

AFFIDAVIT REGARDING INFORMATION SUBMITTED BY THE PROPOSER

DUE DILIGENCE AND REGULATORY COMPLIANCE

Only need to submit 1 copy of this Exhibit in the original. This Exhibit maybe placed in a separate folder.

By signing and submitting this Affidavit, the proposer certifies the following:

The information and documents submitted in this application contain material representations of fact upon which HACLA will rely on in determining which proposer(s) will be awarded the RFP. If it is determined that the proposer knowingly provided erroneous information in its submission, such act shall be deemed a misrepresentation and an act of fraud, and HACLA, in addition to other remedies available to it, may pursue all available remedies, including the rejection of the proposal, the rescission of the award, the suspension or debarment of the proposer.

CERTIFICATION

a) Financial Statements

Provide three concurrent years of the firms most recent audited or Certified Public Accountant prepared financial statements from each member of the Developer's team who will be providing any guarantees in connection with the development and operation of the project. The financial statements must include the most current year for which audited or CPA prepared financial statements are available. The statements must include an Income Statement as well as a Balance Sheet showing assets, liabilities and net worth of the entity. Financial statements may be placed in a separate sealed envelope marked "Confidential."

[YES]: _____ (Initials)

[No]: _____ (Initials)

Please explain:

b) Indebtedness

1. List of all actual or contingent indebtedness (e.g., loan guarantees, letters of credit, banker's acceptances, swaps) not reflected in most recent financial statements and all material correspondence from any governmental entity relating thereto.

2. List of existing key financing institutions and relationships

[YES]: _____ (Initials)

[No]: _____ (Initials)

Please explain:

c) Certification

1. Provide a certification on letterhead confirming that the Developer will provide all necessary customary guarantees, the name of the entity that will provide the guarantees and certifying that the entity has the financial wherewithal to provide guarantees.

2. Also provide a letter from one or more nationally or regionally-recognized lender(s) and investor(s) that confirms that they have accepted, for a previous transaction and would consider for a future

transaction, the Developer's construction guarantees, cost guarantees, operating deficit, and tax credit recapture guarantees.

[YES]: 1, 2 _____ (Initials) circle

[No]: 1, 2 _____ (Initials) circle

Please explain:

d) Corporate Structure of the Organization

(Include the following documents)

1. Original certificate of incorporation of the organization, all amendments and latest copy of Certificate of Good Standing from the State.
2. Copy of screen shot from Secretary of State's website showing current valid entity status.

[YES]: _____ (Initials)

[No]: _____ (Initials)

Please explain:

e) All key principals/partners of the organization

Include the following documents:

1. Detailed organizational chart
2. List of all directors and officers
3. Resumes of directors, officers and senior management

[YES]: _____ (Initials)

[No]: _____ (Initials)

Please explain:

f) Warranties/Representations

1. The Developer warrants that it is free to enter into any contract awarded under this RFP and is not subject to any obligation or disability which will or might prevent or interfere in fully keeping and performing all of the conditions to be kept and performed under any contract awarded under this RFP.
2. The Developer further warrants that it has not paid anyone for the purpose of being awarded a Contract under this RFP and that entering into a contract and performing the services thereunder will not constitute a conflict of interest.
3. The Developer further warrants that neither it, nor its agents or representatives, has offered or given gratuities in the form of entertainment, gifts, favors or other items or services of value to any officer or employee of HACLA with a view toward securing: (i) award of a contract, (ii) amendment of its contract after award, (iii) favorable treatment of the Proposer by the HACLA in the administration of the contract or in the making of any determination with respect to the Proposer's performance of its obligations under the contract.

4. The Developer is a corporation or other legal entity duly organized and in good standing under the laws of the State of California. Proposer has full right, power and authority to submit its proposal and undertake all obligations as provided herein. The execution, performance and delivery of this proposal have been fully authorized by all requisite actions on the part of the Proposer.

[YES]: 1, 2, 3, 4 _____ (Initials) circle

[No]: 1, 2, 3, 4 _____ (Initials) circle

Please explain:

g) Liabilities

Litigation

1. List of all pending or threatened litigation, arbitration, administrative or other proceedings involving the organization, any subsidiary or any joint venture involving the organization or any subsidiary, or any officer or director (including parties, remedies sought and nature of action)
2. List and description of all pending or threatened government or other investigations involving the organization, any subsidiary or any officer or director
3. Pleadings and other material documents in material litigation, arbitration and investigations and other proceedings
4. Consent decrees, judgments, etc., under which there are continuing or contingent obligations
5. Letters from lawyers to auditors concerning litigation and other legal proceedings

[YES]: 1, 2, 3, 4, 5 _____ (Initials) circle

[No]: 1,2,3,4, 5 _____ (Initials) circle

[Not applicable] 1,2,3,4, 5 _____ (Initials) circle

Please explain:

Regulatory Compliance

1. Description of any violations of governmental laws or regulations
2. Material reports to governmental agencies
3. Reports, notices or other correspondence concerning any known or alleged violation of Federal or state antitrust, environmental, public service or securities laws and regulations
4. Agreements or commitments with governmental entities or other persons relating to clean-up obligations or other environmental liabilities
5. Copies of correspondence between Federal or state government agencies and the organization
6. Disclosure of any pending or active investigation by any authority or agency of Federal, State, County, Municipal or other local governmental authority.
7. Disclose any criminal convictions or indictments, pending or filed.

8. Disclose any late payments or defaults on loans from City of Los Angeles or lenders (i.e. former CRA, HCIDLA) on prior projects or loans and state the reasons for the late payments or default.

[YES]: 1, 2, 3, 4, 5, 6, 7, 8 _____ (Initials) circle

[No]: 1, 2, 3, 4, 5, 6, 7, 8 _____ (Initials) circle

[Not Applicable] 1, 2, 3, 4, 5, 6, 7, 8 _____ (Initials) circle

Please explain:

Upon selection [to the Stage Two round], the following documents may also be required of the Developer:

- By-laws of the organization, as amended
- Closing record books for any material corporate transactions (e.g., reorganization into holding company structure, joint ventures, etc.)
- Listing and description of any subsidiaries, joint venture partners, etc.
- Partnership agreements, if applicable
- Joint Venture agreements, if applicable

THE PROPOSER HAS CONDUCTED A REVIEW OF PERSONS AND MATTERS COVERED BY THE STATEMENTS LIST ABOVE AND CERTIFIES THAT THE INFORMATION ABOVE IS ACCURATE AND COMPLETE.

We certify, under penalty of perjury, that the information herein is true and correct.

Company

Authorized Signature

Date

Title