

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/offers 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)

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

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:

Years 2017 and 2018**www.dhrd.hawaii.gov****Holidays to be observed by the
HAWAII STATE GOVERNMENT**

Website where State Holiday Schedule posted

Year 2017 HAWAII STATE HOLIDAYS

<u>(Hawaii Rev. Statutes, Sec. 8-1)</u>	<u>Day Observed in 2017</u>	<u>Official Date Designated in Statute/Constitution</u>
New Year's Day.....	Jan. 2 Monday	The first day in January
Dr. Martin Luther King, Jr. Day.....	Jan. 16 Monday.....	The third Monday in January
Presidents' Day.....	Feb. 20 Monday.....	The third Monday in February
Prince Jonah Kuhio Kalaniana'ole Day.....	Mar. 27 Monday	The twenty-sixth day in March
Good Friday.....	April 14 Friday.....	The Friday preceding Easter Sunday
Memorial Day.....	May 29 Monday.....	The last Monday in May
King Kamehameha I Day.....	June 12 Monday.....	The eleventh day in June
Independence Day.....	July 4 Tuesday.....	The fourth day in July
Statehood Day.....	Aug. 18 Friday.....	The third Friday in August
Labor Day.....	Sept. 4 Monday.....	The first Monday in September
Veterans' Day.....	Nov. 10 Friday.....	The eleventh day in November
Thanksgiving.....	Nov. 23 Thursday.....	The fourth Thursday in November
Christmas.....	Dec. 25 Monday.....	The twenty-fifth day in December

Year 2018 HAWAII STATE HOLIDAYS

<u>(Hawaii Rev. Statutes, Sec. 8-1)</u>	<u>Day Observed in 2018</u>	<u>Official Date Designated in Statute/Constitution</u>
New Year's Day.....	Jan. 1 Monday.....	The first day in January
Dr. Martin Luther King, Jr. Day.....	Jan. 15 Monday.....	The third Monday in January
Presidents' Day.....	Feb. 19 Monday.....	The third Monday in February
Prince Jonah Kuhio Kalaniana'ole Day.....	Mar. 26 Monday.....	The twenty-sixth day in March
Good Friday.....	Mar. 30 Friday.....	The Friday preceding Easter Sunday
Memorial Day.....	May 28 Monday.....	The last Monday in May
King Kamehameha I Day.....	June 11 Monday.....	The eleventh day in June
Independence Day.....	July 4 Wednesday.....	The fourth day in July
Statehood Day.....	Aug. 17 Friday.....	The third Friday in August
Labor Day.....	Sept. 3 Monday.....	The first Monday in September
General Election Day.....	Nov. 6 Tuesday.....	The first Tuesday in Nov. following the first Monday of even-numbered years. <i>(Hawaii State Constitution, Article 2 – Section 8)</i>
Veterans' Day.....	Nov. 12 Monday.....	The eleventh day in November
Thanksgiving.....	Nov. 22 Thursday.....	The fourth Thursday in November
Christmas.....	Dec. 25 Tuesday.....	The twenty-fifth day in December

FOOTNOTES: For use solely by State government agencies. Federal government and local banking holidays may differ. For State agencies that operate on other than Monday-Friday 7:45 AM to 4:30 PM schedules, also refer to appropriate collective bargaining agreements. Created by the Department of Human Resources Development 9/21/2016; subject to change.

Tenant Name:	Sample Checklist	Service Provider:	
Re-exam Date:	Initial 9/8/16 Move in	Reviewer:	
Review Date:		Program:	HCV

LEFT SIDE Section 1 - Permanent Record	Documents or Items Correct/Complete/Signed/Verified				COMMENTS	RIGHT SIDE Section 2 Current Annual Record: (RX, Interims, Supporting Docs)	Documents or Items Correct/Complete/Signed/Verified				COMMENTS
	YES	NO	N/A	P/C			YES	NO	N/A	P/C	
App. For Establishing Eligibility 4057	Y					Notice of Admission & Participation	Y				9/8/16- BV
Certificate of Birth / HDL / SID / PP / I94	Y					Auth. Release of Information 9886	Y				
Social Security Card	Y					Family Report HUD 50058	Y				
Declaration of Section 214 Status	Y					Utility Allowance Worksheet	Y				
Verification Consent / INS docs			X			Annual Income Summary Wrksht (4056A)	Y				
Marriage/Separation/Divorce			X			Certification for Rental Assistance Benefit	Y				
DHS 5000 Offer & Acceptance/Waiver Interpreter Svcs	Y					Criminal Background Check form			X		
Supplement to Application - HUD 92006	y					Right to Reasonable Accommodation	Y				
Debts Owed & Terminations - HUD 52675	Y					Live In Aide Documentation			X		
RHIIIP - What you should know about EIV	Y					Asset & Income Verification					
EIV 1st Look	y					EIV Report			X		New admission
Lead Based Paint Receipt	Y					HAWI Reports	Y			X	FS-not eligible
Request for Reasonable Accommodation			X			Income Type & Verified (list)					
Divider Sheet (pink)						Samson/wage	Y			y	18917
Voucher Documents	Y					Kamina/SF	y			y	5628
Divider Sheet (pink)						Asset Type & Verified (list)					
Original Application Documents	Y					acct closed	y			y	PIH Notice, below 5K, streamline
Portability Packet			X			HCV Disabled - EID Eligibility / Calculation			X		
						Rx Appointment Notice			X		1/14/2015
LEFT SIDE Section 3 - Owner Record	Documents or Items Correct/Complete/Signed/Verified				COMMENTS	RIGHT SIDE Section 4 - HQS Record	Documents or Items Correct/Complete/Signed/Verified				COMMENTS
YES	NO	N/A	P/C	YES			NO	N/A	P/C		
Current LL Contact Info Sheet	Y					HQS Inspection Checklist-HUD 52580	y			y	
HAP Contract-HUD 52641	Y					Rent Reasonableness Certification	Y				
Tenant Lease & HUD Lease Addendum	Y					Hold / Abatement Notices			X		
Request for Tenancy Approval - HUD 52517	Y					Additional Correspondence / Documents			X		
Rent Increase / Overpayments / etc.			X								
Landlord correspondence/documents W-	Y										
LEFT SIDE Section 5 - Misc. Record (PHS Discretion Section - Promissary Notes, Repayment Agreements)	Documents or Items Correct/Complete/Signed/Verified				COMMENTS	LEFT SIDE Section 6 - Prior Annual Records (storage for prior RX, interims, transfers, etc.)	Documents or Items Correct/Complete/Signed/Verified				COMMENTS
YES	NO	N/A	P/C	YES			NO	N/A	P/C		
Other Forms (As Applicable)			X			Income and Rent Calculations:					
Preference	y					Final Asset Income			X		\$0.00
						Annual Gross Income:	Y			y	\$24,545.00
						Less Deductions:					
						Elderly/Disabled			x		\$0.00
						Dependent(s) / Full Time Student	y			y	\$480.00
						Child Care Expense			x		\$0.00
						Medical/Disab. Assist. Expense			x		\$0.00
UA:					\$259.00	Total Deductions:					\$480.00
Tenant rent portion:					\$343.00	Adjusted Annual Income:					\$24,065.00
Utility Reimbursement:					\$0.00	10% Gross Rent (monthly gross income x 0.10)					
						30% Net Rent (AG / 12 x 0.30)					
						Total Tenant Payment					
NOTES:											
Assigned to:											

