

ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

REQUEST FOR PROPOSALS

FINANCIAL ADVISOR

PROPOSALS WILL BE RECEIVED UNTIL: 12:00 Noon (CST), Friday, August 22, 2008
Any response received after the above due date will not be considered.

Deliver proposals to:

**Escambia County Housing Finance Authority
25 W. Cedar Street, Suite 530
Pensacola, FL 32502**

Escambia County Housing Finance Authority Boardmembers

Sandra J. Ward, Chairperson
James D. Cronley, Vice-Chairman
Robert Ward, Secretary/Treasurer
Lamar Cobb
Steve Jernigan

Executive Director:

Elbert Jones, Jr.
25 West Cedar Street, Suite 530
Pensacola, FL 32502
Tel: (850) 432-7077
Fax: (850) 438-5205

SPECIAL ACCOMMODATIONS:

Any person requiring special accommodations to attend or participate, pursuant to the Americans with Disabilities Act, should call the Authority (850) 432-7077 at least five (5) working days prior to the solicitation opening.

**ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY
REQUEST FOR PROPOSALS – FINANCIAL ADVISOR**

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ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY

REQUEST FOR PROPOSALS

FINANCIAL ADVISOR

I. BACKGROUND INFORMATION

The Escambia County Housing Finance Authority (the "Authority") is requesting proposals from firms or individuals interested in serving as Financial Advisor to the Authority. Those interested in serving as the Financial Advisor to the Authority are requested to submit written responses to the Request for Proposals in accordance with the procedures hereinafter set forth. The Authority was created as a public body corporate and politic in May 1980 by Ordinance Number 80-12, as amended March 2003 by Ordinance Number 2003-8 pursuant to Chapter 78-89, Laws of Florida codified as Chapter 159, Part IV, Section 159.601 through 159.623. The Board was appointed by the Escambia County Commissioners and continues to be appointed by them. The Authority issues single family mortgage revenue bonds, multi-family revenue bonds and other debt instruments to achieve its purposes. The Authority provides single-family and multi-family affordable housing to qualified low, middle and moderate income persons and families. The Authority primarily uses tax exempt bond issues as its principal financing instrument as described above, however, from time to time, the Authority may use its general funds for loans, guarantees, credit enhancement or other purposes in order to facilitate affordable housing.

The Financial Advisor must be prepared to assist the Authority and the Authority's staff in evaluating all proposed financings. The Financial Advisor will advise the Authority on market conditions and innovative methods of financing as well as all other matters involving Authority participation in the financing of affordable housing in any counties served by the Authority.

Since 1982, the Authority has issued twenty-two (22) single-family bond transactions totaling a principal amount which exceeds one billion dollars (\$1,000,000,000), fifteen (15) new multi-family bond issues in excess of one hundred seven million dollars (\$107,000,000), two (2) single-family refunding issues in excess of fifty million dollars (\$50,000,000), five (5) multi-family refundings in excess of forty million dollars (\$40,000,000) and eighteen (18) Bond Anticipation Notes in excess of three hundred ninety three million dollars (\$393,000,000). In 2007 the Authority had two (2) single-family issues of thirty nine million three hundred fifty five thousand dollars (\$39,355,000) and thirty two million six hundred thousand dollars (\$32,600,000) respectively. The Authority contemplates at least one (1) single-family issue in 2008 or early 2009 of approximately twenty five million dollars (\$25,000,000).

Although the Authority does not guarantee any specific level of service utilization, and makes no representation or warranty as to requesting any future level of service, it is estimated that the minimum level of service for Financial Advisor excluding work on transactions may average four (4) to six (6) hours per month.

II. MISCELLANEOUS TERMS AND CONDITIONS

1. **Submission of Qualification Statements:** Submissions are to be limited to a total of twenty-five (25) pages, not including a cover letter. A one page cover letter giving the name, address, phone number, fax number and e-mail address of the application should be included in your response. If applicant is a firm, list who will be the lead Financial Advisor. Respondents must submit eight (8) copies of their proposal to the Authority for receipt no later than 12:00 Noon (CST) on **Friday, August 22, 2008**. Proposals submitted by facsimile will not be accepted. Submissions must be

responsive, and in sequence, to the questions included as Exhibit A. Responses to each question must begin on a new page, with the question (or summary thereof) restated at the top of the page.

2. **Review and Selection Process:** All submissions will be reviewed by Staff to determine responsiveness to this RFP. All proposals deemed to be responsive will be reviewed and evaluated by the Board. The Chairperson of the Board may present the recommendations to the Board for its consideration at its September 9, 2008 or subsequent meeting. The Authority may, but is not obligated to select, the firm which receives the highest ranking in the evaluation process. The Authority may, but is not required to, request one or more respondents to make oral presentations to the Authority at the September 9, 2008 or a subsequent meeting.

At the **September 9, 2008** or subsequent meeting, the Authority Board is expected to approve an agreement between the Authority and the firm chosen as Financial Advisor. Such agreement shall be negotiated by the parties and shall be consistent with this Request for Proposals.

The firm chosen as Financial Advisor shall not serve as underwriter or investment banker on any affordable housing financial transaction during its tenure as Financial Advisor, or in connection with any affordable housing financings wherein the firm served as Financial Advisor.

Firms and their representatives are requested not to contact the Authority Board Members after the release of this RFP. Any contact with Board Members regarding this Request for Proposals will result in the disqualification of your proposal. Questions should be in writing and directed to Elbert Jones, Jr., Executive Director, Escambia County Housing Finance Authority, 25 W. Cedar Street, Suite 530, Pensacola, FL 32502, not later than 5:00 p.m., August 15, 2008.

3. **Expenses Relating to Proposals:** The Authority shall not be liable for any expenses incurred by respondents in replying to this Request for Proposal ("RFP").
4. **Rejection and Negotiation:** The Authority reserves the right to reject any and all proposals submitted in response to this RFP and, as described in paragraph 2 above "Review and Selection Process", to enter into fee negotiations with one or more respondents to this RFP.
5. **Term of Service:** It is anticipated that the firm selected pursuant to this RFP will serve as Financial Advisor commencing October 1, 2008. It is anticipated that the financial advisor contract will be for a term of one year with an option to renew for additional one-year terms up to a total of five years except that any bond transaction in process at the end of any term shall be completed by the Financial Advisor selected pursuant to this RFP, unless the Authority Board shall specify otherwise. This is only a statement of intent and shall not be binding on the Authority or its Governing Board.

The Authority reserves the right to retain another firm or firms (through any process authorized by the Authority Board) to assume responsibility as Financial Advisor for any specific transaction to be initiated during the term of service of the Financial Advisor selected pursuant to this RFP, if, in the Authority's opinion, such action is justified or made necessary by relevant facts and circumstances.

6. **Distribution of RFP:** This RFP is being distributed to independent Financial Advisory firms which: (a) are listed in The Bond Buyer's Municipal Marketplace Directory of Financial Advisors for housing bonds during calendar year 2007; (b) who do not sell, trade or underwrite municipal securities; and (c) are deemed to have significant experience as a full service Financial Advisor for housing finance authority bond programs.
7. **Minority/Women Business Enterprise (MWBE):** The Authority is an equal employment opportunity employer and governmental business agency. Accordingly, we encourage participation from MWBE in this solicitation for Housing Financial Advisory Services.

III. SCOPE OF SERVICES

Services are to be performed only upon written direction of the Authority.

- A. General Advisory Services:** The scope of non-transaction-related services that may be requested of the Financial Advisor may include, but not necessarily be limited to, the following:
1. As needed, attend monthly meetings and special meetings of the Authority and any meetings of the Boards of County Commissioners which the Authority serves as deemed necessary by the Authority.
 2. Prepare monthly written reports to the Authority on single-family, multi-family, and other financial issues.
 3. As needed, consult with members of the Authority, the Executive Director, Bond Counsel, General Counsel, Investment Bankers, Trustees, Master Servicers, Program Administrators and other providers of professional services or consulting services.
 4. Assist in the development of long term strategic plans, an annual financial plan, and the preparation of rules and regulations and other applicable documentation necessary to conduct Authority business including strategies to effectively utilize, leverage and enhance the Authority's unrestricted operating reserves.
 5. Provide information, advisement and assistance to the Authority in general matters that may affect the interests of the Authority.
 6. Advise the Authority generally on participating in any federal or state housing programs, structuring new programs and restructuring existing programs to address housing related needs or opportunities that may be beneficial to the Authority.
 7. Conduct independent and objective reviews and evaluations of the economic feasibility and cost-effectiveness of project finance transactions and/or program initiatives proposed to the Authority by third parties, including governmental entities, non-profit developers, for-profit developers, investment banking firms and others and make recommendations to the Authority regarding such proposals.
 8. Evaluate and formulate recommendations regarding financial management, investment management, investment policies and strategies in connection with the Authority's general and restricted funds.
 9. Evaluate the financial integrity of existing Authority programs or projects, and advise the Authority regarding strategies to preserve or enhance the credit ratings of bonds relating to such programs or projects.
 10. Upon request of the Authority, prepare portfolio analyses of the Authority's Single-Family and Multi-Family issues.
- B. Transaction Advisory Services:** The scope of services that may be requested (but not necessarily be limited to) of the Financial Advisor relating to new issues, reissues, remarketing, restructuring or refunding of tax-exempt or taxable bond transactions are as follows:

1. Assist the Authority in the development of a coordinated approach for the overall financing requirements of the Authority's housing finance programs, including providing information and advice to the Authority regarding the Authority's investment of available funds, general economic conditions, housing market conditions and proposed legislative changes.
2. Advise and consult with the Authority in structuring its taxable or tax-exempt financing transactions and the lending programs or projects which are funded with proceeds of such transactions.
3. Assist the Authority by analyzing the merits of negotiated sales vs. competitive sales vs. private placements of the Authority securities, and offer recommendations on same.
4. Coordinate the issuance of Authority single family and multi-family bonds and notes.
5. Advise and assist the Authority in the preparation of requests for proposals and in the selection of underwriters and/or other service providers (bond counsel, tax counsel, financial printers, cash flow verifiers, etc.), as may be required to structure and execute a securities-related transaction.
6. Advise and assist in the establishment of appropriate program requirements, including mortgage loan rates/terms, servicing arrangements, insurance coverage, financial incentives and/or limitations on lender participation, and origination/commitment fees and advise the Authority generally as to the financial integrity of the program.
7. Assist the Authority, Issuer's Counsel, Bond Counsel and Investment Bankers in the preparation and review of all instruments and documents required for bond and note financing transactions, including the bond indenture and official statement. Examine all bond documents prior to issuance of bonds and inform the Authority of any obligations to the Authority resulting from the provisions of the bond documents over the life of the bond issue.
8. Review the maturities, call features, premiums, interest rates, reserve provisions, flow of funds and other features of proposed bond issues, and advise the Authority as to the financial integrity of such issues.
9. Analyze cash flow assumptions with regard to interest rates, fees, application of bond proceeds, investment of funds and other program requirements to assess the reasonableness of the cash flow projections based on such assumptions.
10. Assist the Authority in preparing for, and participating in, transaction-related presentations to and negotiations with financial institutions, rating agencies, developers, governmental entities and others.
11. Prepare analyses to comply with the asset release test and/or cash flow certificate requirements as may be established by the Authority's bond trust indentures.
12. Advise and assist the Authority in negotiating rates, underwriter's fees, and other terms of the bond purchase contracts with underwriters, as well as the terms and provisions of agreements with bond trustees and financial institutions.
13. Evaluate pricing and oversee costs associated with each issuance or program.
14. Work with Investment Bankers to provide estimated revenues and expenditures resulting from a bond issue or any other type of major financing activity undertaken. A major financing activity is defined in this document to be a program, investment, or service implemented by the Authority for which the Authority has requested the Financial Advisor's advice.

15. Assist the Authority in establishing audit requirements for its affordable housing programs, its bond issues, and other related financial activity.
16. Such other reasonably related services as may be requested by the Authority.
17. The Financial Advisor has a strict fiduciary relationship with the Authority. The Financial Advisor must advise the Authority as to any potential conflicts if the Financial Advisor is asked to be retained by other affordable housing providers. The Financial Advisor must provide the Authority a list of other affordable housing providers it currently does business with.

**ALL PROPOSALS SHALL BE SUBMITTED AS A COMPETITIVE SEALED
PROPOSAL PRIOR TO
12:00 NOON (CST) FRIDAY, AUGUST 22, 2008
TO
ELBERT JONES, JR., EXECUTIVE DIRECTOR**

**ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY
25 W. CEDAR STREET, SUITE 530
PENSACOLA, FLORIDA 32502**

**OFFEROR SHALL SUBMIT EIGHT (8) COPIES OF THE PROPOSALS TO THE
AUTHORITY. NO AMENDMENTS WILL BE ACCEPTED AFTER THE ABOVE DATE
OR A SEPARATE SUBMISSION. ALL PROPOSALS WILL BE CONSIDERED AS
THEY ARE RECEIVED BY THE AUTHORITY WITH THE AUTHORITY RESERVING
THE RIGHT TO REJECT ANY OR ALL PROPOSALS AND THE RIGHT TO REQUEST
ORAL PRESENTATIONS OF ALL OR SOME OF THE OFFERS. THE AUTHORITY
REQUESTS THAT PROPOSALS BE SUCCINCT AND LIMITED TO TWENTY-FIVE
(25) PAGES. ADDITIONAL INFORMATION MAY BE REQUESTED BY THE
AUTHORITY AFTER REVIEWING THE PROPOSALS.**

Exhibit "A"

IV. INFORMATION TO BE PROVIDED

1. **Firm Overview:** Briefly describe the history and organization of your firm and confirm its current status as an independent advisory firm which is not engaged in the underwriting, sales, distribution or trading of municipal securities. Describe and discuss any formal or informal business relationships, including but not limited to, overlapping or common ownership between your Financial Advisory firm and any registered broker/dealer engaged in underwriting municipal securities. Describe any representation of multi-family developers by your firm.

2. **Staffing and Account Coverage:** Provide the name, telephone number and fax number of the primary contact person regarding your firm's proposal. Identify the personnel and provide a brief resume for each such person(s) who would be assigned to the Authority account if your firm is selected to serve in any capacity. Specifically address how your firm will ensure proper coverage of the Authority account in the event the primary person(s) assigned is unavailable for any reason.

3. **Qualifications and Experience:** For each of the periods indicated in the table below, provide the requested summary data with respect to new issues of long term, fixed rate or floating rate mortgage revenue bond transactions (both tax exempt and taxable) for which your firm served as Financial Advisor. Include bonds issued via negotiated public sales, competitive sales and private placements indicating which transaction mode was used (co-venture may aggregate experience).

Year	Single-Family MRB's		Multi-Family MRB's		Annual Totals	
	# Issues	\$ Volume (millions)	# Issues	\$ Volume (millions)	#Issues	\$ Volume (millions)
2008	_____	_____	_____	_____	_____	_____
2007	_____	_____	_____	_____	_____	_____
2006	_____	_____	_____	_____	_____	_____
2005	_____	_____	_____	_____	_____	_____
2004	_____	_____	_____	_____	_____	_____

State the extent to which your firm is able to provide the General Advisory Services and Transaction Advisory Services listed in the RFP. **Specifically identify any such services which your firm is either inexperienced in or is currently incapable of providing.**

4. **Strengths and Skills:** State why you or your firm would be a good Financial Advisor and list any particular strengths or skills the Authority should consider when evaluating your proposal.
5. **Strategies to Enhance Financial Resources:** Describe and discuss innovative strategies whereby the Authority may increase financing for new or rehabilitated affordable housing (both owner occupied and rental) within the Authority's area of operation. Describe your firm's experience in successfully implementing any of these strategies (or similar types of innovative initiatives), providing references where appropriate.
 - a. Given current market conditions, what issues do you think the Authority might face in the issuance of its bonds? How can the Authority mitigate any risks you identify or benefit from any opportunities?
6. **Client Base:** List the state and local housing finance agencies or redevelopment agencies for which your firm has served as Financial Advisor during 2004-2008. Identify any local HFA for which your firm served as Financial Advisor after December 31, 2004, but for which your firm is not currently serving in such capacity.
7. **Potential Conflicts:** List all persons, firms or other entities (other than state and local HFA's) involved in the provision or financing of affordable single family or multi-family housing in Florida with which your firm has any formal business relationship. Discuss how your firm would propose to deal with any potential conflicts arising from concurrently serving as Financial Advisor for the Authority.
8. **Computer Analyses:** Describe the capabilities and experience of your firm in reviewing computer cash flow analyses required by Moody's, Standard Poor's, or other rating agencies and the bond/mortgage yield computations required by bond counsel.
9. **Litigation, Investigations and Regulatory Proceedings:** Provide a summary of any material inquiries, investigations or litigation occurring during the past two (2) years (including those in progress) regarding the conduct of your firm, your firm's management, or any employee or official associated with your firm. Describe any related actions taken against your firm or employees by any federal, state or municipal governmental entity or court or regulatory authority, including fines, suspensions, censure, sanctions, etc.
10. **Special Capabilities:** Describe any special strengths or capabilities of your firm, or any special services or assistance your firm may provide, or has provided to the Authority, which you believe may be relevant to or helpful to the Authority in structuring, financing, or administering its various affordable housing initiatives.
11. **Compensation:** The Authority reserves the right to request any or all of the services listed in Section III (A) and/or (B) from the firm chosen as Financial Advisor but fee arrangements should not be based on the assumption all services listed therein will be required or requested by the Authority. The Authority is a small issuer and has limited resources thus fees are critical.

Given your proposed scope of services and work products, discuss your proposed fee arrangement based on each of the following alternatives:

- a. **General Advisory Services.** State your firm's proposed hourly rate(s) of compensation for senior management, other professionals, and administrative staff for providing General Advisory Services, as well as an estimated not to exceed dollar amount anticipated for such non-transaction services for each fiscal year.
- b. **Transaction Advisory Services.** The Authority intends to negotiate a fixed fee for transaction advisory services on per issue basis with the selected firm(s) or individual(s).

V. PUBLIC ENTITY CRIMES

Florida Statutes Section 287.133(3)(a) requires that prior to award of a contract for certain goods or services, a sworn statement shall be submitted. A copy of such statement is attached hereto as Exhibit "B" for submission.

IV. INDEMNIFICATION

To the fullest extent permitted by law, the Proposer shall indemnify and hold harmless the Authority, its officers and employees from liabilities, damages, loses, and costs including but not limited to reasonable attorney fees, to the extent caused by the negligence, recklessness or intentional wrongful conduct of the Proposer and other persons employed or utilized by the Proposer in the performance of this contract. Indemnification and Hold Harmless form is attached as Exhibit "C".

V. PUBLIC ACCESS

The Authority is a public body corporate and politic of Escambia County, Florida. All documents and other materials made or received in conjunction with this proposal and Authority business will be subject to public disclosure requirements of Chapter 119, Florida Statutes. Copies of the end product(s) of the firm's work can be made available to the public upon request. Failure to allow public access to all documents, papers, letters, or other material subject to disclosure pursuant to Chapter 119, Florida Statutes, and made and received by the firm in conjunction with the contract, may, in the discretion of the Authority, result in the cancellation of the contract.

EXHIBIT "B"

SWORN STATEMENT UNDER SECTION 287.133(3)(a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
[print name of public entity]
by _____
[print individual's name and title]
for _____
[print name of entity submitting sworn statement]
whose business address is _____
and (if applicable) its Federal Employer Identification Number (FEIN) is _____ (If the
entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:
_____).

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133 (1)(a), Florida Statutes, means:
- (1) A predecessor or successor of a person convicted of a public entity crime; or
 - (2) An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. [indicate which statement applies.]

_____ Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. [**attach a copy of the final order**]

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH I (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

[Signature]

Sworn to and subscribed before me this _____ day of _____, 20 _____

Personally known _____

OR Produced identification _____ Notary Public - State of _____

_____ My commission expires _____
(Type of Identification)

(Printed typed or stamped Commissioned name of Notary Public)

Exhibit "C"

INDEMNIFICATION AND HOLD HARMLESS

To the fullest extent permitted by law, CONTRACTOR shall indemnify and hold harmless THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY, its officers and employees from liabilities, damages, losses, and costs including but not limited to reasonable attorney fees, to the extent caused by the negligence, recklessness, or intentional wrongful conduct of the CONTRACTOR and other persons employed or utilized by the CONTRACTOR in the performance of this Agreement.

Bidder's Company Name

Authorized Signature – Manual

Physical Address

Authorized Signature – Typed

Mailing Address

Title

Phone Number

Fax Number

Cell Number

After-Hours Number(s)

Date