

REQUEST FOR PROPOSALS

LEGAL SERVICES

TERM: 7/1/2021 THROUGH 6/30/2022

DUE: THURSDAY, June 10, 2021 by 11: 00AM

HOUSING AUTHORITY OF THE TOWNSHIP OF BRICK

165 CHAMBERS BRIDGE ROAD

BRICK, NEW JERSEY 08723

REQUEST FOR PROPOSAL

The Housing Authority of the Township of Brick, New Jersey will accept proposals for "Legal Services" for the fiscal year 7/1/21 to 6/30/2022. It is the Housing Authority's desire to retain and employ a duly qualified Attorney to act as General Counsel in all legal matters which may arise in connection with the business and management of its various housing programs. All legal services must be provided in accordance with the existing rules, orders, directives and regulations promulgated by the United States Department of Housing and Urban Development, provided that such compliance is in the best interest of the Authority and is required by law.

1. SCOPE OF LEGAL SERVICES

The scope of legal services being requested will be as follows and will pertain to all of the Housing Authority's programs (including, but not limited to: Section 8 Programs, both Tenant Based and Project based, Community Development and other programs):

- (a.) Attend meetings of the Authority when requested
- (b.) Supervise drafting of all resolutions of the Authority.
- (c.) Supervise, as to legality, the official minutes of the Authority's meeting.
- (d.) Confer with, and advise the officers and employees on Authority related legal matters, when required.
- (e.) Consult with parties having business with the Authority, on such business, when requested to do so by the Authority.
- (f.) Prepare contracts, legal instruments, legal documents, and other legal writings as may be required in the interest of the Authority.
- (g.) Review and approve the legality of Contracts, legal instruments, legal documents and other written legal materials prepared by others and submitted to the Authority for actions (including verification of all performance bonds).

- (h.) Handle in an appropriate manner, all legal questions and matters arising out of or under legal contracts, legal instruments, legal documents, and other legal material with or concerning the Authority.
- (i.) Render legal opinions on all matters submitted by the Authority.
- (j.) Perform all required legal work in connection with the financing of the Authority's program, projects or activities, excepting that legal work which may be required of a bond counsel.
- (k.) Provide legal advice, assistance, and counsel in all actions arising at the Housing Authority.
- (l.) Appear for and represent the Authority in all litigation matters, accept extraordinary matters as hereafter provided;
- (m.) Give notice to, and consult with, the Authority's insurance carriers in all cases of injury to person or loss or damage to property involving the Authority.
- (n.) Coordinate all legal actions brought against the Authority, its officers and employees in conjunction with Authority business (including HUD approval of litigations).
- (o.) Update all Housing Authority policies in accordance with applicable rules, orders, laws and suggestion of the Housing Authority.
- (p.) Shall be responsible for advising the Housing Authority on all matters pertaining to the Open Public Meetings Act.
- (q.) Shall be responsible for advising the Housing Authority on all matters concerning the New Jersey Local Public Contracts Law.

2. SCOPE OF LEGAL SERVICES

The scope of legal services being requested will be as follows and will pertain to the Housing Authority's Section 8 Programs – both Tenant Based and Project Based.

- (a.) Handle all tenant related matters concerning evictions for any reason (i.e., nonpayment of rent, health & sanitary, property damage, lease violations, etc.).
- (b.) Prepare and send all Notices to Cease & Quit.
- (c.) Prepare all correspondence concerning lease violations.
- (d.) Confer with, and advise the officers and employees on tenancy matters.
- (e.) File all necessary court documents to execute eviction or settlement.
- (f.) File all legal documents in a timely manner.
- (g.) Confer with all witnesses and other necessary parties to effectively settle tenancy matters.
- (h.) Handle all requests for “reasonable accommodations” under the American with Disability Act (ADA).

All Costs associated with the items contained in the “Scope of Services” will be covered by the basic monthly retainer. The retainer shall include 4 court related and 4 non-court related tenancy matters. Any item that is not contained in the basic retainer will require approval by the Board of Commissioners by motion or resolution, prior to being paid. These matters will be billed at the attorney's hourly rate contained in the proposal.

All costs associated with the items contained in the "Scope of Services" will be covered by the basic retainer. Any item that is not contained in the basic retainer will require approval by the Board of Commissioners by motion or resolution, prior to being paid.

QUALIFICATIONS:

- 1) Must be licensed to practice law in the State of New Jersey.
- 2) Should have experience represent other Housing Authorities and an understanding of HUD funded programs and related federal regulations.
- 3) Should be fully versed in New Jersey Local Public Contracts Law, New Jersey Open Public Meeting Act and State/Local Housing Authority Law.
- 4) Must be approvable by the United States Department of Housing and Urban Development.

PROPOSAL SUBMISSION:

All qualified candidates interested in submitting a proposal for "Legal Services" should submit a written proposal based upon a lump-sum retainer (include hourly rate for "Other Services"). All fees must be reasonable and contain an itemization of any requested reimbursables. The proposal should contain an hourly rate for all services that would be considered extraordinary in scope and outside the basic retainer. The basic retainer will cover all items contained in the "Scope of Services" (see "Scope of Legal Services), A copy of the candidate's resume should be attached to the proposal listing all previous experience and qualifications. All proposals should be sealed (envelope marked "Proposal for Legal Services") and delivered to the Housing Authority of the Township of Brick, 165 Chambers Bridge Road, Brick, New Jersey on or before Thursday, June 10, 2021 by 11:00AM.

A copy of the RFP, rating system and standard form of legal services contract are available at Housing Authority's Administrative Office.

PROPOSAL REVIEW:

All proposals will be reviewed according to the "Competitive Proposal" process outlined in the HUD procurement Handbook 7460.8 and HUD Notice PIH 90-47. The Authority utilizes a proposal rating system that will be used to evaluate all proposals received in response to this R.F.P. This solicitation is being undertaken as "Fair and Open" in accordance with N.J.S.A. 19:44A-20.4 et. Seq.

Jacob C. Naszimento
Executive Director

Date: 05/01/2021

COMPETITIVE PROPOSAL EVALUATION SYSTEM

Prepared by: _____

Type of Service: **Legal Service**

Name/Address of Respondent: _____

-
- 1.) Demonstrated experience and competence in this type of work (20 Points).
 - 2.) Familiarity with the Brick Housing Authority's Programs in specific and HUD rules and regulations in general (30 Points).
 - 3.) Capability and capacity to accomplish work within the required time period (30 Points).
 - 4.) Specialized experience of key personnel in Housing Authority Programs (20 Points).
 - 5.) Firm's Equal Opportunity Policy. Each bidder must ensure that all employees and applicants for employment are not discriminated against because of race, color, religion, sex or national original (10 Points).
 - 6.) Price (10 Points)

Total Point Score:

Narrative Review of Proposal: _____

Legal Advertisement

REQUEST FOR PROPOSALS

The Housing Authority of the Township of Brick, New Jersey will accept proposals for the following services:

“Legal Services”

It is the Housing Authority’s desire to retain a duly qualified, competent and capable Attorney. All services must be in accordance with the existing laws, rules, orders, directives and regulations governing these services.

The Request for Proposals (RFP) may be obtained by visiting our website www.brickha.org or in person at the Housing Authority Administrative Office, 165 Chambers Bridge Road, Brick, New Jersey 08723 or by emailing nnicholson@brickha.org. The RFP specifies the scope of the services and the requirements for submitting proposals.

All proposals must be submitted to the office of the Housing Authority of the Township of Brick, 165 Chambers Bridge Road, Brick, New Jersey 08723 on or before **Thursday, June 10, 2021** by 11:00AM.

The Housing Authority reserves the right to reject any and all proposals received for these services. It also reserves the right to terminate the contract, for convenience, at any time during the term of the contract. This solicitation is being made as “Fair and Open” in accordance with N.J.S.A. 40A:19A-20.4 et seq.

Jacob C. Naszimento
Executive Director

Date: 5/01/2021

Please list three (3) references of recent customers who can verify the quality of service your company provides.

THIS FORM MUST BE RETURNED WITH YOUR PROPOSAL.

REFERENCE ONE

Government/Customer _____

Address: _____

Contact Person and Title: _____

Phone: _____ Fax: _____

Contract Period: _____ Amount of Contract _____

Scope of Work: _____

REFERENCE TWO

Government/Customer _____

Address: _____

Contact Person and Title: _____

Phone: _____ Fax: _____

Contract Period: _____ Amount of Contract _____

Scope of Work: _____

REFERENCE THREE

Government/Customer _____

Address: _____

Contact Person and Title: _____

Phone: _____ Fax: _____

Contract Period: _____ Amount of Contract _____

Scope of Work: _____

Registering A Business with the New Jersey Department of the Treasury

Business organizations or individuals doing business in New Jersey are required to register with the Department of the Treasury, Division of Revenue. Registration is free and is a one-time action – there are no fees to register. However, you should update your contact and tax eligibility information as needed. Registration is required to conduct most business with any state, county, municipal, local board of education, charter school, county college, authority, or state college or university. The contracting agency may be required to have a copy of the “proof of registration certificate” submitted as part of a public bid or prior to issuing a purchase order.

To register: Businesses must complete **Form NJ-REG** and submit it to the Division of Revenue. The form can be filed form online or by mailing a paper form to the Division. Online filing is strongly encouraged.

- Register online at www.nj.gov/treasury/revenue/taxreg.htm. Click the “online” link and then select “Register for Tax and Employer Purposes.”
- Download the paper form and instructions at www.nj.gov/treasury/revenue/revpmt.htm.
- Call the Division at 609-292-1730 to have a form mailed to you.
- Write to the Division at: Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Note: If you operate a corporation, limited partnership, limited liability company or limited liability partnership, before registering, you must obtain legal authority to operate in the State of New Jersey. Generally, this is accomplished by filing an original business certificate with the Division of Revenue, such as a Certificate of Incorporation or Formation. For more information on this subject, visit www.nj.gov/treasury/revenue/filecerts.htm, or call 609-292-9292.

Registering as an individual: There is a simplified registration process for individuals doing business with any New Jersey government agency. The form (NJ-REG-A) may be on the back of this form. If not, it can be downloaded from the web at www.nj.gov/treasury/revenue/pdf/forms/rega.pdf. To obtain a copy by mail, call 609-292-1730, or write to the Division at the Client Registration Bureau, PO Box 252, Trenton, NJ 08646-0252.

Questions about the registration process? Call 609-292-1730 or submit by e-mail at www.nj.gov/treasury/revenue/revcontact.html.

How do I receive the proof of registration certificate?

- New registrants. When completing Form NJ-REG, make sure you answer “Yes” to the contractor/sub-contractor question (Online - Item 17; Paper Form - Item 18). The Division of Revenue will mail the certificate to the mailing address you supply on your registration form.
- Previously Registered Businesses. Call 609-292-1730 and select option 3. The Division of Revenue’s service agents will take your order and mail you a certificate. Please allow 7 to 10 working days to receive your certificate. Alternately, you may visit the Division’s Client Registration Bureau in person and request a certificate. The address is 847 Roebbling Avenue, Trenton, NJ 08611. Service desk hours are 8:30am to 4pm, weekdays, excluding holidays.

What information does the proof of registration contain? The certificate displays the following information: Business Name, Trade Name (If Applicable), Tax Payer ID (Usually the Employer Identification Number), Business Address, Contractor Certification Number (State Issued), Certification Issuance Date, Effective Date (Business Start Date Entered on Form NJ-REG).



**Certification Regarding
Debarment, Suspension, and Other Responsibility Matters
Primary Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13 CFR Part 145. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211). Copies of the regulations are available from local offices of the U.S. Small Business Administration.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal.

Business Name _____

Date _____

By _____

Name and Title of Authorized Representative

Signature of Authorized Representative

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the ineligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

MUST BE RETURNED SIGNED WITH BID

NON-COLLUSIVE AFFIDAVIT

State of _____) ss.

County of _____)

_____, being first duly sworn, deposes
and says:

That his is _____ the party making the
foregoing

(a partner or officer of the firm of, etc.)

proposal or bid, that such proposal or bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person to put in a sham bid or to refrain from bidding, and has not, in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid prices of affiant or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that or any other bidder, or to secure any advantage against the Housing Authority of the _____ or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

By _____

(Title)

Subscribed and sworn to before me

this _____ day of _____, 20__.

My commission expires _____, 20__.

MUST BE RETURNED SIGNED WITH BID

STOCKHOLDER DISCLOSURE

Chapter 33 of the Public Laws of 1977 provides that no corporation or partnership shall be awarded a contract unless prior to the receipt of the bid or accompanying the bid of the said corporation or partnership there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or of all the individual partners in the partnership who own 10% or greater interest in the said corporation or partnership.

Name of Bidder: _____

Address: _____

Project Name: _____

Work Being Bid: _____

Check One:

_____ Corporation _____ Partnership _____ Proprietorship

List all persons having an interest of 10% or more in the Bidder Company:

<u>NAME</u>	<u>ADDRESS</u>	<u>% OF OWNERSHIP</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MUST BE RETURNED SIGNED WITH BID

STOCKHOLDER DISCLOSURE OF OWNERSHIP

IF A CORPORATION:

Name of Contractor: _____

Signature of Bidder: _____

Printed Name & Title: _____

Business Address: _____

Business Telephone No.: _____

Tax Identification No.: _____

Incorporated under the laws of the State of _____

Names and Officers:

President: _____

Secretary: _____

Treasurer: _____

Dated: _____

(Affix Corporate Seal Here)

IF A PARTNERSHIP, INDIVIDUAL, OR NON-INCORPORATED ORGANIZATION:

Name of Contractor: _____

Signature of Bidder: _____

Printed Name & Title: _____

Business Address: _____

Business Telephone No.: _____

Tax Identification No.: _____

Names and Addresses of Company Members: _____

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)

- [] Black Americans [] Asian Pacific Americans
[] Hispanic Americans [] Asian Indian Americans
[] Native Americans [] 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)