

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY GAUTREAUX, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 66 C 1459
	)	
THE CHICAGO HOUSING AUTHORITY,	)	
et al.,	)	Judge Aspen
	)	
	)	
Defendants.	)	
	)	

HUD'S RESPONSE TO ABLA PLAINTIFFS' MOTION TO INTERVENE

The ABLA plaintiffs seek to intervene in this cause and to file the Complaint attached to their motion. That complaint contains, among other things, several counts that allege that HUD has violated the law in several respects.

HUD opposes intervention that would add HUD as a Gautreaux party and institute new claims against HUD onto the Gautreaux case. First, such an intervention as of right should be denied because the ABLA plaintiffs have not presented any interests that would satisfy Article III standing requirements. All of their alleged interests are speculative, and, in any event, their dispute is with the Court's June 1998 order limiting the number of public housing units on the ABLA site, not any action by HUD. Additionally, any disposition in Gautreaux would not impair their interest in pursuing their claims, since HUD is not a party to the case and the Court would not otherwise be

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adjudicating any of the claims against HUD denominated in the Intervenor's Complaint in the absence of an intervention.

Second, a permissive intervention that would add HUD as a Gautreaux defendant should be denied because it would prejudice the adjudication of HUD's right to be dismissed from Gautreaux. Accordingly, the court should deny a broad-based intervention or that would allow the allegations against HUD in plaintiffs' proposed complaint to be filed.¹

DISCUSSION

I. Allowing The ABLA Plaintiffs To Add HUD As A Gautreaux Defendant Through A New Complaint Would Not Satisfy The Criteria For Intervention As Of Right.

A proposed intervenor as a matter of right has the burden of proving each of the following elements: (1) that the intervenor has "an interest relating to the property or transaction at issue"; (2) that "the disposition of the action, as a practical matter, may impair or impede the ability to protect that interest"; (3) that the "interest is not adequately represented by existing parties"; and (4) that the

¹ HUD takes no position as to the appropriateness of a limited intervention by the ABLA plaintiffs allowing them to challenge and seek to modify the Court's June 1998 order that designated ABLA from a Limited, to a Revitalizing, Area and limited to 1,084 the number of public housing units that could be developed on the ABLA site.

intervention motion is "timely." American National Bank & Trust v. City of Chicago, 865 F.2d 144, 146 (7th Cir. 1989). "[L]ack of even one element requires denial of the motion. Id. The ABLA plaintiffs' motion, insofar as it seeks intervention for the purpose of filing a complaint against HUD, should be denied for failure to meet the standards for intervention.

A. The Alleged Interests Are Insufficient To Justify A Broad-Based Intervention That Would Add HUD As A Gautreaux Defendant Through A New Complaint.

The interest necessary to satisfy Rule 24(a)(2) "must be greater than the interest sufficient to satisfy the standing requirement." U.S. v. 36.96 Acres of Land, 754 F.2d 855, 859 (7th Cir. 1985), cert. denied, 476 U.S. 1108 (1986); see also Keith v. Daley, 764 F.2d 1265, 1268 (7th Cir.), cert. denied, 474 U.S. 980 (1985) (citation omitted) (the "interest must be so direct that the applicant would have 'a right to maintain a claim for the relief sought'"); Ragsdale v. Turnock, 941 F.2d 501, 509 (7th Cir. 1991) (Posner, J., concurring) ("to be allowed to intervene as a party you must have standing").

In pertinent part, to establish Article III standing, the ABLA plaintiffs must demonstrate two things. First, they must be facing an "injury or threat of injury [that] must be both 'real and immediate,' not 'conjectural' or 'hypothetical.'"

Los Angeles v. Lyons, 461 U.S. 95, 100-02, 104-06, 111 (1983) (even though the police may have choked the plaintiffs in the past, it is still "speculative" that plaintiffs will experience similar treatment from the police in the future) (citations omitted).² Second, there must be "a causal connection between the injury and the conduct complained of -- the injury has to be fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party...." Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992). The allegations in the ABLA plaintiffs' moving papers and the Intervenor's Complaint do not satisfy the necessary Article III standing requirements.

(1) Since Their Claimed Interests Are Speculative, The ABLA Plaintiffs Lack Standing.

In Lyons, the plaintiffs' allegation that the police would illegally choke them in the future was too speculative to establish standing, even though the plaintiffs had received

² In the context of motions seeking intervention, an interest that is "contingent upon future occurrence of a sequence of events is insufficient." 6 Moore's Federal Practice, § 24.03[2][a] (Matthew Bender 3d ed.); see e.g. Washington Elec. Coop. Inc. v. Massachusetts Mun. Wholesale Elec. Co., 922 F.2d 92, 97 (2d Cir. 1990) (interest based on double contingency insufficient); City of Stillwell v. Ozarks Rural Elec. Coop. Corp., 79 F.3d 1038, 1042 (9th Cir. 1996) (contingent financial interest was too attenuated).

such treatment in the past and they had alleged that the police routinely applied chokeholds without provocation. Lyons, 461 U.S. at 104-06. The Supreme Court concluded that unless the plaintiffs alleged either that (1) individual police officers "always" employed chokeholds, or (2) the City "ordered or authorized" such treatment, the allegations were too speculative. Id. at 106.

In this case, the named ABLA plaintiffs include five current ABLA residents and one other public housing resident who used to live at ABLA. Intervenor's Complaint, ¶¶ 14-18, 21.³ The relief each of these six public housing residents seek is to reside at the revitalized ABLA project. Intervenor's Complaint, ¶¶ 14-18, 21. These six public housing residents do not contend that there will be an insufficient number of family public housing units for them specifically. Rather, the ABLA plaintiffs assert that at least 656 public housing units for very low income families were proposed to be developed at ABLA. Intervenor's Complaint, ¶ 61. Nor do they allege that CHA has demanded that these six public housing

³ The ABLA plaintiffs cannot rely on the interests of others, such as certain members of an ABLA class that has not yet been certified. "The interest must be based on a right that belongs to the proposed intervenor...." Keith, 764 F.2d at 1268.

residents be prohibited from residing at the revitalized ABLA. Rather, they merely allege that CHA has provided no guarantee that they will get units at the revitalized ABLA. Id. Since these six public housing residents cannot say with certainty that they won't be able to live at the revitalized ABLA, by implication, they acknowledge that there is a distinct possibility, if not a probability, that they will be able to receive one of these 656 new ABLA units. Therefore, it is merely "speculative" that the six named ABLA plaintiffs who are current public housing residents will not be able to live in one of these 656 new ABLA units.

The interests of the two named ABLA plaintiffs who are not public housing residents, but who are former ABLA residents, Intervenor's Complaint, ¶ 19-20, and the interests of the three ABLA plaintiffs on CHA's waiting list, Intervenor's Complaint, ¶ 22-24, are also "speculative." Since the ABLA plaintiffs seek equitable relief, not damages, from HUD, they must allege some injury that will occur in the future if the relief they seek is not granted. See Lyons, 461 U.S. at 111. The Intervenor's Complaint does not allege that these two non-public housing residents who were former ABLA residents have applied for, or will apply for, public housing. Nor does the

Intervenors' Complaint allege whether the three ABLA plaintiffs on CHA's waiting list are at the top of the waiting list, or how likely it is they would be able to live at ABLA, even if the ABLA plaintiffs did obtain the relief they are seeking.⁴ Accordingly, it is only "speculative" that these five non-public housing residents will be denied housing that they would otherwise be entitled to receive.⁵

⁴ Nor does the Concerned Residents of ABLA ("CRA") allege any interests sufficient to justify an intervention that would add HUD as a Gautreaux defendant. With regard to the alleged frustration to the CRA's mission to promote tenant involvement in the revitalization, see Intervenors' Complaint, ¶ 94, this concerns the claim against CHA, not HUD, that CHA has not consulted with plaintiffs in violation of Section 18 of the U.S. Housing Act of 1937. With regard to the alleged loss of members due to the relocation of residents utilizing Section 8, see id., this injury involves the claim against CHA, not HUD, that CHA has relocated ABLA residents in violation of Section 18 of the U.S. Housing Act of 1937 and in violation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

As to the alleged injury to the CRA members, see id., the CRA does not have associational standing because the CRA's members do not have standing in their own right. See Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333, 343 (1977). The complaint neither alleges how many members the CRA contains, nor that its members would be unable to reside in one of the many revitalized ABLA public housing units that will be developed. As discussed above, it is only "speculative" that the CRA's members would not be able to live at one of the new units to be developed at ABLA. Thus, since the CRA's members do not have standing in their own right, the CRA does not have associational standing.

⁵ When this Court reassigned the ABLA suit to the Gautreaux case, HUD's and CHA's motions to dismiss for lack of Article III standing were pending. A declaration by HUD's Deputy Assistant Secretary Elinor Bacon supported HUD's motion. Ex. 1 attached. In that declaration, she stated, in pertinent part, two things. First, the HOPE VI application proposed 1,467 public housing units (1,084 on-site and 383 off-site) for

- (2) Since HUD Has Not Caused Their Alleged Injuries, The ABLA Plaintiffs Lack Standing To Sue HUD.

Plaintiffs' claims are not fairly traceable to HUD because it is the Court's orders that are limiting the number of public housing units that can be developed back on the ABLA site. For all practical purposes, this Court has prohibited the development of public housing in a Limited Area, unless the Gautreaux court designates such Area as a Revitalizing Area. See Gautreaux v. Landrieu, 523 F.Supp. 665, 668 (N.D. Ill. 1981), aff'd, 690 F.2d 616 (7th Cir. 1982). The June 1998 order that designated ABLA from a Limited, to a Revitalizing, Area has limited the number of public housing units that can be developed back on ABLA to 1,084. Gautreaux v. CHA, No. 66 C

people with income levels at 0-35% of Area Median Income. Declaration of Elinor Bacon, ¶ 6. Second, it is anticipated that the ABLA Revitalization Plan may be updated to account for changes in the needed number of bedrooms per unit for those ABLA residents choosing to return to the ABLA development. Declaration of Elinor Bacon, ¶ 11.

Although the ABLA plaintiffs were fully aware of the deficiencies in their original complaint, they have not cured these defects in the Intervenor's Complaint, except for the fact that Nona Young, who was a current ABLA resident and named plaintiff in the July 1999 complaint, is now a former ABLA resident in the Intervenor's Complaint. It is, therefore, fair to assume that the ABLA plaintiffs have no new facts which would show that the six named plaintiffs who are current public housing residents will not receive new ABLA housing, or that the five named plaintiffs who are not current ABLA residents would even be eligible for new housing at ABLA, if the ABLA plaintiffs received the relief they are seeking.

1459, slip op. at 3 (N.D. Ill. June 19, 1998). HUD was not a party to the joint motion suggesting this numerical limit of 1,084; HUD has been merely acquiescing to the June 1998 order. The injury the ABLA plaintiffs allege is that the ABLA revitalization will not produce the same number of public housing units at ABLA as are demolished. See Intervenor's Complaint, ¶ 91. Because it is the June 1998 order, not any action by HUD, that has limited the number of public housing units that can be developed at ABLA, HUD has not caused the alleged injury.

The appropriate course for the ABLA plaintiffs is to make a direct challenge to the June 1998 order itself.⁶ The Court should not allow the ABLA plaintiffs to make a backhanded attack on the Court's June 1998 order by attacking those

⁶ The Supreme Court has stated that "one of the most usual procedural rules is that an intervenor is admitted to the proceeding as it stands, and in respect of the pending issues, but is not permitted to enlarge those issues or compel an alteration of the nature of the proceeding." Vinson v. Washington Gas Light Co., 321 U.S. 489, 498 (1944); see also Columbia Gas & Electric Corp. v. American Fuel & Power Co., 322 U.S. 379, 383 (1944) ("[a]s an intervenor the United States was limited to the field of litigation open to the original parties"); Washington Elec. Coop., Inc. v. Massachusetts Mun. Wholesale Elec. Co., 922 F.2d 92, 97 (2d Cir. 1990) (intervention "is not intended to allow for the creation of whole new suits by intervenors"); 6 Moore's Federal Practice, § 24.03[5][b] (Matthew Bender 3d ed.) ("if allowing intervention would radically transform the nature of the existing action, intervention should be denied").

entities who are simply acquiescing to, or complying with, it.⁷ Accordingly, since the ABLA plaintiffs lack standing to sue HUD, the interests they allege are insufficient to justify an intervention that would add HUD as a Gautreaux defendant.⁸

B. No Impairment Of The Ability To Protect Their Interests.

The ABLA plaintiffs have failed to show that any future resolution by this court with respect to HUD in the ABLA plaintiffs' absence "would as a practical matter foreclose [the ABLA plaintiffs'] rights" to bring their concerns against HUD "in a subsequent proceeding." American National Bank & Trust, 865 F.2d at 147-48.⁹ At this point, there are no legal claims

⁷ In the event that the Court grants the ABLA plaintiffs a limited intervention to challenge the June 1998 order, HUD is confident that all of the ABLA plaintiffs' claims, including those claims based on alleged statutory violations that Gautreaux did not cover, will also be resolved. Indeed, the Court stated in its November 4, 1999 order reassigning the ABLA suit that "although the ABLA Intervenor's Complaint alleges new statutory violations in addition to those covered by the Gautreaux decree, the entirety of the Intervenor's Complaint attacks the revitalization plan created pursuant to this Court's June 19, 1998 order." Thus, any intervention should be limited to the challenges to that order.

⁸ Because Intervenor's Complaint shows that the ABLA plaintiffs do not have standing to sue HUD, and because the Court "lacks jurisdiction of the subject matter" with regard to the claims against HUD, an intervention adding HUD as a Gautreaux defendant should be denied. See Fed. R. Civ. P. 12(h)(3).

⁹ HUD takes no position as to whether a legal resolution in Gautreaux of the ABLA plaintiffs' specific challenges to the June 1998 order without the ABLA plaintiffs would foreclose their rights. HUD takes no position as to a limited intervention to address those specific challenges to the June 1998 order. On the other hand, HUD does object to any

against HUD pending before this court. Indeed, HUD has been dismissed from Gautreaux and is no longer a party. Gautreaux v. CHA, 981 F.Supp. 1091, 1094-95 (N.D. Ill. 1997). As a result, there will be no future resolution by the Gautreaux court with respect to HUD.

The ABLA plaintiffs' interests are described in the Intervenor's Complaint, which alleges HUD statutory violations. Since this court will not adjudicate any issues with regard to HUD, it will not otherwise adjudicate the ABLA plaintiffs' interests with regard to HUD. Thus, there will be no future resolution by the Gautreaux court with respect to HUD in the absence of the ABLA plaintiffs that would cause any foreclosure of the ABLA plaintiffs' rights with respect to HUD in a subsequent proceeding.¹⁰ Accordingly, this Court should not allow intervention for the purpose of raising these new claims against HUD.¹¹

intervention that would add HUD as a Gautreaux defendant.

¹⁰ While it is true that this court's November 4, 1999 order dismissed the ABLA plaintiffs' independent lawsuit against HUD, the ABLA plaintiffs had the opportunity to appeal that order, but chose to waive that opportunity.

¹¹ In addition, because the ABLA plaintiffs have not alleged an interest sufficient to justify intervention, they do not have an "interest that could be impaired or impeded" and "have no right to assert that their interests are inadequately represented." Wade v. Goldschmidt, 673 F.2d 182, 186 (7th Cir. 1982). Therefore, the ABLA plaintiffs cannot satisfy the second and third elements of intervention as of right.

II. Any Permissive Intervention That Would Add HUD As A Gautreaux Defendant Should Be Denied Because Of The Prejudice It Would Impose Upon HUD.

"[P]ermissive intervention is to be denied if it would unduly delay or prejudice the adjudication of the rights of the original parties." Southmark Corp. v. Cagan, 950 F.2d at 419. The court adjudicated HUD's right to be dismissed from Gautreaux because HUD had complied with all of its Gautreaux obligations. Gautreaux, 981 F.Supp. at 1094-95. Consequently, any intervention that would add HUD back as a Gautreaux defendant would "prejudice the adjudication of the right[]" of HUD to be dismissed from Gautreaux.¹² See 6 Moore's Federal Practice, § 24.21[2] (Matthew Bender 3d ed.) ("[g]enerally, a motion to intervene after the parties have settled and the case has been dismissed will clearly prejudice the settling parties, since the applicant seeks to revive the dismissed action"). Accordingly, the court should deny any permissive intervention that would add HUD as a defendant.

¹² HUD takes no position as to the court's conclusion that there would be little delay resulting from the reassignment of the ABLA case so as to allow the ABLA plaintiffs to seek a limited intervention addressing the ABLA plaintiffs' challenges to the court's June 1998 order. Rather, HUD objects to a broad-based intervention that would add HUD as a Gautreaux defendant.

CONCLUSION

For the foregoing reasons, the court should deny a broad-based intervention that would add HUD as a Gautreaux defendant and introduce new claims against HUD.

Respectfully submitted,

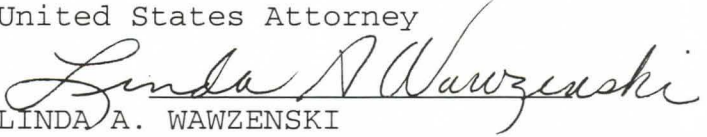
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

PAULA M. GABRIEL being first duly sworn on oath deposes and says that she is employed in the Office of the United States Attorney for the Northern District of Illinois; that on the 7th day of January 2000, she placed a copy of a:

1. HUD'S RESPONSE TO ABLA PLAINTIFFS' MOTION TO INTERVENE in a prepaid envelope addressed to each of the following named individual(s) and caused each envelope to be deposited in the United States mail chute located in the Everett McKinley Dirksen Building, Chicago, Illinois on said date at the hour of 5:00 p.m.

See Attached Service List

Paula M. Gabriel
SUBSCRIBED AND SWORN TO before
me this 7th day of January, 2000

Mary Anne Martin
NOTARY PUBLIC
My Commission Expires: 9/28/2002



SERVICE LIST

CONCERNED CITIZENS OF ALBA, et al., v THE CHICAGO HOUSING
AUTHORITY, et al.

Case No. 99 C 4959

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CONCERNED RESIDENTS OF ABLA,
et al.

Plaintiffs,

v.

THE CHICAGO HOUSING AUTHORITY,
et al.,

Defendants.

No. 99 C 4959

Judge Gettleman

DECLARATION OF ELINOR BACON

I, Elinor Bacon, do hereby declare and state as follows:

1. I have been employed by the U.S. Department of Housing and Urban Development ("HUD") since June 1997. I am currently the Deputy Assistant Secretary for the Office of Public Housing Investments in the Office of Public and Indian Housing. My responsibilities involve, among other things, oversight of the HOPE VI program, which is described below. The information set forth herein is based on my personal knowledge or based on my review of relevant documents or based on knowledge gained from my discussions with my staff at the Office of Public Housing Investments

2. In 1992, Congress originally created the HOPE VI program through a demonstration program called "Homeownership and Opportunity for People Everywhere." Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Acts, 1993, Pub. L. 102-389 (Oct. 6, 1992). As pertinent to the ABLA HOPE VI

GOVERNMENT
EXHIBIT

CARDINALS 800-783-0399

revitalization, the Congressional authorization for the HOPE VI program has been included in HUD's annual appropriation bills.

3. The HOPE VI program seeks to revitalize severely distressed or obsolete public housing developments by funding a mixture of local public housing authority activities. Local public housing authorities may use HOPE VI grant monies for a variety of purposes, including, among other things, planning revitalization projects, demolition, renovation, providing Section 8 rent vouchers, social services, and building replacement dwellings.

4. The Chicago Housing Authority ("CHA") received a Fiscal Year ("FY") 1996 HOPE VI grant in the amount of \$24,483,250 for the development of 200 ABLA replacement public housing units. This award was made to satisfy in part a HUD obligation under the HUD consent decree in Gautreaux v. CHA, No. 66 C 1459.

5. The CHA, in collaboration with Daniel E. Levin and the Habitat Company ("Gautreaux Receiver" or "Receiver"), which controls CHA's family public housing development activities, applied for and was awarded an FY98 HOPE VI grant in the amount of \$35 million to revitalize ABLA.

6. The FY98 HOPE VI application proposed to combine the \$24 million FY96 HOPE VI grant and the \$35 million FY98 HOPE VI grant to leverage over \$84 million in funding from the City of Chicago and over \$287 million in private funds to create a \$430 million redeveloped community. The application

proposed 1,467 public housing units (1,084 on-site and 383 off-site) for income levels at 0-35% Area Median Income ("AMI"), 845 affordable rental/for sale units for income levels at 36-120% of AMI, and 966 market rate rental/for sale units. Copy of the Executive Summary of the FY98 HOPE VI application is attached as Exhibit 1. Copy of an ABLA redevelopment fact sheet is attached as Exhibit 2. Copy of the FY98 HOPE VI Site Visit letter is attached as Exhibit 3. Copy of the ABLA Development Manager RFP [without exhibits] is attached as Exhibit 4.

7. Pursuant to HUD requirements, HUD's approval of a full Revitalization Plan for the project and HUD's approval of a Mixed-Finance Proposal for each phase is necessary before HOPE VI funds, other than pre-development funds, can be drawn down by CHA and the Receiver.

8. A Revitalization Plan creates a master plan for the project describing, among other things, the proposed design of the development, the proposed total number of units and the breakdown of public housing, tax credit, or market-rate units, the targeted income groups, the unit type, their location, density, whether they will be rental or homeownership, the number of units to be developed in each phase, the proposed development schedule for each phase, the proposed sources and uses for the entire project, and how the HOPE IV funds will be used for the development of public housing units. Bedroom distribution among the public housing units will take into account the family size of residents

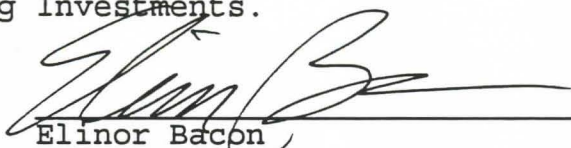
actually choosing to remain at the redeveloped ABLA community.

9. Pursuant to the completion of a Revitalization Plan, CHA and the Receiver will then be required to submit a detailed Mixed-Finance Proposal for each phase of the ABLA project. The Proposal provides, among other things, a final financing plan and budget for that phase, the final number of public housing, tax credit and market units to be developed in that phase and the respective responsibilities of CHA, the Receiver, the project's developer and other parties. Construction on that phase only may begin only after, evidentiary documents, which memorialize all agreements and responsibilities between the parties and commit funding to the project, are submitted to and approved by HUD.

10. CHA and the Receiver have not yet submitted the ABLA Revitalization Plan for HUD's approval. CHA, the Receiver and the City are now conducting a procurement process to hire a Development Manager who will oversee the completion of a Revitalization Plan and to manage the ABLA development process. It is expected that the development of a Revitalization Plan will take approximately six months to complete and will include the development of a detailed master plan, financial plan and market study. The Request for Proposal for the Development Manager specifies that the Development Manager must engage organizations and individuals in the master planning process that have a stake in the long-term strength of the ABLA community.

11. Only when CHA and the Receiver submit an ABLA Revitalization Plan to HUD at the end of this planning process, and only when HUD approves that Revitalization Plan, will there be more certainty as to how many ABLA public housing, tax credit and market units will be developed, where they will be located, the targeted income groups, the number of rental versus homeownership, the type of units and the bedroom distribution, and how the development will be phased. It is anticipated that the Revitalization Plan may be updated at various points during the development process to account for changes in market conditions, the needed number of bedrooms for those ABLA residents returning to the development and other issues.

12. I hereby declare under penalty of perjury that the foregoing is true and correct based on my personal knowledge or based on my review of relevant documents or based on knowledge gained from my discussions with my staff at the Office of Public Housing Investments.



Elinor Bacon
Deputy Assistant Secretary
Office of Public Housing Investments
Office of Public and Indian Housing
U.S. Department of Housing
and Urban Development

Executed on the 6th day of October, 1999.

EXHIBIT 1

A. EXECUTIVE SUMMARY

Through collaborative leadership, the ABLA Local Advisory Council (LAC), ABLA residents, the Chicago Housing Authority (CHA), the Receiver*, the Gautreaux Plaintiff's counsel and the City of Chicago have initiated an ambitious effort to completely revitalize and transform one of the largest and most distressed developments in CHA's inventory: ABLA Homes. The goal is to develop a desirable, diverse mixed-income community that can be replicated in Chicago and throughout the entire nation. The CHA requests \$35 million in HOPE VI funds to leverage a \$430 million development plan and to complete the revitalization of a 100-acre severely distressed public housing development.

ABLA Homes is comprised of six contiguous developments consisting of over 3,500 original units and occupied by over 1,500 very low-income families who are concentrated in a racially and economically segregated enclave within an otherwise revitalizing community. The severity of distress at the site is reflected in a vacancy rate of 52%, in thousands of ongoing fines and vacate orders by the local Housing Court, in the presence of asbestos and lead-based paint throughout, in the high crime rate, and in engineering reports recommending demolition of more than 2,700 units.

CHA proposes to combine its \$24 million 1996 ABLA HOPE VI grant and \$35 million from this 1998 HOPE VI application to leverage over \$84 million in City funding and over \$287 million in private funds to create a \$430 million redeveloped community. The City will combine use of incremental taxes from a Tax Increment Finance District, Low Income Housing Tax Credits (LIHTC), tax exempt bonds, and direct capital investments to match CHA funds and encourage private investors to invest in the area. Over 8 years, there will be 1,467 public housing units (1,084 on-site and 383 off-site), 845 affordable units, and 966 market rate units. The public housing units will be distributed throughout the 100 acre site and will be indistinguishable from private housing in the neighborhood.

CHA's 1998 HOPE VI application is a public/private partnership created to develop a holistic, self-sufficient and sustainable mixed income community. ABLA Homes is located in a dynamic market area adjacent to three communities experiencing major redevelopment. Capitalizing on strong market conditions, HOPE VI public housing units can be completed within seven to ten years following grant award and will generate a model of public housing transformation.

* Pursuant to a 1987 order of the Federal District Court in Gautreaux v. CHA et al, a Receiver, Daniel E. Levin and The Habitat Company, has and exercises all powers of CHA respecting the development of CHA non-elderly public housing.

EXHIBIT 2

ABLA REDEVELOPMENT - 1998 HOPE VI APPLICATION FACT SHEET

ABLA REDEVELOPMENT PLAN

The ABLA Redevelopment Plan will seamlessly integrate one of the CHA's most distressed public housing developments into the vital surrounding neighborhood of the Near West Side. The Plan proposes new construction of a mixed income community throughout ABLA Homes including Jane Addams, Brooks Extension, Grace Abbott, Loomis Courts and portions of Brooks Homes.

The ABLA Redevelopment Plan includes new construction of 966 market rate for-sale/rental units, 845 affordable rental and for-sale units, and 1,467 public housing units (1,084 units on-site and 383 units off-site). The redevelopment site encompasses approximately 100 acres bordered by Cabrini St. on the north, 15th Street on the south, Racine/Blue Island on the east, and Ashland/Loomis on the west. See attached map. The Plan also includes expansion of Fosco Park, construction of a new community center, residential development along Roosevelt Road, and a broad range of innovative programs to assist existing families toward self-sufficiency.

The City of Chicago and CHA are committed to the creation of healthy, sustainable mixed income communities without displacement of existing residents. The City and CHA have committed that every ABLA resident who wishes to remain in the community will have an opportunity to do so.

PROPOSED FINANCING

The CHA proposes to utilize an existing 1996 HOPE VI grant in the amount of \$24 million and apply to HUD for the 1998 HOPE VI Program for an additional \$35 million. The total of \$59 million in HOPE VI funds will be used to leverage over \$430 million in public and private resources to complete the entire development.

SOURCES OF FUNDS	AMOUNT
CHA - 1996 HOPE VI (\$24,483,250)	\$59,483,250
1998 HOPE VI (\$35,000,000)	
CITY - Tax Exempt Bonds (\$31,609,000)	\$84,359,000
Department of Housing - HOME/CDBG (\$19,940,000)	
New Homes for Chicago (\$6,810,000)	
TIF - Public Improvements (\$26,000,000)	
PRIVATE - Low Income Housing Tax Credits (\$37,290,000)	\$287,100,000
Private Mortgages (\$227,480,000)	
Homeowner Equity (\$22,330,000)	
TOTAL	\$430,942,250

INCOME LEVELS OF THE NEW MIXED INCOME COMMUNITY

Income Level	# of Units Proposed	Rental/For-Sale
\$0 - \$20,825 (0-35% of AMI)	1,467 (1,084 on-site and 383 off-site)	Rental
\$20,826 - \$71,400 (36-120% of AMI)	845	Rental/For-Sale
\$71,401 + (121% + of AMI)	966	For-Sale/Rental

*AMI: area median income for the City of Chicago

NOTE: Public Housing is defined as 0-80% of AMI.

PROJECTED TIMELINE

The 1998 HOPE VI application is due June 29, 1998. The CHA will receive notice from HUD in early October 1998 as to whether the Plan has been funded. The City and CHA anticipate that, if funded, redevelopment activities can begin this year on the areas with vacant land. The City and the CHA anticipate that the entire ABLA Redevelopment Plan will be implemented over the course of seven to ten years.

EXHIBIT 3



Sue

OFFICE OF THE ASSISTANT SECRETARY
FOR PUBLIC AND INDIAN HOUSING

APR _ 6 1999

Mr. Joseph Shuldiner
Executive Director
Chicago Housing Authority
626 W. Jackson Boulevard
Chicago, IL 60661

Re: FY 1998 HOPE VI Site Visit

Dear Mr. Shuldiner:

On December 17 and 18, 1998, HUD's Office of Public Housing Investments (OPHI), represented by grant managers Susan Wilson and Donna Keck and expeditors James Brooks (on site) and Paul Brophy (by phone conference), in conjunction with representatives from the HUD field office (Debra Torres and other HUD staff), conducted the initial site visit for the FY 1998 HOPE VI grant award of \$35,000,000 for the ABLA area revitalization. This amount will be used in conjunction with the FY 1996 HOPE VI grant award of \$24,483,250 for Brooks Extension to accomplish major revitalization of the area encompassing Abbott, Brooks Homes, Loomis Courts and Addams. A planning team comprised of representatives from the Chicago Housing Authority (CHA), the resident Local Area Council (LAC), the City of Chicago Department of Housing, the Habitat Company (Gautreaux receiver), and other community stakeholders participated in the site visit.

The planning team provided an overall presentation of the ABLA redevelopment as well as an extensive tour of the site and surrounding neighborhoods, with particular emphasis on the redevelopment associated with the adjacent Illinois Medical District and the University of Illinois at Chicago campus. Our understanding of and comments on the revitalization effort are based on the information received during the site visit.

Mixed-Income Housing

It is intended that public housing units in the redeveloped neighborhood will be distributed among various parcels and types of housing so that public housing is fully integrated into the neighborhood. The target income mix for the overall redevelopment, based on current planning, is as follows:

- 0 – 35% AMI 1467 public housing units (1084 on site/383 off site)

- 36 – 120% AMI 845 rental/for sale units
- > 120% AMI 966 rental/for sale units

Total Units: 3278 units

The overall mix would provide for 37 percent public housing units, 29 percent other affordable units, and 34 percent market rate units.

The planning team did not provide specific information on the proposed mix of housing types per phase of development or a breakdown of rental versus for sale units. It is the belief of the planning team that a strong market exists for both rental and for sale housing in the redevelopment area which will support the target income mix.

Financing

The planned redevelopment will be financed by a mix of HOPE VI funds, LIHTC equity, tax-exempt bonds, HOME/CDBG funds, Tax Increment Financing District (TIF), and conventional debt. Representatives from the city indicated that developments with similar sources of funds, underwritten by FHA, had recently been closed by the city, and that a copy of an offering circular could be provided. Although the team discussed generally how the redevelopment would be financed, specific information regarding proposed sources and uses of funds was not provided. Currently the plans do not call for HOPE VI funds to be used for homeownership units.

Infrastructure/Acquisition

Infrastructure improvements will be funded by TIF funds generated by the City of Chicago. In addition, TIF will finance acquisition of off-site replacement housing sites in the adjacent neighborhoods. A TIF district is in place for the ABLA site. Infrastructure improvements would include re-introduction of the historic street grid into the ABLA site, according to current plans. The City estimates that \$26 million will be invested in infrastructure improvements in the ABLA community.

Program Oversight

The redevelopment effort is being managed by a planning committee comprised of representatives from the City of Chicago Department of Housing, City of Chicago Department of Planning, CHA, the Habitat Company as CHA development receiver, the ABLA resident council, and the Gautreaux plaintiff's counsel, under the leadership of Julia Stasch, Commissioner of the Department of Housing. The City has assigned full-time staff to the redevelopment effort. While HUD commends the planning committee on its cooperative efforts to date,

it is clear that written agreement with regard to procedures and protocols for policy development, planning and decision-making must be put in place for the redevelopment effort to be implemented expeditiously. We understand that a draft Memorandum of Understanding (MOU) outlining the roles and responsibilities of the planning committee members is currently being reviewed by those members. HUD has reviewed this draft MOU and finds it acceptable. Therefore, we urge you to execute it as soon as possible and to submit an executed copy to HUD. Please note that in the future, HUD reserves the right to request additional refinements to the MOU if the planning committee is not able to reach crucial decisions necessary to implement the ABLA project.

The City, in cooperation with the rest of the planning committee, is developing a Request for Proposals for a Development Manager (Program Manager) to oversee planning and implementation of the ABLA redevelopment. The scope of the Development Manager's work is to include the following:

- Development of a detailed master plan for the entire site;
- Development of a detailed implementation schedule of this master plan;
- Development of a realistic financial plan for the entire development effort;
- Preparation of a detailed market study;
- Management of all aspects of program implementation; and,
- Solicitation/selection of developers.

It is currently intended that the Department of Housing will conduct the procurement on behalf of CHA and the Habitat Company, with an evaluation panel comprised of members of the planning committee, assisted by non-voting expert advisers. The evaluation panel is to make its recommendation for selection to the Commissioner, who will in turn make a recommendation to CHA and Habitat. The draft RFP has been provided to HUD for review and HUD's comments will be provided at the next executive oversight committee meeting. As we have indicated in previous meetings, HUD considers the MOU among the participating parties to be critical to its review of the RFP. The MOU must be executed prior to HUD approval of the RFP.

Although it is intended that HOPE VI fund all or part of the cost of Development Manager services, the RFP is unclear as to which agency or agencies would be party to the contract with the Development Manager and would be responsible for oversight of the Development Manager. Again, the need for clear written agreement among the parties as to roles, responsibilities and decision-making authority is critical.

Upon HUD's recommendation, an executive oversight committee, including representation from HUD OPHI, the Chicago HUD Field Office, the City Department of Housing, CHA, Habitat and other key stakeholders has been established and meets on a monthly basis to review project status, identify key issues and reach consensus on executive decisions and policy in a manner consistent across all HOPE VI-funded projects.

Implementation Schedule

The planning committee indicated that it will take approximately six months to complete the master plan and financial plan, once the Development Manager is under contract. City officials indicated that the entire redevelopment effort would be implemented over an eight to ten year period, which is beyond the time allotted for implementation in the HOPE VI Grant Agreement. In order to stay in compliance with the HOPE VI implementation requirements, the grantee must execute the program in such a way as to assure that the HOPE VI funds are obligated and expended in a timely manner. OPHI staff will work with the grantee to explore alternatives, in conjunction with the larger redevelopment effort, which will allow the HOPE VI funds to be obligated in accordance with program requirements.

Family Self-Sufficiency/Supportive Services

A similarly cooperative planning endeavor is underway for the family self-sufficiency and supportive services portion of the HOPE VI effort, involving most major service providers in the Chicago area, including the city and state Departments of Human Services, the city's Department of Aging, the Board of Education, the Department of Health, PUSH, the MacArthur Foundation, the Chicago Police Department, and others. A supportive services plan is being developed and will be submitted to HUD for review and approval upon completion, no later than 120 days after execution of the grant agreement.

HOPE VI Grant Agreement

HUD transmitted to you under separate cover on February 2, 1999, the FY1998 HOPE VI Grant Agreement for the ABLA revitalization for execution by both CHA as grantee and Habitat as the CHA development receiver. Please transmit four fully executed copies of Form 1044 to the Grant Agreement to Ms. Wilson for processing.

Supplemental Information Required

For FY 1998 HOPE VI grantees, submission of a separate Revitalization Plan (RP) is not required. However, certain supplemental information regarding the planned HOPE VI revitalization is required to be submitted to HUD for review prior to implementation of the development effort. At the conclusion of the

December site visit, Susan Wilson, the HOPE VI grant manager, provided an outline of those items that HUD will require as part of the supplemental submission. A more detailed list of the required supplemental information is attached to this letter. If you have concerns about submitting the supplemental information, please call Ms. Wilson. It is understood that the Development Manager will be responsible for further development of the physical and financial plan for the redevelopment, and that those plans will be submitted to HUD for review when completed at a later date.

Please note that the supplemental information must be submitted to HUD within 120 days of HUD's execution of the HOPE VI Grant Agreement.

HUD has made a strong commitment to supporting community revitalization efforts in Chicago and is committed to being an active partner in the ABLA revitalization. Through our HOPE VI grant managers and grant expeditors, OPHI will make every effort to assist the grantee in the successful implementation of the revitalization program. If you have any questions regarding your grant or the requirements of this letter, please contact your HOPE VI grant manager, Susan Wilson, at (202) 708-0614.

Sincerely,



Elinor R. Bacon
Deputy Assistant Secretary
Office of Public Housing Investments

Attachment

HOPE VI Supplemental Information

All applicable exhibits submitted with the initial application should be updated, where necessary, to reflect any changes, as well as to elaborate on more detailed information now available. It is not necessary to reiterate the same information submitted in the original application. The HOPE VI Guidebook, Chapter 2, Section D, provides additional guidance on specific RP exhibits although it specifically addresses exhibits required of FY 97 grantees. The Guidebook and the FY 98 NOFA may be referred to when preparing your submission.

Please submit only supplemental information on the following:

- HOPE VI Budget, Parts I and II, covering the entire grant amount. Please note that administrative costs are typically 3-6% of the HOPE VI grant amount;
- Revised Baseline Report;
- Executed MOU describing the roles and responsibilities of the planning committee members;
- Physical revitalization plan describing the overall design of the development, the number of units, types of units, and targeted income groups;
- Financing plan for the entire development;
- Sources and uses for the entire development and each phase of the project;
- Phasing description and development schedule;
- Demolition plan. Pursuant to changes in legislation contained in the Quality Housing and Work Responsibility Act of 1998, for HOPE VI revitalization projects only, you are no longer required to submit an application for demolition to the HUD Special Applications Center (SAC). Demolition related to HOPE VI projects will now be approved by this office as part of the approval of the Revitalization Plan. Should we require any additional information pertaining to the proposed demolition, we will notify you by separate letter. Please note that dispositions must still be approved by the SAC;

- Relocation plan;
- Market analysis to show that the development is feasible;
- Acquisition plan, identifying properties to be acquired, estimated cost and financing sources, the proposed use and the entity responsible for coordinating this effort;
- Other predevelopment activities including permits and approvals to be obtained, hazard abatement, demolition and site improvements;
- Staffing and time allocation plan for CHA and Habitat responsible for implementing the HOPE VI grant and the percentage of each staff member's personnel time spent administering the program. Please be aware that the Grant Agreement specifies that only staff spending at least 25 percent of their time on HOPE VI activities may be paid for out of HOPE VI funds;
- The management structure and policies, describing the property management entity, admissions policy, and the implementation of preferences, site-based waiting list, ceiling rents, income disregards, etc.
- Description of the continued involvement of residents and community organizations in the implementation of the project.

Please submit five copies of the supplemental information. Two should be sent to Susan Wilson, Grants Manager, OPHI. A third copy should be sent to Debra Torres, Director of the Office of Public Housing, Illinois State Office. Two copies should also be sent to Jim Brooks, HUD expediter.

EXHIBIT 4

REQUEST FOR PROPOSALS

DEVELOPMENT MANAGEMENT SERVICES
for the

MIXED-INCOME REDEVELOPMENT OF ABLA HOMES
Chicago, Illinois

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ABLA DEVELOPMENT MANAGER RFP

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EXHIBITS

(Exhibits are bound separately from the text of the RFP unless otherwise noted.)

- Exhibit 1: Memorandum of Understanding between the member organizations of the ABLA HOPE VI Working Group (bound with the text of the RFP)
- Exhibit 2: Revitalizing Order entered in the Gautreaux case on June 19, 1998
- Exhibit 3: Memorandum of Agreement among the City of Chicago, the Illinois Historic Preservation Officer, the United States Department of Housing and Urban Development, and the Advisory Council on Historic Preservation for the ABLA Redevelopment Project (the Jane Addams Memorandum)
- Exhibit 4: ABLA Post-Redevelopment map, showing the Site
Map of the Tax Increment Financing District designated November 11, 1998
Map showing existing conditions on the Site
(All bound with the text of the RFP)
- Exhibit 5: Residential market study commissioned as part of the HOPE VI application process
- Exhibit 6: Draft HOPE VI Grant Agreement
- Exhibit 7: Listing of some of the laws, ordinances, and regulations applicable to master plan implementation
- Exhibit 8: Regulation regarding the use of HOPE VI funds in mixed-finance developments
Listing of evidentiary materials required for the use of HOPE VI funds
- Exhibit 9: Information on Chicago Department of Housing resources available for the ABLA redevelopment project
- Exhibit 10: 1998 ABLA HOPE VI application section on physical revitalization
(For information only)
- Exhibit 11: City of Chicago Planned Unit Development Handbook executive summary
- Exhibit 12: Information on Chicago Housing Authority requirements with respect tot the creation of employment and business opportunities for public housing residents, resident-owned businesses, and MBE/WBEs
- Exhibit 13: Required statements, affidavits and other materials for Respondents
(Bound with the text of the RFP)
- Exhibit 14: Standard contract information that will apply to contracts for services entered as a result of this RFP

REQUEST FOR PROPOSALS

The City of Chicago, on behalf of the Chicago Housing Authority (CHA) and The Habitat Company, the court-appointed receiver for CHA's non-elderly public housing development¹, and the ABLA HOPE VI Working Group, is requesting proposals from development managers to plan and implement a mixed income residential development on the site of CHA's ABLA Homes and certain adjacent parcels. ABLA Homes is located on the Near West Side of Chicago, easily accessible to downtown, the United Center and the cultural, educational, economic and health care activities of the University of Illinois at Chicago (UIC) and the Illinois Medical District, which includes UIC medical facilities, the Rush-Presbyterian Medical Center, Cook County Hospital and West Side Veterans' Administration Hospital.

The proposal to redevelop ABLA Homes is the result of a joint effort by the City of Chicago, the CHA, the plaintiff's counsel in the case of Gautreaux vs. CHA et.al., The Habitat Company, and the ABLA Local Advisory Council. This group, along with a representative of the Illinois Medical District and the University of Illinois at Chicago, is known as the ABLA HOPE VI Working Group (the Group), and a Memorandum of Understanding between its member organizations is attached as Exhibit 1. It represents a commitment to create and sustain a range of attractive, secure housing options for a mix of income levels, including public housing, in this revitalizing neighborhood. The redevelopment of the ABLA Homes site and neighborhood will create a much more positive living environment for public housing residents and contribute to the stability and growth of the Near West Side community and the city as a whole. The redevelopment effort will take place alongside major investment in new commercial and residential development by both the University of Illinois at Chicago and the Illinois Medical District, and which can provide employment opportunities for ABLA public housing residents.

Holistic Urban Redevelopment Approach

The Near West Side is the focus of intensive private and public investment. The inclusion of public housing redevelopment as part of this activity is intended to demonstrate the transformation of neighborhood economies and opportunities that is possible through collaboration among the parties mentioned above and private investors and implementers. It will create a model for redevelopment in other neighborhoods across the city. Four basic principles form the foundation of the ABLA model:

- * ***Create diverse, mixed-income communities***, eliminating the isolation of public housing families from the rest of the community and supporting the market for continued investment in the neighborhood
- * ***Establish collaborative partnerships among public and private interests***, creating opportunities for private participation and creativity in the redevelopment process and leveraging public resources

¹ Pursuant to a 1987 order of the Federal District Court in Gautreaux vs. CHA et. al., a Receiver, Daniel E. Levin and The Habitat Company, has and exercises all powers of CHA respecting the development of non-CHA elderly housing.

- * ***Give public housing families a choice*** to stay in the redeveloped neighborhood, relocate to new public housing units located off-site, or seek other housing, with support in all cases for residents' efforts to achieve economic self-sufficiency
- * ***Help public housing families become self-sufficient***, by targeting the challenges of job training, finding and keeping good jobs, handling family finances, meeting housekeeping and home maintenance responsibilities, fulfilling parental responsibilities, and locating safe and affordable child care

The CHA, The Habitat Company and the City of Chicago have also committed to provide 383 public housing replacement units in other areas of the city. The development of those units is not part of the scope of services to which this Request for Proposals (RFP) for master planning, financial planning and development management pertains.

The Group also contemplates commercial redevelopment along Ashland Avenue, and residential rehabilitation of a property at 15th and Loomis Streets, which will be expected to be incorporated into the master plan developed pursuant to this RFP, but which will not be the subject of financial planning or the development management under this RFP.

1. PROGRAM GOALS

Collaborative leadership by the Group has secured new HOPE VI funding for the ABLA holistic urban redevelopment plan from the U.S. Department of Housing and Urban Development (HUD). The development manager selected as a result of this RFP (the Selected Respondent) will demonstrate the highest capacity to accomplish the Scope of Services and deliver the outcomes detailed below (the Program Goals). The Selected Respondent will produce a master plan for the redeveloped neighborhood that includes land use and development planning for the area described in the section of this RFP (entitled Development Site and Parcel Specifics), produce a financial plan for the residential components of the redevelopment project as discussed in Section 2, and manage the process of implementing the physical development of the residential components specified in the Section 2 by coordinating the activities of all team members and consultants, conducting solicitations for development teams to carry out the individual components of the master plan, and negotiating with the developers on behalf of the Group. In order to avoid conflict of interest, the Selected Respondent will not have any interest or participate in any way in development activities other than as specified in the Scope of Services, which may be amended from time to time (see Section 3, Scope of Services, for further information). The following outcomes are considered Program Goals by the Group:

- 1.1 Create an attractive, secure, diverse and viable mixed income community with appropriate amenities and services to provide a stable and positive environment for Chicago residents

- 1.2 Create a variety of housing options within that community including market rate, affordable and public housing, including home ownership and rental options. At least 50 home ownership units will be made available to purchasers who are residents of public housing, in particular for eligible residents of the ABLA public housing development
- 1.3 Ensure that housing units targeted for public housing families are indistinguishable in quality and visual appearance from those targeted for other levels of income
- 1.4 To the maximum extent, disperse units for public housing families throughout the redeveloped neighborhood and in the full range of housing types and unit sizes developed
- 1.5 Achieve income tiering in new residential development for which the implementation is overseen by the Selected Respondent as follows: ²

<u>Income tier by % of Area Median</u>		<u># of units</u>	<u>% of total</u>
0-35%	(Public Housing)	1,084	37%
36-120%	(Affordable)	845	29%
Over 120%	(Market Rate)	966	34%
		-----	-----
		2,895	100%

- 1.6 Reduce the public housing units' dependence on public housing operating subsidies, while maintaining affordability
- 1.7 Maximize the use of private financing by strategic use of public resources, including public housing and City of Chicago resources
- 1.8 Ensure quality maintenance and management of the entire development, including home ownership and rental housing units for all levels of income, to promote the marketability, attractiveness, security and overall strength of the redeveloped neighborhood
- 1.9 Establish a vehicle to engage residents of all income levels and backgrounds, local institutions and other stakeholders in the ongoing affairs of the neighborhood

² The Revitalizing Order entered in the Gautreaux case on June 19, 1998 authorizes the Receiver in the Gautreaux case to develop new public housing units within the Revitalizing Area subject to such terms and conditions as are specified by further orders of the Court. The Revitalizing Order is attached as Exhibit 2.

It is expected that certain current ABLA public housing residents who earn more than 35% of area median income will be among the initial residents of public housing units in the redeveloped community. In addition, the overall percentage of units rented to families between 0-35% of area median income is expected to decrease over time, as a commitment is implemented that 50% of public housing replacement units will be occupied by families earning between 36% and 50% of area median income. This increase in incomes will be accomplished as original residents leave the units, find employment or otherwise increase their incomes.

- 1.10 Fulfill the City's and CHA's obligations under the Memorandum of Agreement among the City of Chicago, the Illinois Historic Preservation Officer, HUD, the Advisory Council on Historic Preservation for the ABLA Redevelopment Project (the Jane Addams Memorandum).³
- 1.11 Maximize employment opportunities for ABLA public housing residents (who shall receive priority), other public housing residents, other low-income residents of the community in which the project is located, and Chicago residents, and maximize business opportunities for public housing resident owned businesses, minority and women-owned businesses and Chicago residents in the planning and implementation of the ABLA redevelopment project

³The Jane Addams Memorandum makes certain stipulations regarding the consideration of rehabilitating or demolishing Jane Addams Homes buildings as part of the overall ABLA redevelopment strategy. If it is determined that buildings can be retained as part of a viable, marketable mixed income development, the Jane Addams Memorandum stipulates that they will be rehabilitated in accordance with standards promulgated by the Secretary of the Interior. If buildings are to be demolished, methods and standards are stipulated for proper recordation. The Jane Addams Memorandum is attached as Exhibit 3, and further information is provided in Section 6 on Development Guidelines and Information.

2. DEVELOPMENT SITE AND PARCEL SPECIFICS

2.1 Development Site

The ABLA redevelopment area (the Site) is shown on the map entitled ALBA Post-Redevelopment, included in Exhibit 4. It is bounded by Blue Island Avenue and Racine Avenue on the east; Cabrini Street, Grenshaw Street and Roosevelt Road on the north; Throop, Loomis and Ada Streets, and Ashland Avenue, on the west; and parcels to the south of 15th Street on the south. The Site is contained within a Tax Increment Financing (TIF) district designated by the City in November, 1998. Maps outlining the TIF district and showing existing Site conditions are included as Exhibit 4.

The Site includes major parcels that will be redeveloped as new mixed income housing, parcels targeted for new commercial, existing institutional and community uses such as churches, parks, and schools. For the major mixed income housing parcels, the Selected Respondent will be responsible for master planning, financial planning, developer solicitation, and management and oversight of the development process. The new commercial sites along the east side of Ashland Avenue, the proposed residential rehabilitation project at 15th and Loomis Streets, the existing institutional and community facilities (for example, churches, parks, and schools) are not to be the subject of detailed master planning, financial planning, developer solicitation or development management by the Selected Respondent. These uses and their relationship to the master plan for the mixed income residential development should be incorporated into the Selected Respondent's work product.

2.2 Development Parcel Specifics

2.2.1. Brooks Homes: Brooks Homes, an existing public housing development located among the parcels described above, is being rehabilitated under CHA's Comprehensive Grant modernization program. 132 units have been rehabilitated as the first phase of this project, and plans to rehabilitate an additional 220 units have been finalized. Master planning for the entire Site must incorporate the modernized Brooks Homes. The income tiering described in the Program Goals includes 352 rehabilitated Brooks Homes units in the 1,084 units to be available initially to present ABLA residents.

2.2.2. Jane Addams Homes: Jane Addams Homes, an existing public housing development which comprises one of the parcels identified above, has been determined eligible for listing on the National Register of Historic Places. It will be the Selected Respondent's responsibility to manage and oversee redevelopment in such a way that development activities involving Jane Addams buildings are carried out in accordance with the stipulations of the Jane Addams Memorandum.

2.2.3. Addams Park: The current site of Addams Park will be made available for redevelopment. The master plan will incorporate a physical and financial plan for redevelopment on the current Addams Park site, and the Selected Respondent as a result of this RFP will be responsible for managing the process of implementing development activities on this parcel.

2.2.4. Fosco Park: Expansion plans for the existing Fosco Park are currently being developed. The Chicago Park District is planning to construct a 80,000 square foot community center in the expanded Fosco Park that will include an indoor swimming pool and other recreational facilities, facilities for day and evening child care, a health and wellness center, a computer learning center, the Eisenberg Boys & Girls Club, and offices for the City Department of Human Services, Mayor's Office of Workforce Development, the Chicago Board of Education, and the ABLA Local Advisory Council. The master plan must incorporate the expanded Fosco Park and the community center, but the Selected Respondent will not be expected to prepare a financial plan or manage the solicitation and development implementation process for the redevelopment of this park or the community center.

2.2.5. 15th Street and Ashland Avenue parcels: The City plans to acquire certain parcels along the south side of 15th Street between Loomis Street and Ashland Avenue for residential development and open space, and along the east side of Ashland Avenue between 15th Street and Roosevelt Road for commercial re-use. The City will make these parcels available for development under separate development solicitation processes. The master plan must take into account the redevelopment of these parcels for such uses, but the Selected Respondent will not be expected to prepare a financial plan or manage solicitation and development implementation process for the redevelopment of these parcels.

2.2.6. Chicago Public Schools: Medill School and Jacob Riis School will continue to operate as a school facilities. Both schools will receive expanded outdoor campus parks. The master plan will take into account the continued use of these properties as schools, the Selected Respondent will not be expected to prepare a financial plan or manage the developer solicitation and development implementation process for the redevelopment of the school parcels.

3. SCOPE OF SERVICES

The Group seeks a lead development manager to provide development management services for the physical redevelopment of the Site, including the day-to-day management of the planning and implementation process. Development management organizations or teams responding to this request for proposals (Respondents) should demonstrate that they possess all of the capacities necessary to successfully produce a master plan, a financial plan for the mixed-income housing and other components of the redevelopment as specified in Section 2 and this Section 3. Respondents should also demonstrate the capacity to manage the implementation of the specified components of the redevelopment. Respondents will be expected to operate under arrangements that tie their compensation to performance criteria related as directly as possible to project milestones, and, ultimately, achievement of the Program Goals.

Respondents are expected to bring all necessary capacities to provide day-to-day management, on behalf of the Group, of the master planning and implementation of the entire mixed income residential development contemplated in the 1998 HOPE VI proposal to HUD, including each of the tasks listed below. If a Respondent does not include all of the technical or other capacities necessary to complete the scope, the Respondent must discuss in its proposal the way in which such capacities would be engaged at the appropriate points in the planning and development process. Respondents must at minimum include all necessary capacities to complete the master planning, financial planning, and development management components of the scope, and to establish and sustain involvement by groups and individuals with a stake in the long-term strength of the redeveloped neighborhood.

In order to avoid conflict of interest, the Selected Respondent will not have any interest or participate in any way in development activities other than as specified in the Scope of Services, which may be amended from time to time

3.1. General Responsibilities

The Selected Respondent will at all times work in the interest of achieving the Program Goals to the maximum extent. The Selected Respondent will work closely with and on behalf of the Group to develop a master plan and financial plan for the redevelopment, and to provide day-to-day oversight of their implementation, including the following activities. A Memorandum of Understanding between the member organizations of the Group is attached as Exhibit 1.

- 3.1.1. Supervising and coordinating Respondent team members and/or other consultants for all aspects of master planning, financial planning and development management
- 3.1.2. Coordinating information flow, progress and decision meetings with Group members, their designated representatives, and others as necessary
- 3.1.3. Coordinating communications to interested parties in the neighborhood and city-wide

3.1.4. Provide day-to-day management of implementation activities for physical redevelopment of the Site as specified in Section 2, including:

- 3.1.4.1. Designing and managing solicitations for developers
- 3.1.4.2. Making recommendations with respect to the evaluation of proposals by developers, in order to realize the Program Goals to the maximum extent
- 3.1.4.3. Negotiating with selected developers in the interest of achieving the Program Goals to the maximum extent
- 3.1.4.4. Supervising the activities of developers during development process
- 3.1.4.5. Preparing and maintaining master schedules, budgets and progress tracking materials related to the master plan and implementation of the master plan, through full occupancy of the new development
- 3.1.4.6. Preparing compliance and reporting materials for the physical redevelopment as required by the HOPE VI grant agreement
- 3.1.4.7. Preparing compliance and reporting materials as required by the documents, regulations and laws governing those funds and approvals

3.1.5. Creating employment and business opportunities for public housing residents, resident businesses and MBE/WBEs (see Section 7 on Employment and Business Opportunities for further information on requirements)

3.1.6. Establishing vehicles for ongoing involvement by interested community stakeholders in the ongoing affairs of the neighborhood

3.2. *Specific Work Products and Responsibilities*

In carrying out the responsibilities set forth below, the Selected Respondent will provide the services of master planning, financial planning and management of implementation activities with respect to each parcel of the Site as specified in Section 2 on Development Site and Parcel Specifics, and as further detailed in this Section 3 on Scope of Services.

3.2.1. Detailed master plan that achieves the Program Goals: The master plan will include a site plan. For each parcel or area the site plan will include a proposal for the number and type of buildings, unit mix, home ownership and/or rental status, income targeting and bedroom counts among units. Bedroom distribution among the public housing units to be made available in any phase of development will take into account the family size of residents actually choosing to remain in the redeveloped ABLA community. The site plan will also address open space, parking, density and massing of buildings.

The master plan will also address the phasing of redevelopment activities. In carrying out this responsibility, the Selected Respondent will integrate schedules for relocation, heat decentralization, demolition, site assembly and preparation with planned development phasing. In planning for the phasing and implementation of the ABLA redevelopment project, the master plan will take into account the stipulations of the Jane Addams Memorandum.

The master plan will include a master development schedule for the redevelopment project, to be updated on an ongoing basis throughout project implementation. The updated master development schedule will be used in monitoring progress, reporting and communicating to the Group and government agencies, community stakeholders and other interested parties about the status of project.

The master plan will provide for development, in consultation with the Group (in particular the ABLA Local Advisory Council), local historical organizations and former residents, of a museum or interpretative exhibit on the significance of the Jane Addams Homes buildings in the development, planning and management of public housing in Illinois (see Section 6.2).

It is anticipated that the site plan and phasing plan for the redevelopment may also be updated at various points during the development process, to account for changes in market conditions, the needed number of bedrooms among ABLA residents returning to the development, and other issues.

In developing the master plan, the Selected Respondent will incorporate the results of the financial plan, including the market study, as discussed below.

The Selected Respondent will engage the Group and other organizations and individuals with a stake in the long-term strength of the community in the master planning process.

3.2.2. Realistic financial plan for development: The financial plan will address the allocation of HOPE VI and other public funds to different phases of the redevelopment, and estimate the amounts and types of private funds to be sought for each phase. The financial plan will specify the use of specific financing vehicles, such as tax exempt bonds, TIF proceeds, low income housing tax credits, historic rehabilitation tax credits, and estimate the amount and sources of funds to be raised using these vehicles (see Section 4 on Resources for Physical Redevelopment for further information). It is anticipated that the financial plan will be revisited periodically as proposals for the development of individual phases or components of the master plan are finalized, and as significant market shifts occur. However, the financial plan should demonstrate the overall feasibility of the master plan and thus contribute to the basis for solicitations for developers to implement it.

As part of the financial plan, a market study will be produced for the entire redevelopment project. Additional market studies will be produced as necessary thereafter for each phase of development, either by the Selected Respondent or by development teams solicited to produce detailed plans and develop the individual phases or components of redevelopment. The market studies will form the basis of financial plans for each phase and for ongoing financial planning for the redevelopment, will address the needs of the potential residents at all levels of income, and may lead to revisions of the site plan,

phasing or schedule. The City of Chicago commissioned a residential market study as part of the planning process for the 1998 HOPE VI application, which was submitted to the City in April, 1998, and is included as Exhibit 5.

3.2.3. Obtain necessary government approvals to allow for implementation of the master plan: The master plan and financial plan will form the basis from which more detailed design, financing and development plans will be created. In developing the master plan and financial plan, the Selected Respondent will also work with the appropriate public agencies and others to identify and address any potential barriers to receiving other necessary permits and approvals that may arise in the implementation of the master plan. The Selected Respondent will work with the Chicago Plan Commission and City Council to implement a new Planned Unit Development that reflects the master plan. The Selected Respondent will work with the U.S. Department of Housing and Urban Development to gain approval of the master plan and financial plan as the basis for developing mixed finance proposals for each phase of the ABLA mixed income development, as required by the HOPE VI Grant Agreement. A copy of the HOPE VI Grant Agreement is included as Exhibit 6.

3.2.4. Create employment and business opportunities for public housing residents and resident owned businesses, minority and women-owned businesses and Chicago residents: The Selected Respondent will conduct its master planning, financial planning and development management activities in such a way as to maximize such opportunities (see Section 7 on Employment and Business Opportunities for further information).

3.2.5. Establish a vehicle to engage all interested residents of the redeveloped community in decisions about its future: Residents of the redeveloped ABLA community, local institutions and other organizations and individuals with a stake in the future of the neighborhood will be engaged in the affairs of their neighborhood on an ongoing basis. Residents of all levels of income and backgrounds, who are renters or home owners, will be included. The Selected Respondent, working with the Group, will establish a vehicle or vehicles to facilitate discussion and coordination with respect to decisions affecting the future of the entire community.

3.2.6. On-site office: In order to promote achievement of the Program Goals, the Selected Respondent shall establish an office on the redevelopment site.

3.2.7. Provide daily oversight and project management for the high-quality implementation of the redevelopment project: The Selected Respondent will manage the day-to-day implementation activities of the master plan to maximize achievement of the Program Goals, and will be directly responsible for assuring compliance with the terms of the HOPE VI Grant Agreement (see Exhibit 6) on the part of all developers, contractors, consultants and others involved in the implementation of the master plan. Duties include the following responsibilities:

3.2.7.1. Design and manage solicitations for developers to implement each phase or component of the master plan: The Selected Respondent will develop requests for proposals and/or qualifications for development partners to implement the individual phases or

components of the master plan. The Selected Respondent will manage the processes for choosing from among the candidates the development teams offering the best value in terms of their ability to maximize achievement of the Program Goals, compensation and other factors considered. The Selected Respondent will be expected to manage the solicitation process for developers in accordance with all applicable Federal, state and local regulations. CHA and The Habitat Company will be responsible for ensuring that appropriate procurement processes under the HOPE VI program and legal requirements are used.

The Selected Respondent will negotiate arrangements with the development teams that include economic incentives for sustained performance with respect to the Program Goals.

3.2.7.2. Review and evaluate architectural designs for individual phases or components of the master plan: The Selected Respondent will work with the City of Chicago's Department of Planning and Development to oversee the development of designs such that they adhere to the City of Chicago Residential Development Design Guidelines, including its townhouse ordinance, the Chicago Zoning Ordinance and applicable requirements of the U.S. Department of Housing and Urban Development. Designs must comply with Federal, state and local accessibility requirements and will be encouraged to exceed them. If a building or buildings of the Jane Addams Homes is to be rehabilitated, designs affecting that building must also comply with the stipulations of the Jane Addams Memorandum (see Section 6 on Development Guidelines and Information.)

3.2.7.3 Monitor acquisition of all necessary permits and approvals to implement the master plan: During the implementation of the master plan, the entities involved in the development of the individual phases or components of the master plan will be directly responsible for acquiring the permits and approvals from local, state and federal government agencies that are necessary for development to proceed. The Selected Respondent will monitor the progress of the permit and approval acquisition as part of its development management responsibility, and assist as necessary and appropriate, based on its identification of potential barriers during the development of the master plan and financial plan.

A listing of some of the laws, ordinances and regulations applicable to the implementation of the redevelopment project is attached as Exhibit 7³. The regulation regarding use of HOPE VI funds in mixed-finance developments, and a listing of evidentiary materials required by the U.S. Department of Housing and Urban Development for such transactions are included in Exhibit 8. The Jane Addams Memorandum, which discusses points at which consultation with the Illinois Historic Preservation Agency is necessary, is attached as Exhibit 3.

³ The listing provided in Exhibit 7 contains most laws, ordinances, statutes and regulations thought to be generally applicable to developments of the type anticipated by this RFP. Depending upon the specifics of the master plan, however, laws, ordinances, statutes and regulations not listed may be applicable.

3.2.7.4. Oversee proper coordination by development teams with CHA and others as necessary with respect to demolition, site preparation and relocation: The Selected Respondent will supervise and facilitate coordination between development teams implementing individual phases of the master plan and other entities as appropriate, for the effective demolition of structures not targeted for rehabilitation, for site preparation, for environmental remediation, and for the temporary and permanent relocation of current residents. The demolition schedule will be affected by the schedule for planned changes to the heating infrastructure for existing buildings, which will allow them to be demolished without interrupting service to remaining buildings.

In addition, it is intended that temporary relocation for current ABLA residents wishing to remain at ABLA after redevelopment will be accommodated on-site in public housing. The development process and timeline must be closely coordinated during the period in which existing tenants are relocated for construction and then relocated to the newly developed units.

3.2.7.5. Oversee completion of construction or rehabilitation: For each phase of development in the master plan, improvements must be constructed or rehabilitated and all necessary permits obtained for all structures and facilities to be placed in service. The Selected Respondent will monitor completion of planned construction through full occupancy.

3.2.7.6. Oversee and coordinate the creation of business and employment opportunities for ABLA public housing residents and resident-owned businesses, MBE/WBEs, and Chicago residents by entities involved in implementing the master plan: All parts of the redevelopment process, including master planning, design, construction and property management will create employment and business opportunities for ABLA public housing residents and resident-owned businesses (which shall have priority), minority and women owned business enterprises, and low-income residents of the surrounding community, and other Chicago residents (see Section 7 on Employment and Business Opportunities and Information). The Selected Respondent will be responsible for overseeing, coordinating and tracking the creation of such opportunities during the implementation activities for the project.

3.2.7.7. Establish property management arrangements and long-term maintenance priorities for the redevelopment that promote the Program Goals to the maximum extent: Each development phase in the master plan must have high-quality long-term management.

Management of public housing units may be provided under different contractual arrangements with CHA depending upon the development approach and ownership status proposed and approved for such components of the development. For ownership units, activities include the formation and staffing of neighborhood and/or home owners' associations, and maintenance of common areas and amenities. For rental components of the development, activities include: leasing, tenant income and application verifications, rent collections, project accounting and financial reporting, record keeping, preventative and

ABLA DEVELOPMENT MANAGER RFP

emergency maintenance and replacements, responding to tenant requests and complaints, and generally performing or causing to be performed all duties required for the management of high-quality, secure, attractive and marketable rental property. It is anticipated that property managers or contractors for related functions will report to the owning entities of redeveloped rental housing and/or any associations of owners of single family housing. However, the Selected Respondent will be responsible for establishing contractual and other arrangements with the owning entities and any associations that promote and enforce high-quality ongoing maintenance and management of the properties.

4. RESOURCES FOR PHYSICAL REDEVELOPMENT

4.1 HOPE VI Funds

The U.S. Department of Housing and Urban Redevelopment recently awarded \$35 million for the redevelopment of the ABLA public housing project, which will be combined with a 1996 HOPE VI award of \$24.8 million. Of these funds, a total of \$43,440,197 has been targeted for physical development activities in the 1998 HOPE VI application.

4.2 Public Housing Operating Subsidy

The CHA receives operating subsidy for public housing units in the City of Chicago. Depending upon the availability of federal operating subsidy, the CHA will make available approximately \$350 per unit per month (including tenant rent contribution) for each unit of public housing provided. Amounts up to \$450 per unit per month will be available if utilities are included in the rent. These figures are generally equivalent to the allowable expense level per unit per month under the Performance Funding System (PFS), which governs the level of public housing operating subsidy that CHA receives from HUD.

A significant consideration in the future of public housing is the potential for change in the level of operating subsidy approved by Congress over time. In 1996, Congress approved only enough operating funds to subsidize units at 95% of the need calculated under the PFS formula used by HUD and housing authorities to do so. CHA is willing to make limited guarantees as to the amount of subsidy allowed per unit as changes in the PFS system occur.

4.3 Other Affordable Housing Subsidies

The City of Chicago's Department of Housing (DOH) will work with the Selected Respondent and the development teams selected to implement individual phases or components of the master plan to determine the amount and combination of DOH resources necessary to achieve the Program Goals of the ABLA redevelopment. Resources are also available from the Illinois Housing Development Authority (IHDA), upon application. For purposes of the 1998 HOPE VI application, a preliminary plan was developed to demonstrate potential redevelopment solutions. This plan estimated that almost \$120 million in City subsidies would be used to create residential opportunities for a range of incomes. Funds identified included approximately \$32 million in multifamily mortgage revenue bonds, low income housing tax credits generated by these bonds which would leverage about \$37 million in equity investment, secondary mortgage financing of about \$20 million, and Tax Increment Financing support.

More detailed information on Chicago Department of Housing programs which may contribute to the project is included as Exhibit 9.

4.4 Historic Preservation Tax Credits

If any development proposals involve the rehabilitation of Jane Addams Homes as a rental development, they could be eligible to apply for historic preservation tax credits equal to 20% of eligible development costs.

4.5 Tax Increment Financing

The Tax Increment Financing (TIF) district was approved on November 2, 1998. The City will dedicate portions of increased local property taxes to the financing of infrastructure improvements. TIF proceeds may also support the issuance of multifamily mortgage revenue bonds by the Department of Housing or IHDA, by supporting up to 30% of the interest portion of the development's debt service to the bondholders. TIF proceeds may also be used for other public benefits.

5. POTENTIAL TRANSACTION ELEMENTS

During the development of the successful application for the 1998 HOPE VI grant for ABLA Homes, several transactional mechanisms were suggested as potential vehicles to combine public housing funding sources with other public and private sources of funds to create the new mixed-income community. Many potential ownership and transaction structures exist for the individual phases or components of the master plan, ranging from the CHA holding no ownership interest, a partial ownership interest, or 100 percent of the ownership interest of the public housing units that are to be developed. The Selected Respondent will work with the Group to ensure that all the approaches it develops to financing the development, and the approaches implemented by the development teams for the individual phases or components of the master plan, will maximize achievement of the Program Goals.

A copy of the HOPE VI application narrative on the physical revitalization of the ABLA public housing development, for information only, is attached as Exhibit 10. Additional information on the transaction structures discussed in the application is available upon request.

5.1 *Site Ownership and Control*

The Site consists of parcels currently owned by CHA and parcels that will be acquired by the City. It is expected that CHA will enter into a long-term land lease or leases to allow for redevelopment on parcels it owns. The City intends to acquire other parcels and make them available for redevelopment as necessary either by lease or sale.

6. DEVELOPMENT GUIDELINES AND INFORMATION

In general, the master plan and architectural designs should include low-rise attached, semi-attached or free standing structures that are comparable to the density and character of the surrounding neighborhood. Mid-rise structures may be considered if they are well integrated into the master plan, compatible with surrounding development, consistent with HUD regulations with respect to placement of public housing units for families, and promote the achievement of the Program Goals. Buildings, units and layouts should provide functional, attractive and marketable housing arrangements for housing units targeted to all levels of income in the redeveloped community. Architectural and site designs should promote efficient project operations, lower maintenance costs, energy efficiency and the safety and security of the occupants.

Specifically, the master planning and design of the project must address the City of Chicago's Residential Design Objectives and Townhouse Ordinance, HUD Housing Quality Standards, the Chicago Zoning Ordinance, requirements and guidelines for accessibility and visitability by people with disabilities promulgated both by HUD and the Mayor's Office for People with Disabilities, orders of the court in the Gautreaux case, and any other federal, state and local requirements. Development activities affecting buildings of the Jane Addams Homes must comply with the Jane Addams Memorandum with respect to rehabilitation or recordation and demolition.

6.1 City of Chicago Residential Development Design Objectives

As stated in the Program Goals, the ABLA redevelopment is intended to create an attractive, economically integrated and positive community environment. Townhouse development will adhere to the City's townhouse ordinance, as applicable. The City of Chicago's design objectives are intended to reinforce and strengthen the physical, economic and social aspects of the entire community. The master plan and each phase of development will be expected to contain the following elements:

- 6.1.1. Neighborhood planning that restores a traditional urban fabric and adds to the Near West Side's character as a compact, pedestrian-friendly, mixed use and secure urban neighborhood, consistent with the City's open space and parking requirements for new residential development
- 6.1.2. Housing that mixes building scales, housing types and densities to create a model for a livable and economically viable mixed-income development
- 6.1.3. Architecture and landscape design that draws on familiar and successful Chicago neighborhoods and promotes principles of defensible space
- 6.1.4. Architecture and infrastructure that promote the independence of people with disabilities and enable them to participate equally in all facets of community life

Design objectives based on these principles, and intended to describe more fully the desired character of new residential development, and copies of relevant ordinances are available upon request.

6.2 Historic Preservation

Jane Addams Homes has been determined eligible for listing on the National Register of Historic Places. It will be the Selected Respondent's responsibility to conduct master planning, financial planning and development management and oversight such that the City's and CHA's responsibilities under the Jane Addams Memorandum are met. If any historic buildings are to be retained, they will be rehabilitated to the maximum extent feasible in accordance with the *Secretary of the Interior's Standards for Rehabilitation of Historic Buildings*. If any historic buildings are to be demolished, they will be recorded in accordance within the Jane Addams Memorandum. The Jane Addams Memorandum is included as Exhibit 3, and the *Standards* are available upon request. The National Park Service guidelines on interpreting the Standards may be obtained from the Illinois Historic Preservation Agency.

The master plan will provide for development, in consultation with the Group (in particular the ABLA Local Advisory Council), local historical organizations and former residents, of a museum or interpretative exhibit on the significance of the Jane Addams Homes buildings in the development, planning and management of public housing in Illinois. As stipulated by the Jane Addams Memorandum, the Jane Addams Homes museum will be located on the original site of the Jane Addams development, and in an existing building, if feasible, or in a new building or structure on the Jane Addams parcel that is accessible to the public. An architectural review will be completed to determine whether use of an existing building is feasible. The Selected Respondent will work with the Group to develop a plan for the financing, development, ownership and operation of the museum or exhibit, and to recruit or organize entities to realize the plan.

6.3 Public Housing Unit Mix and Dispersal throughout the Development

As noted in the Program Goals, new public housing units are to be dispersed to the maximum extent throughout the redeveloped neighborhood, and in the full range of housing types and unit sizes developed. As noted in the Scope of Services, bedroom counts of public housing units will take into account the actual family size of ABLA public housing residents choosing to remain in the redeveloped ABLA community.

6.4 Access by Persons with Disabilities

Designs developed by teams selected to implement the individual phases or components of the master plan will be required to comply with all applicable federal, state and local accessibility statutes. HUD requires that 5% of all public housing units be accessible to the physically disabled under the regulations of the Uniform Federal Accessibility Standards (UFAS), and that an additional 2% of public housing units be equipped with devices for the visually or hearing impaired. In addition, respondents will be encouraged to provide for both accessible and adaptable units that exceed the minimum requirements

and indicate the inclusion of both accessible and adaptable units in all types and styles of housing, not concentrated in one part of the development. For more information and suggestions, the City of Chicago's *A Guide to Fair Housing: Creating Options for People with Disabilities* is available upon request.

6.5 Open Space and Parking Objectives

The Selected Respondent will be expected to develop a master plan providing adequate open space for each unit in the redeveloped community, and to ensure that in the detailed planning and implementation of each phase or component of the master plan that parking and open space are provided. The Selected Respondent will be responsible for working with the Chicago Park District, the CHA, and the City to include the expansion of Fosco Park and the development of other neighborhood parks in the master plan. Developments are generally expected to provide a minimum of 150 square feet of usable common open space per unit. If the development cannot accommodate the required open space within the development, a fee can be paid in lieu of providing the open space. The development will provide convenient and safe parking for all residents who require parking, and parking for people with disabilities, in compliance with applicable City of Chicago ordinances and design objectives.

6.6 City of Chicago Zoning

The parcels containing Jane Addams, Brooks, Brooks Extension and Grace Abbot Homes are currently zoned for residential use as part of Planned Development #4, which approved their existing design and construction. Addams Park, although most recently used as a public park, is zoned R-4 as a General Residence District. The strip of land along the south side of Roosevelt Road between Ashland and Racine Avenues, and along the south side of 15th Street between Ashland Avenue and Throop Street will be rezoned to accommodate residential development.

The Selected Respondent will work with City of Chicago's Department of Planning and Development to implement a new Planned Unit Development for the Site, based on the master plan, which will be subject to approval by the Chicago Plan Commission and City Council. The City of Chicago's Planned Unit Development Handbook is included as Exhibit 11. A listing of applicable statutes, laws, ordinances and regulations is attached as Exhibit 7.

6.7 Gautreaux Revitalizing Order

The redevelopment project is subject to a Revitalizing Order entered in the Gautreaux case on June 19, 1998. The Revitalizing Order authorizes the Receiver in the Gautreaux case to develop new public housing units within the Revitalizing Area subject to such terms and conditions as are specified by further orders of the Court. The Revitalizing Order is included in Exhibit 2.

7. EMPLOYMENT AND BUSINESS OPPORTUNITIES

The Selected Respondent must comply with all Federal, state and local laws and ordinances in relation to the development of the project, including requirements related to participation by minority and women-owned businesses, and Section 3 employment, business and training opportunities for ABLA public housing residents (who will have priority) and low and very low income residents of the community area in which the project is located, and Chicago resident employment. The City and CHA will to use CHA's standards and procedures for compliance with Section 3 and MBE/WBE requirements, including contractual requirements related to Section 3 hiring and business opportunities.

Respondents will be evaluated on the approach they propose to provide employment and business opportunities during the creation of the master plan and the financial plan for the development. Respondents will also be evaluated on the approach they propose to oversee the creation of business and employment opportunities by teams selected to develop individual components or phases of the master plan. In addition, for development involving any type of federal funding (HOPE VI, HOME, CDBG, public housing modernization funds and/or operating subsidy), must comply with the requirements of the Davis-Bacon Act, and Executive Order 11246 on equal opportunity.

Further information on CHA's requirements, procedures and documentation is attached as Exhibit 12.

8. SUBMISSION REQUIREMENTS

8.1 *Responsive Proposals*

In order to be considered responsive to this Request for Proposals, Respondents must address each of the items listed in the Section 10.4 on Submission Format in their submissions. Responses must be submitted in the form specified in Section 10.4; however, portions of submissions may be cross referenced to avoid duplication. Submissions will be reviewed for omissions of items upon receipt, and Respondents notified of any omissions. Respondents will be asked to provide any missing information within a specified period, if in the Evaluation Panel's sole discretion the nature of the omitted material is such that additional time to provide it would not constitute a competitive advantage to the Respondent that made the omission.

The Evaluation Panel reserves the right to recommend that any or all submittals, and/or any parts thereof, be accepted or rejected, and that any informality in any submittal be disregarded, if in the opinion of the Evaluation Panel the achievement of the Program Goals will be served thereby.

The Respondent will provide sixteen (16) full copies of the Submission. All documents which require signatures will have original signature on all sixteen (16) copies of the Submission.

The Selected Respondent will be required to provide original signatures on all Previous Participation Certificates (HUD Form 5030) in six (6) additional copies that will be submitted to HUD for approval.

8.2 *Deadline for Submissions*

Submissions must be received at no later than 4:00 p.m. Central Standard Time on September 16, 1999 for submissions originating within the Chicago metropolitan area. Submissions arriving in overnight delivery packages originating outside the Chicago metropolitan area must be received no later than 10:00 a.m. Central Standard Time on Friday, September 17, 1999. Submissions must be received at the following address:

ABLA Development Manager Request for Proposals
c/o Dana Sutton
City of Chicago Department of Housing
318 South Michigan Avenue, 6th Floor
Chicago, IL 60604

If received after the time indicated, submissions will be rejected and returned unopened. Submissions will be opened immediately after the time that they are due.

9. SELECTION PROCESS

9.1 *Role of the City of Chicago Department of Housing*

The City of Chicago Department of Housing has agreed to oversee the selection process on behalf of CHA, The Habitat Company and the Group. The Department of Housing will convene the Evaluation Panel, manage communications and document flow with respect to the selection process, document the proceedings and facilitate the engagement of expert advisors.

9.2 *Evaluation Panel*

Responsive submissions will be rated and ranked by an Evaluation Panel representing the Group. As a result of the process described below, the Evaluation Panel will provide recommendations to the Chicago Housing Authority and The Habitat Company as to the selection of a Respondent. The Evaluation Panel will include representatives of each of the entities participating in the Group.

9.3 *Expert Advisors*

Experts in fields such as the development of large-scale mixed-income housing including public housing, partnership structuring for large-scale development, real estate finance, historic preservation, architectural design and/or master planning may be selected by the Department of Housing to advise the Evaluation Panel during the selection process. It is anticipated that the ABLA resident representative may also choose to involve an expert advisor and/or legal counsel during Evaluation Panel deliberations. Such expert advisors will not rate and rank Respondent submissions.

9.4 *Process*

The Evaluation Panel will rate and rank submissions in response to this Request for Proposals based upon the Selection Criteria listed below, and recommend a Respondent for selection. Based upon its initial review of the Submissions and information gathered as a result of inquiries clarifying the initial submissions, the Evaluation Panel may recommend that some number of Respondents be selected as Finalists. Finalists will be interviewed and asked to present their approach and proposal for the Scope of Services to the community. Finalists may also be asked to submit additional or more detailed material in response to issues and questions discussed during the interview and community presentation process.

In making recommendations to CHA and The Habitat Company, it is expected that the Evaluation Panel will select the Respondent whose submission offers the best value in terms of the long-term achievement of the Program Goals, considering the quality of the proposal, the Respondent's qualifications, compensation structure, price and other factors.

The Evaluation Panel may also elect not to recommend a Respondent as a result of this process. In addition, the Evaluation Panel reserves the right at any time to recommend withdrawal of this RFP.

In no event shall the City, CHA or other participants in the selection process under this RFP be liable to Respondents for any cost or damages incurred by Respondents or Respondent team members, subconsultants, or other interested parties in connection with this request for proposals process, including but not limited to any and all costs of preparing the Proposal and participation in any conferences, oral presentations or negotiations.

9.5 Confidentiality

Respondents may designate portions of the submissions which contain proprietary information to remain confidential. Each page of each item regarded as confidential should be clearly marked "CONFIDENTIAL". Respondent financial statements, submitted in accordance with the section on Submission Format below, will be considered confidential material regardless of whether or not they are so marked.

10. SELECTION CRITERIA AND SUBMISSION REQUIREMENTS

10.1 *Ranking System*

The Evaluation Panel will have a 100-point scoring system. Percentages of total points for each selection criterion are listed in parentheses, below.

10.2 *Factors Considered for Each Selection Criterion*

For all of the selection criteria listed below, the Evaluation Panel will evaluate the approach outlined in the Respondent's Submission, along with the Respondent team's experience and qualifications to plan and manage the implementation of a detailed strategy that effectively addresses the Program Goals. While the development manager will not be expected to develop the various components of the master plan directly, practical experience in the direct design, development, financing, marketing, property management, maintenance and/or asset management of real estate will be taken into account by the Evaluation Panel in considering the capacity of the Respondent to produce realistic master plans and financial plans, and to negotiate arrangements with developers for the implementation of the master plan and to ensure effective implementation. To the extent that the Respondent team has worked with projects that have similar characteristics to those envisioned for the ABLA redevelopment project, either as part of a development manager team or as part of an implementing development team, the Evaluation Panel will take the characteristics of those projects into account as they relate to the selection criteria. The Evaluation Panel will consider the past experience of each member of the Respondent team, the team's capacity as a whole, and the team's experience in working together (if any).

10.3 *Selection Criteria*

10.3.1. Proposal for Project Master Planning, Financial Planning and Development Management (30% of total): The Evaluation Panel will consider the extent to which the Respondent team's proposal for master planning, financial planning and development management is likely to promote the Program Goals. The Evaluation Panel will consider the potential to realize the Program Goals represented by the Respondent's approach to developing a master plan and realistic financing plan for the development, and the anticipated types of relationships between public and private sector organizations that it envisions may be necessary and appropriate to carry out its master plan, and the way in which it proposes to fulfill the Scope of Services.

The Evaluation Panel will also consider the Respondent's commitment, approach and process for creating employment, business and training opportunities for ABLA public housing residents (who shall have priority), other public housing residents and low or very-low income residents of the project's community service area, and business opportunities for resident-owned businesses, Minority and Women Enterprises (MBE/WBE), employment opportunities for Chicago residents.

10.3.2. Qualifications for master planning, financial planning and development management (45% of total): The Evaluation Panel will consider the Respondent's capacity and previous experience to plan and manage the implementation process of a redevelopment program at the scale and complexity of the ABLA Redevelopment, comply with all statutory and regulatory requirements, and successfully achieve the Program Goals. In doing so, the Evaluation Panel will consider the proposal provided by the Respondent alongside the team's prior experience in planning and managing the implementation of similar projects.

The Evaluation Panel will consider the Respondent team's capacity to establish arrangements with individual developers and other entities involved in the implementation of the master plan that will result in high-quality marketing, management and maintenance of components of a large mixed income rental and home ownership community, including ongoing compliance with all applicable laws and regulations as well as economic performance and resident satisfaction.

The Evaluation Panel will also consider the degree to which the Respondent team's stated approach, experience and track record indicate an ability to carry out both the general and specific responsibilities, and deliver the work products, stated in its proposal.

In the submission related to this criterion, Respondents should provide the required information for team members responsible for completing each component of the Scope of Services in a timely, responsible, professional and high-quality fashion. The Evaluation Panel will also consider the level of current commitments engaging important staff of the Respondent team and the expected duration of those commitments.

10.3.3. Resident and Community Participation (15% of total): The Evaluation Panel will consider the Respondent team's proposed process and programmatic strategies for achieving meaningful participation by all residents and stakeholders of the redeveloped community in the decision-making and ongoing operations of the development. The Evaluation Panel will consider the Respondent Team's track record and experience in resident and community involvement in evaluating proposals under this criterion.

10.3.4. Compensation and Business Approach (10% of total): The Evaluation Panel will consider the roles and responsibilities contemplated for each member of the Respondent team and the fees or other compensation structure proposed for their involvement, and the way in which their compensation is proposed to be tied to performance for the component of the Scope of Services for which they are responsible.

Respondents are required to outline compensation structures that they would propose for all of the activities described in their proposal, and discuss how these compensation approaches will contribute to the achievement of the project's Program Goals.

10.4 Submission Format

Responses must be submitted in the form of the submission format, below. However, portions of submissions may be cross referenced to avoid duplication, and exhibits may be included in submissions in addition to the required exhibits listed below.

10.4.1. Executive Summary: To be written by the Respondent and to precede the following letter, submissions and exhibits.

10.4.2. Letter: Respondents should certify, under signature, to the content of the entire proposal. The letter will include sections and subsections as detailed below, and provide all the information requested in this RFP as well as all assurances required by HUD and CHA.

10.4.2.1. Organization of Respondent team

- a. Organization chart showing all legal entities involved in the Respondent team, their relationships to one another, their responsibilities under the Respondent's proposal, and personnel with individual responsibilities in the proposal. (Respondents should include agreements, letters of intent or other documents regarding relationships between the entities of the Respondent team, if any, as an Exhibit to their submissions.)
- b. If the Respondent team includes more than one legal entity, identification of the legal entity considered the "lead" in the Respondent team, which would expect to enter into direct contracts to fulfill the Scope of Services.
- c. Designation of a contact person and alternate contact person for purposes of communications related to this RFP. The contact person will function as the single point of contact for the Department of Housing throughout the selection process. The Respondent will provide address, telephone and facsimile information for both the contact person and the alternate.

10.4.2.2. Proposal: The Respondent's proposal should address at minimum all the components of the Scope of Services, in the order that they are set forth in Section 3 on Scope of Services, cross-referencing as necessary. Work products and project milestones for each component specified in the Scope of Services in Section 3 should be identified and described. A proposed project schedule should be included, noting estimated delivery of work products and achievement of project milestones.

10.4.2.3. Qualifications: The Respondent should provide a discussion of the qualifications of each member of the Respondent team with respect to each component of the proposal, referencing prior relevant experience in master planning, financial planning and development management, and/or direct development, financing, marketing, property or asset management,

or other experience the Respondent considers relevant to its proposal and the Scope of Services. In this discussion, the Respondent should note particular experience with communities or developments containing mixed-income rental and/or home ownership housing or both, and experience with specific government subsidy programs, if any.

In addition to this discussion, the Respondent should provide:

- a. Resumes of principals and specific personnel to be assigned to the ABLA redevelopment project. Please note prior experience of team members working together, if any, and locations of each individual's home office.
- b. Listing of previous projects for which the Respondent team or team members produced the master plan or the financial plan and/or acted as development manager, or for which the Respondent team or team members acted as part of the implementing development team or as a property manager or asset manager. Respondent teams should include all projects considered relevant by the Respondent, including as appropriate team members' experience in the master planning, design, financing, development, marketing and property management of urban rental and home ownership projects, including:
 - (i) Affordable and/or mixed income components, with unit mix and mix of incomes, if any;
 - (ii) Subsidy programs used, if any;
 - (iii) Historic rehabilitations, or projects in which historic buildings were integrated into larger master plans and/or developments, if any;
 - (iv) Developments containing both commercial and residential components, if any, and;
 - (v) For each project listed, include date placed in service, names of clients and any public sector partners, with contact names, addresses, and telephone numbers.
- c. If members of the Respondent team have acted as property managers or asset managers, discussion of the financial and programmatic performance history and status of the projects in their portfolio, including identification of low or mixed income projects (if any) and the types of government subsidies (if any) involved in the financing of the projects.
- d. Discussion of strategies used in previous projects by Respondent team members for creating employment and business opportunities for public housing residents and resident-owned businesses, low income residents of project communities, and MBE/WBEs, and the outcomes of those strategies. For each project discussed, provide a reference or references including name, title or position, telephone number and address.

- e. For the "lead" member of the Respondent team, the most recent three years' financial statements of the organization, including balance sheet and income and expense information. The Respondent should provide the statements in a separate envelope (in other words, not bound with the remainder of the Submission) and reference them in the body of the Submission. Financial statements will be considered confidential information and will be reviewed separately by DOH. DOH will be the only one of the Evaluation Panel organizations to review financial statements.
- f. Discussion of existing commitments and their potential impact on key staff's ability to commit time and/or travel to Chicago, if necessary, during the periods of time when their expertise would be needed.
- g. Listing and brief description of all legal actions for the past three years in which any Respondent team member has been barred from participating in Federal contracts, a debtor in bankruptcy, a defendant in a lawsuit for deficient performance under a contract, a defendant in an administrative action for deficient performance on a project, or a defendant in any criminal action. Indicate resolutions that have been reached.

10.4.2.4. Resident and community participation: Respondents should provide the following:

- a. Discussion of their approach and process contemplated for creating meaningful opportunities for resident, community and stakeholder participation and involvement.
- b. Discussion of their experience with creating vehicles for engaging residents and community members in the ongoing affairs of the development or neighborhood for any previous public housing, affordable, or mixed-income, rental or home ownership projects, and the outcomes of those strategies. For each project discussed, provide a reference or references including name, title or position, and contact information.

10.4.2.5. Proposed pricing for services:

- a. Narrative describing the legal and organizational approach employed by Respondent team members in development manager situations in which they have participated in the past, discussing outcomes achieved to date.
- b. Detailed compensation proposal based upon the proposal for the Scope of Services. The compensation proposal should address each component of the proposal for the scope of work, addressing work products and milestones as appropriate. Respondents should outline how compensation would be paid and what events would trigger payments. Compensation proposals should be comprehensive and will be subject to negotiation. Respondents should outline the following details, for each member of the Respondent team:

- (i) Identification of team member
- (ii) Responsibilities under the Scope of Services
- (iii) Calculation of compensation, including, for each component of the proposal:
 - List of staff members involved
 - Estimated gross work hours per staff member, for each year of the schedule
 - Hourly rates including salary, overhead and indirect costs per staff member
 - Estimated out of pocket expenses
 - Sum of costs for each specific deliverable and for each other component of the proposal
- (v) Total estimated compensation for completing the entire proposal and all deliverables
- (iv) Proposed linkages between compensation and performance under the component(s) of the proposal for which the team member is responsible

10.4.2.6. Exhibits: Respondents will also complete and submit all of the statements, affidavits and other materials included on the following forms, which are included in this RFP as Exhibit 13:

- (i) Statement of Bidder's Qualifications
- (ii) Subcontractor Information Submittal
- (iii) Contractor's Affidavit
- (iv) MBE/WBE Utilization Plan and Amendment
- (v) Section 3 Opportunities Plan

Respondents should review the standard contract information that will apply to service contracts entered as a result of this RFP, which are included in this RFP in Exhibit 14.

EXHIBIT 1:

Memorandum of Understanding between the member organizations of the ABLA HOPE VI
Working Group

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is made as of the 21st day of May, 1999, by and between the following parties: The Chicago Housing Authority ("CHA"), the Habitat Company ("Habitat"), the City of Chicago Department of Planning and Development ("DPD"), the City of Chicago Department of Housing ("DOH"), the ABLA Local Advisory Council ("LAC") and Plaintiff's counsel in Gautreaux vs. CHA et. al., (collectively, "the Parties"). The purpose of this Memorandum is to clarify and confirm the understandings of the parties regarding their current intentions relative to the collective efforts proposed to be undertaken in order to revitalize the ABLA Homes Community as contemplated in the HOPE VI Revitalization Plan. The Parties acknowledge and understand that the statements contained in the Memorandum are subject to the approval of the governing body of each Party as may be required by law or by the Charter or rules governing each Party.

Recitals

The Parties propose to undertake a project to redevelop the ABLA Homes ("the Project"). Subject to applicable legal requirements, and recognizing that each participant brings certain resources and responsibilities:

The Parties propose to meet on a regular basis in order to collectively make decisions regarding the Project;

The Parties pledge good faith and best efforts to make each such decision by consensus;

It is the intent of the Parties that each Party will participate in the decision-making process as fully as possible;

It is the intent of the Parties to ensure that no single Party has more control than any other Party in the working group decision-making process;

It is the intent of the Parties to work with a Development Manager for the Project to develop a Master Plan and to work diligently to implement the Master Plan for the benefit of the entire ABLA Homes Community.

THEREFORE, the Parties set forth their respective contributions and responsibilities as follows:

The CHA and Habitat

The Chicago Housing Authority ("CHA") and The Habitat Company, as receiver for CHA's development of non-elderly housing programs ("Habitat") have authorized DOH to issue a Request for Proposals and to manage the process of selecting a Development Manager. However, CHA and Habitat shall remain separately responsible for those duties imposed respectively upon each under the HOPE VI and other public housing capital funding rules and regulations, orders of the Gautreaux court, and all federal, state and local laws.

At the appropriate point in the process, CHA and Habitat will enter into separate contracts with entities and individuals for matters that fall within their various areas of responsibility under the Receivership Order of August 14, 1987 in the Gautreaux case and subsequent orders of the court.

CHA will lease its land to an approved Developer(s) who will be responsible for constructing certain physical improvements. CHA will be responsible for ensuring that applicable HUD and CHA management requirements are met and that relocation services provided for all residents choosing Section 8 relocation will be provided by CHA's private contractors.

City of Chicago Department of Planning and Development ("DPD")

DPD will oversee and coordinate the participation of all City Departments and other agencies of local government involved in the redevelopment process, including but not limited to, the Chicago Board of Education and the Chicago Park District. DPD will also coordinate assistance and communication with other government agencies to ensure the compatibility of various redevelopment projects in the area. DPD will coordinate and fund via the Roosevelt/ Racine TIF the acquisition of private parcels to be redeveloped in the Project, subject to the required process and approval.

City of Chicago Department of Housing ("DOH")

DOH will issue the Request for Proposal ("RFP") for a Development Manager. On behalf of the Parties, DOH will be responsible for coordinating all meetings and conferences regarding the RFP. DOH will provide technical advice regarding the financial structuring for the Project. DOH will coordinate and provide identified funds for the development of homes subject to the required process and approval.

ABLA Local Advisory Council ("LAC")

LAC is the elected representative body of the ABLA residents. The LAC will represent the concerns and interest of the residents to the other Parties and convene meetings of its membership to keep the tenants apprised of all phases of the redevelopment process. The LAC will have two (2) representatives as a part of the working group.

Plaintiff's Counsel in Gautreaux

Plaintiff's counsel in the case of Gautreaux vs. CHA et. al. will participate in the redevelopment process to the end of securing the further order of the court contemplated by the "revitalizing order" of 6/19/98 in the Gautreaux case, including reaching agreement with CHA pursuant to the letter of agreement of 7/25/96 between plaintiff's counsel and CHA respecting a portion of the funding for the HOPE VI Revitalization Plan.

University of Illinois Chicago ("UIC")/Illinois Medical District ("IMD")

One representative will serve as the liaison for both UIC and IMD. This representative will participate in the redevelopment process to ensure that assistance from both or either entity is properly coordinated. The representative will be responsible for keeping both UIC and IMD apprised of the redevelopment process. UIC and IMD will submit the name(s) of the representative to the Alderman. The Alderman will submit one name to the working group. The working group parties will by consensus approve or reject the Alderman's recommendation.

Other Provisions

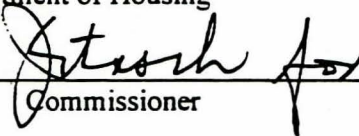
This Agreement shall not create a partnership or joint venture among the Parties hereto. There are no third-party beneficiaries of this Agreement and no third-party shall have any rights hereunder.

By executing below the parties indicate that the foregoing correctly sets forth their understanding regarding their respective obligations and contributions to the ABLA Homes revitalization project.

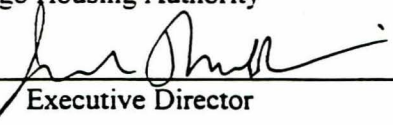
City of Chicago
Department of Planning and Development

BY: 
Commissioner

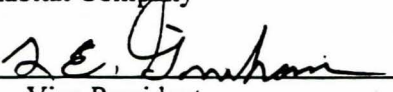
City of Chicago
Department of Housing

BY: 
Commissioner

Chicago Housing Authority

BY: 
Executive Director

The Habitat Company

BY: 
Vice President

ABLA Local Advisory Council

BY: 
President

Plaintiff's Counsel in Gautreaux vs. CHA et. al.

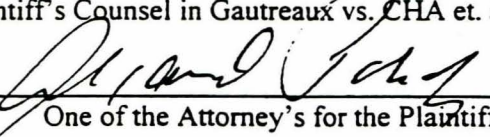
BY: 
One of the Attorney's for the Plaintiff

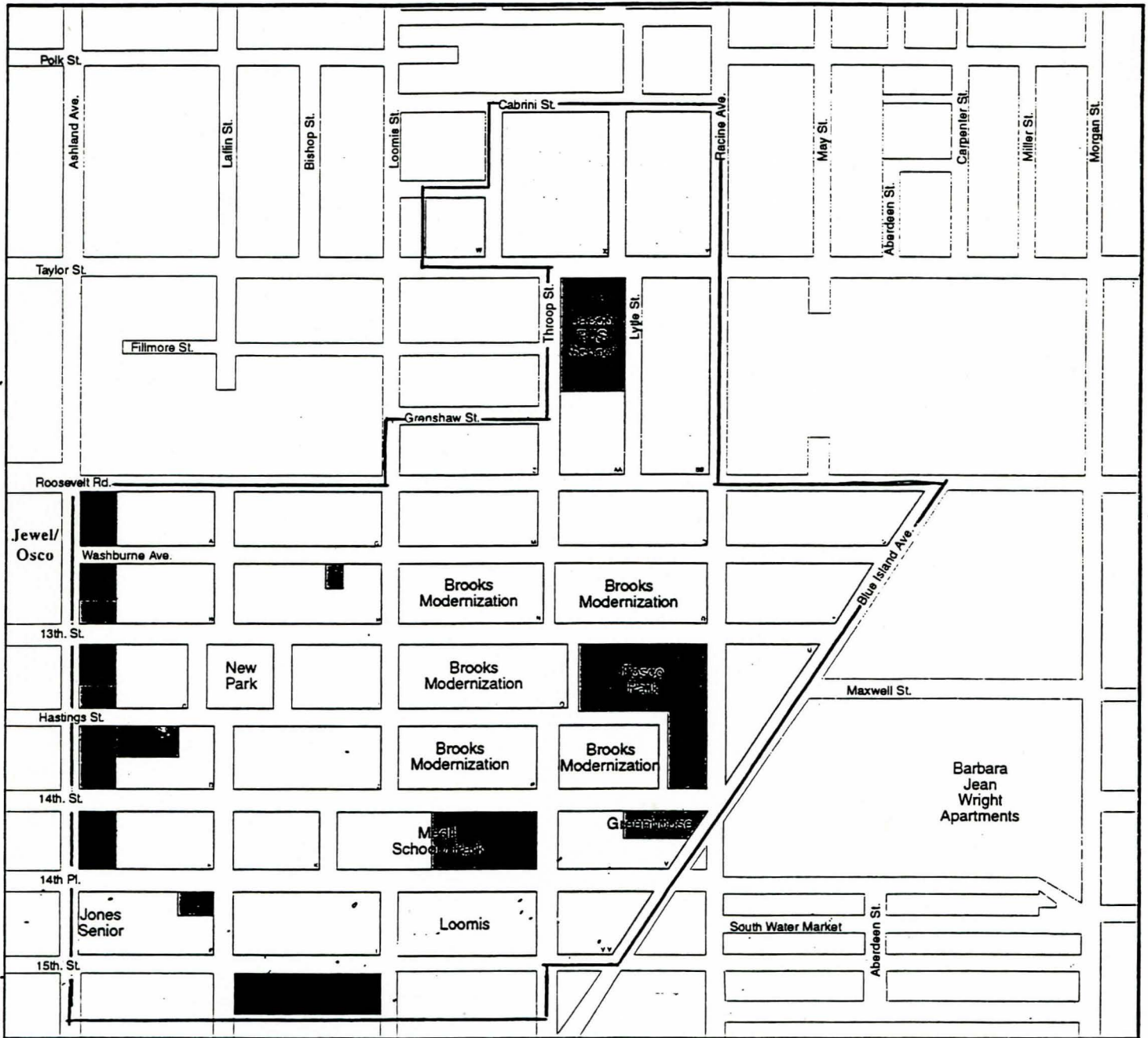
EXHIBIT 4:

ABLA Post-Redevelopment map, showing the Site

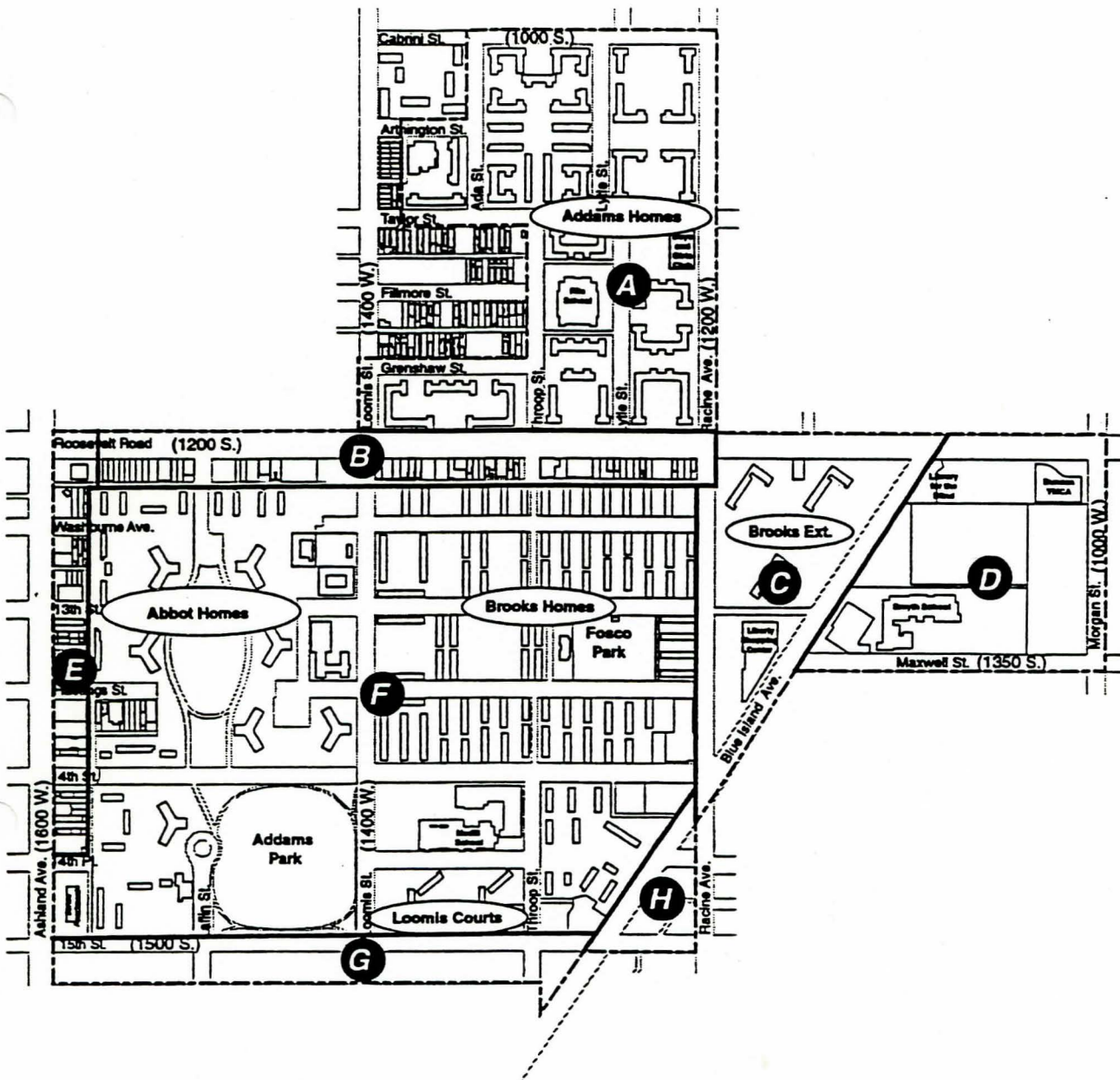
Map of the Tax Increment Financing District designated November 11, 1998

Map showing existing conditions on the Site

ABLA Post - Redevelopment



- Residential
- Mixed Use
- Institutional
- Commercial
- Parks



- Project Area Boundary
- Sub- Area Boundary
- F** Sub- Area

Planning Subareas

Roosevelt Rd. \ Racine Ave.

Chicago, Illinois



- ☐ CHA PROPERTY
☒ INSTITUTIONS
☒ PARKS

EXHIBIT 13:

Required statements, affidavits and other materials for Respondents

**CHICAGO HOUSING AUTHORITY
PURCHASING AND CONTRACTS DEPARTMENT
STATEMENT OF BIDDER'S QUALIFICATIONS**

This form must be submitted with each bid or proposal. Each business or joint venture must submit this form. Complete all blanks by entering the requested information or "NA" if it is not applicable to your business.

SPECIFICATION OR RFP TITLE	SPECIFICATION OR RFP NO.
BUSINESS NAME	DUN & BRADSTREET NUMBER
PARENT COMPANY (IF APPLICABLE)	PREVIOUS BUSINESS NAME

PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN COMPANY NAME

NAME	OFFICIAL CAPACITY

BANK REFERENCES

BANK NAME	ADDRESS
CITY, STATE, ZIP CODE	CONTACT PERSON
	TELEPHONE NO.

BUSINESS REFERENCES (Provide three existing or completed work activities by your business which are similar to or support your ability to successfully complete the scope of work of this RFP/Spec.)

AGENCY/COMPANY NAME	ACTIVITY	DOLLAR AMOUNT
DATE COMPLETED	P.O./CONTRACT NO.	CONTACT PERSON
		PHONE NO.
		FAX NO.

AGENCY/COMPANY NAME	ACTIVITY	DOLLAR AMOUNT
DATE COMPLETED	P.O./CONTRACT NO.	CONTACT PERSON
		PHONE NO.
		FAX NO.

AGENCY/COMPANY NAME	ACTIVITY	DOLLAR AMOUNT
DATE COMPLETED	P.O./CONTRACT NO.	CONTACT PERSON
		PHONE NO.
		FAX NO.

The undersigned covenants and agrees to provide the Chicago Housing Authority current, complete, and accurate information regarding their business' status. The undersigned further agrees to permit examination of books, records, and files by authorized representatives of the Chicago Housing Authority or the U.S. Department of Housing and Urban Development. Any material misrepresentation may be grounds for terminating any contract which may be awarded and for initiating action under federal or state laws concerning false statements.

SIGNATURE OF PRINCIPAL	PRINTED NAME OF PRINCIPAL	DATED SIGNED
------------------------	---------------------------	--------------

SUBCONTRACTOR INFORMATION SUBMITTAL

It is expressly agreed by the undersigned Contractor and Chicago Housing Authority that if portions of the scope of work for this Invitation for Bid or Request for Proposals or Purchase Order are subcontracted, awards of such subcontracts will be made to the subcontractors listed below. Further, any changes to the subcontractors listed below must be submitted in writing to the Deputy Director, Office of Contract Administration, Purchasing and Contracts Department for approval. The Chicago Housing Authority reserves the right, at its own discretion, to approve or reject any subcontractor named below or subsequently added. Use additional blank sheets and append to this form, if necessary, to complete your subcontractor listing. If you are not subcontracting, check the indicated box below.

SPEC/RFP/P.O. TITLE	SPEC/RFP/P.O. NO.	PAGE OF
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☐ My (our) firm(s) WILL NOT SUBCONTRACT any portion of the scope of work for this SPEC, RFP or P.O.

SUBCONTRACTOR NAME AND ADDRESS	SCOPE OF WORK

If a joint venture, a principle from IIA/II joint venture business must sign below.

CONTRACTOR'S NAME	BY (SIGNATURE OF PRINCIPLE)	TITLE
-------------------	-----------------------------	-------

APPROVED BY CONTRACT COMPLIANCE		
NAME	TITLE	DATE

RECEIVED BY OCAM		
NAME	TITLE	DATE

RBV 10/93

PURCHASING AND CONTRACTS DEPARTMENT

CHICAGO HOUSING AUTHORITY
PURCHASING AND CONTRACTS DEPARTMENT

CONTRACTOR'S AFFIDAVIT

Bidder/Proposer Name: _____
Bidder/Proposer Address: _____

IFB/RFP NUMBER: _____

Federal Employer I.D. # _____ or Social Security # _____

Instructions: FOR USE WITH ALL CONTRACTS. Every Contractor submitting a bid/proposal to the Chicago Housing Authority ("CHA") must complete this Contractor's Affidavit. Special attention should be paid to those Sections which require the Contractor to provide certain information to the CHA. The Contractor should complete this Contractor's Affidavit by signing Section XIV. Please note that in the event the Contractor is a joint venture, the joint venture and each of the joint venture partners must submit a separate and completed Contractor's Affidavit. In the event the Contractor is unable to certify to any of the statements contained herein, the Contractor must contact the Purchasing and Contracts Department of the CHA and provide a detailed factual explanation of the circumstances leading to the Contractor's inability to so certify.

The undersigned _____ as _____
(Name) (Title)
and on behalf of _____ ("Contractor") having been
(Business Name)
duly sworn under oath certifies that:

I. DISCLOSURE OF OWNERSHIP INTERESTS

All bidders/proposers/contractors shall provide the following information with their bid/proposal/contract. Complete all blanks by entering the requested information or if the question is not applicable, answer with "NA" If the answer is none, please answer "none".

Bidder/Proposer is a: ☐ Corporation ☐ Sole Proprietor
(Check One) ☐ Partnership ☐ Not-for-Profit Corporation
 ☐ Joint Venture ☐ Other

Average Annual Sales - Last 3 yrs.: _____

Current Net Worth: _____ Date Business Started _____

SECTION 1. FOR PROFIT CORPORATIONS

- a. Incorporated in the State of _____
- b. Authorized to do business in the State of Illinois YES[] NO[]
- c. Names of all officers of corporation (or Attach List): Names of all directors of corporation (or Attach List):

Name (Print/Type)	Title (Print/Type)	Name (Print/Type)	Title (Print/Type)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- d. If the corporation has fewer than 100 shareholders indicate here or attach a list of names and addresses of all shareholders and the percentage interest of each.

Name (Print/Type)	Address	Ownership Interest
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %

- e. Is the corporation owned partially or completely by one or more other Corporations YES[] NO[]

- f. If the corporation has 100 or more shareholders, indicate here or attach a list of names and addresses of all shareholders owning shares equal to or in excess of 10% of the proportionate ownership of the corporation and indicate the percentage interest of each.

Name (Print/Type)	Address	Ownership Interest
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %

NOTE: Generally, with corporation having 100 or more shareholders where no shareholder owns 10% of the shares, the requirements of this Section 1 would be satisfied by the bidder/proposer enclosing, with its bid/proposal, a copy of the corporation's latest published annual report and/or Form 10-K if the information is contained therein.

SECTION 2. PARTNERSHIP

If the bidder/proposer is a partnership, indicate the name of each partner (or attach list) and the percentage of interest of each therein.

Name of Partners (Print/Type)	Percentage Interest
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

SECTION 3. SOLE PROPRIETORSHIPS

a. The bidder/proposer is a sole proprietor and is not acting in any representative capacity in behalf of any beneficiary: YES[] NO[]
If NO, complete items b. and c. of this Section 3.

b. IF the sole proprietorship is held by an agent(s) or a nominee(s), indicate the principal(s) for whom the agent or nominee hold such interest.

Name(s) of Principal(s) (Print/Type)

c. If the interest of a spouse or any other party is constructively controlled by another person or legal entity state the name and address of such person or entity possessing such control and the relationship under which such control is being or may be exercised:

B. SUBCONTRACTOR'S ANTI-COLLUSION AFFIDAVIT

1. The Contractor has obtained from all subcontractors to be used in the performance of this contract, known by the Contractor at this time, certifications in form and substance equal to Sub-Section A of Section II of this Affidavit.
2. The Contractor will, prior to using any subcontractor(s), obtain from such all subcontractor(s) to be used in the performance of this contract, but not yet known by the Contractor at this time, certifications in form and substance equal to the certification in Subsection A of Section II of this Affidavit. The Contractor shall not, without the prior written permission of the CHA, use any of such subcontractors in the performance of this contract if the Contractor, based on such certifications or any other information known or obtained by Contractor, becomes aware of such subcontractor, sub-contractor's affiliated entity or any agent, employee or officer of such subcontractor or sub-contractor's affiliated entity having engaged in or been convicted of any of the conduct described in Section II(A) hereof.
3. The Contractor will maintain on file for the duration of the contract all certifications required by Section II for any subcontractors to be used in the performance of this contract and will make such certifications promptly available to the CHA upon request.
4. The Contractor will not, without the prior written consent of the CH use as subcontractors any individual, firm, partnership, corporation, joint venture or other entity from whom the Contractor is unable to obtain a certification in form and substance equal to this certification.
5. Contractor hereby agrees, if the CHA so demands, to terminate its subcontract with any subcontractor, if such Contractor or subcontractor was ineligible at the time that the subcontract was entered into for award of such subcontract under the State of Illinois Criminal Code 720 ILCS 5/33E-1 et seq. as amended. The Contractor shall insert adequate provisions in all subcontracts to allow it to terminate such subcontracts as required by this Section II.

Notes 1-4 For Section II. Contractor's Certification

1. Business entities are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person control or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership identity of interests among family members; shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity using substantially the same management, ownership or principals as the ineligible entity.

2. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction, under either Section 33E-3 or Section 33E-4 of Article 33 of the State of Illinois Criminal Code of 1961, as amended, of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally indicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph (2) of subsection (a) of Section 5-4 of the State of Illinois Criminal Code.

3. For purposes of Section II(A) of this certification, a person commits the offense of and engages in bid-rigging when he knowingly agrees with any person who is, or but for such agreement should be, a competitor of such person concerning any bid submitted or not submitted by such person or another to a unit of State or local government when with the intent that the bid submitted or not submitted will result in the award of a contract to such person or another and he either (1) provides such person or receives from another information concerning the price or other material term or terms of the bid which would otherwise not be disclosed to a competitor in an independent non-collusive submission of bids or (2) submits a bid that is of such a price or other material term or terms that he does not intend the bid to be accepted (See, 720 ILCS 5/33E-3).

4. For purposes of Section II(A) of this certification, a person commits the offense of and engages in bid rotating when, pursuant to any collusive scheme or agreement with another, he engages in a pattern over time (which, for the purposes hereof, shall include at least 3 contract bids within a period of ten years, the most recent of which occurs after January 1, 1989) of submitting sealed bids to units of State or local government with the intent that the award of such bids rotates, or is distributed among, persons or business entities which submit bids on a substantial number of the same contract (See, 720 ILCS 5/33E-4).

III. STATE TAX DELINQUENCIES

In completing this Section III, authorized signatory must initial on the line next to the appropriate subsection.

1. _____ Contractor is not delinquent in the payment of any tax administered by the Illinois Department of Revenue or, if delinquent, Contractor is contesting such delinquency in accordance with the procedures established by the appropriate Revenue Act, its liability for the tax or amount of the tax.
2. _____ Contractor has entered into an agreement with the Illinois Department of Revenue for the payment of all such taxes that are due and is in compliance with such agreement.

3. _____ Contractor is delinquent in the payment of any tax administered by the Department of Revenue and is not covered under any of the situations described in subsections 1 and 2 of this Section III, above 1.

1. 65 ILCS 5/11 - 42.1-1 provides that a municipality may not enter into a contract or agreement with an individual or other entity that is delinquent in the payment of any tax administered by the Illinois Department of Revenue unless the contracting party is contesting, in accordance with the procedures established by the appropriate Revenue Act its liability for the tax or the amount of the tax or unless the contracting party has entered into an agreement to pay the tax and is in compliance with the Agreement. Notwithstanding the above, the CHA may enter into the contract if the CHA's Operating Officer determines that:

- (1) the contract is for goods or services vital to the public health, safety, or welfare; and
- (2) the CHA is unable to acquire the goods or services at a comparable price and of comparable quality from other sources.

IV. PUNISHMENT

A Contractor or subcontractor who makes a false statement, material to Section II (A) and (B) of this certification commits a 3 class felony. 720 ILCS 5/33E-11(B). Making a false statement concerning Section III of this certification is a Class A misdemeanor, voids the Contract or and allows the CHA to recover all amounts paid to the Contractor under the contract in a civil action. 65 ILCS 5/11-42.1-1.

V. CERTIFICATION REGARDING SUSPENSION AND DISBARMENT

- A. The Contractor certifies to the best of its knowledge and belief, that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, state or local government or agency;
 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for: the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, Local) transaction or contract under a public transaction; a violation of Federal or State antitrust statutes; or the commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offense enumerated in Section II (A) (1) above; and
 4. Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State or Local) terminated for cause or default.
- B. If the Contractor is unable to certify to any of the statements in this certification, the Contractor shall attach a detailed factual explanation to this certification.
- C. If any subcontractors are to be used in the performance of this Contract, the Contractor shall cause such subcontractors to certify as to paragraph of this Certification. In the event than any subcontractor is unable to certify to any of the statements in this certification, such subcontractor shall attach a detailed factual explanation to this certification.

VI. EPA CONTRACTOR LISTING

- A. Bidder/Proposer/Contractor shall comply with all applicable standards, orders and/or requirements established by and/or pursuant to:
1. The Clean Air Act (42. U.S.C. 4701 et. seq.), as amended;
 2. The Clean Water Act (33 U.S.C. 1251 et. seq.), as amended;
 3. The Solid Waste Disposal Act as amended by the Resources Conservation and Recovery Act (RCA) of 1976 (42 U.S.C. 6901, at. seq.) as amended;
 4. The Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 et. seq.), as amended;
 5. Occupational Safety and Health Administration (OSHA) regulations, and any amendments thereto;
 6. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42. U.S.C. -9601 et. seq.), as amended;
 7. Illinois Environmental Protection Agency regulations, as amended
 8. Illinois Department of Labor regulations, as amended;
 9. City of Chicago Ordinances, as amended;

- B. Bidder/Proposer/Contractor shall not use any facility on Environmental Protection Agency's ("EPA") List of Violating Facilities in the performance of this Contract for the duration of time that the facility remains on the List.
- C. Bidder/Proposer/Contractor shall immediately notify HUD which has awarded funds for this project if a facility it intends to use in the performance of this Contract is on the EPA's List of Violating Facilities or knows that it has been recommended to be placed on the List of Violating Facilities.
- D. Furthermore, Bidder/Proposer/Contractor shall, in the performance of this Contract, comply with all requirements of the Clean Air Act ("CAA"), 42 U.S.C. §7401-7642 and the Clean Water Act ("CWA"), 33 U.S.C. §1251-1387, including the requirements of section 114 of the CAA and section 308 of the CWA, and all other applicable clean air standards and clean water standards.

VII. CERTIFICATION OF RESTRICTION ON LOBBYING

THE CONTRACTOR CERTIFIES THAT:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification to be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-contractors shall certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. §1352. Any person

who fails to file the required certification shall be subject to a civil penalty of not less than \$ 10,000 and more than \$100,000 for each such failure.

VIII. CERTIFICATION OF NONSEGREGATED FACILITIES

As used in this Affidavit, the term "subcontract" includes the term "purchase order" and all other agreements effectuating purchase of supplies or services. If this Affidavit is submitted as part of a bid or proposal, the term "Contractor" shall be deemed to refer to the Bidder or proposer, or subcontractor or supplier. This Affidavit shall be renewed annually. Notwithstanding the foregoing, the certifications made herein shall remain applicable until completion of all nonexempt contracts/subcontracts awarded while this Affidavit is in effect. The undersigned Contractor certifies the following to the CHA.

- A. REPORTS: Within thirty (30) days after CHA award to the Contractor of any contract/subcontract and prior to each March 31 thereafter during the performance of work under said subcontract, the Contractor shall file Standard Form 100, entitle "Equal Employment Opportunity Employer Information Report EEO" in accordance with instructions contained therein, unless the Contractor has either filed such report within 12 months preceding the date of the award or is not otherwise required by law or regulation to file such a report.
- B. PRIOR REPORTS: If the Contractor has participated in a previous contract or subcontract subject to Equal Opportunity Clause (41 C.F.R. Sec 60-1.4(a)(1) through (7), or the clause originally contained in section 301 of Executive Order No. 10925, or the clause contained in section 201 of the Executive Order No. submission of all required compliance reports, signed by proposed subcontractors, prior to awarding subcontracts not exempt from the Equal Opportunity Clause.
- C. CERTIFICATION OF NONSEGREGATED FACILITIES: The Contractor certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The Contractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause in the IFB or RFP. As used in this certification, the term "segregated facilities" means waiting room, waiting area, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas,, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit,

local custom or otherwise. The Contractor further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of Contracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause: that the CHA will retain such certifications in its files; and that it will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES. A certification of Non-segregated Facilities, as required by Section 60-1.8 of Title 41 of the Code of Federal Regulations, must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity Clause. (Note: The penalty for making false statement in offers is prescribed in 18 U.S.C. 1001).

- D. The Contractor certifies that it is not currently in receipt of any outstanding letters of deficiencies, show cause, probable cause, or other such notification of non-compliance with EEO regulations.

NOTE: THE PENALTY FOR MAKING FALSE STATEMENTS IN BIDS/PROPOSALS IS PRESCRIBED IN 18 U.S.C. 1001.

IX. EQUAL EMPLOYMENT OPPORTUNITY

The Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR Part 60) require that each prospective contractor or proposed subcontractor submit the following information with his bid, or at the outset of negotiations.

- A. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause?

YES _____ NO _____

- B. If answer to 1, is yes, have you filed with the Joint Reporting Committee, the Director of OFCC, any Federal agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements of these organizations?

YES _____ NO _____

X. DAVIS - BACON CERTIFICATION

- a. By the submission of this Affidavit, the Contractor hereby certifies that neither it nor any person or firm who has an interest

in the Contractor's firm is a person or firm ineligible to be awarded contracts by the United States Government or the CHA by virtue of Section 3(a) of the Davis-Bacon Act (29 CFR 5.12 (a)(1)).

b. No part of the Contract resulting from this solicitation shall be subcontracted to any person or firm ineligible to be awarded Contracts by the United States Government or the CHA by virtue of Section 3 (a) of the Davis-Bacon Act (29 CFR 5.12(a)(1)).

c. Furthermore, The Contractor hereby certifies that the information contained in this Affidavit and representation, are accurate, complete and current. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

XI. SECTION 3 CERTIFICATION

To the extent that the contract to be awarded to the Contractor involves construction and/or is a labor related contract and the contract amount exceeds \$100,000.00 (Section 3 contract pursuant to 24 CFR §135.1 et seq.), the Contractor hereby certifies that said Contractor will comply with all Section 3 regulations and any applicable CHA Board Resolution(s).

XII. INCORPORATION INTO CONTRACT AND COMPLIANCE

The above certifications set forth in this Contractor's Affidavit shall become part of Contract No.: _____ and incorporated by reference as if fully set forth therein. Further, the Contractor shall comply with these certifications during the term of the Contract.

XIII ETHICS POLICY

The Contractor hereby certifies that it shall comply with all the applicable provisions of the CHA's Ethics Policy adopted by the CHA Board on June 21, 1995, 95-HUD-5 especially Sections 19 through 25 thereof. The Contractor further certifies that it has received and read a copy of the CHA's Ethics Policy.

XIV VERIFICATION

Under penalty of perjury, I certify that I am authorized to execute this Contractor's Affidavit on behalf of the Contractor set forth on page 1, that I have personal knowledge of all the certifications made herein and that the same are true.

Signature of President or Authorized Officer

Name of President or Authorized Officer

Title

Telephone Number

State of _____)

County of _____)

Signed and sworn to before me this _____ day of _____,

19__ by _____ (Name) as _____

(Title) of _____ (Contractor)

Notary Public Signature

PNB:mr

a:Boe2-Contract.Aff

DISCLOSURE AFFIDAVIT

Bidder/Proposer Name: _____
Bidder/Proposer Address: _____

Federal Employer I.D. # _____ or Social Security # _____

Nature of transaction is:

- | | |
|--|--------------------------------|
| ☐ Contract funded in whole or part by City or State funds | ☐ Lease |
| ☐ Sale of land to City or purchase of land from City | ☐ Loan |
| ☐ Vacation of streets or alleys | ☐ Grant |
| ☐ Zoning Change | ☐ Other |

Instructions: FOR USE WITH ANY OF THE ABOVE TRANSACTIONS. Anyone proposing one of the above transactions with the City of Chicago or submitting a bid/proposal to the City of Chicago must complete this Disclosure Affidavit. Please note that in the event the Contractor is a joint venture, the joint venture and each of the joint venture partners must submit a completed Disclosure Affidavit.

The undersigned _____, as _____
(Name) (Title)
and on behalf of _____ ("Bidder/Proposer" or "Contractor") having been duly sworn under
oath certifies that _____
(Business Name)

I. DISCLOSURE OF OWNERSHIP INTERESTS

Pursuant to Chapter 2-154 of the Municipal Code of Chicago, (the "Municipal Code"), all bidders/proposers shall provide the following information with their bid/proposal. If the question is not applicable, answer with "NA." If the answer is none, please answer "none."

Bidder/Proposer is a: ☐ Corporation ☐ Sole Proprietorship
☐ Partnership ☐ Not-for-Profit-Corporation
☐ Joint Venture ☐ Other

SECTION I. FOR PROFIT CORPORATIONS

- a. Incorporated in the State of _____
b. Names of all officers of corporation (or Attach List): _____ Names of all directors of corporation (or Attach List): _____

Name (Print or Type)	Title (Print or Type)	Name (Print or Type)	Title (Print or Type)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- c. If the corporation has fewer than 100 shareholders indicate here or attach a list of names and addresses of all shareholders and the percentage interest of each.

Name (Print of Type)	Address	Ownership Interest
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %

- d. If the corporation has 100 or more shareholders, indicate here or attach a list of names and addresses of all shareholders owning shares equal to or in excess of 7.5% of the proportionate ownership of the corporation and indicate the percentage interest of each.

Name (Print or Type)	Address	Ownership Interest
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %

- e. Is the corporation owned partially or completely by one or more other Corporations? YES [] NO []

If "yes," provide the above information, as applicable, for each of said corporations.

SECTION 2. PARTNERSHIPS

If the bidder/proposer is a partnership, indicate the name of each partner and the percentage of interest of each therein:

Names of Partners (Print or Type)	Percentage Interest
_____	_____ %
_____	_____ %
_____	_____ %

SECTION 3. SOLE PROPRIETORSHIPS

- a. The bidder/proposer is a sole proprietorship and is not acting in any representative capacity on behalf of any beneficiary: YES [] NO [] If NO, complete items b. and c. of this Section 3.

- b. If the sole proprietorship is held by an agent(s) or a nominee(s), indicate the principal(s) for whom the agent or nominee holds such interest.

Name(s) of Principal(s) (Print or Type)

- c. If the interest of a spouse or any other party is constructively controlled by another person or legal entity state the name and address of such person or entity possessing such control and the relationship under which such control is being or may be exercised:

SECTION 4. LAND TRUSTS, BUSINESS TRUST, ESTATES & OTHER ENTITIES

If the bidder/proposer is a land trust, business trust, estate or other similar commercial or legal entity, identify any representative, person or entity holding legal title as well as each beneficiary in whose behalf title is held including the name, address and percentage of interest of each beneficiary.

SECTION 5. NOT-

CORPORATIONS

a. Incorporated in the State of _____

b. Names of all officers of corporation (or Attach List):

Names of all directors of corporation (or Attach List):

Name (Print or Type)

Title (Print or Type)

Name (Print or Type)

Title (Print or Type)

NOTE: Pursuant to Chapter 2-154, Section 2-154-030 of the Municipal Code of Chicago, the Corporation Counsel may require any such additional information from any entity to achieve full disclosure relevant to the contract. Further, pursuant to Chapter 2-154, Section 2-154-020 of the Municipal Code, any material change in the information required above must be provided by supplementing this statement at any time up to the time the Purchasing Agent takes action on the contract or other action requested of the Purchasing Agent.

II. CONTRACTOR CERTIFICATION

A. CONTRACTOR

1. The Contractor or any subcontractor to be used in the performance of this contract, or any affiliated entity of the Contractor or any such subcontractor, or any responsible official thereof, or any other official, agent or employee of the Contractor, any such subcontractor or any such affiliated entity, acting pursuant to the direction or authorization of a responsible official thereof has not, during a period of 3 years prior to the date of execution of this certification or if a subcontractor or subcontractor's affiliated entity during a period of 3 years prior to the date of award of the subcontract:
 - a. Bribe or attempted to bribe, or been convicted of bribery or attempting to bribe a public officer or employee of the City of Chicago, the State of Illinois, any agency of the federal government or any state or local government in the United States (if an officer or employee, in that officer's or employee's official capacity); or
 - b. Agreed or colluded, or been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
 - c. Made an admission of such conduct described in 1(a) and (b) above which is a matter of record but has not been prosecuted for such conduct.
2. The Contractor or any agent, partner, employee or officer of the Contractor is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rigging¹ in violation of Section 3 of Article 33E of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/33E-3), or any similar offense of any state or the United States which contains the same elements as the offense of bid-rigging during a period of five years prior to the date of substantial of this bid, proposal or response.¹
3. The Contractor or any agent, partner, employee, or officer of the Contractor is not barred from contracting with any unit of state or local government as a result of engaging in or being convicted of bid-rotating² in violation of Section 4 of Article 33E of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/33E-4), or any similar offense of any state or the United States which contains the same elements as the offense of bid-rotating.
4. The Contractor understands and will abide by all provisions of Chapter 2-36 of the Municipal Code entitled "Office of Inspector General" and all provisions of Chapter 2-156 of the Municipal Code entitled "Governmental Ethics."
5. The Contractor certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, state or local department or agency;

- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for: the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, Local) transaction or contract under a public transaction; a violation of Federal or State antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (5)(b) above; and
- d. Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State or Local) terminated for cause or default.

B. SUBCONTRACTOR

1. The Contractor has obtained from all subcontractors to be used in the performance of this contract, known by the Contractor at this time, certifications in form and substance equal to Section I of this Contractor's Affidavit. Based on such certification(s) and any other information known or obtained by the Contractor, the Contractor is not aware of any such subcontractor or subcontractor's affiliated entity, or any agent, partner, employee or officer of such subcontractor or subcontractor's affiliated entity having engaged in or been convicted of (a) any of the conduct described in Section II(AX1) (a) or (b) of this certification; (b) bid-rigging, bid-rotating, or any similar offense of any state or the United States which contains the same elements as bid-rigging and bid-rotating, or having made an admission of guilt of the conduct described in Section II(AX1) (a) or (b) which is a matter of record but has/have not been prosecuted for such conduct.
2. The Contractor will, prior to using them as subcontractors, obtain from all subcontractors to be used in the performance of this contract, but not yet known by the Contractor at this time, certifications in form and substance equal to this certification. The Contractor shall not, without the prior written permission of the City, use any of such subcontractors in the performance of this contract if the Contractor, based on such certifications or any other information known or obtained by Contractor, becomes aware of such subcontractor, subcontractor's affiliated entity or any agent, employee or officer of such subcontractor or subcontractor's affiliated entity having engaged in or been convicted of (a) any of the conduct described in Section II(AX1) (a) or (b) of this certification; or (b) of bid rigging, bid rotating or any similar offense of any state or the United States which contains the same elements as bid-rigging or bid-rotating or having made an admission of guilt of the conduct described in Section II(AX1) (a) or (b) which is a matter of record but has/have not been prosecuted for such conduct. Contractor shall cause such subcontractors to certify as to Section II(AX5). In the event any subcontractor is unable to certify to Section II(AX5), such subcontractor shall attach an explanation to the certification.
3. For all subcontractors to be used in the performance of this contract, the Contractor shall maintain for the duration of the contract all subcontractors' certifications required by Section II(B) (1) and (2) above, and Contractor shall make such certifications promptly available to the City of Chicago upon request.
4. The Contractor will not, without the prior written consent of the City, use as subcontractors any individual, firm, partnership, corporation, joint venture or other entity from whom the Contractor is unable to obtain a certification in form and substance equal to this certification.
5. Contractor hereby agrees, if the City so demands, to terminate its subcontract with any subcontractor, if such Contractor or subcontractor was ineligible at the time that the subcontract was entered into for award of such subcontract under Ch. 2-92, Section 2-92-320 of the Municipal Code, or if applicable, under Section 33-E of Article 33 of the State of Illinois Criminal Code of 1961, as amended. Contractor shall insert adequate provisions in all subcontracts to allow it to terminate such subcontracts as required by this certification.

C. STATE TAX DELINQUENCIES

1. Contractor is not delinquent in the payment of any tax administered by the Illinois Department of Revenue or, if delinquent, Contractor is contesting, in accordance with the procedures established by the appropriate Revenue Act, its liability for the tax or amount of the tax.
2. Alternatively, Contractor has entered into an agreement with the Illinois Department of Revenue for the payment of all such taxes that are due and is in compliance with such agreement.

3. If the Contractor is unable to certify to any of the above statements (Section II (C)) Contractor shall explain below. Attach additional pages if necessary. _____

4. If any subcontractors are to be used in the performance of this Agreement, Contractor shall cause such subcontractors to certify as to paragraph (CX1) or (CX2) of this Certification. In the event that any subcontractor is unable to certify to any of the statements in this Certification, such subcontractor shall attach an explanation to this Certification.

D. OTHER TAXES/FEES

1. Contractor is not delinquent in paying any fine, fee, tax or other charge owed to the City of Chicago.
2. If Contractor is unable to certify to the above statement, Contractor shall explain below and attach additional sheets if necessary. _____

E. ANTI-COLLUSION

The Contractor, its agent, officers or employees have not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal. Failure to attest to this section as part of the bid proposal will make the bid nonresponsive and not eligible for award consideration.

F. PUNISHMENT

A Contractor who makes a false statement material to Section II (AX2) of this certification commits a Class 3 Felony. 720 ILCS 5/33E - 11(b). Making a false statement concerning Section II of this certification is a Class A misdemeanor, voids the contract and allows the municipality to recover all amounts paid to the Contractor under the contract in a civil action. 65 ILCS 5/11-42.1-1.

G. JUDICIAL OR ADMINISTRATIVE PROCEEDINGS

1. Contractor is not a party to any pending lawsuits against the City nor has Contractor been sued by the City or its agents in any judicial or administrative proceeding.
2. If Contractor cannot certify to the above, provide the (1) case name; (2) docket number; (3) court in which the action is or was pending; and (4) a brief description of each judicial or administrative proceeding. Attach additional sheets if necessary. _____

III. CERTIFICATION OF ENVIRONMENTAL COMPLIANCE

- A. Neither the Contractor nor any affiliated entity of the Contractor has, during a period of five (5) years prior to the date of execution of this Affidavit, (1) violated or engaged in any conduct which violated Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code or any other Environmental Restriction¹, (2) received notice of any claim, demand or action, including but not limited to citations and warrants, from the City of Chicago, or political subdivision thereof, exercising executive, legislative, judicial, regulatory or administrative functions, relating to a violation or alleged violation of Sections 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code or any other Environmental Restriction, or (3) been subject to any fine or penalty of any nature for failure to comply with Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapters 7-28 or 11-4 of the Municipal Code or any other Environmental Restriction¹.

If Contractor cannot make the certification contained in Paragraph A of this Section III, identify any exceptions specific to the City of Chicago or a political subdivision thereof: _____

If Contractor cannot make the certification contain Paragraph A of Section III, identify any exceptions specific to any other city, state or federal violation or any other Environmental Restriction: _____

_____. (Attach Additional Pages of Explanation to this Contractor's Affidavit, if necessary.)

- B. Without the prior written consent of the Purchasing Agent, Contractor will not (i) employ any subcontractor in connection with the Contract to which this Affidavit pertains without obtaining from such subcontractor a certification similar in form and substance to the certification contained in Subparagraph 1 of Paragraph A of this Section III prior to such subcontractor's performance of any work or services under the Contract to which this Affidavit pertains or furnishing any goods, supplies or materials of any kind under the Contract to which this Affidavit pertains; and (ii) employ, in connection with the Contract to which this Affidavit pertains, any of its officers have knowledge that the subcontractor cannot truthfully execute such certification. The Contractor will furnish to the Purchasing Agent upon his request an executed copy of each such certification.
- C. Until Completion of the Contractor's performance under the Contract to which this Affidavit pertains, the Contractor will not violate any provision of Section 7-28-440 or 11-4-1500 or Article XIV of Chapter 11-4 or Chapter 7-28 or 11-4 of the Municipal Code or any other Environmental Restriction, whether in the performance of such Contract or otherwise.

IV. CERTIFICATION OF COURT-ORDERED CHILD SUPPORT COMPLIANCE

For purposes of this Section IV, "SUBSTANTIAL OWNER" means any person who owns or holds a ten percent (10%) or more percentage of interest in the Contractor. If the Contractor is an individual or sole proprietorship, substantial owner means that individual or sole proprietorship. Percentage of interest includes direct, indirect and beneficial interests in the Contractor. Indirect or beneficial interest means that an interest in the Contractor is held by a corporation, joint venture, trust, partnership, association, state or other legal entity, in which the individual holds an interest, or by agent(s) or nominee(s) on behalf of an individual or entity. For example, if Corporation B holds or owns a twenty percent interest in Contractor, and an individual or entity has a fifty percent or more percentage of interest in Corporation B, then such individual or entity indirectly has a ten percent or more percentage of interest in the Contractor. In this case, the response to this Section IV, must cover such individual(s) or entity. If Corporation B is held by another entity, then this analysis similarly must be applied to that next entity.

If Contractor's response in this Section IV, is #1 or #2, then all of Contractor's Substantial Owners must remain in compliance with any such child support obligations (1) throughout the term of the contract and any extensions thereof; or (2) until the performance of the contract is completed, as applicable. Failure of Contractor's Substantial Owners to remain in compliance with their child support obligations in the manner set forth in either #1 or #2 constitutes an event of default.

Check one:

1. _____ No Substantial Owner has been declared in arrears on his or her child support obligations by the Circuit Court of Cook County or by another Illinois court of competent jurisdiction.
2. _____ The Circuit Court of Cook County or another Illinois court of competent jurisdiction has issued an order declaring one or more Substantial Owners in arrears on their child support obligations. All such Substantial Owners, however, have entered into court-approved agreements for the payment of all such child support owed, and all such Substantial Owners are in compliance with such agreements.
3. _____ The Circuit Court of Cook County or another Illinois court of competent jurisdiction has issued an order declaring one or more Substantial Owners in arrears on their child support obligations and: (1) at least one such Substantial Owner has not entered into a court-approved agreement for the payment of all such child support owed; or (2) at least one such Substantial Owner is not in compliance with a court-approved agreement for the payment of all such child support owed; or both (1) and (2).
4. _____ There are no Substantial Owners.

V. AFFIDAVIT OF LOCAL BUSINESS

If this is a contract funded in whole or part by City or State funds, Contractor should fill out this section.

"LOCAL BUSINESS" means a business located within the corporate limits of the City of Chicago, which has the majority of its regular, full-time work force located within the City, and which is subject to City Taxes.

Joint Ventures: For purposes of establishing a firm's eligibility for the two percent (2%) local business preference (if allowed by the specification), each partner must complete a separate affidavit. A Joint Venture is a "Local Business" only if at least fifty percent (50%) interest in the venture is held by "Local Businesses."

1. Is bidder/proposer a "Local Business" as defined above? Yes: _____ No: _____
2. How many persons are currently employed by bidder/proposer? _____
3. Does bidder/proposer have business locations outside of the City of Chicago? Yes: _____ No: _____

If yes, list such bidder/proposer's business addresses:

(Attach Additional Sheets if Necessary)

4. How many of bidder/proposer's current employees work at City of Chicago locations? _____
5. Is bidder/proposer subject to City of Chicago taxes (including the Head Tax)?
Yes: _____ No: _____

VI. INCORPORATION INTO CONTRACT AND COMPLIANCE

The above certifications shall become part of any contract awarded to the Contractor set forth within of this Disclosure Affidavit and are a material inducement to the City's execution of the contract, contract modification or, contract amendment with respect to which this Disclosure Affidavit is being executed and delivered on behalf of the Contractor. Furthermore, Contractor shall comply with these certifications during the term and/or performance of the contract.

VII. VERIFICATION

Under penalty of perjury, I certify that I am authorized to execute this Disclosure Affidavit on behalf of the Contractor set forth on page 1, that I have personal knowledge of all the certifications made herein and that the same are true.

Signature of Authorized Officer

Name of Authorized Officer (Print or Type)

Title

Telephone Number

State of _____

Country of _____

Signed and sworn to before me this _____ day of _____, 19____ by

_____ (Name) as _____ (Title) of

_____ (Bidder/Proposer or Contractor).

Notary Public Signature

Notes 1-6 Contractor's Affidavit

1. Business entities are affiliated if, directly or indirectly, one controls or has the power to control the other, or if a third person controls or has the power to control both entities. Indicia of control include without limitation: interlocking management or ownership; identity of interests among family members; shared facilities and equipment; common use of employees; or organization of another business entity using substantially the same management, ownership or principals as the first entity.
2. For purposes of Section II(A)(2) of this certification, a person commits the offense of and engages in bid-rigging when he knowingly agrees with any person who is, or but for such agreement should be, a competitor of such person concerning any bid submitted or not submitted by such person or another to a unit of State or local government when with the intent that the bid submitted or not submitted will result in the award of a contract to such person or another and he either (1) provides such person or receives from another information concerning the price or other material term or terms of the bid which would otherwise not be disclosed to a competitor in an independent noncollusive submission of bids or (2) submits a bid that is of such a price or other material term or terms that he does not intend the bid to be accepted. See 720 ILCS 5/33E-3.
3. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction, under either Section 33E-3 or Section 33E-4 of Article 33 of the State of Illinois Criminal Code of 1961, as amended, of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and : (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent on behalf of the corporation as provided in paragraph (2) of subsection (a) of Section 5-4 of the State of Illinois Criminal Code.
4. For purposes of Section II(A) of this certification, a person commits the offense of and engages in bid rotating when, pursuant to any collusive scheme or agreement with another, he engages in a pattern over time (which, for the purposes hereof, shall include at least 3 contract bids within a period of ten years, the most recent of which occurs after January 1, 1989) of submitting sealed bids to units of State or local government with the intent that the award of such bids rotates, or is distributed among, persons or business entities which submit bids on a substantial number of the same contracts. See 720 ILCS 5/33E-4.
5. "Environmental Restriction" means any statute, ordinance, rule, regulation, permit, permit condition, order or directive relating to or imposing liability or standards of conduct concerning the release or threatened release of hazardous materials, special wastes or other contaminants into the environment, and to the generation, use, storage, transportation, or disposal of construction debris, bulk waste, refuse, garbage, solid wastes, hazardous materials, special wastes or other contaminants, including but not limited to (1) the Comprehensive Environmental Response and Compensation and Liability Act (42 U.S.C. @ 9601 *et seq.*); (2) the Hazardous Material Transportation Act (49 U.S.C. @ 1801 *et seq.*); (3) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. @ 7401 *et seq.*); (4) the Clean Water Act (33 U.S.C. @ 1251 *et seq.*); (5) the Clean Air Act (42 U.S.C. @ 7401 *et seq.*); (6) the Toxic Substances Control Act of 1976 (15 U.S.C. @ 2601 *et seq.*); (7) the Safe Drinking Water Act (42 U.S.C. @ 300f); (8) the Occupational Health and Safety Act of 1970 (29 U.S.C. @ 651 *et seq.*); (9) the Emergency Planning and Community Right to Know Act (42 U.S.C. @ 11001 *et seq.*); and (10) the Illinois Environmental Protection Act (415 ILCS 5/1 through 5/56.6).

DISCLOSURE

Pursuant to Executive Order No. 97- 1, the Contractor (which term shall include other persons doing city business) must make certain disclosures with respect to attorneys, lobbyists, accountants, consultants, subcontractors or any other persons who have been retained by the Contractor with respect to the Contract, or other city business, or above referenced amendment/modification. The Contractor or other person doing city business must disclose the name, business address, relationship and fees paid or estimated to be paid. Any disclosure must conform to any applicable state law.

"Lobbyist" means any person (1) who for compensation or on behalf of any person other than himself undertakes to influence any legislative or administrative action, or (2) any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

The Contractor or other person doing city business hereby certifies that the following parties are EACH AND EVERY attorney, lobbyist, accountant, consultant, subcontractor or any other person retained or anticipated to be retained by the Contractor or person doing city business with respect to or in connection with the Contract or city business. Disclosure of Contractor's or other persons employees, paid solely through the regular payrolls of the Contractor for which the Contractor deducts or withholds taxes is not required.

(Attach additional sheets if necessary.)

Name	Business Address	Relationship (attorney, lobbyist, subcontractor, etc.)	Fees (paid or estimated)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CHECK HERE IF NO SUCH PERSONS HAVE BEEN RETAINED: _____

The Contractor hereby certifies that the information supplied in this Supplemental Affidavit is complete

and entire, and that no relevant information has been withheld.

The Contractor understands and agrees that the City may rely on the information provided herein. The Contractor understands and agrees that the provision of any false, incomplete or inaccurate information shall constitute default under the Contract and may result in termination of the Contract.

The Contractor understands that the purpose of Executive Order 97-1 is to promote public confidence in government and its decision-making by providing disclosure of persons or entities benefiting from City contracts. Therefore, in any case where the Contractor is uncertain of whether a disclosure is required under this Supplemental Affidavit, the Contractor must either ask the City whether the disclosure is required or make the disclosure. By signing below, the Authorized Officer agrees that the Contractor will supplement this disclosure on an annual basis if additional parties are retained in connection with the Contract or city business.

Under penalty of perjury, I certify that I am authorized to execute this Affidavit on behalf of the Contractor, that I have personal knowledge of all the information disclosed herein and that the same are true and complete.

Date: _____

Signature of Authorized Officer

Name of Authorized Officer (print or type)

Title

State of _____

County of _____

Signed and sworn to before me this _____ day of _____, 19____, by

(name) as _____ (title) of

(Contractor).

Notary Public

My commission expires _____

11. B. Anti-Scofflaw

State of Illinois)
County of Cook) SS

A F F I D A V I T

Initial within brackets,
having Section A or Section B,
whichever is applicable.

[] A.

The undersigned applicant,
been duly sworn on oath or
affirmation hereby states that,
to the best of my knowledge:

The applicant owes no debt to
the City of Chicago and has no
outstanding parking violation
complaints issued to any
vehicle owned by the applicant.

[] B.

The applicant has listed herein
all debts owned by the
applicant to the City of
Chicago and all outstanding
parking violation complaints
issued to any vehicle owned by
the applicant.

Description of Debt	Date of Occurrence	Amount
_____	_____	_____
_____	_____	_____
		Total \$ _____

The undersigned applicant understands that failure to disclose any
debt owed to the City or any outstanding parking violation
complaint may be grounds for the imposition of applicable penalties
or the termination of the privileges sought in connection with this
affidavit in accordance with the procedures set forth in the
Municipal Code of Chicago.

Signature

Subscribed and sworn to
before me this _____ day
of _____, 19____

Print Name

Print Address

Business Name and Address:

Notary Public

AFFIDAVIT

State of Illinois)
) SS
County of Cook)

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the City of Chicago.

That this instrument is made to induce, and in consideration of the City of Chicago's consummation of a redevelopment agreement to affiant.

That all outstanding parking violations, water taxes, property taxes and sales taxes, except the current bill have been paid.

That affiant is not in default or in the arrears on any outstanding commercial loans or water taxes, property taxes, sales taxes or assessments owed to the City of Chicago personally or by any partnership, corporation, joint venture or land trust in which the affiant has at least a 5% beneficial interest.

That since the initial date of application, no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment note or other instrument that can result in a judgment or decree against affiant within the five days from the date hereof.

That in the event of breach of any of the covenants, warranties stated herein, the City of Chicago may cancel and nullify the transaction.

VERIFICATION

Under penalty of perjury, I certify that I am the _____ of _____, that I am authorized by the developer to execute this affidavit in its behalf, that I have personal knowledge of the certifications made in this affidavit and that the same are true.

Signature of Owner or Authorized Officer

Name (Type or Print)

State of _____

County of _____

Subscribed and sworn to before me this
_____ day of _____, 19____

Notary Public

III. C. CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, _____, hereby certify on
(Name and Title of Contractor Official)

behalf of _____ that:
(Name of Contractor)

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LIII, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and more than \$100,000 for each such failure.

Executed this _____ day of _____, 19 _____.

By _____
(Signature of Authorized Official)

(Title of Authorized Official)

Subscribed and sworn to before me this _____ day of _____

19 _____
Notary Public Signature

Commission Expires: _____

III. D. CERTIFICATION REGARDING SUSPENSION AND DISBARMENT
(IN FEDERALLY FUNDED AGREEMENTS)

Specification No. _____

1. The Contractor certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State anti-statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this Certification; and
- (d) Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State or Local) terminated for cause or default.

2. If the Contractor is unable to certify to any of the statements in this Certification, Contractor shall attach an explanation to this Certification.

3. If any subcontractors are to be used in the performance of this Agreement, Contractor shall cause such subcontractors to certify as to paragraph (1) (a) of this Certification. In the event that subcontractor is unable to certify to any of the statements in this Certification, such subcontractor shall attach an explanation to this Certification.

Verification

Under penalty of perjury, I certify that I am the _____ of _____

Title (Type or Print)

_____, that I am authorized to execute this certification

(Type or Print Name of Contractor)

in its behalf, that I have personal knowledge of the certifications made in this affidavit and that the same are true.

Signature of Owner or Authorized Officer

Name (Type or Print)

State of _____

County of _____

Subscribed and sworn to before me this _____ day

of _____ 19 _____

Notary Public Signature

My Commission Expires _____

III. E. Ethics Affidavit

The undersigned hereby acknowledges the following clauses entitled Office of Inspector General and Governmental Ethics Ordinance and agrees to comply with the terms of this clause which is hereby incorporated and made part of Contract No. _____.

CHAPTER 2-56 OF THE CHICAGO MUNICIPAL CODE OFFICE OF INSPECTOR GENERAL

It shall be the duty of any bidder, proposer, or contractor, all subcontractors, and every applicant for certification of eligibility for a City contract or program, and all officers, directors, agents, partners, and employees of any bidder, proposer, contractor, or such applicant to cooperate with the Inspector General in any investigation or hearing undertaken pursuant to Chapter 2-56 of the Chicago Municipal Code. The contractor understands and will abide by all provisions of Chapter 2-56 of the Municipal Code of Chicago. All subcontracts shall inform subcontractors of this provision and require understanding and compliance herewith.

GOVERNMENTAL ETHICS ORDINANCE

Contractor shall comply with Chapter 2-156 of the Municipal Code of Chicago, "Governmental Ethics", including but not limited to Section 2-156-120 of this Chapter pursuant to which no payment, gratuity or offer of employment shall be made in connection with any City contract, by or on behalf of a subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. Any contract negotiated, entered into, or performed in violation of any of the provisions of this Chapter shall be voidable as to the City.

Acknowledged and Accepted By: _____
(Authorized Officer Signature)

Title: _____

Company Name: _____

Date: _____

**DEVELOPER'S STATEMENT OF QUALIFICATIONS
AND FINANCIAL RESPONSIBILITY**

1. a. Name of Developer: _____

b. Address of Developer: _____

2. Is Developer or any Affiliate (as hereinafter defined) affiliated with any other corporations, partnerships or joint ventures? An affiliate shall mean any person or entity who or which (i) has an ownership interest in and control of the Developer, whether such interest is held directly or indirectly or through other entities, (ii) is an officer, director, employee, agent, nominee, trustee, beneficiary or shareholder of the Developer having control of the Developer or an entity having an ownership interest in and control of the Developer whether such interest is held directly or indirectly or through one or more entities or (iii) has a legal or beneficial interest in any contract, agreement or other arrangement with the Developer, or a person or entity having an ownership interest in and control of the Developer, whether such interest is held directly or indirectly or through one or more entities, pertaining to the development, management, sale, leasing or construction in or on the Site (as defined in foregoing Proposal). As used in this definition, the term "entity" includes, but is not limited to, corporations, partnerships, trusts, estates and any other business organization or association, and the term "person" includes a spouse and brothers, sisters, ancestors and lineal descendants of the person.

Yes () No ()

If yes, list each such corporation, partnership, joint venture by name and address, specify its relationship to the Developer, and identify the officers and directors, partners, or joint ventures common to the Developer and such other entity.

3. a. The financial condition of the Developer, generally as of _____, 19 ____, is as reflected in the attached financial statements for the fiscal year ended _____. (If the date of the financial statements precedes the date of this submission by more than six (6) months, also attach an interim balance sheet dated no earlier than sixty (60) days prior to the date hereof.

b. Name and address of auditor or public accountant who performed the audit on which said financial statements are based:

4. If funds for the Project are to be obtained from sources other than the Developer's own funds, a statement of the Developer's plan for financing the development of the land should be attached hereto.

5. Sources and amounts of cash available to Developer to meet equity requirements of the proposed undertaking:

a. In banks:

<u>Name and Address of Bank</u>	<u>Amount</u>
	\$

b. By loans from affiliated or associated corporations or partners:

<u>Name and Address of Source</u>	<u>Amount</u>
	\$

c. By sale of readily saleable assets:

<u>Description</u>	<u>Market Value</u>	<u>Mortgage or Loans</u>
--------------------	---------------------	--------------------------

6. Names and addresses of bank references:

7. a. Has the Developer or principal of the Developer or any Affiliate, been adjudged bankrupt, either voluntary or involuntary, within the past ten years?

Yes () No ()

If Yes, attach a statement hereto giving date, place and under what name.

b. Has the Developer or principal of Developer or any Affiliate been indicted for or convicted of any felony within the past ten years?

Yes () No ()

If Yes, give for each case (1) date, (2) charge, (3) place, (4) Court, and (5) action taken. Attach any explanation deemed necessary.

8. Is the Developer or any Affiliate currently delinquent in any payment owed to the City, including but not limited to, taxes, assessments, loans and water sewer charges?

If Yes, attach a statement summarizing such delinquencies.

9. Is the Developer or any Affiliate currently in default under any Contract, Lease or any other Agreement between the Developer and the City?

If Yes, explain.

10. Undertakings, comparable to the proposed development which have been completed by the Developer or any Affiliate, including identification and brief description of each project and date of completion:

11. Does any person, who exercises any functions or responsibilities in the review or approval of the Developer's proposal, have any direct or indirect personal interest in the Developer or in the development of the land upon which the proposal is based?

Yes () No () If Yes, explain:

12. Statements and other evidence of Developer's qualifications and financial responsibility (other than the financial statement referred to in Item 3A are attached hereto and hereby made a part hereof as follows:

CERTIFICATION

1/

I (We) _____

certify that this Developer's Statement of Qualifications and Financial Responsibility and the attached evidence of Developer's qualifications and financial responsibility, including financial statements, are true and correct to the best of my (our) knowledge and belief.

DATED _____

Signature

Signature

Title

Title

Address

Address

1/

If the Developer is a corporation, this statement should be signed by the President and Secretary of the Corporation; if an individual, by such individual; if a partnership, by all of the partners; if an entity not having a president and secretary, by one of its chief officers having knowledge of the financial status and qualifications of the Developer.

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

The undersigned, having been duly sworn, states that he (she) is authorized to make this affidavit on behalf of the applicant, that the information disclosed in this disclosure statement and any accompanying schedules is true and complete to the best of his (her) knowledge, and that the applicant has withheld no disclosure as to its economic interest in the undertaking for which this application is made nor reserved any information, data or plan as to the intended use or purpose for which it seeks action by the City of Chicago.

Subscribed and sworn to
before me this _____ day
of _____, 19 ____.

Notary Public

My commission expires: