN/EIN</u>	<u>HOME ADDRESS INCLUDING ZIP CODE</u>	<u>POSITION/TITLE</u>	<u>PERCENT OF INTEREST OWNED</u>
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7. A. Does any individual or other entity hold stock options or other securities or instruments that can be converted to stock that if exercised, would constitute ten percent of the issued stock of the Entity? NO YES
- If YES, provide the name and address on the Appendix.
- B. Has the Entity pledged or hypothecated ten percent or more of its stock to another entity or individual to guarantee payment for a debt or obligation or for any other reason? NO YES
- If YES, provide the name, address, percent pledged and transaction date on the Appendix.
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8. A. Does the Entity share office space, staff, equipment or expenses with any other entity? NO YES
- If YES, provide name and address on the Appendix.
- B. Will the Entity use or occupy any real property (other than the project site or its own offices) to carry out this project? NO YES
- If YES, provide the name and address of the lessor or owner on the Appendix.
- C. Are any Principals or Officers of the Entity related to or affiliated in any way with an entity that leases or owns the real property identified in response to Question 8.B? NO YES
- If YES, provide the name, title and relationship on the Appendix.
- D. Are any of the Entity's Principals or Officers affiliated with any other entity with which the Entity will conduct business in connection with this project? NO YES
- If YES, provide the name of such Principal or Officer of the entity, the name, address, and SSN/EIN of such other entity or person, the details of the relationship, and the name, address, and SSN/EIN of each Principal and Officer of such other entity on the Appendix.

- E. Does or will the Entity or any Related Entity or any of their respective Principals or Officers receive, directly or indirectly, any form of payment, income, revenue, compensation or remuneration or anything else of value from any other entity or person with which the Entity will conduct business in connection with this project? NO YES

If YES, provide the name, address, and SSN/EIN of such other entity or person, the details of the relationship, and the name, address, and SSN/EIN of each Principal and Officer of such other entity on the Appendix.

PART B - GOVERNMENT

9. Is there any Principal or Officer of the Entity or any Related Entity who is or was, or whose Immediate Family member is or was:
- A. Elected or appointed to a City office or employed by a City Agency? Include part-time and unpaid positions, and membership in advisory committees or Community Boards? NO YES
- B. A consultant or advisor to a City Agency performing services related to the solicitation of, negotiation for, or operation/administration of either (i) the proposed project or (ii) any projects with such City Agency? NO YES

If YES to either of the above, provide the name of such person and the City Agency and status with the City in the Appendix.

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10. Has the Entity or any Related Entity or any of their respective Principals or Officers:
- A. Ever participated in, or been selected to participate in, any HPD program, project, loan, contract or other activity as a developer, sponsor, contractor, subcontractor, lender, borrower or in any other capacity? NO YES
- If YES, state the date, program, project, loan, contract and/or activity, and all relevant details on the Appendix.
- B. Been awarded a contract with any City Agency in the past three years? NO YES
- If YES, identify the agency, contract or project and all relevant details in the Appendix.
- C. Been a subcontractor on any contract with any City Agency in the past three years? NO YES

If YES, provide the names of the City Agency and the prime contractor and the contract start date on the Appendix.

11. Has the Entity or any Related Entity or any of their respective Principals or Officers ever:
- A. Been found a non-responsible bidder by any Governmental Agency? NO YES
 - B. Been denied pre-qualified vendor status, or had pre-qualified vendor status revoked by any Governmental Agency? NO YES
 - C. Been denied a contract with a Governmental Agency despite being a low bidder or proposer? NO YES
 - D. Been denied a contract with a Governmental Agency as a result of an administrative action by any Governmental Agency? NO YES
 - E. Had any form of designation, selection, award, approval, license, permit, or authorization revoked by a Governmental Agency? NO YES
 - F. Been suspended, barred, disqualified or otherwise declared ineligible from entering into a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
 - G. Failed to enter into or perform a contract with a Governmental Agency after an award was made, or failed to close on a loan after accepting a loan commitment from a Governmental Agency? NO YES
 - H. Been unable to execute, or unable to perform, a contract or agreement with, or other obligation to, a Governmental Agency because it could not provide the required security, insurance or surety bond? NO YES
 - I. Failed to timely complete the performance of its obligations under a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
 - J. Received an extension of time to complete the performance of its obligations under a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
 - K. Defaulted on, received a notice of default on, or been declared in default on a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
 - L. Had any contract or agreement with, or other obligation to, a Governmental Agency terminated, canceled or not renewed by any Governmental Agency? NO YES
 - M. Been a respondent before a Board of Responsibility and/or been the subject of a hearing before the New York City Office of Administrative Trials and Hearings? NO YES
 - N. Filed a public improvement lien? NO YES

If YES to any of the above, provide the name and EIN of the Entity, the name of the Governmental Agency and all material details in the Appendix.

12. Is the Entity or any Related Entity or any of their respective Principals or Officers currently subject to any unsatisfied judgment or lien held by a Governmental Agency, including, but not limited to, judgments or liens based on taxes owed, enforcement proceedings, and/or charges, fines and penalties? NO YES

If YES to any of the above, provide the name of the Entity, EIN, Governmental Agency, and date, amount, and type of obligation in the Appendix.

13. Has the Entity or any Related Entity or any Principal or Officer thereof ever:
- A. Had any City permits, licenses, franchises or leases terminated for cause or revoked? NO YES
- B. Been disqualified for cause from bidding on, submitting a proposal for, receiving or executing any City permit, license, concession, franchise or lease? NO YES

If YES to either of the above, provide entity name, EIN, agency name and details in the Appendix.

14. Is the Entity, a Related Entity or any of their respective Principals or Officers a party in any lawsuit in which HPD or the City of New York or any City Agency is also a party? NO YES

If YES, describe all material details in the Appendix.

15. Are there any persons now serving in a management or advisory capacity to the Entity or a Related Entity, whether as a Principal, attorney, engineer, architect or in any other capacity, who presently serve or have served as a consultant or advisor to HPD (in connection with the proposed project or otherwise)? NO YES

If YES, describe all material details in the Appendix.

PART C - AUDITS, INVESTIGATIONS AND CHARGES

16. Have any audits of the Entity conducted in the past five years revealed material deficiencies in either its system of internal controls or in its compliance with legally binding agreements, laws or regulations? NO YES

If YES, provide name of auditing agency, audit date and date corrective action was implemented in the Appendix.

17. Has the Entity or any Related Entity, or any of their respective Principals or Officers, ever been:
- A. The subject of any criminal, civil, or other investigation by any Governmental Agency? NO YES

- B. Subpoenaed to appear before any Governmental Agency to testify in connection with any transaction, contract or dealing with any Governmental Agency? NO YES
- C. Granted immunity from prosecution? NO YES

If YES to any of the above, provide the name of the Governmental Agency, its address, agency contact and telephone number, and the nature, date and result of the investigation in the Appendix.

18. Does the Entity or any Related Entity, or any of their respective Principals or Officers, have pending against them any:
- A. Felony charges? NO YES
- B. Misdemeanor charges? NO YES
- C. Administrative, regulatory, or statutory charges? NO YES

If YES to any of the above, provide the name, SSN/EIN, title, status in the Entity, the court, its address, index or docket number, nature and result of charges and date in the Appendix.

19. Has the Entity or any Related Entity, or any of their respective Principals or Officers (either before or during their employment), ever:
- A. Been convicted of, or pled guilty to, a felony? NO YES
- B. Been convicted of, or pled guilty to, a misdemeanor? NO YES
- C. Been found in violation of, or admitted to a violation of, any administrative, regulatory or statutory charges? NO YES

If YES to any of the above, provide the name, SSN/EIN, title, status in the Entity, the court, its address, index or docket number, nature and result of charges and date in the Appendix.

20. During the last two years, have any former Principals, Officers or employees of the Entity been charged with, convicted of, or pled guilty to any crime (including without limitation, felony, misdemeanor, violation, or administrative, regulatory or statutory charges) relating to their activities with the Entity? NO YES

If YES to any of the above, provide the name, SSN/EIN, title, status in the Entity, the court, its address, index or docket number, nature and result of charges and date in the Appendix.

21. A. Is the Entity exempt from Federal income taxes under the Internal Revenue Code? NO YES
- If YES, attach a written grant of exemption from the Internal Revenue Service.

- B. If not exempt, has the Entity ever failed to file tax returns or failed to pay any applicable Federal, State or local taxes? NO YES

If YES, provide details in the Appendix.

- C. Has any Principal or Officer of the Entity ever failed to file tax returns or failed to pay any applicable Federal, State or local taxes? NO YES

If YES, provide details in the Appendix.

PART D - DEFAULTS, CLAIMS AND LIABILITIES

22. During the last ten years, has the Entity or any Related Entity?

- A. Failed to timely complete the performance of its obligations under a contract, agreement or other obligation? NO YES

- B. Defaulted on, received a notice of default on, or been declared in default on a contract, agreement or other obligation? NO YES

- C. Had any contract, agreement or other obligation terminated, canceled or not renewed? NO YES

If YES to any of the above, describe all material details in the Appendix.

23. A. Is the Entity or any Related Entity currently in default on any obligation or subject to any unsatisfied judgment or lien? NO YES

- B. Is the Entity or any Related Entity currently subject to any injunction? NO YES

If YES to either of the above, provide the name of the Entity, EIN, creditor, and date, amount, and type of obligation in the Appendix.

24. A. Has the Entity or any Related Entity or any of their respective Principals ever filed a bankruptcy petition, filed for reorganization, made an assignment for the benefit of creditors, or been subject to any involuntary bankruptcy proceedings, or are any such proceedings pending? NO YES

If YES, provide the name of the Entity, SSN/EIN, the court, its address, docket number, filing date and discharge date, if not pending, in the Appendix.

- B. Has the Entity or any Related Entity ever petitioned a court to transfer or sell all or substantially all of its assets? NO YES

If YES, explain circumstances of petition in the Appendix.

25. Is there any litigation pending against the Entity, a Related Entity, or any of their respective Principals or Officers? NO YES

If YES, describe all material details in the Appendix.

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26. Is there any existing or pending action, condition, claim or event which may significantly affect the financial status of the Entity or of any Principal of the Entity or the ability of the Entity to participate in the project? NO YES

If YES, describe all material details in the Appendix.

PART E - REAL PROPERTY

27. Has (i) the Entity or any Related Entity, (ii) any of their respective Principals or Officers, or (iii) any Immediate Family members of their respective Principals or Officers, ever:
- A. owned, managed or controlled (directly or indirectly through other entities), or held any mortgage on, or other interest in, all or any part of the property comprising the proposed project site? NO YES
- B. owned (directly or indirectly through other entities) any property which (i) was acquired or transferred by the City through real property tax or other lien enforcement proceedings, or (ii) was encumbered by a tax lien that the City sold? NO YES
- C. been a successor in interest to a former owner of any property which (i) was acquired or transferred by the City through real property tax or other lien enforcement proceedings, or (ii) was encumbered by a tax lien that the City sold? NO YES

If YES to any of the above, fully identify the parties on the Appendix setting forth all details of such prior ownership including but not limited to the means by which such property was acquired by the City.

28. Within the last ten years, has the Entity or any Related Entity or any of their respective Principals or Officers owned, managed, or controlled (directly or indirectly through other entities), any real property (in part or in its entirety) in New York City? NO YES

If YES, list such property by address, tax block and lot numbers on the Appendix which indicates the relevant entity, its relationship to each property, and the dates of such relationship to each property.

29. Within the last ten years, has the Entity or any Related Entity or any of their respective Principals or Officers owned, managed or controlled (directly or indirectly through other entities) any real property (in part or in its entirety) located anywhere which was the subject of any fire insurance claim in an aggregate amount equal to or more than \$5,000 where less than half of the proceeds of such claim was expended in restoration of the property or the repair of damage? NO YES

If YES, provide a full explanation with respect to any such property in the Appendix.

30. Has the Entity or any Related Entity or any of their respective Principals or Officers ever been the subject of any tenant harassment complaint or Commission on Human Rights proceeding? NO YES

If YES, describe all material details in the Appendix.

31. Within the last ten years, has the Entity or a Related Entity or any of their respective Principals or Officers been cited by the Division of Housing and Community Renewal or the Rent Guidelines Board for failure to comply with the Rent Stabilization Law or Code or for failure to comply with an order of the Division of Housing and Community Renewal or the Rent Guidelines Board? NO YES

If YES, state all the details in the Appendix.

32. Does the Entity or any Related Entity or any of their respective Principals or Officers own, manage or control (directly or indirectly through other entities) any interest in any real property (in part or in its entirety) located in New York City which is currently either in arrears or default on, or the subject of any foreclosure or other lien enforcement action or proceeding with respect to:

	<u>NO</u>	<u>YES</u>
A. Real estate taxes or water/sewer charges	<input type="checkbox"/>	<input type="checkbox"/>
B. Emergency Repair Program Charges	<input type="checkbox"/>	<input type="checkbox"/>
C. Any mortgage or loan	<input type="checkbox"/>	<input type="checkbox"/>
D. Receivership charges	<input type="checkbox"/>	<input type="checkbox"/>
E. Relocation charges	<input type="checkbox"/>	<input type="checkbox"/>
F. Any other lien, security interest or charges or contractual obligation due the City of New York?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the foregoing is YES, state all material details in the Appendix.

33. Has the Entity or any Related Entity or any of their respective Principals or Officers ever owned, managed or controlled (directly or indirectly through other entities) any interest in any real property (in part or in its entirety) located in New York City which, during the term of such ownership, management or control, was (a) disposed of while in arrears or default on any of the following, whether by deed in lieu of foreclosure or by any other voluntary or involuntary method, (b) in arrears or default any of the following for more than 90 days, or (c) the subject of a foreclosure or other enforcement action or proceeding with respect to any of the following?

	<u>NO</u>	<u>YES</u>
A. Real estate taxes or water/sewer charges	<input type="checkbox"/>	<input type="checkbox"/>
B. Emergency Repair Program Charges	<input type="checkbox"/>	<input type="checkbox"/>
C. Any mortgage or loan	<input type="checkbox"/>	<input type="checkbox"/>
D. Receivership charges	<input type="checkbox"/>	<input type="checkbox"/>
E. Relocation charges	<input type="checkbox"/>	<input type="checkbox"/>
F. Any other lien, security interest or charges or contractual obligation due the City of New York?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the foregoing is YES, state all material details in the Appendix.

34. A. Does the Entity or any Related Entity or any of their respective Principals or Officers currently own, manage or control any properties that have outstanding violations of the Housing Maintenance Code, the Building Code, the Zoning Resolution or the Multiple Dwelling Law? NO YES
- If YES, specify the property, the owner(s) of record and managing agent, the nature and number of violations in each classification and the number of apartments in each property.
- B. Has the Entity or any Related Entity or any of their respective Principals or Officers ever been the subject of any action or proceeding to enforce, or order requiring the correction of, a condition that violated any provision of the Housing Maintenance Code, the Building Code, the Administrative Code (other than parking violations), the Zoning Resolution, or the Multiple Dwelling Law? NO YES
- If YES, state all the details in the Appendix.
- C. Are there any judgments, consent decrees, stipulations, or other settlements currently outstanding against the Entity or any Related Entity or any of their respective Principals or Officers resulting from lawsuits brought by HPD or the City of New York or any of its other agencies, including but not limited to (a) civil penalties for failure to correct violations or (b) recoupment of Emergency Repair Program expenses. NO YES
- If YES, state all the details in the Appendix.
- D. Has the Entity or any Related Entity or any of their respective Principals or Officers, or any property owned, managed, or controlled by any of them, ever been the subject of a stop work order issued by the Department of Buildings or a violation issued by the Occupational Safety and Health Administration? NO YES
- If YES, state all the details in the Appendix.
-

35. A. Has the Entity, any Related Entity, or any of their respective Principals or Officers ever owned, managed or controlled a building which was the subject of a proceeding to appoint a 7A Administrator, to appoint a receiver to remove or remedy a nuisance pursuant to Multiple Dwelling Law §309, or to vest title to abandoned property in an Article 19A proceeding? NO YES
- B. Has the Entity or any Related Entity or any of their respective Principals or Officers ever owned, managed or controlled any property that had issued against it a precept to abate an unsafe or dangerous structure, or any other unsafe building notice or designation? NO YES
- C. Has the Entity or any Related Entity or any of their respective Principals or Officers ever owned, managed or controlled any property that was the subject of a vacate order by any Governmental Agency? NO YES

If YES to any of the above, state all the details in the Appendix.

PART F - RELATED ENTITY

If you answered "Yes" to any question in Parts B - E of this Entity Disclosure Statement with regard to a Related Entity, then please complete Questions 36 and 37.

36. List All Principals of such Related Entity (if the space below is inadequate, use the Appendix):

RELATED ENTITY NAME: _____

<u>NAME AND SSN/EIN</u>	<u>HOME ADDRESS INCLUDING ZIP CODE</u>	<u>POSITION/TITLE</u>	<u>PERCENT OF INTEREST OWNED</u>
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If the Related Entity is a privately held corporation (i.e., one whose shares are not publicly traded on any securities exchange), list the name, SSN/EIN and address of each shareholder who is not a Principal in the Appendix .

37. List All Officers of such Related Entity (if the space below is inadequate, use the Appendix):

RELATED ENTITY NAME: _____

<u>NAME AND SSN/EIN</u>	<u>HOME ADDRESS INCLUDING ZIP CODE</u>	<u>POSITION/TITLE</u>	<u>PERCENT OF INTEREST OWNED</u>
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38. Attach the following to this Entity Disclosure Statement:

- A. Either an Individual Disclosure Statement or (if applicable) an Entity Disclosure Statement completed by each Principal of the Entity.
 - B. An Individual Disclosure Statement completed by each Officer of the Entity.
 - C. An Entity Disclosure Statement for each Related Entity listed in response to Questions 36 & 37.
 - D. Either an Individual Disclosure Statement or (if applicable) an Entity Disclosure Statement completed by each Principal of a Related Entity listed in response to Question 36.
 - E. An Individual Disclosure Statement completed by each Officer of a Related Entity listed in response to Question 37.
 - F. An organization chart showing the Entity's current managerial structure.
-

ENTITY ORGANIZATION CHART

INSTRUCTIONS

39. On this page, provide an organization chart showing the Entity's current managerial structure.

CERTIFICATION

I certify that the information set forth in or attached to this Entity Disclosure Statement ("Statement") is true and correct to the best of my knowledge and belief.

I am aware that the City of New York is relying upon all of the information set forth in or attached to this Statement and that this Statement is submitted to induce the City of New York to approve this project.

I am aware that this Statement is part of a continuing application, and until such time as the project is finally and unconditionally approved by the City of New York, I will report any changes in or additions to the information set forth herein, and furnish such further documentation or information as may be requested by the City of New York or any agency thereof.

I understand that this Statement is intended to be a written instrument under Article 175 of the New York Penal Law, and that the making of any false statement in this Statement, or the failure to update this Certification prior to approval of the project, is a Class E felony.

Signature

PRINT NAME OF PERSON SIGNING ABOVE:

TITLE: _____

ENTITY (if any):

DATE: _____

State of New York)
) ss
County of _____)

On this _____ day of _____, 200_, before me personally came _____ to me known and known to me to be the person who executed the foregoing certification, and (s)he duly acknowledged to me that (s)he executed the same.

Notary Public

ENTITY DISCLOSURE STATEMENT APPENDIX

INSTRUCTIONS

For each explanation, indicate the Question (by number and, if applicable, by letter) and completely describe all material facts.

AFFIDAVIT OF NO CHANGE / AFFIDAVIT OF LIMITED CHANGE

WITH RESPECT TO A PREVIOUSLY SUBMITTED ENTITY DISCLOSURE STATEMENT

This affidavit may be used instead of a new Entity Disclosure Statement if an Entity Disclosure Statement was submitted to HPD within the last 3 years. The Name and EIN/SSN described below must exactly match the name and EIN/SSN on the prior Entity Disclosure Statement. HPD reserves the right to require a full, current Entity Disclosure Statement at any time.

Name _____

EIN/SSN _____

Address _____

City _____ State _____ ZIP _____

Telephone () _____ Fax Number () _____

Date prior Entity Disclosure Statement was executed: _____

Prior Program: _____

Prior Project:

Under penalty of perjury, I hereby certify to the City of New York Department of Housing Preservation and Development ("HPD"), that:

1. Check the applicable item:

___ **No Change** The above-referenced Entity Disclosure Statement previously submitted to HPD remains true and complete in all respects as of the date hereof.

___ **Limited Change** The above-referenced Entity Disclosure Statement previously submitted to HPD remains true and complete in all respects as of the date hereof, except as set forth on the attached _____ pages. (Insert number of attached pages. Attach excerpts from Entity Disclosure Statement and/or Appendix, as applicable.)

2. Check the applicable item:

___ **No Property** Neither the Entity nor any Related Entity nor any of their respective Principals or Officers has owned, managed, or controlled (directly or indirectly through other entities), any real property (in part or in its entirety) in New York City within the last ten years.

___ **Property** The Entity or a Related Entity or one or more of their respective Principals or Officers has owned, managed, or controlled (directly or indirectly through other entities), any real property (in part or in its entirety) in New York City within the last ten years. Attached is a list of such property by address, tax block and lot numbers which indicates the relevant entity and its relationship to each property.

I understand that this Affidavit shall be deemed an Addendum to the above-referenced Entity Disclosure Statement, and that all statements made in the Certification attached to the above-referenced Entity Disclosure Statement, and all penalties described therein shall also apply to this Affidavit.

Signature

Print Name

Print Title, if applicable

Print Date

Sworn to before me this
____ day of _____, 200__.

Notary Public

FORM 4
INDIVIDUAL DISCLOSURE STATEMENT
(following pages)

INDIVIDUAL DISCLOSURE STATEMENT

DEFINITIONS

“Administrative Code” means the Administrative Code of the City of New York, including but not limited to the Building Code and the Housing Maintenance Code.

“Board of Responsibility” means any board which may pass upon the responsibility of a bidder; or any board which has the authority to review a poor performance certification, including the New York City Board of Responsibility, the Board of Review of the New York City Board of Education, and the Panel of Responsibility of the New York City School Construction Authority, as well as any other board of responsibility convened by any other governmental or quasi-governmental entity in New York City, by whatever name known.

“Building Code” means Title 27, Chapter 1 of the Administrative Code.

“City” means the City of New York, a municipal corporation.

“City Agency” means any agency, department, office, commission or instrumentality of the City, including quasi-public corporations and authorities (e.g., the New York City Housing Authority, New York City Economic Development Corporation, New York City Transit Authority, New York City Housing Development Corporation, and New York City Health and Hospitals Corporation).

“EIN” means Federal Employer Identification Number.

“Governmental Agency” means any federal, state, or local agency, department, office, commission, instrumentality or court (including grand jury) and any quasi-public corporations and authorities (e.g., a City Agency, the Metropolitan Transportation Authority and the New York State Housing Trust Fund).

“Housing Maintenance Code” means Title 27, Chapter 2 of the Administrative Code.

“HPD” means the City’s Department of Housing Preservation and Development and all of its predecessor agencies.

“Immediate Family” means, with respect to any person, (i) his or her spouse or registered domestic partner, (ii) his or her children, siblings, and parents, and (iii) the spouses or registered domestic partners of his or her children, siblings, and parents.

“Individual” means the person identified in response to Question 1.

“Joint Venture” means a one-time grouping of two or more persons or entities (or any combination thereof) engaged in the joint conduct of a particular transaction or specific undertaking.

“Officer” means the current President, Vice President, Secretary, Treasurer, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Board Chairperson, Director or Trustee, by whatever titles known, or any other person with signatory authority to legally bind the Related Company.

“Principal” means any current Shareholder with a ten percent or more interest, any current General Partner, or any current Joint Venturer.

“Related Company” means any entity identified in response to Question 2.

“SSN” means Social Security Number.

INSTRUCTIONS

Fill out this Individual Disclosure Statement in its entirety. Whenever an explanation of an answer is required, submit such explanation on the attached Individual Disclosure Statement Appendix and include all material facts. For any unanswered question, state the reason for the failure to answer (e.g., question is inapplicable, respondent lacks sufficient knowledge to answer, etc.).

PART A - INDIVIDUAL INFORMATION

1. Individual

Name _____

SSN _____

Date of Birth: _____

Office Address _____

City _____ State _____ ZIP _____

Telephone () _____ Fax Number () _____

Home Address (if different) _____

City _____ State _____ ZIP _____

Telephone () _____ Fax Number () _____

Credit Service Name and Number, if any _____

2. During the past 3 years, have you or any Immediate Family member been an Officer or Principal of, or otherwise owned, managed or controlled or had any interest in, any other companies or entities? NO YES

If YES to any of the above, provide such other entity's name, address, and SSN/EIN, the details of the relationship (including positions held and ownership interest and percentage), and the names and home addresses of the Principals and Officers of such other entity on the Appendix. Include an organizational chart showing the relationship of such other entity (including its Principals and Officers) to the Individual named in Question 1.

3. A. Are you or any Related Company using any name, trade name, d/b/a name, abbreviation, EIN, or SSN other than those listed in response to Questions 1 and 2, or have you done so in the past? NO YES

If YES, provide other name(s) and/or number(s) on the Appendix.

- B. Is any Related Company listed on any national or regional stock exchange or on NASDAQ? NO YES

If YES, provide the name of the exchange and the listing on the Appendix.

- C. Is any Related Company required to register with the New York State Department of Law (Attorney General)? NO YES

If YES, provide the date of such registration and the date that the Related Company filed its most recent financial statement on the Appendix.

4. A. Do you share office space, staff, equipment or expenses with any other entity? NO YES

If YES, provide name and address on the Appendix.

- B. Will you use or occupy any real property (other than the project site or your own offices) to carry out this project? NO YES

If YES, provide the name and address of the lessor or owner on the Appendix.

- C. Are you related to or affiliated in any way with an entity that leases or owns the real property identified in response to Question 4.B? NO YES

If YES, provide the name, title and relationship on the Appendix.

- D. Are you affiliated with any other entity with which you will conduct business in connection with this project? NO YES

If YES, provide the name of such Principal or Officer of the entity, the name, address, and SSN/EIN of such other entity or person, the details of the relationship, and the name, address, and SSN/EIN of each Principal and Officer of such other entity on the Appendix.

- E. Do you or will you or any Related Company receive, directly or indirectly, any form of payment, income, revenue, compensation or remuneration or anything else of value from any other entity or person with which you will conduct business in connection with this project? NO YES

If YES, provide the name, address, and SSN/EIN of such other entity or person, the details of the relationship, and the name, address, and SSN/EIN of each Principal and Officer of such other entity on the Appendix.

PART B - GOVERNMENT

5. Have you, any Immediate Family member, or any current Principal or Officer of any Related Company, ever been:
- A. Elected or appointed to a City office or employed by a City Agency? Include part-time and unpaid positions, and membership in advisory committees or Community Boards. [] NO [] YES
- B. A consultant or advisor to a City Agency performing services related to the solicitation of, negotiation for, or operation/administration of either (i) the proposed project or (ii) any projects with such City Agency? [] NO [] YES

If YES to either of the above, provide the name of such person and the City Agency and status with the City in the Appendix.

6. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers:
- A. Ever participated in, or been selected to participate in, any HPD program, project, loan, contract or other activity as a developer, sponsor, contractor, subcontractor, lender, borrower or in any other capacity? [] NO [] YES
- If YES, state the date, program, project, loan, contract and/or activity, and all relevant details on the Appendix.
- B. Been awarded a contract with any City Agency in the past three years? [] NO [] YES
- If YES, identify the agency, contract or project and all relevant details in the Appendix.
- C. Been a subcontractor on any contract with any City Agency in the past three years? [] NO [] YES
- If YES, provide the names of the City Agency and the prime contractor and the contract start date on the Appendix.
-

7. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers ever:
- A. Been found a non-responsible bidder by any Governmental Agency? [] NO [] YES
- B. Been denied pre-qualified vendor status, or had pre-qualified vendor status revoked by any Governmental Agency? [] NO [] YES
- C. Been denied a contract with a Governmental Agency despite being a low bidder or proposer? [] NO [] YES
- D. Been denied a contract with a Governmental Agency as a result of an administrative action by any Governmental Agency? [] NO [] YES

- E. Had any form of designation, selection, award, approval, license, permit, or authorization revoked by a Governmental Agency? NO YES
- F. Been suspended, barred, disqualified or otherwise declared ineligible from entering into a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
- G. Failed to enter into or perform a contract with a Governmental Agency after an award was made, or failed to close on a loan after accepting a loan commitment from a Governmental Agency? NO YES
- H. Been unable to execute, or unable to perform, a contract or agreement with, or other obligation to, a Governmental Agency because you, it or they could not provide the required security, insurance or surety bond? NO YES
- I. Failed to timely complete the performance of your, its or their obligations under a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
- J. Received an extension of time to complete the performance of your, its or their obligations under a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
- K. Defaulted on, received a notice of default on, or been declared in default on a contract or agreement with, or other obligation to, a Governmental Agency? NO YES
- L. Had any contract or agreement with, or other obligation to, a Governmental Agency terminated, canceled or not renewed by any Governmental Agency? NO YES
- M. Been a respondent before a Board of Responsibility and/or been the subject of a hearing before the New York City Office of Administrative Trials and Hearings? NO YES
- N. Filed a public improvement lien? NO YES

If YES to any of the above, provide the name and SSN/EIN, the name of the Governmental Agency and all material details in the Appendix.

8. Are you, any Immediate Family member, or any Related Company or any of its Principals or Officers currently subject to any unsatisfied judgment or lien held by a Governmental Agency, including, but not limited to, judgments or liens based on taxes owed, enforcement proceedings, and/or charges, fines and penalties? NO YES

If YES to any of the above, provide the name and SSN/EIN, Governmental Agency, and date, amount, and type of obligation in the Appendix.

9. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers ever:
- A. Had any City permits, licenses, franchises or leases terminated for cause or revoked? NO YES
- B. Been disqualified for cause from bidding on, submitting a proposal for, receiving or executing any City permit, license, concession, franchise or lease? NO YES

If YES to either of the above, provide entity name, SSN/EIN, agency name and details in the Appendix.

10. Are you, any Immediate Family member, or any Related Company or any of its Principals or Officers a party in any lawsuit in which HPD or the City of New York or any City Agency is also a party? NO YES

If YES, describe all material details in the Appendix.

11. Are there any persons now serving you, an Immediate Family member, or a Related Company in a management or advisory capacity, whether as a Principal, attorney, engineer, architect or any other capacity, who presently serve or have served as a consultant or advisor to HPD (in connection with the proposed project or otherwise)? NO YES

If YES, describe all material details in the Appendix.

PART C - AUDITS, INVESTIGATIONS AND CHARGES

12. Have any audits of your business conducted in the past five years revealed material deficiencies in either your system of internal controls or in your compliance with legally binding agreements, laws or regulations? NO YES

If YES, provide name of auditing agency, audit date and date corrective action was implemented in the Appendix.

13. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers, ever been:
- A. The subject of any criminal, civil, or other investigation by any Governmental Agency? NO YES
- B. Subpoenaed to appear before any Governmental Agency to testify in connection with any transaction, contract or dealing with any Governmental Agency? NO YES
- C. Granted immunity from prosecution? NO YES

If YES to any of the above, provide the name of the Governmental Agency, its address, agency contact and telephone number, and the nature, date and result of the investigation in the Appendix.

14. Do you, any Immediate Family member, or any Related Company or any of its Principals or Officers, have pending against them any:
- A. Felony charges? NO YES
 - B. Misdemeanor charges? NO YES
 - C. Administrative, regulatory, or statutory charges? NO YES

If YES to any of the above, provide the name, SSN/EIN, title, status in the Related Company, the court, its address, index or docket number, nature and result of charges and date in the Appendix.

15. Have you, any Immediate Family member, any Related Company or any of its Principals or Officers (either before or during their employment), ever:
- A. Been convicted of, or pled guilty to, a felony? NO YES
 - B. Been convicted of, or pled guilty to, a misdemeanor? NO YES
 - C. Been found in violation of, or admitted to a violation of, any administrative, regulatory or statutory charges? NO YES

If YES to any of the above, provide the name, SSN/EIN, title, status in the Related Company, the court, its address, index or docket number, nature and result of charges and date in the Appendix.

16. During the last two years, have you, any Immediate Family member, any Related Company, or any of your, their, or its former Principals, Officers or employees been charged with, convicted of, or pled guilty to any crime (including without limitation, felony, misdemeanor, violation, or administrative, regulatory or statutory charges) relating to their activities with you, your Immediate Family member, or a Related Company? NO YES

If YES to any of the above, provide the name, SSN/EIN, title, status in the Related Company, the court, its address, index or docket number, nature and result of charges and date in the Appendix.

17. Have you ever failed to file tax returns or failed to pay any applicable Federal, State or local taxes? NO YES

If YES, provide details in the Appendix.

PART D - DEFAULTS, CLAIMS AND LIABILITIES

18. During the last ten years, have you, any Immediate Family member or Related Company:
- A. Failed to timely complete the performance of any obligation under a contract, agreement or other obligation? NO YES
 - B. Defaulted on, received a notice of default on, or been declared in default on a contract, agreement or other obligation? NO YES

- C. Had any contract, agreement or other obligation terminated, canceled or not renewed? NO YES

If YES to any of the above, describe all material details in the Appendix.

19. A. Are you or any Related Company currently in default on any obligation or subject to any unsatisfied judgment or lien? NO YES
- B. Are you or any Related Company currently subject to any injunction? NO YES

If YES to either of the above, provide the name of the Related Company, SSN/EIN, creditor, and date, amount, and type of obligation in the Appendix.

20. A. Have you or any Related Company or any of its Principals ever filed a bankruptcy petition, filed for reorganization, made an assignment for the benefit of creditors, or been subject to any involuntary bankruptcy proceedings, or are any such proceedings pending? NO YES
- If YES, provide the name of the Related Company, SSN/EIN, the court, its address, docket number, filing date and discharge date, if not pending, in the Appendix.
- B. Have you or any Related Company ever petitioned a court to transfer or sell all or substantially all of your or its assets? NO YES

If YES, explain circumstances of petition in the Appendix.

21. Is there any litigation pending against you or against a Related Company, or any of its Principals or Officers? NO YES

If YES, describe all material details in the Appendix.

22. Is there any existing or pending action, condition, claim or event which may significantly affect your financial status or your ability to participate in the project? NO YES

If YES, describe all material details in the Appendix.

PART E - REAL PROPERTY

23. Have (i) you or any Related Company, (ii) any of a Related Company's Principals or Officers, or (iii) any Immediate Family member, ever:
- A. owned, managed or controlled (directly or indirectly through other entities), or held any mortgage on, or other interest in, all or any part of the property comprising the proposed project site? NO YES
- B. owned (directly or indirectly through other entities) any property which (i) was acquired or transferred by the City through real property tax or other lien enforcement proceedings, or (ii) was encumbered by a tax lien that the City sold? NO YES

- C. been a successor in interest to a former owner of any property which (i) was acquired or transferred by the City through real property tax or other lien enforcement proceedings, or (ii) was encumbered by a tax lien that the City sold? NO YES

If YES to any of the above, fully identify the parties on the Appendix setting forth all details of such prior ownership including but not limited to the means by which such property was acquired by the City.

24. Within the last ten years, have you, any Immediate Family member, or any Related Company or any of its Principals or Officers owned, managed, or controlled (directly or indirectly through other entities), any real property (in part or in its entirety) in New York City? NO YES

If YES, list such property by address, tax block and lot numbers on the Appendix which indicates the relevant entity, its relationship to each property, and the dates of such relationship to each property.

25. Within the last ten years, have you, any Immediate Family member, or any Related Company or any of its Principals or Officers owned, managed or controlled (directly or indirectly through other entities) any real property (in part or in its entirety) located anywhere which was the subject of any fire insurance claim in an aggregate amount equal to or more than \$5,000 where less than half of the proceeds of such claim was expended in restoration of the property or the repair of damage? NO YES

If YES, provide a full explanation with respect to any such property in the Appendix.

26. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers or any entity in which you were a Principal ever been the subject of any tenant harassment complaint or Commission on Human Rights proceeding? NO YES

If YES, describe all material details in the Appendix.

27. Within the last ten years, have you, any Immediate Family member, or any Related Company or any of its Principals or Officers been cited by the Division of Housing and Community Renewal or the Rent Guidelines Board for failure to comply with the Rent Stabilization Law or Code or for failure to comply with an order of the Division of Housing and Community Renewal or the Rent Guidelines Board? NO YES

If YES, state all the details in the Appendix.

28. Do you, any Immediate Family member, or any Related Company or any of its Principals or Officers own, manage or control (directly or indirectly through other entities) any interest in any real property (in part or in its entirety) located in New York City which is currently either in arrears or default on, or the subject of any foreclosure or other lien enforcement action or proceeding with respect to:

	<u>NO</u>	<u>YES</u>
A. Real estate taxes or water/sewer charges	[]	[]
B. Emergency Repair Program Charges	[]	[]
C. Any mortgage or loan	[]	[]
D. Receivership charges	[]	[]
E. Relocation charges	[]	[]
F. Any other lien, security interest or charges or contractual obligation due the City of New York?	[]	[]

If the answer to any of the foregoing is YES, state all material details in the Appendix.

29. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers ever owned, managed or controlled (directly or indirectly through other entities) any interest in any real property (in part or in its entirety) located in New York City which, during the term of such ownership, management or control, was (a) disposed of while in arrears or default on any of the following, whether by deed in lieu of foreclosure or by any other voluntary or involuntary method, (b) in arrears or default any of the following for more than 90 days, or (c) the subject of a foreclosure or other enforcement action or proceeding with respect to any of the following?

	<u>NO</u>	<u>YES</u>
A. Real estate taxes or water/sewer charges	[]	[]
B. Emergency Repair Program Charges	[]	[]
C. Any mortgage or loan	[]	[]
D. Receivership charges	[]	[]
E. Relocation charges	[]	[]
F. Any other lien, security interest or charges or contractual obligation due the City of New York?	[]	[]

If the answer to any of the foregoing is YES, state all material details in the Appendix.

30. A. Do you, any Immediate Family member, or any Related Company or any of its Principals or Officers currently own, manage or control any properties that have outstanding violations of the Housing Maintenance Code, the Building Code, the Zoning Resolution or the Multiple Dwelling Law? [] NO [] YES

If YES, specify the property, the owner(s) of record and managing agent, the nature and number of violations in each classification and the number of apartments in each property.

B. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers ever been the subject of any action or proceeding to enforce, or court order requiring the correction of, a condition that violated, any provision of the Housing Maintenance Code, the Building Code, the Administrative Code (other than parking violations), the Zoning Resolution, or the Multiple Dwelling Law? [] NO [] YES

If YES, state all the details in the Appendix.

- C. Are there any judgments, consent decrees, stipulations, or other settlements currently outstanding against you, any Immediate Family member, or any Related Company or any of their respective Principals or Officers resulting from lawsuits brought by HPD or the City of New York or any of its other agencies, including but not limited to (a) civil penalties for failure to correct violations or (b) recoupment of Emergency Repair Program expenses. NO YES

If YES, state all the details in the Appendix.

- D. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers, or any property owned, managed, or controlled by any of them, ever been the subject of a stop work order issued by the Department of Buildings or a violation issued by the Occupational Safety and Health Administration? NO YES

If YES, state all the details in the Appendix.

31. A. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers ever owned, managed or controlled a building which was the subject of a proceeding to appoint a 7A Administrator, to appoint a receiver to remove or remedy a nuisance pursuant to Multiple Dwelling Law §309, or to vest title to abandoned property in an Article 19A proceeding? NO YES
- B. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers ever owned, managed or controlled any property that had issued against it a precept to abate an unsafe or dangerous structure, or any other unsafe building notice or designation? NO YES
- C. Have you, any Immediate Family member, or any Related Company or any of its Principals or Officers ever owned, managed or controlled any property that was the subject of a vacate order by any Governmental Agency? NO YES

If YES to any of the above, state all the details in the Appendix.

PART F - RELATED COMPANY

If you answered "Yes" to any question in Parts B - E of this Individual Disclosure Statement with regard to a Related Company, then please complete Questions 32 and 33.

32. List All Principals of such Related Company (if the space below is inadequate, use the Appendix):

RELATED COMPANY NAME: _____

NAME AND SSN/EIN

HOME ADDRESS INCLUDING ZIP CODE

POSITION/TITLE

PERCENT OF INTEREST OWNED

If the Related Company is a privately held corporation (i.e., one whose shares are not publicly traded on any securities exchange), list the name, SSN/EIN and address of each shareholder who is not a Principal in the Appendix .

33. List All Officers of such Related Company (if the space below is inadequate, use the Appendix):

RELATED COMPANY NAME: _____

<u>NAME AND SSN/EIN</u>	<u>HOME ADDRESS INCLUDING ZIP CODE</u>	<u>POSITION/TITLE</u>	<u>PERCENT OF INTEREST OWNED</u>
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RELATED COMPANY ORGANIZATION CHART

INSTRUCTIONS

34. On this page, provide an organization chart showing each Related Company's current managerial structure.

CERTIFICATION

I certify that the information set forth in or attached to this Individual Disclosure Statement ("Statement") is true and correct to the best of my knowledge and belief.

I am aware that the City of New York is relying upon all of the information set forth in or attached to this Statement and that this Statement is submitted to induce the City of New York to approve this project.

I am aware that this Statement is part of a continuing application, and until such time as the project is finally and unconditionally approved by the City of New York, I will report any changes in or additions to the information set forth herein, and furnish such further documentation or information as may be requested by the City of New York or any agency thereof.

I understand that this Statement is intended to be a written instrument under Article 175 of the New York Penal Law, and that the making of any false statement in this Statement, or the failure to update this Certification prior to approval of the project, is a Class E felony.

Signature

PRINT NAME OF PERSON SIGNING ABOVE:

DATE: _____

State of New York)
) ss
County of _____)

On this _____ day of _____, 200__, before me personally came _____ to me known and known to me to be the person who executed the foregoing certification, and (s)he duly acknowledged to me that (s)he executed the same.

Notary Public

INDIVIDUAL DISCLOSURE STATEMENT APPENDIX

INSTRUCTIONS

For each explanation, indicate the Question (by number and, if applicable, by letter) and completely describe all material facts.

AFFIDAVIT OF NO CHANGE / AFFIDAVIT OF LIMITED CHANGE

WITH RESPECT TO A PREVIOUSLY SUBMITTED INDIVIDUAL DISCLOSURE STATEMENT

This affidavit may be used instead of a new Individual Disclosure Statement if an Individual Disclosure Statement was submitted to HPD within the last 3 years. The Name and EIN/SSN described below must exactly match the name and EIN/SSN on the prior Individual Disclosure Statement. HPD reserves the right to require a full, current Individual Disclosure Statement at any time.

Name _____
EIN/SSN _____
Address _____
City _____ State _____ ZIP _____
Telephone () _____ Fax Number () _____

Date prior Individual Disclosure Statement was executed: _____

Prior Program: _____

Prior Project: _____

Under penalty of perjury, I hereby certify to the City of New York Department of Housing Preservation and Development ("HPD"), that (check applicable):

1. Check the applicable item:

___ **No Change**

The above-referenced Individual Disclosure Statement previously submitted to HPD remains true and complete in all respects as of the date hereof.

___ **Limited Change**

The above-referenced Individual Disclosure Statement previously submitted to HPD remains true and complete in all respects as of the date hereof, except as set forth on the attached _____ pages. (Insert number of attached pages. Attach excerpts from Individual Disclosure Statement and/or Appendix, as applicable.)

2. Check the applicable item:

___ **No Property**

Neither I nor any Immediate Family member, nor any Related Company nor any of the Principals or Officers of any Related Company has owned, managed, or controlled (directly or indirectly through other entities), any real property (in part or in its entirety) in New York City within the last ten years.

_____ **Property**

I or an Immediate Family member, or a Related Company or one or more of the Principals or Officers of a Related Company has owned, managed, or controlled (directly or indirectly through other entities), any real property (in part or in its entirety) in New York City within the last ten years. Attached is a list of such property by address, tax block and lot numbers which indicates the relevant person or entity and his, her or its relationship to each property.

I understand that this Affidavit shall be deemed an Addendum to the above-referenced Individual Disclosure Statement, and that all statements made in the Certification attached to the above-referenced Individual Disclosure Statement, and all penalties described therein shall also apply to this Affidavit.

Signature

Print Name

Print Title, if applicable

Print Date

Sworn to before me this
____ day of _____, 200_.

Notary Public

FORM 5

SUPPLEMENTAL QUESTIONS TO ENTITY AND INDIVIDUAL DISCLOSURE STATEMENTS

(following pages)

Supplemental Questions to Entity and Individual Disclosure Statements

Answer the following questions. Use additional sheets as necessary . The definitions of terms contained in the Entity and Individual Disclosure Statements applies to these questions.

1. Has the Applicant, any of its employees, or any Related Entity, or any of their respective Principals or Officers, ever been the subject of, or questioned relating to, an investigation by any Government Agency, including, but not limited to, federal, state, and local regulatory agencies? If yes, provide details.

2. Has the Applicant, any of its employees, or any Related Entity, or any of their respective Principals or Officers, ever been subpoenaed by any Governmental Agency? If yes, provide details.

3. Has the Applicant, any of its employees, or any Related Entity, or any of their respective Principals or Officers, ever paid any money, gratuity, or conferred any other benefit, for any purpose, on any public official or any City employee? If yes, provide details.

4. Have there ever been any notifications or findings against the Applicant or any of its subcontractors of underpayments relating to prevailing wage violations? If yes, provide details. If yes, provide details.

5. Has the Applicant, any of its employees, or any Related Entity, or any of their respective Principals or Officers, ever been the subject of a monitorship or certification on any public contract or imposed by any governmental agency, authority or instrumentality? If yes, provide details.

6. Has the Applicant or its principals received any information, or have any reason to believe, that the Applicant, its Principals, or any of its employees, have been associated, or suspected of being associated, with organized crime? If yes, provide details.

CERTIFICATION

I certify that the information set forth in or attached to this Supplemental Questions to Entity and Individual Disclosure Statements form ("Supplemental Questions Form") is true and correct to the best of my knowledge and belief.

I am aware that the City of New York is relying upon all of the information set forth in or attached to this Supplemental Questions Form and that this Supplemental Questions Form is submitted to induce the City of New York to approve this application.

I am aware that this Supplemental Questions Form is part of a continuing application, and until such time as the application is finally and unconditionally approved by the City of New York, I will report any changes in or additions to the information set forth herein, and furnish such further documentation or information as may be requested by the City of New York or any agency thereof.

I understand that this Supplemental Questions Form is intended to be a written instrument under Article 175 of the New York Penal Law, and that the making of any false statement in this Supplemental Questions Form, or the failure to update this Certification prior to approval of the application, is a Class E felony.

Signature

PRINT NAME OF PERSON SIGNING ABOVE:

TITLE:

ENTITY (if any):

DATE:

State of New York)
) ss
County of _____)

On this _____ day of _____, 201__, before me personally came _____ to me known and known to me to be the person who executed the foregoing certification, and (s)he duly acknowledged to me that (s)he executed the same.

Notary Public