**31SARATOGA AFFORDABLE HOUSING GROUP, INC.**

**IN COLLABORATION WITH**

**SARATOGA SPRINGS HOUSING AUTHORITY**

**REQUEST FOR QUALIFICATIONS**

**FOR PUBLIC HOUSING DEVELOPMENT PARTNER**

**RFQ No.**

**DATE OF ISSUE:**

**May 31, 2022**

**RESPONSE DUE DATE:**

**June 30, 2022**

LEGAL NOTICE

SARATOGA SPRINGS HOUSING AUTHORITY

AND

SARATOGA ADDORFABLE HOUSING GROUP INC.

Request For Qualifications “RFQ”

For Public Housing Development Partner

RFQ No. [FY22-01]

**SECTION 1: INTRODUCTION**

* 1. Background.

Saratoga Springs Housing Authority (“SSHA”) was organized under the laws of the State of New York in 1966 to provide safe, affordable and quality housing for senior citizens, low-income families and persons with disabilities, at rents which persons of low-income can afford in areas where there exists a shortage. SSHA is a public corporation, legally separate, fiscally independent, and governed by a Board of Commissioners. The Saratoga Affordable Housing Group (“SAHG”) was originally incorporated by SSHA on October 10, 2007, for the purpose of, among other things, providing on a not-for-profit basis, decent, affordable housing and related community services and facilities specifically designed to meet the needs and requirements of low- and moderate-income families and individuals. Thereafter, SAHG became an independently operated not-for-profit corporation with wholly separate governance from SSHA.

The SAHG portfolio consists of the Allen Drive Apartments located on Allen Street in the City of Saratoga Springs. The Allen Drive Apartments consists of multiple multi-family buildings containing approximately thirty-nine (39) units of affordable rental housing. Currently, twenty-four (24) of the units have exceeded their useful life and require significant repair and/or demolition and replacement, with an addition fifteen (15) units requiring, at a minimum, renovation and further improvement.

SSHA currently operates three-hundred ninety-three (393) housing units including: one-hundred sixty-three (163) units of low-income public housing, one-hundred five (105) RAD Project Based Vouchers (“PBVs”), seventy-one (71) Section 18 RAD PBV’s, one-hundred fifty-five (155) State PBV’s, sixty-three (63) nine (9%) percent tax credit apartments, twenty-four (24) HOME apartments, ninety (90) Housing Choice Vouchers, forty (40) Mainstream Housing Vouchers, and twenty-eight (28) Veterans Affairs Supportive Housing (VASH) vouchers. The SSHA has partnered with multiple human service agencies including the local Veterans Administration Hospital, Domestic Violence agency, Catholic Charities, RISE, Department of Social Services and Community Action Program.

The SSHA portfolio includes two newly developed properties completed within the last year. The Promenade Apartments was completed in August of 2021. Promenade was funded with a highly competitive nine (9%) percent tax credit award. This $20,000,000 project contains sixty three (63) units within three (3) townhouse buildings and a forty-one (41) unit midrise. Also completed in 2021 was a $4,000,000 HOME Project. SSHA also recently closed on a $45,000,000 Rental Assistance Demonstration (“RAD”) conversion to redevelop SSHA’s ten (10) story Stonequist high rise. Stonequist Apartments consists of one-hundred seventy-six (176) studio and one bedroom units. To date, SSHA and has successfully secured over $80,000,000 for housing development over the last three (3) years.

SHAG and SSHA entered into a Memorandum of Agreement (the “MOA”) memorializing their intent and desire to cooperate and participate as co-sponsors with respect to the redevelopment of the Allen Drive Apartments. The MOA provides for, among other things, the joint selection of a co-development partner for the planned redevelopment of the Allen Drive Apartments. SSHA and SAHG contemplate that the proposed project will be a turnkey development, with SSHA acting as the management agent for the project post-completion. Therefore, SAHG, as the owner of the Allen Drive Apartments, issues this RFQ in collaboration with SSHA. SAHG and SSHA are collectively referred to herein as the “Issuers”.

1.2 Intent.

The Issuers are requesting competitive qualifications from responsible, qualified individuals, entities, or teams to serve as a co-development partner for the planned redevelopment of certain real property currently controlled by SAHG and located on Allen Street in the City of Saratoga Springs, Saratoga County, New York (SBL Nos. 165.9-1-12.1, 165.9-1-12.2), as outlined in the following “Scope of Work”. The Issuers intend to select one or more respondents with demonstrated and successful experience in workforce housing development and financing.

1. Distribution.

This RFQ will be broadly distributed to all interested parties. It will be posted on the SSHA website - [www.saratogaspringspha.org](http://www.saratogaspringspha.org). A notice will be posted in the Saratogian and Times Union newspapers. The RFQ will be distributed to various public housing and affordable housing trade organizations, and it will be released to affordable housing developers in the Capital Region and to all persons and entities that inquire and request a copy of the RFQ.

1. Submissions.

This RFQ invites sealed responses (“Responses”) from qualified perspective development partners (“Respondents”). The Issuers intend to enter into a pre-development agreement with one or more of the Respondents to act as a development partner (the “Selected Respondent”). One (1) original and seven (7) paper copies of the Response and one (1) digital copy of the Response on a USB drive must be submitted, sealed in an opaque envelope clearly marked with the name and number of the proposal and the name and address of the proposer. Proposals must be received no later than June 30, 2022**,** at the following address:

Saratoga Springs Housing Authority

One South Federal Street

Saratoga Springs, New York 12866

Confidential Bid Documents

Attn: Procurement Officer

1.5 Sole Point of Contact.

The sole point of contact for this RFQ is Jenna Barkely, Procurement Officer of the SSHA. The Sole Point of Contact can be reached by phone at 518-290-9285 or by email at jbarkley@sspha.org. Direct all questions, comments, or requests for clarification or changes regarding this RFQ to this individual. Respondents must not communicate directly or by proxy with the Issuers’ Boards or employees not specifically named in this RFQ, regarding this RFQ, except upon invitation by the Issuers in a formal interview by the Sole Point of Contact.

1.4 Key Dates.

|  |  |
| --- | --- |
| **Date** | **Action** |
| 5-31-2022 | Date of Issue  |
| 6-15-2022 | Site Tour  |
| 6-20-2022 | Deadline for Questions |
| 6-24-2022 | Deadline for Responses to Questions  |
| 6-30-2022 | RFQ Responses Due  |
| 7-12-2022 | Interviews (if necessary) |
| 7-15-2022 | Notification of Selected Respondent  |

1.5Site Tour.

A prospective Respondent may, at its option, participate in the site tour to be held on June 15,2022. Respondents are not expected to provide ISSUER with a proposed scope of work for the Property. The Issuers anticipate that a final scope of work will be developed in partnership with the Selected Respondent. The site tour is simply provided for those Responders who want to be more familiar with SSHA’s portfolio of properties.

1.6 Award.

It is the intent of the Issuers to enter into a pre-development agreement with the Selected Respondent (“Agreement”). Any notice of preliminary award pursuant to this RFQ shall be conditioned on the Selected Respondent and the Issuers negotiating and entering into a form of Agreement that incorporates the terms of this RFQ and the contents of the Selected Respondent and is acceptable to the Issuers, in their sole and absolute discretion. Upon receipt of a preliminary notice of award, the Selected Respondent and Issuers will negotiate the terms of the Agreement, which will include the specific responsibilities of the Selected Respondent.

**SECTION 2: SCOPE OF SERVICES**

The Issuers manage and have site control of a thirty-nine (39) unit affordable housing project located on Allen Street in the City of Saratoga Springs, Saratoga County, New York (SBL Nos. 165.9-1-12.1 and 165.9-1-12.2) (the “Property”). The Issuers intend for a complete redevelopment of the Property involving the demolition of existing buildings and construction of multiple new apartments (the “Project”). The Project will involve the creation of significantly more density on the Property. The issuers are prepared to relocate existing residents within the City of Saratoga Springs to accommodate the Project.

Saratoga Springs has a very vibrant economy and workforce including many persons employed by the service industry. The Saratoga Springs area median housing prices and rents are not within the reach of most of the employees of businesses in the City and surrounding area. Land costs are also very high and as a result very few affordable housing options exist for the essential workforce. Since this property already is improved by affordable housing, it provides an opportunity to upgrade or demolish the existing units and reimagine the site to provide options for working families and persons to reside in decent affordable housing close to their employment.

Upon award of Project funding, the Issuers (or their affiliates) anticipate negotiating and entering into a development agreement with the Selected Respondent, to be signed at construction closing, pursuant to which the Issuers and the Selected Respondent shall jointly develop the Project (the “Development Agreement”). The Development Agreement shall include, among other items, the following business terms:

1. The Issuers (or their affiliates) and the Selected Respondent shall serve as the co-developer for the Project.
2. The Selected Respondent shall provide any and all payment and completion guarantee to the Project funders and tax credit investor, and the Issuers (or their affiliates) shall provide any environmental indemnity and any operating deficit and tax credit compliance/recapture guarantees.
3. A typical low-income housing tax credit structure similar to the typical low income housing tax credit structure is anticipated for the Project, where a limited partnership or limited liability company will be created in which the tax credit investor will hold 99.9% of the interest in the Project owner and an entity formed by the Issuers (or their affiliates) will serve as the general partner or managing member of the Project owner and own 0.1% interest in the Project owner. A turnkey approach would also be considered under this RFQ.
4. Upon Project completion, SSHA will provide property management services to the Project owner.

**SECTION 3: EVALUATION SCORING**

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

3.2 Criteria and weights are as follows:

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| --- | --- |
| EVALUATION CRITERIA | Maximum Points |
| 1. Respondent Experience: Evidence of the Respondent’s experience, knowledge and expertise in the redevelopment of similar work force housing projects involving tenant relocation, demolition and turnkey construction.
 | *40* |
| 2. Proposed structure and relationship between the Respondent and Issuers with respect to ownership and development activities, including, proposed development fees, contractor’s fees, architectural and engineering fees, legal and accounting fees, and any other fees.  | *30* |
| 3. Prior experience with funding sources programs utilizing HUD and New York State funds.  | *30* |
| *TOTAL POINTS*  | *100* |

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

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

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

* A description of its experience with successful multi-family affordable housing projects developed that resulted in positive outcomes for the residents and local community, with a particular focus on workforce housing projects. Include information on each project’s financing structure.
* A description of at least one demolition/replacement project and its financing structure.
* A description of at least one project involving tenant relocation and its financing structure.
* A description of its experience with the Scope of Services. Provide a brief description of services the Respondent expects to provide to the Issuers. Indicate whether the Respondent is prepared to render the Scope of Services using its own resources or whether some services will be subcontracted. If the Respondent seeks to subcontract some services, indicate the subcontractor that the proposer seeks to use. The description should emphasize services to be subcontracted, if any.
* A description of any similar previous collaboration with public housing authorities, or with other development partners.
* Provide the nanes of the investor members for Respondent’s last three (3) affordable housing projects.
* Description of Respondent’s experience with giving and receiving community input in development concepts and design.
* The names of all team members to be involved with the Scope of Work and their experience in performing services similar to the Scope of Services. Include resumes for all employees expected to be involved and a description of each employee’s function, title, number of years of service with the Respondent and other relevant experience.
* Provide any other information you believe would make the Respondent uniquely positioned to provide the Scope of Services.
* Provide three relevant references, including name, address, email and telephone number.
* Indicate whether Respondent has external member of the team, and a preference or prerequisite that such external members be designated as part of the development team, such as engineers, architects or design professionals, legal counsel, investors or others. The identity, relevant experience and credentials must be provided for all external team members.
* If helpful, submit an organization chart showing all the individuals that will be assigned to the Project.
* Provide a 2021 financial statement for the Respondent, or for the Respondent’s most recent fiscal year, prepared by a Certified Public Accountant. If the Respondent consists of multiple entities, then provide one recent financial statement for each entity, or the lead principal of each entity. This statement should demonstrate the financial capacity of the Respondent for executing all applicable guarantees. Financial statements may be submitted in a separate, sealed envelope (one copy only) marked “Financial Statements - Confidential.”
* Indicate whether the Respondent is a New York State certified Minority or Women-Owned Business Enterprise or Service-Disabled Veteran-Owned Business. The ISSUER is committed to equal opportunity in its procurement and encourages Section 3 and M/WBE firms to respond to this solicitation.

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

4.2 Development and Fee Structure.

The Respondent shall provide a narrative describing the proposed structure and relationship between the Respondent and Issuers with respect to ownership and development activities, including project planning, design, financing and construction activities related to the implementation of the plan and delivery of the Project to an affiliate of the Issuers. The Respondent should propose to provide development services in a turnkey arrangement. The narrative should include proposed development fees, contractor’s fee, architectural and engineering fees, legal and accounting fees, and any other fees. Fees should be expressed as percentages of appropriate cost basis.

4.4 Mandatory Documentation.

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

Exhibit A – Initial Disclosure Form;

Exhibit B – Legal Status Form;

Exhibit C – Non-Collusion Bidding Certificate;

Exhibit D – Bidder Hold Harmless Agreement;

**SECTION 5: STATEMENT OF LIMITATIONS**

By submitting a response to this RFQ, each Respondent acknowledges and accepts the Issuers’ following statement of limitations.

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

**Section 6: ADDITIONAL INFORMATION**

6.1 Freedom of Information Law.

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

6.2 Vendor Responsibility.

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

**EXHIBIT A**

**INITIAL DISCLOSURE FORM**

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

 This Response does not take exception to any requirement of the RFQ.

 This Response does take exception to requirements of the RFQ. The specific exceptions are listed in a separate attachment.

**2. State Debarment List**

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

Yes

No

**3. Arbitration/Litigation**

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

Yes If “yes,” attach a sheet fully describing each such matter.

No

**5. Criminal Proceedings**

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

Yes If “yes,” attach a sheet fully describing each such matter.

No

**6. Legal Malpractice**

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

 Yes If “yes,” attach a sheet fully describing each such matter.

 No

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

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

 Yes If “yes,” attach a sheet fully describing each such matter.

 No

**NOTE:**

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

Firm Name: Address

Signed By: Title

Date: Telephone #

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

***Signature***

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

|  |
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| **EXHIBIT B LEGAL STATUS FORM** |
| ***Please fully complete the applicable section below, attached a separate sheet if you need additional******space, and sign this form.*** |
| For purposes of this disclosure, “permanent place of business” means an office continuouslymaintained, occupied and used by the proposer's regular employees regularly in attendance to carry onthe proposer's business in the proposer's own name. An office maintained, occupied and used by a proposer only for the duration of a contract will not be considered a permanent place of business. Anoffice maintained, occupied and used by a person affiliated with a proposer will not be considered a permanent place of business of the proposer. |
| Please Check One: |
| Sole Proprietorship: ☐ | Limited LiabilityCompany: ☐ | Corporation: ☐ | Partnership: ☐ |
| **If a Sole Proprietorship** |
| Proposer’s Full Legal Name: |
| Does the proposer have a “permanent place of business” in New York, as defined above?**Yes** ☐ **No** ☐If yes, please provide full street address (Not a P.O. Box) of that “permanent place of business” below. |
| Street Address: |
| City: | State: | ZIP Code: |
| Mailing Address (if different from Street Address): |
| City: | State: | ZIP Code |
| Owner’s Full Legal Name: |
| Number of years engaged in business under “Sole Proprietor” or Trade Name: |
| **If a Corporation** |
| Proposer’s Full Legal Name: |
| Does the proposer have a “permanent place of business” in New York, as defined above?**Yes** ☐ **No**☐If yes, please provide full street address (Not a P.O. Box) of that “permanent place of business” below. |
| Proposer’s Full Legal Name: |
| Street Address: |
| City: | State: | ZIP Code: |
| Mailing Address (if different from Street Address): |
| City: | State: | ZIP Code: |
| Owner’s Full Legal Name: |
| Number of years engaged in business: |
| Name of Current Officers: |
| Chief Executive Officer: |
| President: |
| CFO/Treasurer: |
| Secretary: |
| **If a Limited Liability Company** |
| Proposer’s Full Legal Name: |
| Does the proposer have a “permanent place of business” in New York, as defined above?**Yes** ☐ **No** ☐If yes, please provide full street address (Not a P.O. Box) of that “permanent place of business” below. |
| Street Address: |
| City: | State: | ZIP Code: |
| Mailing Address (if different from Street Address): |
| City: | State: | ZIP Code: |
| Owner’s Full Legal Name: |
| Number of years engaged in business: |
| Number of Current Manager(s) or Member(s): |
| **If a Partnership** |
| Proposer’s Full Legal Name: |
| Does the proposer have a “permanent place of business” in New York, as defined above?**Yes** ☐ **No**☐If yes, please provide full street address (Not a P.O. Box) of that “permanent place of business” below. |
| Street Address: |
| City: | State: | Zip Code: |
| Mailing Address (if different from Street Address): |
| City: | State: | Zip Code: |

Owner’s Full Legal Name:

Number of years engaged in business: Names of Current Partner(s):

**Disclosure Form Authorization**

Firm Name: Address

Signed By: Title

Date: Telephone # :

***Signature***

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

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

**EXHIBIT C**

**NON-COLLUSION BIDDING CERTIFICATE**

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

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

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

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

FIRM NAME ADDRESS

SIGNED BY

TITLE

 DATE TELEPHONE #

Subscribed and sworn to before me

this day of 20\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

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

**EXHIBIT D**

**RESPONDENT HOLD HARMLESS AGREEMENT**

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

FIRM NAME ADDRESS

SIGNED BY

TITLE

 DATE TELEPHONE #

Subscribed and sworn to before me

this day of 20\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

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

**EXHIBIT E**

**[HUD FORMS TBD]**