



MEMPHIS HOUSING AUTHORITY

“Striving For Excellence and Nothing Less”

700 Adams, Memphis, TN 38105

REQUEST FOR PROPOSAL

FOR

PROFESSIONAL AUDITING SERVICES

SOLICITATION NO: FM 23-R-00655

Issued: 10/21/2022

AN EQUAL OPPORTUNITY EMPLOYER
AN EQUAL HOUSING PROVIDER

Executive Summary Notice
Request for Proposals (RFP)

Solicitation No: FM 23-R-00655

1. The Memphis Housing Authority (MHA) is requesting proposals from qualified firms of certified public accountants to audit its annual financial statements for a contracted term of five years to include Fiscal Year 2022 thru 2026. The first audit must commence December 2023 to be completed by February 28, 2023 in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2, US Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), applicable GASB statements, federal OMB Omni Circular, and literature which may amend or supersede these requirements.
2. Offers in response to this solicitation will be evaluated using MHA's technical proposal evaluation process. Offers must be submitted in accordance with the instructions provided in this RFP. Failure to furnish a complete offer at the time and date due shall result in elimination from award consideration.
3. Formal communication such as request for clarification and/or information concerning this solicitation shall be submitted in writing to David Walker, Contracting Officer, dwalker@memphisha.org or fax questions to 901-544-1299. All requests should be received in the Contracting Office no later 3:00 pm, November 3, 2022.
4. The MHA reserves the right to reject any or all offers. No offer shall be withdrawn for a period of sixty (60) days subsequent to the opening of proposals without the consent of the MHA.
5. Please be advised that award without discussion may be used if the quality of the initial proposals received is such that no purpose would be served by conducting negotiations.
6. Due to the possibility of a conflict of interest, all firms are prohibited from hiring current MHA employees on a full-time, part-time or temporary basis, in any capacity.

Thank you for your interest in this project. We look forward to receiving your proposal.

Dexter D. Washington
Chief Executive Officer

**MEMPHIS HOUSING AUTHORITY
REQUEST FOR PROPOSAL (RFP) FOR
PROFESSIONAL AUDITING SERVICES**

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LEGAL NOTICE

DATE: October 21, 2022
TO: Prospective Offerors
SUBJECT: Requests for Proposals (RFP) FM 23-R-00655: Audit Services

Proposals for professional auditing services will be accepted electronically via email at dwalker@memphisha.org until 3:00 P.M., November 17, 2022.

Proposals will be held in confidence and not released in any manner until after contract award.

By submission of a proposal, the offeror agrees, if its proposal is accepted, to enter into a contract for five (5) years with the Memphis Housing Authority (MHA) in a form approved by both parties and to complete all work as specified or indicated in the contract documents for the contracted fees and within the contract time indicated in the attached RFP. The offeror further accepts all the terms and conditions of the RFP.

Proposals shall be prepared in accordance with the attached instructions and shall be evaluated by the MHA as stated in the evaluation factors for award of the RFP.

Please note, all offerors shall email proposals to dwalker@memphisha.org with *solicitation number* in the Subject line of the email.

Questions regarding the attached RFP shall be submitted in writing and received no later than November 3, 2022, by 3:00 pm in the Contracting Office via email to dwalker@memphisha.org or faxed to 901-544-1299. Responses to all questions received before the deadline will be posted to the Memphis Housing Authority website after the deadline at www.memphisha.org. Please check the website for changes or updates prior to submitting a proposal.

David Walker
Contracting Officer

GENERAL INFORMATION

Issue Date: October 21, 2022

Issuer: Memphis Housing Authority (“MHA”)

Purpose: The Memphis Housing Authority hereby requests proposals from qualified firms of certified public accountants to audit its annual financial statements and supplemental information for the five-year period beginning December 2022 and ending July 31, 2027

All proposals must be submitted in accordance with the guidelines specified in this Request for Proposal (RFP). No requirement and/or specification should be construed as an attempt on the part of MHA to limit competition. However, the nature of the MHA’s audit requirements will necessarily result in the elimination of a number of prospective vendors.

Memphis Housing Authority was established in 1937 under the United States Housing Act of 1937. MHA is an incorporated agency of local government which administers a number of public and subsidized housing programs throughout the City of Memphis, Tennessee. MHA operates under Annual Contributions Contracts with the United States Department of Housing and Urban Development (HUD). The majority of MHA’s revenue is derived from dwelling unit rentals and federal subsidies/grants. MHA has a defined contribution pension plan funded 100% by the MHA. Employees hired after October 2010 contribute 5% of salary; employees hired prior to October 2010 are not required to make contributions.

Information on MHA’s funding is included in Appendix A.

The rules and regulations governing the execution of the audit are contained in the Statement of Work. The Audit Objectives which follows are intended to provide information that will guide all firms in preparation of their proposals.

Proposal Deadline: Proposals are due by 3:00 p.m. on November 17, 2022.

Award Date: It is expected that a qualified firm will be selected within forty-five (45) days of receipt of the proposals. However, selection may be made before or after this date.

Basis for Award: The Auditor will be selected by a review of the following basic factors:

- 1) The firm's qualifications to perform a Public Housing Authority audit.
- 2) The firm's planned approach to the audit.
- 3) The firm's proposed price for the audit.

Direct Questions to: David Walker, Contracting Officer, dwalker@memphisha.org.

Deadline for Questions: November 3, 2022, by 3:00 pm.

OVERVIEW

You are invited to submit a proposal for Professional Services for all the programs and funds administered by the Memphis Housing Authority. The Authority intends to enter into an agreement for these services starting December 2022 and ending 7. The Memphis Housing Authority reserves the right to unilaterally extend this contract for optional years, depending on the firm's performance and/or pricing of the contract.

Statement of Work

The qualified CPA firm will conduct annual audits of the MHA's financial statements, internal control system and compliance with laws, regulations, contract provisions or grant agreements that may have direct and material effect on each of the Authorities major programs. The audit shall be comprehensive in scope to permit an expression or an opinion on the financial statements and supplemental data of the Authority. Any audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2, US Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), applicable GASB statements, federal OMB Omni Circular, and literature which may amend or supersede these requirements. The audit will include all programs and grants administered by the Authority. Information on major programs and component units are included in Appendix A.

The auditor will be required to provide cost certifications for expired grant programs which should be included in the audited financial statements. The auditor will also be required to submit the audit to the Federal Audit Clearinghouse (FAC).

The independent auditors engaged to conduct the audit must be licensed certified public accountants or persons working for a licensed certified public accounting firm. Accountants and accounting firms meeting these licensing requirements should also comply with the applicable provisions of the public accountancy law and rules of the jurisdiction(s) where the audit is being conducted and the jurisdiction(s) in which they are licensed. Evidence of licensing is to be submitted with the proposal.

The firm will not be considered if any partner or owner of the firm or an immediate family member of a partner or owner of the firm is employed by MHA or if any MHA Board member has a direct or indirect ownership interest in your firm.

The firm shall state in the proposal the requirements for involvement of the Memphis Housing Authority's staff in assisting with the audit.

The firm will be required to execute an audit contract with the Tennessee Comptroller of the Treasury Contract and Report System (CARS).

All working papers and reports must be retained, at the auditor's expense, for a minimum of five (5) years from the date of the Audit Report, unless the firm is notified in writing by MHA of the need to extend the retention period. The auditor will be required to make working papers available, upon request, to the Memphis Housing Authority, HUD, and the Comptroller General of the United States or their authorized representative.

Work on the audits shall commence after July 1st of each contract year or as needed for other projects. The complete annual audit report shall be submitted to MHA, and all required federal agencies by December 31st but no later than February 28th for each audit year. Audited financials are due to HUD within nine (9) months following fiscal year end.

Additional consulting services and/or training that may be requested during the course of the contract will be negotiated on an as needed basis and/or issued by task order.

Audit Objectives

1. The objective of the audit is to provide an opinion on the financial statements taken as a whole. The audit shall be performed in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2, US Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), applicable GASB statements, federal OMB Omni Circular, and literature which may amend or supersede these requirements.
2. The audit will be a financial and compliance audit.
3. The audit fieldwork should be completed by November 30th of each year, and the audit reports ready for distribution by February 1st of each year. The audited FDS submissions shall be completed by March 31st of each year. During the initial year of contract award, the completion date for fieldwork may be amended based on the timing of the award.
4. The audit of the Housing Authority's financial records must be made in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States. The audited financial statements must be prepared in conformity with Generally Accepted Accounting Principles (GAAP).
5. Accompanying the financial statements, the Auditor will submit a Management Letter of Comments and Recommendations, if applicable, for improvement of program and financial management per the Auditor's opinion after examining MHA's systems.
6. The Auditor shall submit an audit report, which shall comply with the applicable reporting standards as contained in the publications aforementioned.
7. The Auditor in charge will conduct an in person exit conference with the MHA's Board, Chief

Executive Officer, and the Chief Financial Officer. At the exit conference, findings and recommendations regarding compliance and internal control shall be discussed. The Chief Executive Officer or a designee shall have the opportunity to respond, orally or in writing, to the findings. Any such written responses shall be included in the audit report.

The MHA's fiscal year ends June 30th, therefore, it is critical that within the proposal there is an assurance that the proposing firm/individual will have no conflict with timely submittal of MHA reports.

PROPOSAL CONTENT AND SUBMISSION REQUIREMENTS

Each submitted proposal should contain all information requested in the following paragraphs.

Each firm submitting a proposal should possess substantial experience in both governmental auditing and public housing authority (PHA) auditing. Such experience is an absolute prerequisite for acceptance of a proposal.

1. Letter of intent.
2. Evidence of the firm's capacity to perform the work. Include a schedule of the next six (6) months of activities for your firm and the staff to be assigned to each. Describe the scope of work, budget, and contract duration of each project.
3. Profile of the firm, along with the firm's principal staff and facilities, and identify specifically all staff who will be assigned to this audit. Include resumes of each proposed project member for this engagement.
4. Include the firm's prior work history specifically as it relates to annual audit services performed for organizations similar to MHA. Provide a list of at least four references that have recent knowledge of the firm's past performance. Provide the organization name, contact person, address, and phone number. If a housing authority is included, provide the following information also:
 - a. Number of public housing units under management
 - b. Number of tenant-based Housing Choice vouchers administered
 - c. Number of mixed finance properties
 - d. Dollar amount of most recent Capital Fund Grant
 - e. Personnel Complement (full-time employees)
5. A certified statement that the firm or individuals assigned to the audit are not debarred from entering into contracts with HUD-funded agencies or other Federal and/or state agencies or have been the object of any disciplinary action charges the past three years, along with a copy of the audit firm's Unique IPA Identifier (UII) number and registration information.

6. A narrative stating the firm's overall approach to this engagement. Include a summary of the firm's method of sampling for the various types of transactions (purchase orders, AP checks, PR checks, etc.). Include a statement as to the amount of assistance that will be expected from the MHA staff, including schedules which will be required prior to or during the audit.
7. Fixed price to perform audit for each year of the engagement, detailed by phase. Cost breakdown by labor category, hours, hourly rates and total; travel and other direct costs, and subcontract costs.
8. Professional liability certificate of insurance.
9. PIH/REAC rejection rate for audits completed.
10. Total amount of time spent on fieldwork on each PHA audit completed by your firm.
11. Have you had a Quality Assurance audit done by the PIH/REAC QASS division? If so, may we obtain a copy?
12. One electronic copy of the proposal sent via email to dwalker@memphisha.org is required. Please include solicitation number in the Subject line of the email.

FEE PROPOSAL

The fee proposal shall be submitted in the format shown below.

SOLICITATION NO: FM 23-R-00655

Maximum Flat Fee Amount to provide proposed services.

Fiscal Year Ended June 30, 2022	\$ _____
Fiscal Year Ended June 30, 2023	\$ _____
Fiscal Year Ended June 30, 2024	\$ _____
Fiscal Year Ended June 30, 2025	\$ _____
Fiscal Year Ended June 30, 2026	\$ _____

If additional services are required beyond the Scope of Services identified in the RFP, the respondent should provide a proposed fixed hourly rate schedule.

Fixed Hourly Rates for Employee Classifications:

- \$ 150 per hour (*Example Only*)
Job Classification: Project Manager

- \$ _____ per hour
Job Classification: _____

- \$ _____ per hour
Job Classification: _____

- \$ _____ per hour
Job Classification: _____

- \$ _____ per hour

Job Classification: _____

- \$ _____ per hour

Job Classification: _____

In addition, the firm should identify any direct costs that would be billed to the Memphis Housing Authority (e.g., travel, per diem, etc.)

EVALUATION CRITERIA AND SCORING SYSTEM

The selection committee will evaluate each Proposal and will determine which Proposal fulfills the evaluation criteria in a way that serves the overall best interest of MHA. Materials or explanations should be included in each Proposal to allow the following evaluation factors to be considered:

- A. Organization and Experience (40 points)
 - (i) Organizational Structure and Staffing
 - (ii) Profile and Experience of the Principals and Key Staff
 - (iii) Proposer's Previous Recent and Relevant Experience
 - (iv) Availability of Principals and Key Staff
- B. Supporting Materials Demonstrating the Proposer's Understanding of Requirements and Ability to Perform the Scope of Services (30 points)
- C. Fees (30 points) shall be scored by the Contracting Department only.

APPENDIX A

MEMPHIS HOUSING AUTHORITY FUNDING INFORMATION

The Memphis Housing Authority currently has 2,109 ACC units in service under the Low Rent Program, and 8,448 total units under the Housing Assistance Payments Program. The Housing Assistance Programs are broken down as follows: Housing Vouchers – 7,508 units, Mainstream – 258 units, Veterans Affairs Supportive Housing – 492 units, and Emergency Housing Vouchers – 190 units.

PROGRAMS

Low Rent Public Housing
Capital Fund
Housing Choice Vouchers
Veterans Affairs Supportive Housing Program Vouchers
ROSS Service Coordinator Program
ROSS Family Self Sufficiency
Emergency Housing Vouchers
Mainstream Vouchers
Choice Neighborhoods Implementation Grant
CARES Act Funds

COMPONENT UNITS

Fowler is a Tennessee corporation formed on December 16, 2004 at the direction of the Board to operate and manage real estate in the Memphis, Tennessee area as the general partner of Fowler Multifamily Development, LP.

MHA College Park LP, LLC was formed on January 4, 2018 at the direction of the Board to operate and manage property known as College Park Senior Village, an 80 unit senior multifamily complex, and College Park Family Apartments, a 107 rental unit, located in Memphis Tennessee.

Audit reports are available on the MHA website at <http://memphisha.org/index.php/about-mha/financial-reports>.

REQUIRED CERTIFICATIONS

**Certifications and
Representations
of Offerors
Non-Construction Contract**

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

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.36, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offerors to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

1. Contingent Fee Representation and Agreement

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

- (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.

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

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

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

The bidder/offeror 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 small business concern. "Women-owned," as used in this provision, means a small 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 enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned 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

3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

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

- (1) Is the person in the bidder/offeror'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/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror'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/offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

4. Organizational Conflicts of Interest Certification

(a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:

- (i) Award of the contract may result in an unfair competitive advantage;
- (ii) The Contractor's objectivity in performing the contract work may be impaired; or
- (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.

(b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.

(c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.

(d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

7. Offeror's Signature

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

Signature & Date:

Typed or Printed Name:

Title:

DEBARMENT AND SUSPENSION CERTIFICATION

By signing and submitting a proposal in response to the solicitation of the Memphis Housing Authority, the Respondent certifies to the best of its knowledge and belief that:

- Neither the Respondent nor any of its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any Federal Department or agency;
- Neither the Respondent nor any of its principals have been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) 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;
- Neither the Respondent nor any of its principals are 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 the foregoing paragraph of this certification;
- Neither the Respondent nor any of its principals have had one or more public transactions (Federal, State or local) terminated for cause or default; and
- Neither the Respondent nor any of its principals are currently engaged in litigation against the Memphis Housing Authority.

*Subscribed and sworn to
before me this _____ day
of _____, 20_____*

Notary Signature

My commission expires

Date

Company Name

Principal

Title

Date

EQUAL OPPORTUNITY CERTIFICATION

During the performance of this contract, the contractor agrees as follows:

- A. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that such applicants are recruited or employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- B. The contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- C. The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the contractor's commitment under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The contractor or subcontractor, where applicable, shall comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor.

*Subscribed and sworn to
before me this _____
day of _____ 20____.*

Notary Signature

My commission expires

Date

Company Name

Principal

Title

FEDERAL LABOR STANDARDS CERTIFICATION

I, _____, certify that I will comply with
Federal
Labor Standards and prevailing wage rates.

Signature of Principal

Company

Date

DRUG-FREE WORKPLACE CERTIFICATION
DRUG FREE WORKPLACE ACT OF 1988
41 U.S.C. 701 et seq.
54 FED REG 4946, et seq.

The undersign hereby certifies that he/she will provide a drug-free workplace by publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use will be taken against employees for violations of such prohibitions.

1. Establishing a drug-free awareness program to inform employees about:
 - a) The dangers of drug abuse in the workplace
 - b) The proposed policy of maintaining a drug-free workplace
 - c) Any available drug counseling, rehabilitation, and employee assistance program, and
 - d) The penalties that may be imposed upon employees for violations occurring in the workplace.
2. Making a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by paragraph (1).
3. Notifying the employee required by paragraph (1) that, as a condition of employment under the contract, the employee will:
 - a) Abide by the terms of the statement; and
 - b) Notify the contractor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
4. Notify the Memphis Housing Authority (MHA) within ten (10) days after receiving notice under Subparagraph 3(b) from an employee or otherwise receiving actual notice of such conviction.
5. Taking one of the following actions within thirty (30) days after receiving notice under Subparagraph 3(b) with respect to any employee who is convicted:
 - a) Taking appropriate personnel action against such employee, up to and including termination, or
 - b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or appropriate agency.
6. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), and (5).

Subscribed and sworn to
before me this _____ day
of _____, 20____

Notary Signature

My commission expires

Date

Company Name

Principal

Title

Date

NON COLLUSION AFFIDAVIT

State of Tennessee

County of _____

I, _____, being duly sworn, depose and say:

That I am the _____ (title) of the firm of

_____, the party making the foregoing proposal; and

That such proposal is genuine and not collusive or a sham; and

That said Offeror has not colluded, conspired or agreed, directly or indirectly with any other offeror or person, to put in a sham offer or to refrain from offering, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person to fix the offer price or affiant or any other offeror, or to fix any overhead, profit or cost element of said offer price, or that of any other offeror, or to secure any advantage against the Memphis Housing Authority or any person interested in the proposed contracts; and

That all statements in said proposal are true.

*Subscribed and sworn to
before me this _____ day
of _____, 20_____*

Notary Signature

My commission expires

Date

Company Name

Principal

Title

Date

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See instructions for HUD HQ/FmHA use only

1. Agency Name and City where the application is filed		2. Project Name, Project Number, City and Zip Code contained in the application	
3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one) <input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)

List of All Proposed Principal Participants
7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)

8. Role of Each Principal in Project	9. Expected % Ownership interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon the following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **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)

- Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
- For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
 - No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
 - I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
 - To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other governmental investigations concerning me or my projects;
 - There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
 - I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony.
- All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
 - I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 36006) and HUD's Standard of Conduct in 24 C.F.R. Part O and Subpart B.
 - I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
 - Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.
- (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
 - I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
 - I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
- All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
 - I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 36006) and HUD's Standard of Conduct in 24 C.F.R. Part O and Subpart B.
 - I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
 - Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.
- To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
- I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
- Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, "No previous participation, First Experience."

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes <input type="checkbox"/> No <input type="checkbox"/> if "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy) Telephone Number and Area Code A. No adverse information; form HUD-2530 approval is recommended. C. Disclosure or Certification problem

Staff Processing and Control B. Name match in system D. Other, our memorandum is attached.

Supervisor Director of Housing / Director, Multifamily Division Approved Yes No Date (mm/dd/yyyy)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations - All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is full disclosure.

Exemptions - The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certification: e.g., refinancing, management change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District Office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include all project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File..."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled in completely, accurately and signed, and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated must be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2: List the project or contract identification of each previous project. All previous projects must be included or your certification cannot be processed. Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden: for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Column 3: List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4: Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5: Explain any project defaults during your participation.

Column 6: Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name -- "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "Master List." In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form

and provide a telephone number where you can be reached during the day. No determinations will be made on these certifications.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division - Housing
U.S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form

HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

SECTION 3 BUSINESS CONCERN SELF-CERTIFICATION

The Offeror/Bidder represents and certifies that it: (Check which applies)

- is not a Section 3 business.
- is a Section 3 business as indicated below [check applicable category and subcategory]:
 - Category 1 Business**
 - Fifty-one (51%) or more owned by residents of the specific community or communities for which the Section 3 covered assistance is expended; or
 - Full-time, permanent workforce includes thirty percent (30%) of the above residents as employees.
 - Category 2 Business**
 - Fifty-one (51%) or more owned by residents of other communities managed by the Memphis Housing Authority that is expending the Section 3 covered assistance; or
 - Full-time, permanent workforce includes thirty percent (30%) of the above residents as employees.
 - Category 3 Business**
 - An entity selected to carry out a HUD Youthbuild Program in the metropolitan area, or non-metropolitan county, in which the Section 3 covered assistance is expended.
 - Category 4 Business**
 - Fifty-one (51%) or more owned by Section 3 residents; or
 - Full-time, permanent workforce includes no less thirty percent (30%) Section 3 residents; or
 - Will subcontract in excess of the twenty-five percent (25%) of the total amount of subcontracts to business concerns identified above.

Subscribed and sworn to
before me this _____ day
of _____, 20_____

Notary

My commission expires

Date

Company Name

Principal

Title

Date

SECTION 3 ACTION PLAN OUTLINE

Provide a Section 3 Action Plan using the below outline:

- I. Overview
 - A. Description of the project's work detail
 - B. Proposed positions for new hires (including job description, if available)
- II. Description of how your company will advertise available positions.
- III. Implementation Schedule
 - A. Provide an overview of the activities involved in executing this plan
- IV. Description of the type of technical assistance your company will require from the Memphis Housing Authority in order to effectively implement your Section 3 Plan.
- V. Description of any creative or innovative ideas your company would like to implement in order to fulfill your Section 3 compliance obligations.
- VI. Overview of training opportunities to be provided by your company for public housing residents as an option for meeting your Section 3 requirements, if applicable.

**LIST OF PROPOSED MBE/WBE
SUBCONTRACTORS AND SUBCONSULTANTS**

The undersigned Offeror/Bidder proposes to subcontract with the following Minority-Owned Business Enterprises (MBE) or Women-Owned Business Enterprises (WBE) for this project. The Offeror/Bidder acknowledges that all MBE(es) and WBE(es) are to be listed on this form regardless of their subcontracting tier.

Business Name: _____

Address: _____

Type of Service(s): _____

Contact Name: _____

Contract Amount: _____ Percent of Project: _____

_____ MBE _____ WBE _____ Subcontractor _____ Supplier

Business Name: _____

Address: _____

Type of Service(s): _____

Contact Name: _____

Contract Amount: _____ Percent of Project: _____

_____ MBE _____ WBE _____ Subcontractor _____ Supplier

Business Name: _____

Address: _____

Type of Service(s): _____

Contact Name: _____

Contract Amount: _____ Percent of Project: _____

_____ MBE _____ WBE _____ Subcontractor _____ Supplier

Business Name: _____

Address: _____

Type of Service(s): _____

Contact Name: _____

Contract Amount: _____ Percent of Project: _____

_____ MBE _____ WBE _____ Subcontractor _____ Supplier

INSTRUCTIONS TO OFFERORS

Instructions to Offerors Non-Construction

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

1. Preparation of Offers

(a) Offerors are expected to examine the statement of work, the proposed contract terms and conditions, and all instructions. Failure to do so will be at the offeror's risk.

(b) Each offeror shall furnish the information required by the solicitation. The offeror shall sign the offer and print or type its name on the cover sheet and each continuation sheet on which it makes an entry. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the HA.

(c) Offers for services other than those specified will not be considered.

2. Submission of Offers

(a) Offers and modifications thereof shall be submitted in sealed envelopes or packages (1) addressed to the office specified in the solicitation, and (2) showing the time specified for receipt, the solicitation number, and the name and address of the offeror.

(b) Telegraphic offers will not be considered unless authorized by the solicitation; however, offers may be modified by written or telegraphic notice.

(c) Facsimile offers, modifications or withdrawals will not be considered unless authorized by the solicitation.

3. Amendments to Solicitations

(a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

(b) Offerors shall acknowledge receipt of any amendments to this solicitation by

- (1) signing and returning the amendment;
- (2) identifying the amendment number and date in the space provided for this purpose on the form for submitting an offer, letter or telegram, or
- (3) facsimile, if facsimile offers are authorized in the solicitation. The HA/HUD must receive the acknowledgment by the time specified for receipt of offers.

4. Explanation to Prospective Offerors

Any prospective offeror desiring an explanation or interpretation of the solicitation, statement of work, etc., must request it in writing soon enough to allow a reply to reach all prospective offerors before the submission of their offers. Oral explanations or instructions given before the award of the contract will not be binding. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment of the solicitation, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors.

5. Responsibility of Prospective Contractor

(a) The HA shall award a contract only to a responsible prospective contractor who is able to perform successfully under the terms and conditions of the proposed contract. To be determined responsible, a prospective contractor must -

- (1) Have adequate financial resources to perform the contract, or the ability to obtain them;

- (2) Have a satisfactory performance record;
- (3) Have a satisfactory record of integrity and business ethics;
- (4) Have a satisfactory record of compliance with public policy (e.g., Equal Employment Opportunity); and
- (5) Not have been suspended, debarred, or otherwise determined to be ineligible for award of contracts by the Department of Housing and Urban Development or any other agency of the U.S. Government. Current lists of ineligible contractors are available for inspection at the HA/HUD.

(b) Before an offer is considered for award, the offeror may be requested by the HA to submit a statement or other documentation regarding any of the foregoing requirements. Failure by the offeror to provide such additional information may render the offeror ineligible for award.

6. Late Submissions, Modifications, and Withdrawal of Offers

(a) Any offer received at the place designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it -

- (1) Was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);
- (2) Was sent by mail, or if authorized by the solicitation, was sent by telegram or via facsimile, and it is determined by the HA/ HUD that the late receipt was due solely to mishandling by the HA/ HUD after receipt at the HA;
- (3) Was sent by U.S. Postal Service Express Mail Next Day Service - Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays; or
- (4) Is the only offer received.

(b) Any modification of an offer, except a modification resulting from the HA's request for "best and final" offer (if this solicitation is a request for proposals), is subject to the same conditions as in subparagraphs (a)(1), (2), and (3) of this provision.

(c) A modification resulting from the HA's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the HA after receipt at the HA.

(d) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the offer, modification, or withdrawal shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors should request the postal clerk to place a hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

(e) The only acceptable evidence to establish the time of receipt at the HA is the time/date stamp of HA on the offer wrapper or other documentary evidence of receipt maintained by the HA.

(f) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (c) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, offerors should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(g) Notwithstanding paragraph (a) of this provision, a late modification of an otherwise successful offer that makes its terms more favorable to the HA will be considered at any time it is received and may be accepted.

(h) If this solicitation is a request for proposals, proposals may be withdrawn by written notice, or if authorized by this solicitation, by telegram (including mailgram) or facsimile machine transmission received at any time before award. Proposals may be withdrawn in person by a offeror or its authorized representative if the identity of the person requesting withdrawal is established and the person signs a receipt for the offer before award. If this solicitation is an invitation for bids, bids may be withdrawn at any time prior to bid opening.

7. Contract Award

(a) The HA will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the HA, cost or price and other factors, specified elsewhere in this solicitation, considered.

(b) The HA may

- (1) reject any or all offers if such action is in the HA's interest,
- (2) accept other than the lowest offer,
- (3) waive informalities and minor irregularities in offers received, and (4) award more than one contract for all or part of the requirements stated.

(c) If this solicitation is a request for proposals, the HA may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint.

(d) A written award or acceptance of offer mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer shall result in a binding contract without further action by either party. If this solicitation is a request for proposals, before the offer's specified expiration time, the HA may accept an offer, whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award. Negotiations conducted after receipt of an offer do not constitute a rejection or counteroffer by the HA.

(e) Neither financial data submitted with an offer, nor representations concerning facilities or financing, will form a part of the resulting contract.

8. Service of Protest

Any protest against the award of a contract pursuant to this solicitation shall be served on the HA by obtaining written and dated acknowledgment of receipt from the HA at the address shown on the cover of this solicitation. The determination of the HA with regard to such protest or to proceed to award notwithstanding such protest shall be final unless appealed by the protestor.

9. Offer Submission

Offers shall be submitted as follows and shall be enclosed in a sealed envelope and addressed to the office specified in the solicitation. The proposal shall show the hour and date specified in the solicitation for receipt, the solicitation number, and the name and address of the offeror, on the face of the envelope.

It is very important that the offer be properly identified on the face of the envelope as set forth above in order to insure that the date and time of receipt is stamped on the face of the offer envelope. Receiving procedures are: date and time stamp those envelopes identified as proposals and deliver them immediately to the appropriate contracting official, and only date stamp those envelopes which do not contain identification of the contents and deliver them to the appropriate procuring activity only through the routine mail delivery procedure.

[Describe bid or proposal preparation instructions here.]

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

4. Organizational Conflicts of Interest Certification

(a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:

- (i) Award of the contract may result in an unfair competitive advantage;
- (ii) The Contractor's objectivity in performing the contract work may be impaired; or
- (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.

(b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.

(c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.

(d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

7. Offeror's Signature

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

Signature & Date:

Typed or Printed Name:

Title: