



COA-RFP #2111-5

Proposals Requested FOR Public Defender Services

Issue Date: Thursday, November 18, 2021

Due Date: Thursday, December 2, 2021, 2:30 p.m. (Pacific Time)

Finance Director..... **Jeanna Yeager**
Municipal Court Supervisor..... **September Ridgeway**
Purchasing Coordinator **Diane M. Murzynski, CPPO, CPPB**

**For more information regarding this Request for Proposals,
contact procurement@cityofalbany.net.**

CITY OF ALBANY

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CITY OF ALBANY, OREGON REQUEST FOR PROPOSAL (RFP)

Public Defender Services

Proposals Due by 2:30 p.m. (Pacific Time), Thursday, December 2, 2021

Notice is hereby given that the City of Albany ("City") is soliciting proposals for an attorney licensed in Oregon to provide Public Defender Services for the Albany Municipal Court. The City is interested in establishing an ongoing relationship with an attorney to ensure high quality, responsive, timely and cost-effective public defender legal services. The contractual term is for five years, commencing February 1, 2022, with an option to extend the contract for two additional, one-year terms. The public defender must have their primary law office located within the city of Albany during the term of the contract.

The scope of work includes, but is not limited to:

- Provide legal representation, consultation, and legal advice to clients in all court proceedings, including trials and sentencings, before the Albany Municipal Court after the initial appointment.
- Represent the client in all plea negotiations.
- Prepare a defense, conduct legal research, gather facts, and interview the client and witnesses.
- Work closely with clients, providing and discussing information, reports, defenses, and case developments.
- Write and argue motions, pleadings, and legal arguments.
- Obtain and organize all pretrial discovery, withdrawal of pleas, and file and argue all appropriate legal motions.

The Request for Proposals can be downloaded from the City of Albany website at <https://www.cityofalbany.net/bids>. For questions or clarifications regarding this RFP, contact Diane Murzynski, CPPO, Purchasing Coordinator, at diane.murzynski@cityofalbany.net.

Proposal responses must be submitted to procurement@cityofalbany.net, not later than 2:30 p.m., (Pacific Time), Thursday, December 2, 2021. Submittals will be considered time-stamped and received by the City when received in the email inbox. The email subject line shall include the project name "Public Defender Services".

The City may reject any proposal not in compliance with all prescribed solicitation procedures and requirements and other applicable law and may reject any or all proposals in whole or in part when the cancellation or rejection is in the best interest of the City, and at no cost to the City.

DATED THIS 18TH DAY OF NOVEMBER 2021.

A handwritten signature in cursive script that reads "Diane M. Murzynski".

Diane M. Murzynski, CPPO, CPPB
Purchasing Coordinator

PUBLISH: Albany Democrat-Herald, on Thursday, November 18, 2021

SECTION 1 – INTRODUCTION

1.1 BACKGROUND

The City of Albany is a municipal governmental entity providing a full range of services, including police and fire police protection; land use planning; sewer services; water services; construction and maintenance of streets, and infrastructure; recreational activities, and cultural events. The City of Albany, with a population of 54,935, is the eleventh largest City in Oregon. Located at the confluence of the Willamette and Calapooia Rivers, the city of Albany lies within both Benton and Linn counties. Albany is the largest city in Linn County and serves as the county seat. Albany is also the second largest city in Benton County. From its river town beginnings, Albany has grown south and east with the railroads, state highways and Interstate 5 and across the Willamette into the farms and wooded hillsides of North Albany.

Albany employs approximately 427.40 FTE employees and up to an additional 100 temporary employees seasonally. Employees work in one of nine departments. The departments are Police, Fire, Parks & Recreation, Library, Human Resources, Finance, Information Technology, Public Works Engineering & Operations, and Community Development. The Finance Department oversees the Albany Municipal Court, Albany Municipal Judge, and the Municipal Court operations and services provided to the public.

The Albany Municipal Court handles a workload of approximately 1,500 misdemeanor cases annually. Based on this workload, approximately 90% of the cases require the City to provide indigent defense services representation. The City anticipates the Defense Attorney to be paid on a retainer basis from City general funds. It is the City's fiduciary responsibility to obtain quality legal services at a cost that is reasonable and provides competent legal defense representation for indigent services.

The City has a constitutionally mandated responsibility to provide public defender services. Previously the City rotated public defender services between several local attorneys. The City desires to contract with a knowledgeable, individual, or firm, to provide public defender legal services to eligible persons entitled to public representation.

The Defense Attorney will be required to appear on all pretrial dates of criminal court, all court appearances involving all specialty courts (e.g., mental health court, community court), all criminal court hearings, trials, and sentencings.

Proposers are encouraged to review the following tabs on the City's website prior to submitting a proposal:

- www.cityofalbany.net
- www.cityofalbany.net/court/

SECTION 2 – INSTRUCTIONS TO PROPOSERS

2.1 RFP PROCESS

This Request for Proposals for Public Defender Services for the City of Albany contains instructions governing the requirements for proposal format; informational material to be included with the proposal; and submittal procedures required for consideration of the proposal by the responsible City evaluation team. This RFP addresses the eligibility requirements and responsibilities which a proposer must meet for consideration of their proposal.

Proposers assume responsibility for comprehending the entire RFP. If clarification is desired, it is the responsibility of the proposer to submit questions, in writing, as noted in Section 2.2. It is the proposer's responsibility to ensure that all procedures and requirements of the RFP are accurately followed and appropriately addressed. The proposer should carefully read the entire RFP before submitting a proposal.

2.2 ISSUING OFFICE AND INQUIRIES

The City Purchasing Coordinator will issue the Request for Proposals and will be the sole point of contact for the City for all questions related to the procedures associated with this RFP. If additional information is needed from any source, the Purchasing Coordinator will work with the proposer to gather that information from City representatives.

Submittal Address & Inquiries

City of Albany
Finance Department
Diane M. Murzynski, CPPO, CPPB
Purchasing Coordinator
333 Broadalbin Street SW, Albany, OR 97321
diane.murzynski@cityofalbany.net

2.3 ESTIMATED RFP SCHEDULE

The following general timeline will be used for receiving and evaluating proposals. The timeline may be changed if it is in the City's best interest to do so.

RFP Issued	November 18, 2021
Last Date for Questions & Changes	November 24, 2021, 12:00 p.m.
Last Date for Addenda to be posted	November 29, 2021, 12:00 p.m.
Proposals Due	December 2, 2021, 2:30 p.m.
Submittals Evaluated	December 6-9, 2021
Interviews	December 13-15, 2021
City Council Work Session	January 24, 2022
City Council Meeting - Action and Approval	January 26, 2022
Contract Award	January 28, 2022
Anticipated Contract Start	February 1, 2022

2.4 INTERPRETATION, CORRECTIONS OR CHANGES TO THE RFP

The City of Albany reserves the right to make changes to the RFP by written addendum posted on the City of Albany website. A prospective proposer may request a change to the RFP by submitting a request to contracts@cityofalbany.net. The request must specify the provision of the RFP in question and contain an explanation for the requested change. All requests for changes or additional information must be submitted no later than the date set forth in the RFP Schedule.

1. No addenda will be issued later than the date set forth in the RFP Schedule, except an addendum, if necessary, postponing the date for receipt of Proposals, withdrawing the invitation, or modifying elements of the proposal resulting from a delayed process.
2. Each proposer must ascertain, prior to submitting a proposal response, that the proposer has received all addenda issued and must acknowledge receipt of any addendum or addenda to this RFP on the Proposal Response Certification.

2.5 CANCELLATION

The City of Albany reserves the right to cancel award of this contract at any time before execution of the contract by both parties if cancellation is deemed to be in the City of Albany's best interest. In no event will the City of Albany have any liability for the cancellation of award.

2.6 WITHDRAWAL

Any proposal may be withdrawn up until the date and time set for opening of proposals.

2.7 LATE PROPOSALS

Proposals must be submitted by the time designated in the RFP Schedule. Any proposals submitted after the designated closing time will be considered late and determined nonresponsive and not considered for evaluation.

2.8 CITY TO REQUEST CLARIFICATION AND ADDITIONAL RESEARCH

1. The City of Albany reserves the right to obtain clarification of any point in a proposal or to obtain additional information necessary to properly evaluate a proposal. Failure of a proposer to respond to such a request for additional information or clarification could result in a finding that the proposer is nonresponsive and consequent rejection of the proposal.
2. The City of Albany may obtain information from any legal source for clarification of any proposal or for information on any proposer. The City of Albany need not inform the proposer of any intent to perform additional research in this respect or of any information thereby received.
3. The City of Albany may perform, at its sole option, investigations of the responsible proposer. Information may include, but will not necessarily be limited to credit history, recent financial statements, current litigation, bonding capacity, and related history, and contacting references. All such documents, if requested by the City of Albany, become part of the public record and may be disclosed accordingly.
4. The City reserves the right to investigate references other than those listed in the proposer's submission. Investigation may include past performance with respect to its successful performance of similar work or other criteria as determined by the City.

2.9 COST OF RFP RESPONSES

The City shall not be responsible for any costs incurred preparing, submitting, or presenting a response to this RFP. Responses to this solicitation are purely voluntary.

2.10 PROPOSAL REJECTION

The City reserves the right to reject any and all proposals and to waive minor irregularities in any proposal.

2.11 OFFER ACCEPTANCE PERIOD

Submitted proposal shall constitute an irrevocable offer for ninety (90) calendar days from the proposal opening date.

2.12 AWARD OF CONTRACT

The City shall make an award of contract to the responsible proposer whose proposal will be most advantageous to the City with respect to conformance to the standards, scope of work, quality, and other factors as evaluated by the City.

2.13 AGREEMENT

The successful proposer will be required to sign an Agreement to provide the scope of services defined in this RFP and the conditions set forth herein. It is the City's intent to award an Agreement in substantially the form of the Sample Professional Services Agreement provided as Attachment A to this RFP document.

2.14 CONFIDENTIALITY AND PUBLIC RECORDS LAW

All information submitted by proposers will be public record and potentially subject to public disclosure pursuant to the Oregon Public Records Act, the federal Freedom of Information Act (FOIA), and Oregon Revised Statutes (ORS) 192.501 and ORS 192.502, public records exempt from disclosure. All requests for exception from disclosure must be consistent with Oregon law, submitted in writing, noting specifically which portion of the proposal the proposer requests exception from disclosure.

2.15 INSURANCE

The successful proposer must comply with ORS 656.017, which requires all employers to provide workers' compensation coverage for all their subject workers unless such employers are exempt under ORS 656.126.

Proposer must submit documents certifying they can meet City insurance requirements for Commercial General Liability Insurance, Automobile Liability, and Professional Liability Insurance in the coverage amounts presented in the Professional Services Agreement.

SECTION 3 - SCOPE OF WORK

3.1 SERVICES REQUIRED

The City of Albany is soliciting proposals for an attorney licensed in Oregon to provide public defender legal services to indigent defendants charged for offenses by the City of Albany and designated as indigent by the Municipal Court Judge. The City expects that the attorney chosen will be experienced in the type of legal services required by the Albany Municipal Court and for an Oregon Municipality. The City is conducting this RFP pursuant to AMC 2.66.070.

The City is seeking an attorney that can establish and maintain successful communication and coordination with the Municipal Court Judge, Municipal Court Supervisor and staff, city officials, city employees, and the public. The public defender must have their primary law office located within the city of Albany during the term of the contract.

3.2 CONTRACT TERM

The resulting contract term will commence February 1, 2022, for a period of five years, with an option to extend the contract for two additional, one-year terms. If the City elects to renew the contract, a written notice will be provided a minimum of thirty (30) days prior to the expiration of the current contract of its intent to do so. Contract extensions will be for the same terms and conditions as the original agreement, subject to renegotiation of compensation as provided in this RFP.

3.3 MINIMUM REQUIREMENTS

The proposer shall be knowledgeable with all federal and state of Oregon laws, and must comply with all Oregon laws and practices, as well as ordinances, resolutions, and policies of the City of Albany. The proposer shall have experience providing legal services to Oregon municipalities.

The successful proposer must provide assurances and demonstrate they can meet the following requirements.

1. Be currently licensed to practice law in the State of Oregon and preferably for a period of five (5) years preceding the proposed appointment.
2. Be eligible to appear before all municipal and state courts in Oregon, as well as Oregon administrative agencies and the Office of Administrative Law.
3. Have their primary law office located in Albany, Oregon.
4. Have a minimum of five (5) years of prosecutorial or criminal defense experience, with a proficient understanding of Oregon and federal case law, Oregon criminal law, Oregon vehicle code, Albany City ordinances, and the Albany Municipal Code.
5. Maintain full professional liability (PLF) coverage as directed by the Oregon State Bar and general liability insurance throughout the duration of time served and shall furnish a certificate evidencing the dates, amounts and types of insurance.
6. Be in good standing and an active member with the Oregon State Bar Association.

Proposers are encouraged to review the following link to the City Charter.

- City Charter, <https://www.cityofalbany.net/municipalcode>

3.4 SCOPE OF SERVICES

The scope of work includes, but is not limited to:

1. After the initial appointment of client to the provider, the provider will provide competent legal representation, consultation, and legal advice to clients in all court proceedings, including all specialty courts (e.g., mental health court, community court) all trials, all sentencings, and all hearings before the Albany Municipal Court. Represent the client in all plea negotiations.
2. Prepare a defense, conduct legal research, gather facts, and interview the client and witnesses.
3. Work closely with clients, providing and discussing information, reports, defenses, and case developments.
4. Write and argue motions, pleadings, and legal arguments.
5. Obtain and organize all pretrial discovery, withdrawal of pleas, and file and argue all appropriate legal motions.
6. Maintain strict confidentiality of oral and written communications, including confidentiality of Law Enforcement Data System (LEDS) printouts.
7. Be available to the Municipal Court Judge and Municipal Court staff via email, phone or office visits (returning phone calls and/or emails within 24 hours during the work week, not including holidays) for questions and information regarding cases.
8. Provide all equipment and supplies reasonably necessary to perform services in a professional manner.
9. Meet with clients in a timely manner and travel to custodial facilities when needed to meet with clients.

3.5 COMPENSATION

The City is not required or constrained to award the contract on the basis of cost. The City intends to negotiate an annual fee retainer of which the Defense Attorney and legal services will be paid. Compensation should cover legal services and routine administrative costs associated with providing legal defense representation. The City will not be providing additional compensation for non-routine expenses, such as: expert witnesses, interpreter services, or investigation services.

Compensation will be reviewed annually and may be eligible for an economic price adjustment. Any change to the retainer fees will be subject to a maximum increase in any one year, based on the period ending three months prior to the first day of the contract term, or three percent, whichever is lower, as posted in the U.S. Labor Statistics CPI-W, All Items, <https://www.bls.gov/cpi/latest-numbers.htm>.

3.6 INDEPENDENT CONTRACTOR (ORS 670.600)

The contractor shall provide all labor, equipment, material, and supervision necessary to perform the scope of services described in this RFP. The parties intend that contractor, in performing the services specified in this contract, shall act as an independent contractor, and shall have control of the work and the manner in which it is performed. Contractor is not considered an agent or employee of the City of Albany and is not entitled to participate in any pension plan, insurance, bonus, or similar benefits the City of Albany provide its employees.

3.7 INCREASE OR DECREASE IN SERVICES

The City shall have the option to increase or decrease services and may request contractor to provide additional work. All change orders to the contract will be negotiated, in the form of an amendment to the contract, and mutually agreed upon. The amendment will represent a proportional adjustment to the contract price resulting from the increase or decrease in the scope of work. The amendment shall be executed by both parties. Special projects should be billed separately to the City of Albany in a timely manner as noted in the Professional Services Agreement.

3.8 KEY PERSONEL AND SUBSTITUTION

The City is entering into a contract with the individual or firm submitting a proposal. Should the proposer be unable to provide the required legal services for a particular date and time due to a schedule conflict and defender services are needed by the Municipal Court, the proposer will forward the assignment to another qualified Defense Attorney if agreed upon by the Municipal Court Judge prior to the required scheduled date. The proposer is responsible for all costs and fees charged by the Defense Attorney providing this substituted legal defense service.

3.9 COMMUNICATION

The City anticipates regular communication and coordination between the Defense Attorney and the Municipal Court Judge, the City Attorney, and the Municipal Court staff to discuss situations and evaluate processes and adjustments that may be necessary to meet Municipal Court requirements, scheduling, and timelines.

SECTION 4 – PROPOSAL SUBMITTAL REQUIREMENTS

4.1 SUBMITTAL PROCESS

Proposals must be submitted electronically to procurement@cityofalbany.net, by Thursday, December 2, 2021, no later than 2:30 p.m. (Pacific Time). The email subject line must include the project name "Public Defender Services" and the total size limit for each email submittal response must be less than 20 MB. An automated response will be generated back to the sender stating, "Proposal has been received by the City." If you do not receive a notification, contact Diane Murzynski at diane.murzynski@cityofalbany.net, or 541-917-7522.

Proposers should submit responses within a reasonable amount of time before the proposal closing date and time to ensure email delivery is not late. Proposals received after the specified date and time will not be given further consideration. Proposers submitting proposals are solely responsible for the means and manner of their delivery.

Each proposal must include, at a minimum, the items listed in Section 3, Scope of Work. The proposal must contain the mandatory submittal requirements listed below. Incomplete proposals may be considered nonresponsive. A completeness check will be conducted for each proposal.

4.2 PROPOSAL FORMAT

Proposals should be prepared in a simple and straightforward manner. The proposal should be specific and complete in every detail. Failure to comply may result in rejection of the response. The proposal should be submitted in non-editable pdf format and labeled to match those sections in the RFP and with all pages numbered.

4.3 MANDATORY SUBMITTAL REQUIREMENTS

Proposers must describe their qualifications and commitment to providing the scope of services defined in Section 3 and demonstrate a clear understanding of the work. Proposer must include the following:

4.3.1 Transmittal Letter

The Transmittal Letter should be no more than two pages and shall include the following:

1. That your company agrees to all the terms and conditions of the RFP.
2. That your company agrees to execute the Agreement, if awarded.
3. Description of the firm, organization, officers or partners, number of employees, and operating policies that would affect this Agreement.
4. State the number of years your firm has been continuously engaged in criminal defense services.
5. Identify your firm's contact person for this RFP process and their phone, fax, and email address.

4.3.2 Experience and Qualifications

The Response should outline the proposer's credentials and experience. The Proposer must:

1. Provide a brief history of the firm including size; areas of expertise; and other relevant information.
2. Describe the firm's experiences with criminal defense services including provision of investigators, interpreters and other support which demonstrate your firm's ability to provide those services for the City.
3. List the name(s), positions(s), and responsibilities for each individual who will be assigned to directly provide public defense services. Include resumes outlining their credentials.
4. Describe the experience of the assigned individual(s) as it relates to successfully providing public criminal defense services. Demonstrated experience is highly desirable and will weigh significantly in selection.
5. List the services that you propose to provide in addition to those listed in the scope of work.
6. Identify the support, information, and other needs that will be required from the City to successfully deliver the scope of services.
7. Provide any other information about yourself or the firm that demonstrates the ability to effectively provide public defense services.
8. Provide a list of past and present municipal or government authorities represented.

4.3.3 Compensation

The City intends to pay on a retainer basis. Provide your proposed annual compensation.

4.3.4 References

Provide four (4) professional references that can provide assurances of the proposer's ability to capably provide public defense services. References should be relevant and should directly relate to the RFP's defined scope of defender legal services. References must include local government and services performed within the past five (5) years.

4.3.5 License and Insurance

Include a copy of your license from the Oregon State Bar and a "Certificate of Good Standing" or similar document to verify that a professional's license is not presently suspended or revoked. Provide evidence of insurance coverage and related coverage amounts.

4.3.6 Disclosure Statement

Provide a statement disclosing whether the proposer, the firm, or any of its staff assigned to this contract have been sued or have been subject to professional discipline in connection with providing legal services or related services. If such lawsuits or disciplinary actions have occurred, summarize the allegations, when they occurred, and indicate the outcome of the proceedings.

SECTION 5 – EVALUATION CRITERIA

5.1 SELECTION PROCESS

Proposers shall meet the requirements and must demonstrate the necessary experience and professional qualifications to provide public defender services to the City in an efficient and cost-effective manner. Qualifications and proposals submitted by interested proposers will be reviewed and evaluated based on the factors set forth in the RFP. Upon completion of the evaluations, the City intends to negotiate a contract with the proposer whose proposal best meets the City's expectations for providing the highest quality of services at a cost representing the best value to the City.

5.2 EVALUATION PROCESS AND CRITERIA

Proposals received that conform to the proposal instructions will be evaluated by a team of City staff members and others qualified to do so. The evaluation team will select a number of those proposals; conduct reference checks; and invite the individuals or firms with prevailing proposals for interviews. The Team will select the firm, firms, or individual attorneys judged to be best suited to deliver public defender services and make recommendation that the City negotiate contract(s) with them. The City reserves the right to select one proposal; multiple proposals; none of the proposals; or to solicit additional proposals.

Proposals and subsequent potential interviews will be evaluated on the following criteria:

1. Experience with criminal defense services.
2. Demonstrated ability to successfully provide related services to a municipality or other similar entity.
3. Professional credentials and affiliations indicating the capabilities to provide public defense services.
4. Relevant experience and credentials of the personnel assigned to provide public defense services.
5. Quality of the submitted proposals in relation to content, relevance, organization, and presentation.
6. Conformance of the proposals to the submission requirements.
7. Responses of the references.
8. Qualifications of the firm's management and support staff.

5.3 INTERVIEWS

The City intends to schedule the time and location of the interviews on the dates indicated in the RFP Schedule, however dates may be revised if needed. Interviews will take place at a location to be determined in Albany. The proposer may participate in person at the City of Albany City Hall or remotely dependent on Oregon Health Authority COVID requirements.

EXHIBIT A – PROPOSAL RESPONSE CERTIFICATION

The undersigned hereby proposes and if selected agrees to furnish the services described in accordance with the RFP, exhibits, attachments, and addenda, if applicable, for the term of the Agreement and certifies that the proposer is not in any way involved in collusion and has no known actual or apparent conflict of interest in submitting a proposal.

Certifications

Non-Collusion The undersigned Proposer hereby certifies that it, its officers, partners, owners, providers, representatives, employees and parties in interest, including the affiant, has not in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, potential Proposer, firm or person, in connection with this solicitation, to submit a collusive or sham bid, to refrain from bidding, to manipulate or ascertain the price(s) of other Proposers or potential Proposers, or to secure through any unlawful act an advantage over other Proposers or the City. The fees, prices, and Response submitted herein have been arrived at in an entirely independent and lawful manner by the Proposer without consultation with other Proposers or potential Proposers or foreknowledge of the prices or Responses to be submitted in response to this solicitation by other Proposers or potential Proposers on the part of the Proposer, its officers, partners, owners, providers, representatives, employees, or parties in interest, including the affiant.

Discrimination The undersigned Proposer has not discriminated and will not discriminate against any minority, women or emerging small business enterprise or against a business enterprise that is owned or controlled by or that employs a disabled veteran in obtaining a required subcontract.

Conflict of Interest The undersigned Proposer and each person signing on behalf of the Proposer certifies, and in the case of a sole proprietorship, partnership, or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no member of the City Council, officer, employee, or person, whose salary is payable in whole or in part by the City, has a direct or indirect financial interest in the award of this Response, or in the services to which this Response relates, or in any of the profits, real or potential, thereof, except as noted otherwise herein. The undersigned hereby submits this Response to furnish all work, services, systems, materials, and labor as indicated herein and agrees to be bound by the following documents: Request for Proposals, Addenda, Agreement, Exhibits and Attachments, and associated inclusions and references, specifications, Proposer's response, mutually agreed clarifications, appropriately priced change orders, exceptions which are acceptable to the City, and all other Proposer's submittals.

Proposer must disclose any apparent or perceived conflict of interest, including but not limited to, current or past relationships with consultants, contractors, subcontractors, or engineers associated with this Project. Furthermore, Proposer must disclose any current or past relationship as a City of Albany employee. If a perceived conflict may exist, then attach a letter of explanation disclosing the potential conflict or relationship.

Addenda Acknowledgement – No. ____ Dated _____ No. ____ Dated _____ No. ____ Dated _____

Signature Block

The undersigned hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

Name	Telephone Number
Mailing Address, City, State, Zip	Tax Identification No.
Fax Number	Email Address
Signature	Date