

Proposal Documents and Forms for Property Disposition

City of South Bend
Redevelopment Commission

416 – 428 W. LaSalle Ave.
River West Development Area

City of South Bend

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Bidding Expires at 9:00 a.m. (local time) on October 8, 2020

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Instructions to Applicants

The South Bend Redevelopment Commission (“Commission”) invites proposals for the purchase and re-use of certain real property located at 416 – 428 W. LaSalle Ave., within the River West Development Area, South Bend, Indiana.

The Proposal Documents provide Applicants with essential information regarding the Disposition process and the Project Site. Each Applicant should read this information thoroughly before submitting a proposal to the Commission. The Proposal Forms are required as part of any proposal submitted for the purchase of Commission-owned land. All Forms must be complete. The Commission may reject any proposal submitted with incomplete or missing information.

Evaluation Criteria

The Commission may use the following criteria to guide its review and acceptance or denial of a proposal:

The degree to which the Applicant’s proposal meets the objectives of the Development Plan for the River West Development Area prepared by the Department of Community Investment and approved by the Commission, the Area Plan Commission, and the Common Council; and the surrounding businesses and neighborhood.

- The use of the improvements proposed to be made by the Applicant on the real property; the Applicant’s plans and ability to implement the re-use of the real estate with reasonable promptness; whether the real property will be sold or rented; the Applicant’s proposed sale or rental prices; and any factors which will assure the Commission that the sale, if made, will further the execution of the River West Development Plan and will best serve the interest of the community, from the standpoint of both human and economic welfare.
- The financial responsibility, qualifications, experience and ability of the Applicant to finance and complete the development.
- The proposal which will provide the Commission with the best possible development, based upon the price offered for the property and consistent with the preceding objectives.
- Any conflict among these criteria will be reconciled to the best interest of the Development Area and the City of South Bend, as determined by the Commission.

Disposition Process

Bidding

All bids for the purchase and re-use of certain property in the River West Development Area must be delivered to the Department of Community Investment (“Department”), located at:

1400 S. County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601

on or before 9:00 a.m. (local time) on the 8th day of October, 2020. All proposals will be opened and made public at a public meeting of the South Bend Redevelopment Commission, held at 9:30 a.m. (local time) on the 8th day of October, 2020 at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601, or in the event of cancellation or rescheduling, at the Redevelopment Commission’s subsequent regular meeting or rescheduled regular meeting held at a time and place given by public notice.

Proposals with completed forms and without any missing information will be reviewed by the Commission according to the Evaluation Criteria as stated above. The Commission reserves the right to reject any bid and may make awards to the highest and best bidder. Notice of acceptance or rejection will be mailed to each of the bidders via US Mail to the address stated on the Proposal Forms.

All offers will be subject to the requirements of the *Contract for Sale of Land* as referenced on Page 6.

After the Bidding Period

Once the bidding period has expired, proposals may be made to the Commission for the remaining property available, if any.

All Applicants should familiarize themselves with the Proposal Forms and any proposal submitted after the bidding period has expired shall be completed utilizing the Proposal Forms. Proposals after the termination of the bidding period are to be submitted to the Department for review and consideration. The Commission will review proposals based upon the Evaluation Criteria as stated above. The Commission reserves the right to reject any proposal. Notice of acceptance or rejection will be mailed to each of the Applicants via US Mail to the address as stated on the Proposal Forms.

Proposals

All proposals must be complete and include the information and documentation requested in the Proposal Forms. Proposals that are submitted with incomplete or missing information will not be accepted. Applicant must use the Proposal Forms as provided by the Department.

Proposal Forms

The Proposal Forms must be complete before the Commission will review the proposal. The first and second pages of the Proposal Forms describe the Applicant's offer for the real property. Applicants shall fill in all applicable spaces and sign accordingly.

Each Applicant shall submit the following as part of the Applicant's proposed offer:

➤ ***Narrative Description***

(Proposal Forms, page 1)

A Narrative Description of the Applicant's proposed development project for the real property must be submitted as part of the proposal. The Narrative Description should note the exact nature, character and use of the proposed improvements. Maps, plans and drawings shall be included to clearly indicate the location, size, materials, style of structures, parking lots, and other improvements. All proposed improvements and uses must conform to the Bid Specifications and Design Considerations and the River West Development Area Development Plan. The maps, plans and drawings as submitted will be examined by the Commission to determine whether, in the Commission's sole opinion, the Applicant's proposal conforms to the Bid Specifications and the River West Development Plan. The Commission may reject any offer which does not conform to said Specifications, Guidelines and/or Plan.

➤ ***Proposed Site Plan***

(Proposal Forms, page 1)

All Applicants must submit a site plan for the real property on which the Applicant has made an offer. This site plan should be included as Exhibit "A" of the proposal. If the Applicant's proposal is accepted, the Applicant will be required to formalize the site plan with Commission Staff as part of the final documentation.

➤ ***Faithful Performance Guaranty***

(Proposal Forms, page 2)

All proposals must be submitted with a Faithful Performance Guaranty in an amount not less than 10% of the total purchase price offered for the property. The Faithful Performance Guaranty will secure the execution of the Contract and the development of the proposed improvements. The Faithful Performance Guaranty may be in the form of a certified or cashier's check or other security as approved by the Department. No offer will be considered unless it is accompanied by the required guaranty. All checks should be made payable to the *City of South Bend, Department of Community Investment.*

Except as otherwise herein noted, the Faithful Performance Guaranty of all unsuccessful Applicants will be returned as soon as practicable after notice of rejection.

The Faithful Performance Guaranty will be refunded to the successful Applicant at such time that the Commission deems that Applicant has completed all improvements to the real property, as proposed, and the Commission has issued a Certificate of Completion evidencing same.

➤ ***Statement of Qualifications and Financial Responsibility***

(Proposal Forms, pages 3-6)

The Commission shall have the right to make such investigations as it deems necessary to determine the ability of the Applicant to perform the obligations of the proposed offer. The Commission reserves the right to reject any proposed offer where the evidence or information does not satisfy the Commission that the Applicant is qualified to properly carry out the obligations of the proposed offer, or where the Applicant refuses to cooperate or assist the Commission in making such investigation.

➤ ***Statement for Public Disclosure***

(Proposal Forms, pages 7-8)

The Commission shall have the right to make such investigations as it deems necessary to determine the completeness of the Applicant's disclosure. The Commission reserves the right to reject any proposed offer where the available evidence or information does not satisfy the Commission that the Applicant has made a full disclosure, or where the Applicant refuses to cooperate and assist the Commission in making such investigation, or the Commission otherwise determines said Statement to be unsatisfactory.

➤ ***Affidavit of Non-Collusion***

(Proposal Forms, page 9)

The form of Affidavit of Non-Collusion is included in the Proposal Forms, and the Applicant must use the form provided. The Affidavit is to the effect that the Applicant has not colluded, conspired, connived, or agreed with any other Applicant or person, firm or corporation in regard to any offer submitted to the Commission. The failure of any Applicant to submit the Affidavit of Non-Collusion shall be cause for rejection of the offer.

➤ ***Corrections***

Erasures or other changes to the Proposal Forms must be explained or noted over the signature of the Applicant.

➤ ***Withdrawal of Proposals***

Proposals submitted prior to the scheduled public opening of the bids may be withdrawn upon written request of the Applicant if such request is received by the Department not less than twenty-four (24) hours prior to said public opening. Unopened bids will be returned promptly.

Commission's Rights

The Commission reserves the right to accept or reject any or all proposals and to waive any

formalities in bidding which are not mandatory requirements.

Execution of Contract

Upon award of the bid by the Commission, the successful Applicant shall enter into a Contract for Sale of Land with the Commission for the purchase and development of said property within 30 days of notice of acceptance. The Contract for Sale of Land will provide for the conveyance of the property therein purchased by quit-claim deed, together with title insurance policy showing good and merchantable title, upon payment of the full purchase price.

Additional Information

For further information as to the disposition program of the South Bend Redevelopment Commission, and to inquire about touring the property in advance of bidding, interested parties should contact the following staff member:

David Relos
Property Development Manager
1400 S. County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601
(574) 235-5836 (Office Phone)
drelos@southbendin.gov

Offering Sheet

Property	Size	Minimum Offering Price	Proposed Re-Use
416 - 428 W. LaSalle Ave.	Site:		Projects that are permitted within the Neighborhood Center zoning designation.
018-1023-0990	2,980 sf +/-	<u>\$3,000</u>	Strong emphasis will be placed during the review process on compatibility with and support of the goals and objectives of the River West Development Area and the surrounding businesses and neighborhood.
018-1023-0992, 0993, & 0994	29,498 sf +/-	\$155,500	
(see map on page 9)	32,478 +/- sf	\$171,500	

Property Tax Identification Numbers:

018-1023-0990, 0992, 0993, & 0994

Disposition Property Map



Bid Specifications & Design Considerations

**Sale of Redevelopment Owned Property
416 – 428 W. LaSalle Ave.
River West Development Area**

1. All of the provisions of I.C. 36-7-14-22 will apply to the bidding process.
2. All offers must meet the minimum price listed on the Offering Sheet (page 7).
3. Proposals for redevelopment are required to be for projects that are permitted within the Neighborhood Center zoning designation. All proposals must conform to the existing zoning provisions as outlined in the South Bend Zoning Ordinance Title 21 of the City of South Bend Municipal Code.

Proposals for the reuse of the property must include a basic reuse plan for the site and a project timeline detailing aspects of the site redevelopment and site improvements. During the review process, emphasis will be placed on compatibility with and support of the goals and objectives of the surrounding businesses and neighborhood and the Development Plan for the River West Development Area.

4. Bidders are prohibited from the use of the property for speculation or land-holding purposes.
5. All other provisions of the River West Development Area Development Plan must be met.

Notice of Intended Disposition of Property

RIVER WEST DEVELOPMENT AREA
416 – 428 W. LaSalle Ave.
South Bend, Indiana

Notice is hereby given that the Redevelopment Commission of the City of South Bend, Indiana, will receive sealed offers for the purchase of certain property situated in the River West Development Area until 9:00 a.m. (local time) on the 8th day of October, 2020 in the Office of the Department of Redevelopment, 1400 S. County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana, 46601. All offers will be publicly opened and read aloud at 9:30 a.m. (local time) on the 8th day of October, 2020 at the Regular Meeting of the Redevelopment Commission to be held that date and time in Room 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601, or in the event of cancellation or rescheduling, at the Redevelopment Commission's subsequent regular meeting or rescheduled regular meeting held at a time and place given by public notice. Bid proposals for the purchase of the property offered will be considered.

The property being offered is located at 416 – 428 W. LaSalle Ave., in the River West Development Area, South Bend, Indiana. Any proposal submitted must be for the site as noted on the Offering Sheet. The required re-use of the property is for projects that are permitted within the Neighborhood Center zoning designation. Strong emphasis will be placed during the review process on compatibility with and support of the River West Development Area and the surrounding businesses and neighborhood.

A packet containing bid forms, the Offering Sheet and other pertinent information may be picked up at the Department of Community Investment, 1400 S. County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601.

The Commission reserves the right to reject any and all bids, and to make the award to the highest and best bidder. In determining the best bid, the Commission will take into consideration the following:

1. The use of the improvements proposed to be made by each bidder on the property, and their compatibility with and support of the proposed re-use as described in the Offering Sheet
2. Each bidder's ability to improve the property with reasonable promptness
3. Each bidder's proposed purchase price
4. Any factors which will assure the Commission that the sale, if made, will further the carrying out of the Development Plan for the River West Development Area and will best serve the interest of the community from the standpoint of human and economic welfare
5. The ability of each bidder to finance the proposed improvements to the property with reasonable promptness

The Commission further reserves the right to waive any formalities in bidding which are not mandatory requirements.

A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

- (A) beneficiary of the trust; and
- (B) settlor empowered to revoke or modify the trust.

To secure the execution of the disposition agreement, the purchase of the property and the redevelopment thereof in accordance with the agreement, the bidder must submit with the proposal a faithful performance guaranty, in the sum of ten percent (10%) of the amount offered for the purchase of the property. The guaranty sum may be in the form of a certified check, a cashier's check, surety bond, letter of credit from a bank or trust company as approved by the Redevelopment Commission, or by other sufficient security, but the form, substance and terms of the performance guaranty must be approved as satisfactory by the Redevelopment Commission. The performance guaranty, if by cashier's or certified check, shall be deposited in any account of the Department of Redevelopment, City of South Bend, in a bank or trust company selected by the Redevelopment Commission.

CITY OF SOUTH BEND, INDIANA
DEPARTMENT OF COMMUNITY INVESTMENT
Daniel Buckenmeyer, Business Development Director
Publish Dates: September 18 and September 25, 2020

Resolution Regarding Prevailing Wage Rates

RESOLUTION NO. 650

RESOLUTION REGARDING PREVAILING WAGE RATES

WHEREAS, the South Bend Redevelopment Commission ("Commission") has established redevelopment areas within the City of South Bend and has undertaken activities within those areas; and

WHEREAS, an integral part of that activity involves the sale of land for private development; and

WHEREAS, the Commission desires that such sale of land and private development should have the maximum positive impact possible on the residents of the South Bend community; and

WHEREAS, the Commission has determined that the South Bend community will benefit from having local contractors constructing the private projects and being paid in accordance with the prevailing wage rates of St. Joseph County.

NOW, THEREFORE, BE IT RESOLVED, that the Commission encourages all purchasers of land acquired, cleared and sold by the Commission in redevelopment areas to use local contractors and local manpower and pay prevailing wage rates.

Adopted at the Regular Meeting of the South Bend Redevelopment Commission, held on the 23rd day of April, 1982, in the office of the Redevelopment Commission, Room 1200, County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND, INDIANA
DEPARTMENT OF REDEVELOPMENT


F. Jay Niattz, President

ATTEST:


A. Peter Donaldson, Secretary



Proposal Forms

To: *South Bend Redevelopment Commission
1400 S. County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601*

Commissioners:

The Undersigned having familiarized itself with the present conditions of the Project Site as hereinafter designated and legally described and with the Proposal Documents and Forms; and certifying its desire to participate in the development of the said property pursuant to Federal, State and Local ordinances and regulations, and the Development Plan as approved by the Redevelopment Commission; hereby offers and proposes to purchase or lease all or part of the Disposition Parcel identified in Exhibit “A” made part of this proposal.

The Applicant’s offer is described as follows:

	<i>Project Area</i>
<i>Disposition Parcel Number</i>	<i>Total Acres</i>
Offer is for:	<input type="checkbox"/> Entire Parcel <input type="checkbox"/> Part of Parcel
Form of Contract:	<input type="checkbox"/> Purchase <input type="checkbox"/> Lease
Dollars	\$ <u> </u> <i>Term</i>
<i>Purchase Price</i>	\$ <u> </u>
Dollars	\$ <u> </u>
<i>Annual Lease Payment</i>	\$ <u> </u>

A Narrative Description of the proposed development on the Disposition Parcel identified in Exhibit “A”, describing the exact nature and character of the improvements proposed and their use; together with maps and plans sufficiently complete to indicate the general improvements to be made is attached and is to be considered a part of this proposal. (Maps and plans must be of sufficient scale to indicate clearly the location of the structures and other proposed improvements and should provide information on building elevations and materials.)

The Proposal Forms as provided by the Department of Community Investment (Department) have been completed and are considered a part of this proposal. The Proposal Forms include: (1) a Statement of the Qualifications and Financial Responsibility; (2) a Statement for Public Disclosure, and; (3) a sworn Affidavit of Non-Collusion. It is the understanding of the Applicant that the Statement of the Qualifications and Financial Responsibility is confidential and to be used solely by the South Bend Redevelopment Commission and the Department.

A Faithful Performance Guaranty in the sum of _____ Dollars (\$ _____), an amount equal to at least 10% of the total amount offered for the real property described in Exhibit "A", it being understood by the Applicant that the Faithful Performance Guaranty shall guarantee the Applicant's execution of and performance of the purchase or lease agreement. The Faithful Performance Guaranty will be refunded to the successful Applicant at such time the Commission deems that the improvements to the land, as proposed, have been completed and the Commission as evidenced by a Certificate of Completion issued by the Commission. The Faithful Performance Guaranty will be refunded in the event this offer is rejected.

Acceptance or rejection of Applicant's proposal shall be made by depositing such notification in the US Mail addressed to the undersigned (Applicant) at the address set forth below.

In submitting this offer to purchase or lease, it is understood that the right to reject such offer is reserved by the Commission. The undersigned further agrees to execute a contract for the purchase or lease of land for development in the form prepared by the Department within thirty (30) days after notification of acceptance of this offer and to develop and use the above identified parcel(s) of land in conformity with the Federal, State and Local ordinances and regulations; applicable Development Plan; the Bid Specifications & Design Considerations; and the Narrative Description and maps and plans as submitted herein, with amendments, if any, as approved by the Commission.

Dated _____

Respectfully submitted,

Name of Individual or Corporation

By: _____
Signature

Name (type)

Title

ATTEST: (BY SECRETARY OF A Corporation)

Address:

By: _____
Signature

Name (type)

Title

Address:

Statement of Qualifications and Financial Responsibility

Applicant: _____

Address: _____

1. Is the Applicant a subsidiary of or affiliated with any other corporation or corporations or any other firm or firms?

Yes

No

If yes, list each corporation or firm by name and address, specify its relationship to the Applicant, and identify the officers and directors or trustees common to the Applicant and such other corporation or firm:

2. The financial condition of the Applicant, as of _____, _____, is as reflected in the attached financial statement.

Name and address of auditor or public accountant who performed the audit on which said financial statement is based:

(NOTE: Attach to this statement a certified financial statement showing the assets and the liabilities, fully itemized in accordance with accepted accounting standards and based on a proper audit. If the date of the certified financial statement precedes the date of this submission by more than six months, also attach an interim balance sheet not more than 60 days old.)

3. If funds for development of the land are to be obtained from sources other than the Applicant's own funds, a statement of the Applicant's plan for financing the acquisition and development of the land:

4. Sources and amount of cash available to Applicant to meet equity requirements of the proposed undertaking:

- a. In banks:
Name and Address of Bank *Amount*
- b. By loans from affiliated or associated corporations or firms:
Name and Address of Bank *Amount*
- c. By sale of readily salable assets:
Description *Market Value Mortgages or Liens*

5. Names and addresses of bank references:

6. Has the Applicant or (if any), the parent corporation, or any subsidiary or affiliated corporation of the Applicant or said parent corporation, or any of the Applicant's officers or principal members, shareholders or investors, or other interested parties (as listed in items 5, 6, and 7 of the Statement for Public Disclosure and referred to herein as principals of the Applicant) been adjudged bankrupt, either voluntary or involuntary, within the past 10 years?

Yes

No

If yes, give date, place and under what name:

7. Has the Applicant or anyone referred to above as principals of the Applicant been indicted for or convicted of any felony within the past 10 years?

Yes

No

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

8. Undertakings, comparable to the proposed development, which have been completed by the Applicant or any of the principals of the Applicant, including a brief description of each project and date of completion:

9. If the Applicant, or any principals of the Applicant, has ever been an employee, in a supervisory capacity, for a construction contractor or builder on undertakings comparable to the proposed development, the name of such employee, name and address of employer,

title, and brief description of work:

10. If the Applicant or a parent corporation, a subsidiary, an affiliate, or a principal of the Applicant is to participate in the development of the land as a construction contractor or builder:

a. Name and address of such contractor or builder:

b. Has such contractor or builder within the last 10 years ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract?

Yes

No

If yes, explain:

c. Total amount of construction or development work performed by such contractor or builder during the last three years: \$ _____ .

General description of such work:

d. Construction contracts or developments now being performed by such contractor or builder:

<i>Identification of Contract or Development</i>	<i>Location</i>	<i>Amount</i>	<i>Date to be Completed</i>
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11. Brief statement regarding equipment, experience, financial capacity, and other resources available to such contractor or builder for the performance of the work involved in the development of the land, specifying particularly the qualifications of the personnel, the nature of the equipment and the general experience of the contractor:

12. Does any member of the South Bend Redevelopment Commission or any officer or employee of the City of South Bend Department of Redevelopment have any direct or indirect personal interest in the Applicant or the development of the land as proposed?

- Yes
- No

If yes, explain:

13. Does any member of the governing body of the City of South Bend or any public official or employee of the City of South Bend have any direct or indirect personal interest in the applicant or the development of the land as proposed?

If yes, explain:

14. Statements and other evidence of the Applicant's qualifications and financial responsibilities (other than the financial statement referred to above) are attached hereto and hereby made a part hereof as follows:

Certification

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

<i>Name</i>	<i>Name</i>
<i>Signature</i>	<i>Signature</i>
<i>Title</i>	<i>Title</i>
<i>Date</i>	<i>Date</i>

(If the Applicant is an individual, this statement should be signed by such individual; if a partnership, by one of the partners; if a corporation or other entity, by one of its chief officers having knowledge of the facts required by this statement.)

Statement for Public Disclosure

Applicant: _____

Address: _____

Taxpayer ID#: _____

1. Applicant proposes to enter into contract for the purchase or lease of land from the South Bend Redevelopment Commission. Said land is more accurately described in Exhibit "A".

2. Organizational Status of Applicant:
 - An individual
 - A corporation
 - A not-for-profit corporation or charitable institution
 - A partnership known as:
 - A business association or a joint venture known as:

 - A Federal, State or Local government or instrument thereof
 - Other (explain): _____

3. Organized and operating under the laws of _____

4. Date of Organization: _____

5. Names, addresses, and title of principal officers, investors, members or shareholders of Applicant, as follows: (attach additional sheets if necessary)
 - a. CORPORATION: the officers, directors or trustees, and each stockholder owning more than 10% of any class stock

 - b. NOT-FOR-PROFIT: the members who constitute the board of trustees or board of directors or similar governing body

 - c. PARTNERSHIP: each partner, whether a general or limited partner, and the nature and percent of interest

 - d. BUSINESS ASSOCIATION OR JOINT VENTURE: each participant and the nature and percent of interest

- e. OTHER ENTITY: the officers, the members of the governing body, and each person having an interest of more than 10%

Name & Address

Title and nature and percent of interest

6. Names, addresses, and the nature and percent of interest of each person or entity (not named in Item 5) who has a beneficial interest in any of the shareholders or investors named in Item 5 which gives such person or entity more than a computed 10% interest in the Applicant (for example, more than 20% of the stock in a corporation which holds 50% of the stock of the Applicant; or more than 50% of the stock in a corporation which holds 20% of the stock of the Applicant).

Name & Address

Title and nature and percent of interest

7. Names of officers and directors, or trustees of any corporation or firm listed under Item 5 or Item 6 above.

Name & Address

Title and nature and percent of interest

Certification

I (We), _____ Certify that this Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

Name

Name

Signature

Signature

Title

Title

Date

Date

(If the Applicant is an individual, this statement should be signed by such individual; if a partnership, it should be signed by one of the partners; if a corporation or other entity, it should be signed by one of its chief officers having knowledge of the facts required by this statement.)

