

SARATOGA SPRINGS HOUSING AUTHORITY

SARATOGA SPRINGS HOUSING AUTHORITY REQUEST FOR PROPOSALS (RFP) TO SELECT A DEVELOPMENT PARTNER

The Saratoga Springs Housing Authority (SSHA) is seeking Proposals from qualified responsible parties to serve as Development Partner for the conversion of up to 339 units of Public Housing to the Rental Assistance Demonstration (RAD) Program.

Each party that submits a response to this RFP is referred to herein as a "Respondent." A Respondent who is conditionally designated through this RFP process is referred to herein as a "Designated Development Partner."

SSHA reserves the right to cancel this RFP or to reject, in whole or in part, any or all Proposals received in response to this RFP, upon its determination that such cancellations or rejections are in the best interest of SSHA.

SSHA is an Equal Opportunity Employer and does not discriminate based on race, color, national origin, sex, religion, age, disability, or familial status in employment or the provision of services. SSHA solicits and encourages the participation of Minority and Women Owned Businesses.

A restricted period under this RFP is currently in effect and will remain in effect until a Designated Development Partner is selected, or the RFP is canceled. Responders may not make any uninvited contact with SSHA Board of Commissioners, employees or residents. All communications with SSHA shall be in writing to the designated contact, with an exception should a Responder be invited to interview with SSHA.

All expenses incurred by Responders in the preparation and submission of Proposals in response to this RFP are the sole responsibility of the Responders.

RFP ISSUED: March 28, 2019

PROPOSAL DUE DATE & TIME: On or before 12:00 PM EST on April 26, 2019

Designated Contact for the Request for Proposals:

- Paul J. Feldman, Executive Director, Saratoga Springs Housing Authority
Mailing Address: One South Federal Street, Saratoga Springs, New York 12866
Email: pfeldman@sspha.org

For more information on the Saratoga Springs Housing Authority visit www.saratogaspringspha.org

INTRODUCTION

This RFP has been issued by the Saratoga Springs Housing Authority (SSHA) to improve and possibly expand affordable housing options for qualified families in the City of Saratoga Springs, Saratoga County,

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NY. SSHA is developing a plan to rehabilitate, restructure or possibly demolish and replace existing multi-family public housing buildings under its control and management. SSHA anticipates utilizing a RAD conversion to implement and complete the plan using multi-source financing. As part of the plan, SSHA seeks a Development Partner with demonstrated and successful experience in mixed-finance rehabilitation and restructuring of public and affordable multi-family housing. SSHA will enter into negotiations with the highest ranked Respondent, which is expected to result in the execution of an agreement(s) between SSHA, or its affiliate, and the selected Development Partner.

SSHA was organized under the laws of the State of New York in 1966 to provide safe, affordable and quality housing for senior citizens, low-income families and persons with disabilities, at rents which persons of low-income can afford in areas where there exists a shortage. SSHA is a public corporation, legally separate, fiscally independent, and governed by a Board of Commissioners. SSHA has entered into annual contributions contracts with the U.S. Department of Housing and Urban Development (HUD) to be the Administrator of a Public Housing Program.

SSHA has 339 housing units of Low-Income Public Housing under management. SSHA also manages 90 HUD Section 8 Housing Choice Vouchers (HCV), 155 Project Based Section 8 Vouchers, 5 VASH Vouchers and 8 Shelter Plus Care vouchers. The SSHA and its properties are exempt from all taxes, including sales tax on all its purchases of supplies and services.

SSHA operates the following:

- **Stonequist Apartments**, Saratoga Springs, NY, Saratoga County: 176 units, 94 one-bedroom and 108 studio apartments built in 1970;
- **Vanderbilt Terrace**, Saratoga Springs, NY, Saratoga County: 58 units, built in 1970;
- **Jefferson Terrace**, Saratoga Springs, NY, Saratoga County: 105 units, Built in 1955; and
- **Project Based Vouchers**, Wesley Community, Embury Apartments, Saratoga Springs, NY, Saratoga County. 155 units of Senior and Disabled Housing.
- Federally funded Housing Choice Voucher rental subsidy. These programs assist low-income individuals and families with rental assistance in the City of Saratoga Springs (Saratoga County). Currently, 63 families and/or individuals are served by these programs.

SSHA intends to serve as Co-Developer for all projects. All activities, endeavors, initiatives, and actions undertaken because of an award of this RFP are hereinafter understood and incorporated by reference, to be in partnership with the SSHA, it's entities, instrumentalities and/or affiliates, and is subject to SSHA final prior approval. If a contract is awarded, it will be awarded to the responsible Responder whose qualifications, fees, terms/conditions and other factors are deemed most advantageous to the SSHA. Additional requirements or restrictions imposed by lender, investor, HUD, NYS HCR and other governmental entities will also be considered in rendering a decision.

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RFP TIMELINE

The following table lists important dates under the RFP process:

1. RFP Release Date: March 28, 2019
2. Site Tour (Optional): April 10, 2019 at 10:00am
3. Deadline for submission of Questions: April 19, 2019
4. Deadline for GFHA to Respond to Questions: April 23, 2019
5. Submission of Proposals: April 26, 2019
6. Interviews (if necessary): May 3, 2019
7. Anticipated Decision Date: May 6, 2019

DEVELOPMENT OBJECTIVES

SSHA received CHAP's from HUD in late December of 2018 and is in the early stages of ideation for the conversion to the RAD Program. The SSHA does not intend to "rehab" the existing properties as they currently exist unless no other options are available. The SSHA plans on substantial rehabilitation and potential demolition of existing properties. If demolition is not possible, the SSHA would like to, at a minimum, decrease density in the high rise by converting studio apartments into one-bedroom units and potentially create a new development project with remaining HUD ACC units displaced by the conversion.

The SSHA would like to explore the possibility of demolition to one or both of its family sites as well to accommodate an increase in density resulting in a mixed income population. Each project will require seeking outside sources of capital using mixed finance methods and securing the required United States Department of Housing and Urban Development ("HUD") approvals. Financing is likely to include federal Low-Income Housing Tax Credits, and/or tax-exempt bonds in conjunction with Low-Income Housing Tax Credits as part of the RAD conversion.

The control, operations and management of all existing SSHA facilities shall remain under the control and management of SSHA or its affiliate during and after all development activities.

NOTE: We include the option of a site tour as part of the RFP process, but taking the tour is not a requirement for a Respondent. Nor is the Respondent expected to provide SSHA with a proposed scope of work for the properties, as that work will be done in the future together with SSHA once a Development Partner is selected. The site tour option is simply provided for those responders who want to be more familiar with the portfolio of properties we operate.

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REQUIRED PROPOSAL CONTENTS & SUBMISSION INSTRUCTIONS

REQUIRED PROPOSAL CONTENTS

NOTE: Please provide responses that are in conformance with these instructions. We are looking for responses that are clear and comprehensive but also brief and to the point.

1. **Qualifications, Experience and Capacity of the Respondent Team:** In a narrative, describe similar successful multi-family affordable housing projects developed with complex financing structures that resulted in positive outcomes for the residents and local community or neighborhood. Briefly describe at least one demolition/replacement project and its financing structure. Briefly describe at least one tenant-in-place moderate rehabilitation project, its financing structure and rehab scope of work. Briefly describe a project completed under the Rental Assistance Demonstration (RAD) Program.

Any previous collaboration on other similar projects, with Public Housing Authorities, or with other development partners, and among some or all members of the Respondent Team should be noted. Successful experience in the development and operation of similar projects to the one proposed for this RFP will be favored. Likewise, experience in housing development efforts with resident and community participation will be favored.

All entities that comprise the Respondent Team are to be identified, indicating their specialization(s) and specific contributions to the team. Please include the following:

- a. Provide resumes or detailed biographies of all team members with a description of the responsibilities that they will be required to perform.
- b. A team leader should be clearly identified including all contact information.
- c. Any M/WBE business team members should be identified. Submit information indicating where, and to what extent M/WBE Participation will be used.
- d. If Respondent has external members on their team, and a preference or prerequisite they be designated as part of the development team, such as engineers, architects or design professionals, legal counsel, investors or others, they should be identified, and their relevant experience and credentials provided. It should be noted if their participation is a preference or a prerequisite.
- e. If helpful, submit an organization chart showing all the individuals that will be assigned to work under this project.
- f. Provide a 2018 financial statement for the Respondent, or for the Respondent's most recent fiscal year, prepared by a Certified Public Accountant. If the Respondent consists of multiple entities, then provide one recent financial statement for each entity, or the lead principal of each entity. This statement should demonstrate the financial capacity of the Respondent for executing all applicable guarantees. Financial statements may be submitted in a separate, sealed envelope (one copy only) marked "Financial Statements - Confidential."

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- g. Respondents must submit at least three references relevant to the scope of work anticipated in this RFP.

2. **Role of Development Partner/Proposed Ownership & Fee Structure:** The respondent shall provide a narrative describing the proposed structure and relationship between the Respondent and SSHA with respect to ownership and development activities, including project planning, design, financing and construction activities related to the implementation of the plan and delivery of the new or rehabilitated housing units to a new ownership entity in which SSHA and Respondent entity would share in the ownership interest, or alternatively, the Respondent might propose to provide development services in a turnkey arrangement.

Include in the narrative the proposed development fees and any other fees. Fees should be expressed as percentages of appropriate cost basis. Include developer's fees, contractor's fee, architectural and engineering fees and legal and accounting fees. Additionally, the response should include a statement of the proposed terms and price to be paid to SSHA for a membership interest in the owner of the facility, unless a turnkey arrangement is proposed.

3. **Community Participation:** Respondent should describe how it would envision giving and receiving community input, including SSHA residents, as the development project concepts and plans are finalized. Please provide a description of efforts that will be made to keep the community informed during the development process and during the ongoing operation of the project(s).

4. **Section 3 Participation Pursuant to Section 3 of the HUD Act of 1968:** If additional job training, employment, and other economic opportunities are generated by this initiative, then to the greatest extent feasible, these opportunities must be directed to low-income and very low-income persons. In addition to employment and training opportunities, Section 3 also seeks to benefit businesses owned by public housing residents and other low-income persons. The SSHA has a strong commitment to the Section 3 program policy. Respondents should discuss how the project will accommodate HUD "Section 3" program requirements for the employment of and the utilization of businesses owned and operated by low-income persons.

5. **Required Certifications and Affidavits:**
 - a. Complete and submit the attached Disclosure of Lobbying Activities form for the Respondent entity or if applicable the principals of the Respondent entity.
 - b. Complete and submit the attached Certification of Payments to Influence Federal Transactions form for the Respondent entity or if applicable the principals of the Respondent entity.
 - c. Complete and submit the attached Non-Collusive Affidavit form for the Respondent entity or if applicable the principals of the Respondent entity.
 - d. On Respondent's letterhead, provide a letter signed by Respondent accepting and agreeing with the attached M/WBE Policy Statement and M/WBE Business Enterprise Participation Goals.

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SUBMISSION INSTRUCTIONS

Proposals in response to this RFP must be received by the Designated Contact at the office of the Saratoga Springs Housing Authority, One South Federal Street, Saratoga Springs, New York 12866, no later than the due date/time of **12:00 p.m., April 26, 2019**. Late submissions will not be accepted. SSHA reserves the right to extend the date and time for Proposal submission at its discretion.

Responders must provide **one original and three print copies, and one digital copy on a flash drive**, of all required information in a submission marked "Saratoga Springs Housing Authority Development Partner RFP".

DUE DILIGENCE

SSHA will reject the proposal of any respondent who is debarred, suspended, or issued a Limited Denial of Participation by the U.S. Department of Housing and Urban Development and/or NYS Homes and Community Renewal (NYS Division of Housing and Community Renewal) from providing services to housing companies, and reserves the right to reject the proposal of any respondent who has previously failed to properly perform any contract for SSHA. The determination of the criteria and review process as well as any selection decision shall be at the sole and absolute discretion of the SSHA.

SELECTION CRITERIA

All Proposals received will be date and time stamped and checked for completeness. Complete Proposals received by or before the deadline will be reviewed and scored in accordance with the weighted criteria provided below. SSHA shall establish a review committee to evaluate Proposals. When evaluating Proposals, the following selection criteria will be considered with the accompanying weightings and used to calculate an overall Proposal score.

Respondent Experience & Qualifications:

Previous experience developing multi-family affordable housing with demonstrated financial capacity. Previous experience involving layered financing including, but not limited to, Low-Income Housing Tax Credits. Experience with RAD conversions. Experience collaborating with Public Housing Authorities or other organizations. **40%**

Proposed Role of Development Partner:

The proposed structure and relationship between the Respondent and SSHA with respect to ownership and development activities, including project planning, design, financing, construction activities and other, plus the sharing of developer fees. **30%**

Community Participation:

Plan for community participation and engagement for this RFP and success of previous plans for past completed projects. **20%**

Section 3 Participation:

Plan for how the project will accommodate HUD Section 3 program requirements. **10%**

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The determination of the criteria and review process and the selection decision shall be at the sole and absolute discretion of SSHA.

RFP INQUIRIES & SITE TOUR

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

Questions and inquiries regarding this RFP may only be submitted in writing to the email address provided for the Designated Contact. All inquiries must be received no later than **April 19, 2019**. Answers will be provided as written addenda to this RFP and will be posted on the SSHA website, and available on file for inspection in the SSHA office. SSHA will endeavor to provide copies of all addenda to all potential Respondents to whom this RFP was received, but it will be the responsibility of each Respondent to check the SSHA website or make inquiry as to the existence and content of addenda, as the same shall become part of this RFP and all Respondents will be bound thereby, whether the addenda are received by the Respondent.

Site tours are not required but are an option available to interested parties who want to be more familiar with the properties prior to responding to this RFP.

Site tours of the SSHA properties will be held for all interested parties starting at **10:00 AM on April 10, 2019**. Please arrive promptly at the SSHA main office if interested in taking a tour – **One South Federal Street, Saratoga Springs, NY 12866**

APPENDIX

The following forms, certifications and affidavits are attached.

- Disclosure of Lobbying Activities
- Certification of Payments to Influence Federal Transactions
- Non-Collusive Affidavit

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: ^{4c}	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (Exp. 01/31/2017)

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Title

Signature

Date (mm/dd/yyyy)

**U.S. Department of Housing
and Urban Development**
Office of Public and Indian Housing

**Representations, Certifications,
and Other Statements of Bidders**
Public and Indian Housing Programs

Representations, Certifications, and Other Statements of Bidders

Public and Indian Housing Programs

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1. Certificate of Independent Price Determination

(a) The bidder certifies that--

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

(b) Each signature on the bid is considered to be a certification by the signatory that the signatory--

(1) Is the person in the bidder's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

_____ [insert full name of person(s) in the bidder's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder's organization];

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder deletes or modifies subparagraph (a)2 above, the bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

[] [Contracting Officer check if following paragraph is applicable]

(d) Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000)

(1) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

(2) A fully executed "Non-collusive Affidavit" [] is, [] is not included with the bid.

2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

"Bona fide employee" means a person, employed by a bidder and subject to the bidder's supervision and control as to time, place, and manner of performance, who neither exerts, nor proposes to exert improper influence to solicit or obtain contracts nor holds out as being able to obtain any contract(s) through improper influence.

"Improper influence" means any influence that induces or tends to induce a PHA/IHA employee or officer to give consideration or to act regarding a PHA/IHA contract on any basis other than the merits of the matter.

(b) The bidder represents and certifies as part of its bid that, except for full-time bona fide employees working solely for the bidder, the bidder:

(1) [] has, [] has not employed or retained any person or company to solicit or obtain this contract; and

(2) [] has, [] has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(c) If the answer to either (a)(1) or (a)(2) above is affirmative, the bidder shall make an immediate and full written disclosure to the PHA/IHA Contracting Officer.

(d) Any misrepresentation by the bidder shall give the PHA/IHA the right to (1) terminate the contract; (2) at its discretion, deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)

(a) The definitions and prohibitions contained in Section 1352 of title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The bidder, by signing its bid, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989 that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the bidder shall complete and submit, with its bid, OMB standard form LLL, "Disclosure of Lobbying Activities," and

(3) He or she will include the language of this certification in all subcontracts at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

(d) Indian tribes (except those chartered by States) and Indian organizations as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B) are exempt from the requirements of this provision.

4. Organizational Conflicts of Interest Certification

The bidder certifies that to the best of its knowledge and belief and except as otherwise disclosed, he or she does not have any organizational conflict of interest which is defined as a situation in which the nature of work to be performed under this proposed contract and the bidder's organizational, financial, contractual, or other interests may, without some restriction on future activities:

- (a) Result in an unfair competitive advantage to the bidder; or,
- (b) Impair the bidder's objectivity in performing the contract work.

In the absence of any actual or apparent conflict, I hereby certify that to the best of my knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement.

5. Bidder's Certification of Eligibility

(a) By the submission of this bid, the bidder certifies that to the best of its knowledge and belief, neither it, nor any person or firm which has an interest in the bidder's firm, nor any of the bidder's subcontractors, is ineligible to:

(1) Be awarded contracts by any agency of the United States Government, HUD, or the State in which this contract is to be performed; or,

(2) Participate in HUD programs pursuant to 24 CFR Part 24.

(b) The certification in paragraph (a) above is a material representation of fact upon which reliance was placed when making award. If it is later determined that the bidder knowingly rendered an erroneous certification, the contract may be terminated for default, and the bidder may be debarred or suspended from participation in HUD programs and other Federal contract programs.

6. Minimum Bid Acceptance Period

(a) "Acceptance period," as used in this provision, means the number of calendar days available to the PHA/IHA for awarding a contract from the date specified in this solicitation for receipt of bids.

(b) This provision supersedes any language pertaining to the acceptance period that may appear elsewhere in this solicitation.

(c) The PHA/IHA requires a minimum acceptance period of [Contracting Officer insert time period] calendar days.

(d) In the space provided immediately below, bidders may specify a longer acceptance period than the PHA's/IHA's minimum requirement. The bidder allows the following acceptance period: calendar days.

(e) A bid allowing less than the PHA's/IHA's minimum acceptance period will be rejected.

(f) The bidder agrees to execute all that it has undertaken to do, in compliance with its bid, if that bid is accepted in writing within (1) the acceptance period stated in paragraph (c) above or (2) any longer acceptance period stated in paragraph (d) above.

7. Small, Minority, Women-Owned Business Concern Representation

The bidder represents and certifies as part of its bid/ offer that it --

(a) is, is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b) is, is not a women-owned business enterprise. "Women-owned business enterprise," as used in this provision, means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c) is, is not a minority business enterprise. "Minority business enterprise," as used in this provision, means a business which is at least 51 percent owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- | | |
|---------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Black Americans | <input type="checkbox"/> Asian Pacific Americans |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans |
| <input type="checkbox"/> Native Americans | <input type="checkbox"/> Hasidic Jewish Americans |

8. Indian-Owned Economic Enterprise and Indian Organization Representation (applicable only if this solicitation is for a contract to be performed on a project for an Indian Housing Authority)

The bidder represents and certifies that it:

(a) is, is not an Indian-owned economic enterprise. "Economic enterprise," as used in this provision, means any commercial, industrial, or business activity established or organized for the purpose of profit, which is at least 51 percent Indian owned. "Indian," as used in this provision, means any person who is a member of any tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act.

(b) is, is not an Indian organization. "Indian organization," as used in this provision, means the governing body of any Indian tribe or entity established or recognized by such governing body. Indian "tribe"

means any Indian tribe, band, group, pueblo, or community including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

9. Certification of Eligibility Under the Davis-Bacon Act (applicable to construction contracts exceeding \$2,000)

(a) By the submission of this bid, the bidder certifies that neither it nor any person or firm who has an interest in the bidder's firm is a person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(b) No part of the contract resulting from this solicitation shall be subcontracted to any person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(c) The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.

10. Certification of Nonsegregated Facilities (applicable to contracts exceeding \$10,000)

(a) The bidder's attention is called to the clause entitled **Equal Employment Opportunity** of the General Conditions of the Contract for Construction.

(b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

(1) Obtain identical certifications from the proposed subcontractors;

(2) Retain the certifications in its files; and

(3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause of the prime contract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

Note: The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

11. Clean Air and Water Certification (applicable to contracts exceeding \$100,000)

The bidder certifies that:

(a) Any facility to be used in the performance of this contract [] is, [] is not listed on the Environmental Protection Agency List of Violating Facilities:

(b) The bidder will immediately notify the PHA/IHA Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and,

(c) The bidder will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

12. Previous Participation Certificate (applicable to construction and equipment contracts exceeding \$50,000)

(a) The bidder shall complete and submit with his/her bid the Form HUD-2530, "Previous Participation Certificate." If the successful bidder does not submit the certificate with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the certificate by that date may render the bid nonresponsive. No contract award will be made without a properly executed certificate.

(b) A fully executed "Previous Participation Certificate" [] is, [] is not included with the bid.

13. Bidder's Signature

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

(Signature and Date)

(Typed or Printed Name)

(Title)

(Company Name)

(Company Address)