



REQUEST FOR PROPOSALS (RFP)

Housing Rehabilitation & Reconstruction Services For Single-Family Homes

DEADLINE: **Friday, February 23, 2018, @ 3:00 P.M.**

CITY OF HARLINGEN
COMMUNITY DEVELOPMENT DEPARTMENT





REQUEST FOR PROPOSALS
CITY OF HARLINGEN COMMUNITY DEVELOPMENT DEPARTMENT
HOUSING REHABILITATION & RECONSTRUCTION SERVICES FOR SINGLE FAMILY HOMES



The City of Harlingen Community Development Department is formally requesting proposals for Housing Rehabilitation and Reconstruction Services for the Housing Rehabilitation/Reconstruction Program. This program is funded by the Department of Housing and Urban Development. Proposal packets may be obtained by contacting the Community Development Department of the City of Harlingen, located at 502 E Tyler, Harlingen, Texas or on the City of Harlingen website at: www.myharlingen.us. Proposals will be accepted until 3:00 p.m. Friday, February 23, 2018, at the above referenced address at which time they will be opened and read aloud in the offices of the Community Development Department.

The City specifically reserves the right to reject any and all RFP's received, to waive irregularities or informalities in any or all RFP's and to accept any RFP which is deemed to be in the best interest of the City. No RFP's may be withdrawn after the scheduled date of opening. All RFP's become the property of the City.

Submitters, during the performance of this contract, will not discriminate against any employee or applicant because of race, color, religion, sex, national origin, disability, familial status or any other protected class in employment or the provision of services. Further, the City prohibits retaliation against a person who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Programs (OFCCP) proceeding, or otherwise opposes discrimination under Federal law.

Preference will be given to Section 3 Business Concerns. Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with the City of Harlingen must register at: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness.action> and provide a copy of the online registration with their proposal (in addition to submitting Exhibit A of this document).

Proposals may be held by the City for a period not to exceed thirty (30) days from the date of the submission deadline. These days shall be utilized for the purpose of reviewing the proposals and investigating the contractor's qualifications prior to the award.

All contractors/subcontractors that are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project. The City of Harlingen is an Affirmative Action and Equal Opportunity Employer. Small (SBE), minority (MBE), and women-owned businesses (WBE) are encouraged to submit proposals for consideration.

For further information, please call Tammy Jackson or Maria Torres at (956) 216-5180.

Dan Serna, City Manager

REQUEST FOR PROPOSALS
HOUSING REHABILITATION & RECONSTRUCTION SERVICES FOR SINGLE FAMILY HOMES
CITY OF HARLINGEN COMMUNITY DEVELOPMENT DEPARTMENT

PURPOSE: The City of Harlingen, Texas is accepting responses to this **Request for Proposal (RFP)** to provide housing rehabilitation and reconstruction services for single family homes as provided in our approved guidelines, including but not limited to: marketing the program (via low cost advertising, event promotions, etc.); application intake and applicant interviews; applicant eligibility determinations; client file preparation and maintenance; procurement of contractors to undertake the work; drafting of plans and specifications; construction management and property inspections; preparing reimbursement requests and weekly project status reports; preparing program documents and reports, including HUD Form 2516; for the City of Harlingen Housing Rehabilitation/Reconstruction Program funded in whole by the U.S. Department of Housing and Urban Development (HUD) through Community Development Block Grant (CDBG) funding.

The successful firm shall be prepared to provide staff to adequately administer the program, when required, primarily at an offsite office or facility and at the City of Harlingen, Community Development Department Offices when necessary and manage all aspects of the construction phase. All procurement and contracting will follow CDBG guidelines and regulations, applicable federal and state requirements (such as equal opportunity employment provisions), and City of Harlingen Housing Rehabilitation/Reconstruction Program Guidelines.

QUALIFICATIONS:

Submitters must possess sufficient experience and financial support to insure that it can satisfactorily perform the services required if awarded.

DEADLINE: Proposals will be accepted by the City of Harlingen through **3:00 PM, Friday, February 23, 2018**, at the offices of the Community Development Department, 502 E. Tyler, Harlingen, Texas 78550. **All proposals must be submitted in a sealed envelope. No faxed or emailed proposals will be accepted.**

Proposals should be addressed to: Tammy Jackson, Community Development Director
RFP-HOUSING REHAB/RECON SERVICES
City of Harlingen Community Development
502 E. Tyler, Harlingen, Texas 78550

No award with respect hereto shall be deemed final and all such awards shall be deemed conditional, unless and until the parties shall have fully executed the contract contemplated herein, and a fully executed contract has been returned to the selected firm by the City of Harlingen. The City reserves the right to revoke any award made hereunder, without penalty, premium or obligation, at any time prior to the delivery of the fully executed contract to the selected firm.

NON-COLLUSION: Submitters, by submitting a signed submission, certify that the accompanying submission is not the result of, or affected by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under Texas or United States Law.

NON-DISCRIMINATION: Submitters, during the performance of this contract, will not discriminate against any employee or applicant because of race, color, religion, sex, national origin, disability, familial status or any other protected class in employment or the provision of services. Further, the

City prohibits retaliation against a person who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Programs (OFCCP) proceeding, or otherwise opposes discrimination under Federal law.

DEBARRED/SUSPENDED: Submitters that are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project. Submitter must have a an Employer Identification Number (EIN), a DUNS number, and will be required to register with the System for Award Management (SAM).

The City of Harlingen is an Affirmative Action and Equal Opportunity Employer. Small (SBE), minority (MBE), and women-owned businesses (WBE) are encouraged to submit proposals for consideration.

SECTION 3: Preference will be given to Section 3 Businesses/Residents (Section 3, as amended, requires that to the greatest extent feasible, economic opportunities are given to residents and businesses in the area where HUD assistance is received, particularly to those who are of low and very low income). Any business seeking Section 3 preference, must register their business at: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness.action> and submit a copy of the online registration with their RFP.

PROOF OF FINANCIAL AND BUSINESS CAPABILITY: Submitters must, upon request, provide satisfactory evidence of their ability to furnish products or services in accordance with the terms and conditions of these specifications.

CONFLICT OF INTEREST QUESTIONNAIRE: Chapter 176 of the Texas Local Government Code requires entities seeking to contract and/or contracting with local government entities, such as cities, for the sale of goods or services, and their agents, to complete, sign and file a Conflict of Interest Questionnaire (Form CIQ) with the City of Harlingen. If the Firm has a business relationship with the City or with a City Official, the name of the City contact or City Official must be disclosed on the enclosed CIQ Form. If the Firm or a principal of the Firm has no business relationship with the City or a City Official, write/type in "none" in the form and write/type in the name of the Firm and person acting for the Firm and sign the CIQ Form. A blank CIQ Form is enclosed and should be completed, signed and submitted with your Statement of Qualifications. If you are not sure how to fill in the CIQ Form, contact your attorney for advice.

***The sample CIQ Form is to be used ONLY if there is NO business relationship with the City or with a City Official.**

Through this award, the City of Harlingen proposes to assist six (6) or more residential single-family homeowners.

The selected firm shall be required to work closely with the City of Harlingen, Community Development Department staff.

SCOPE OF WORK: The firm selected will/shall:

Initial Application Intake

- Provide program information to potential applicants.
- Interview potential applicants and request preliminary eligibility documents.
- Review documents in accordance with HUD regulations at 24 CFR Part 5 and the City of Harlingen Housing Rehabilitation/Reconstruction Program Guidelines to determine potential eligibility of applicants and their capacity for repayment.
- Conduct limited inspection of homes to ascertain preliminary program eligibility with a rough cost estimate (if needed improvement costs exceed \$25,000 or 50% of the after rehab value, the home must be reconstructed) and visual examination to determine lead hazards for all homes constructed prior to 1978. This inspection must be conducted upon initial application intake and documented with a preliminary inspection report and pictures.
- Notify homeowner(s) of inspection outcome and approval/denial of their application based on construction work needed and their capacity for repayment.
- Place eligible applicants that wish to proceed on the Deferred Loan or Low Interest Loan waiting list. Applicants are served on a first come first served basis.
- Provide City with pictures of the home (specifically, pictures of the front and back of the house) for the Environmental Review Record.
- Request current documentation to determine eligibility from those to be assisted. Request credit report(s) from credit bureau to verify eligibility of applicants in accordance with HUD regulations at 24 CFR Part 5 and the City of Harlingen Housing Rehabilitation and Reconstruction Program Guidelines.
- Request property title reports, geo reports needed for Environmental Review and coordinate lead based paint inspections with the Lead Based Paint Contractor contracted by the City of Harlingen for all homes constructed prior to 1978 to be rehabilitated. Compliance with the Lead Base Paint Rule is required.
- Send formal notification of underwriting approval or denial to homeowners.
- The City must conduct an Environmental Review Record of the property per HUD regulations at 24 CFR 58 to determine whether the project meets federal, state and local environmental standards and ensure compliance throughout the duration of the project. This task must be completed upon determination of applicants' eligibility to participate in the program. The work on the project cannot begin until the City has completed the ERR.

Work Write Up Phase of Construction

- If a home is to be rehabilitated, conduct a detailed inspection to determine deficiencies of each home based upon housing standards and local building codes accompanied; complete a detailed inspection report with pictures to document the inspection.
- Prepare scope of work (written specifications and drawings) meeting all federal, state and local requirements including detailed cost estimate.
- If home is to be reconstructed, modify existing house plan and written specifications where needed and draft site plan.
- Draft bid documents utilizing required forms provided by the City of Harlingen and submit to the City of Harlingen, Community Development Department for approval.
- Hold pre-bid conference and Bid Opening.

Construction Phase

- Conduct pre-construction meetings with Contractors and homeowners to discuss work to be completed.
- Assist contractors and owners with the interpretation of specifications and contract conditions; facilitate communication between homeowner and contractors, mediating any conflicts.
- Coordinate Windstorm Design inspections with the Windstorm Inspector contracted by the City of Harlingen.
- Conduct daily inspections to monitor contractor compliance with plans, specifications, all applicable codes, and workmanship standards and document progress during the construction phase of the project with written documentation and pictures.
- Coordinate Lead Clearance Testing inspections with the Lead Based Paint Contractor contracted by the City of Harlingen for all rehabilitated homes constructed prior to 1978.
- Complete paperwork and reports as required such as change orders, contractor progress payment approvals, and other federally and locally required documents and submit to the City of Harlingen, Community Development Department for approval.

TERM OF CONTRACT: The City of Harlingen anticipates awarding a six (6) month contract with the option of an extension of six (6) months upon agreement of both parties; not exceeding two extension periods.

PROPOSAL SUBMISSION CONTENTS: Respondents should address each topic listed below in their submission.

1. The specialized experience and technical competence of the firm with respect to working on CDBG funded rehabilitation projects and/or other housing rehabilitation programs; and

knowledge of regulations pertaining to the use of federal funds for housing rehabilitation projects.

2. The firm's experience in each of the building construction trades. The minimum experience required is at least one year experience in building construction management.
3. Proven knowledge of building, zoning, and property rehabilitation standard codes;
4. Ability to communicate effectively in the English and Spanish language both orally and in writing;
5. The past record of performance of the firm with respect to such factors as accessibility to clients, ability to meet schedules, communication and coordination skills;
6. The firm's proximity to and familiarity with the area in which the projects are located;
7. The firm's capability of carrying out all aspects of required activities, including the preparation of contract documents, detailed cost estimates, drawings, and specifications;
8. Provide cost of services per housing unit for the following activities:

A. Initial application intake and eligibility determination, preliminary inspection and limited cost estimate (will cost be <\$25,000.00)

Cost per unit \$ _____

B. Detailed Inspection and preparation of project specifications and drawings for housing rehabilitation project with detailed cost estimate; preparation of bid and contract documents.

Cost per unit \$ _____

C. Modify existing house plan and written specifications where needed; draft site plan; and prepare cost estimate for housing reconstruction project.

Cost per unit \$ _____

D. Inspections, paperwork and project coordination during construction.

Cost per unit \$ _____

9. References from previous clients of related work with the firm within the past 5 years.
10. Provide a sample of a cost estimate, written specifications and drawings for a housing rehabilitation project.

WORKING PAPER RETENTION AND ACCESS TO WORKING PAPERS: All working papers and reports must be retained in accordance with requirements and procedures set forth by HUD CDBG Grant requirements. The firm will also be required to provide the City of Harlingen a complete file for each completed project and make working papers available, upon the City's request.

REQUIRED CERTIFICATIONS AND SUBMITTAL: Submit one (1) original one (1) copy of your proposal. All submissions must also include a completed Conflict of Interest Questionnaire Form and Certification Regarding Debarment and Suspension form. **FAILURE TO COMPLY WITH SUBMISSION REQUIREMENTS MAY DISQUALIFY RESPONDENT WITHOUT EXCEPTION.**

Section 3 Exhibits B, C and D attached hereto are required to be completed and submitted with your proposal.

Program Participant Application must be submitted with your proposal.

NOTICE TO RESPONDENTS:

The City of Harlingen reserves the right to request any additional information, which might be deemed necessary after the submission of a proposal. The City of Harlingen has the right to reject any and all proposals and/or parts of proposals or waive any minor irregularity or technicality in proposals received as deemed necessary in the best interest of the City. The City of Harlingen will not be liable for any cost incurred in the preparation of any proposal.

The submission of a proposal shall be prima facie evidence that the respondent has full knowledge of the scope, nature and quality of work to be performed, or service to be provided, the detailed requirements of the specifications, and the conditions under which the work is to be performed.

The successful respondent must comply with all applicable federal, state, and local regulations and hold all required licenses for the business that they will be doing with the City of Harlingen.

All proposals must be received in a sealed envelope at the City of Harlingen's Community Development Department, 502 E. Tyler, Harlingen, Texas, on or before 3:00 p.m. on Friday, February 23, 2018. No faxed or emailed proposals will be accepted.

All proposals received after 3:00 p.m. on Friday, February 23, 2018, will be rejected.

Should you have any questions regarding the RFP, please contact Tammy Jackson or Maria Torres at 956 216-5180 during normal working hours or via email at: tjackson@myharlingen.us or mtorres@myharlingen.us.

INSURANCE: The Firm and their sureties shall indemnify and save harmless the City and all its officials, agents, and their employees from all suits, actions or claims of any character, name and description brought for, or on account of any injuries or damages received or sustained by any person or persons or property, by or from said Firm or their employees or by or in consequence of any negligence in safeguarding the work or by or in consequence of any negligence recovered under the Worker's Compensation Laws or any other law, ordinance, order or decree.

Prior to contract execution, as further and additional evidence of such indemnification, each Firm shall furnish Certificates of Insurance providing that their interests are adequately covered.

The Firm is required to carry the following listed insurance coverage and limits and furnish acceptable proof of payment of insurance premiums.

Minimum Insurance Requirements

Type of Coverage	Limits of Liability	
Worker's Compensation	\$ 500,000	Each Accident
Employer's Liability	\$ 500,000	Disease, Policy Limit
	\$ 500,000	Disease, Each Employee
Commercial General Liability	\$2,000,000	General Aggregate
	\$2,000,000	Products-Completed Operations
	\$1,000,000	Personal & Advertising Injury
	\$1,000,000	Each Occurrence
	\$ 50,000	Fire Damage
Commercial Automobile Liability	\$ 5,000	Medical Expense
	\$ 500,000	Each Accident Limit

Policies must be endorsed to name the City of Harlingen as an "Additional Insured" and the Cancellation Provisions extended to thirty (30) days in writing.

**CITY OF HARLINGEN
COMMUNITY DEVELOPMENT DEPARTMENT**

PROGRAM PARTICIPANT APPLICATION

Date: _____

Please furnish the information requested below. This information will be kept in our files and will be confidential. Our office will use such information only to verify the qualifications of the contractor to perform work through the City of Harlingen Community Development Block Grant Program.

Participants Name: _____ Title: _____

Name of Company: _____

Type of Entity (check one): Corporation Partnership LLC Privately Owned

Business Address: _____

Email Address: _____ Tax ID _____

Phone Number: _____ Cell Phone Number _____

Fax Number: _____ DUNS # _____

I represent and warrant that the information provided is accurate and complete and provides a fair and honest record of my background. The City is hereby authorized to make all inquiries deemed necessary, including obtaining a personal credit report on each principal, in order to verify the accuracy of the information contained herein.

Is your business a HUB (Historically Underutilized Business)	Yes	No
SBE (Small Business Enterprise)	Yes	No
MBE (Minority Business Enterprise)	Yes	No
WBE (Women-Owned Business Enterprise)	Yes	No

Please enter the names of the corporation officers, partners, or owners, whichever may apply.

1.

Name of Officer/Owner/Partner	Title	% Ownership
Address	Phone Number	Social Security Number

2.

Name of Officer/Owner/Partner	Title	% Ownership
Address	Phone Number	Social Security Number

3.

Name of Officer/Owner/Partner	Title	% Ownership
Address	Phone Number	Social Security Number

Provide the following information for the last three clients for whom you have completed work similar to this project:

Customer Name	Address	Phone Number	Cost	Scope

Provide the following information for the suppliers from whom you purchase most of your supplies:

Supplier Name	Address	Phone Number

Banking Reference: Provide the name of at least two financial institutions (banks, credit unions, savings & loan) with whom you have conducted business and established credit.

Name	Address	Phone Number	Contact Person	Service Used (checking/loan, etc.)

How long have you been in business? _____

How long have you been acting as a consultant? _____

Approximately how many jobs have you completed that are similar to the scope of this project? _____

How many employees do you have? _____

How many are full time employees? _____

Have you ever worked for a HUD funded construction project? Yes No

If yes, when and what type of job? _____

Do you presently have General Liability Insurance in the amount of \$ 500,000.00 combined single limits?
 Note: Insurance is required to participate in this program. Yes No

Do you have an attorney? Yes No

Do you have a bookkeeper? Yes No

Have you ever filed for bankruptcy? Yes No If yes, provide date: _____

Have you worked under another business name? Yes No
If yes, please provide the name of the business and dates.

Name: _____ Dates: _____

Do you have any relatives that work for the City of Harlingen? Yes No
If yes, please provide their name and position. _____

Are you related to any City of Harlingen Commissioner, Community Development Board member, or the Mayor? Yes No
If yes, please provide their name and relationship. _____

I hereby certify that the information contained in the Application is true and accurate to the best of my knowledge. Additionally, I certify that this company, nor its principals, is presently debarred, suspended, proposed for debarment, declared ineligible voluntarily excluded from participation in Federal or State funded programs by any Federal or State department or agency.

In consideration of the City of Harlingen, Texas processing my application, I/we hereby voluntarily and knowingly execute this release of information, and hereby authorize the City of Harlingen to undertake a full and complete check to verify the information submitted on this application.

I/we with the intention of binding myself, my heirs, executors, administrators and assigns releases and discharges the City of Harlingen, its officials, employees, agent, and all persons, companies or agencies contacted by the City of Harlingen to verify the applicant's information from all claims, demands, actions, judgments and executions which I/we ever had, or now have, or which my heirs, executors, administrators or assigns may have, or claim to have against the City of Harlingen, its officials, employees, and agents and all persons companies, or agencies contracted by the City of Harlingen to verify the applicant's information arising out of the performance of any and all such verifications.

I/we further authorize the financial institutions, supplies, material men, individuals and/or companies, firms, organizations, or other entities that have or have had business relationships with our firm/company to disclose to the City of Harlingen such information as is necessary to verify the information I/we have provided in this application.

By: (Signature of Participant)

Date

Certification Regarding Debarment and Suspension

U.S. Department of Housing
and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, 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/proposal 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 participant shall attach an explanation to this proposal.

Instructions for Certification (A)

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 of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom 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 being submitted for assistance in obtaining a copy of these regulations.

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 Transaction," 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 eligibility 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 of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. 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 rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier 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 with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. 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 eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. 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.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower 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 with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant		Date
Signature of Authorized Certifying Official	Title	

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176 Local Government Code by a person who has a business relationship as defined by section 176.001 (1-a) with a local government entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local government entity no later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 Check this box if you are filling an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section, (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has employment or other business relationship as defined by Section 176.001 (1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

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OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

NONE

2 Check this box if you are filling an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

NONE

Name of Officer

This section, (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001 (1-a), Local Government Code. Attach additional pages to this form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes NA No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes NA No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes NA No

D. Describe each employment or business relationship with the local government officer named in this section.

4 **COMPANY NAME, BIDDER OR PROPOSER NAME**

DATE

Signature of person doing business with the governmental entity

Date

***THIS SAMPLE FORM IS ONLY TO BE USED IF THERE IS NO BUSINESS RELATIONSHIP WITH A CITY OR WITH A CITY OFFICIAL.**

Exhibit A
CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3
PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY

Name of Business _____

Address of Business _____

Type of Business/Trade/Profession _____

Type of Business: Corporation Partnership Sole Proprietorship Joint Venture

Please select the statement that best describes your business.

1. **51% (or more) of your business is owned by a Section 3 Resident(s).** A Section 3 Resident is a public housing resident or an individual who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended *and* who is considered to be a low to very low-income person.

And provide:

List if current ownership and percentage of ownership along with contact information

Any of the following documents, if available:

Copy of Article of Incorporation

Assumed Business Name Certificate

List of Business Name Certificate

% ownership of each

Organization chart with names and titles
and brief function statement

Certified of Good Standing

Partnership Agreement

Corporation Annual Report

Latest Board minutes appointing officers

Additional documentation

2. **At least 30% of your business workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of the date of first employment with your business.**

And provide the following regarding your employees:

List of all current full-time employees

List of employees claiming Section 3 Status with
Exhibit J or K completed for each employee

PHA/IHA Residential lease less than 3
years from day of employment

other evidence of Section 3 status less than 3
years from date of employment

3. **At least 25% of your total dollar award will be contracted to qualified Section 3 businesses:**

Provide:

A list of previously contracted Certified Section 3 business(es) and subcontracted amount and

Agree to provide a list of subcontracted Section 3 business(es) and subcontract and subcontract amount when submitting bids for any HUD funded projects to meet this requirement.

Authorizing Name and Signature

Date

Witnessed by: _____

Received by : _____

Date: _____

EXHIBIT B

ASSURANCE OF COMPLIANCE (Section 3, HUD ACT of 1968)

TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESS AND LOWER INCOME PERSONS

- A. The project assisted under this (contract) (agreement) is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

- B. Notwithstanding any other provision of this (contract) (agreement), the (applicant) (recipient) shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this (contract) (agreement). The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing Section 3 business concerns located within or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulation, to provide training, employment and business opportunities required by Section 3; and incorporation of the "Section 3 Clause" specified by Section 135.38 of the regulation in all contracts for work in connection with the project. The (applicant) (recipient) certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

- C. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this (contract) (agreement), shall be a condition of the Federal financial assistance provided to the project, binding upon the (applicant) (recipient), its successors and assigns. Failure to fulfill these requirements shall subject the (applicant) (recipient), its contractors and subcontractors, its successors, and assigns to the sanctions specified by the (contract) (agreement), and to such sanctions as are specified by 24 CFR 135.38 (f).

APPLICANT: _____

SIGNATURE: _____

ADDRESS: _____

DATE: _____

EXHIBIT C

**CONTRACTOR/SUBCONTRACTOR CERTIFICATION REGARDING
SECTION 3 AND SEGREGATED FACILITIES**

COMPANY'S NAME

PROJECT NAME

The undersigned hereby certifies that:

- (a) Section 3 provisions are included in the Contract.
- (b) The above stated company is a signatory to the developer's Section 3 Plan.
- (c) No segregated facilities will be maintained as required by Title VI of the Civil Rights Act of 1964.

NAME AND TITLE OF SIGNER (PRINT OR TYPE)

SIGNATURE

DATE

EXHIBIT D

CONTRACTOR'S SECTION 3 PLAN

_____ agrees to implement the specific following affirmative action steps directed at increasing the utilization of lower income residents and businesses within the City/County of _____.

- A. To ascertain from the locality's CDBG program official the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within the city/county/MSA, the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within and servicing the project area.
- C. To maintain a list of all lower income residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this Section 3 plan in all bid documents and to require all bidders on subcontracts to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish these goals.
- E. To insure that subcontractors adhere to the Section 3 provisions that are applicable to the Contractor.
- F. To insure that all appropriate project area business concerns are notified of pending subcontractual opportunities.
- G. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- H. To appoint or recruit an executive official of the company or a agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.
- I. To maintain records concerning the amount and number of contracts, subcontracts, and purchases which contribute to Section 3 objectives.
- J. To maintain records of all projected workforce needs for all phases of the project by occupation, trade, skill level, and number of positions and to update these projections based on the extent to which hiring meets Section 3 objectives.

As officers and representatives of _____(Company),
We the undersigned have read and fully agree to the Section 3 Affirmative Action Plan, and become a party to the full implementation of the program and its provisions.

Signature

Signature

Title

Date

Title

Date

EXHIBIT E
Section 3 Clause

All Section 3 covered contracts shall include the following clause (referred to as the Section 3 Clause):

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD- assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low-and very low-income persons, particularly person who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any a notice advising the labor organization or workers' representative of the contractor's commitments under the Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act. (25 U.S.C 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be give to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).