

# REQUEST FOR COMPETITIVE PROPOSALS

## LAM BOW APARTMENTS Solicitation No. 5457

ADDENDUM NO. 2  
Issue Date February 11, 2021

This Addendum containing the following revisions, additions, deletions and/or clarifications, is hereby made a part of this solicitation and Contract Documents for the above-named project. Bidders/Proposers shall take this Addendum into consideration when preparing and submitting their response to this solicitation.

This Addendum updates Attachment 1 documents (see Item 1 below), lists questions received and SHA's responses (see Item 2 below), and lists substitution request and SHA's responses (see Item 3 below).

**Item 1.** The following are the changes to Attachment A and attached to this Addendum.

Attachment A – **Delete** Attachment A and **Replace** with the Attached. The attached includes all the required forms.

**Item 2.** The following is a list of questions received and SHA's responses to those questions.

Question 1. The playground is labeled as "TBD" and I haven't found any other specifications. Do you plan to purchase this outside the bid?

Response: *This scope will be bid by the awarded General Contractor. This solicitation is specific to selecting a General Contractor for Phase I Preconstruction and after financial closing move to Phase II Construction. The GC will bid out the project as part of Phase I Preconstruction where this scope will be better defined for subcontractor bids. Keep an eye out for the General Contractors request for bids for Lam Bow.*

Question 2. Following up on my question regarding epayables for further clarification. You mentioned that SHA is still willing to pay via check and that works. However I would like to get more info about the epayables option and that credit card fee costs that the GC is required to carry. Typically those credit card fees are 1-2% and if that was the case on the entire value of the payments that would be a significant impact to the bottom line of the contractor. I like the idea of the epayables to make things a little less labor intensive from the billing and payment standpoint, but it's unlikely that the company would be willing to give up 1-2% points to do it. Just curious if there is something different negotiated or the cost might be less than that.

Response: *The epayables program is the preferred method, however it is not required. The options that SHA offers for payment are the epayables program or the*

vendor can choose to be paid via voucher (check). SHA does not reimburse for any credit payment processing fees.

Question 3. Page 16 of the RFCP references 12 required forms and documents within Attachment A that must be completed and included in the proposal; however, the only document include in the Attachment A we received was the Cost Proposal Form. Please upload the required forms to Builders Exchange or clarify where we should retrieve these forms.

Response: *An updated Attachment A with the forms is attached to this Addendum.*

Question 4. On page 22 of the RFCP it states the requirements for number of originals and copies of the proposal document that must be submitted. The section numbers provided there (referencing Parts 1, 2A, 2B, and 3) do not match with the section numbers specified on pages 16-20 (which include Parts 1, 2A, 2B, 3, and 4). Please clarify.

Response: *Please revise to include part 4 and revise page 19 C. Part 4 - Community Participation Plan (Evaluation Criteria 4) paragraph 1 to read:*

*See Article 6 for maximum scoring available. There is no Owner-provided form for Part 3 4. Proposers will provide their own format but are required to respond to the items below in the same order as presented in this RFCP. This Part 3 4 shall be no more than six (6) double-sided pages no smaller than 11 point font on 8 ½" x 11" sheets.*

*Please revise page 22 bullets one and two at the top of the page to read:*

- One (1) Original of Part 1 Proposal Cost Form and required signed forms, and Part 2.A - Project Firm/Team Experience, Qualifications, and Part 2.B - Project Approach and all attachments, Part 3 and Part 4 Community Participation Plan, AND;*
- Six (6) copies of Part 2.A and Part 2.B including copies of all attachments for Part 2.A and Part 2.B), Part 3 and Part 4.*

Question 5. Item #2 of Attachment A Cost Proposal Form and Required Documents states "Required Bid Bond (Proposal Cost Guarantee)" Is a bid bond required at this time since we are not actually bidding the project.

Response: *Each proposal must be accompanied by a bid bond, or a certified or cashier's check payable to the order of Seattle Housing Authority, for a sum not less than five percent (5%) of the total amount of the proposal (Line E – on Cost Proposal Form).*

Question 6. In our experience it is unusual to get a bid bond for a project that is not hard bid. Please confirm if the bid bond is required for this project and if so, advise on what the bid bond should be for if not for guaranteeing a construction bid price.

Response: Each proposal must be accompanied by a bid bond, or a certified or cashier's check payable to the order of Seattle Housing Authority, for a sum not less than five percent (5%) of the total amount of the proposal (Line E – on Cost Proposal Form).

Question 7. Several suppliers have sent substitution requests to us for submission. Given that this project is now a request for proposals rather than a bid, how/when would you like to consider substitution requests? Would this be done with the selected GC when they are bidding out for the MACC?

Response: The substitution requests sent to [Purchasing@seattlehousing.org](mailto:Purchasing@seattlehousing.org) have been responded to in this Addendum. Any others can be reviewed with the awarded General Contractor after award and Notice to Proceed. The awarded General Contractor will solicit bids in Phase I Preconstruction were substitutions can be entertained further.

Question 8. Section 00300 Request for Competitive Proposals, Article 3, Section D Contract Payments indicates payments will be made through Bank of America ePayables program. Is this a requirement or is there another acceptable way that SHA could pay a GC that would not require incurring visa/Mastercard processing fees? My understanding is that these can be 1-2% of the payment so those would be significant credit card fees on this project.

Response: ePayables is the preferred method, but it is not the required method of payment. Payments can be sent to vendors via voucher or check if requested.

Question 9. Attachment A Cost Proposal Form (Page 1 of 4) mentions “design build mechanical, electrical and plumbing”. We assume the intent is to NOT have these 3 scope be design build by subs but rather the design for MEP scopes has already been completed as part of the 100% construction documents set. Please confirm.

Response: Please see attached revised Attachment A Cost Proposal Form (page 1). This is not a design build MEP project.

Question 10. Will the required bidding forms for Part A be made available? (As listed as 2-12 on page 16 of the RFCP)

Response: An updated Attachment A with the forms is attached to this Addendum.

Question 11. On the schedule it lists 100% Construction Drawings MACC Estimate due as 14 days after Phase I NTP, is this business days or calendar days?

Response: Calendar days

Question 12. Are there any contaminated soils on site?

Response: No contaminants have been identified in the soils that exceed permissible levels.

Question 13. It appears that Fire Protection will be bidder design, if so how soon will this need to be selected to begin the design process and would this be a CO on the preconstruction contract or part of phase I budget?

Response: *Bidder designed Fire Protection will be bid as part of the General Contractors solicitation after award in Phase I Preconstruction.*

Question 14. Is there an approved MUP, if so is there an Approved Construction Management Plan?

Response: *SDCI did not require a Construction Management Plan as a condition of the SEPA approval.*

Question 15. Can SHA confirm which prevailing wage schedules will apply? Davis Bacon only or is there City/State funding in the project that would require the higher of Davis Bacon or Residential State Prevailing Wages?

Response: *Federal wage rate schedules (Davis Bacon) will apply to this project. The schedules that will apply will be those schedules in effect at the time the Construction Contract is executed. The Owner will incorporate the updated wage schedule at the time of contract execution. The Wage Schedule included in the solicitation is for information purposes only.*

**Item 3.** The following is a list of substitution requests received by SHA at [Purchasing@seattlehousing.org](mailto:Purchasing@seattlehousing.org) and SHA's responses to those requests. Any substitutions sent to the proposing General Contractors will not be responded to in this Addendum but can be considered once the General Contractor is selected and awarded Phase I Pre Construction during their solicitation for bid during Phase I.

Substitution Request 1: I would like to respectfully request your kind consideration of Derbigum's Derbistick, Derbigum GP and Derbicolor GP-FR roof system on the Lam Bow project located in Seattle, WA.

Response: *The proposed substitution is not an equivalent product; the spec product is SBS (styrene-butadiene-styrene) the substitution is APP (atactic polypropylene). This product is not accepted.*

Substitution Request 2: We are reaching out to you and your team regarding an alternate for Division 7 for the Lam Bow Apartments. Our product line "Alumaboard" would be a great fit for the Lam Bow Apartments!

Response: *This material cannot be accepted as substituting any siding materials would triggering a design review revision of which SHA cannot entertain for this project.*

Substitution Request 3: After reviewing the drawings and specifications I have a couple questions where they conflict or call out products that are not available.

- Type II and Type III fence, detail 5 on L2.1 shows Ameristar Montage Plus Majestic 2-Rail with 3 15/16" picket spacing (Ameristar's standard). Spec states 3.5" max which

conflicts. Also Ameristar does make a 3" airspace panel for pool code in some other states (Washington state does not require it for pools so they will not stock it here but it is an option, through the standard 4" airspace shown on detail 5 is what we would suggest). Is standard 4" airspace panel my Ameristar approved?

- Type II fence is to be 24" high. Ameristar does not make a 24" high fence. Ameristar's options for height are 3', 42", 4', 5' and 6' high. What height is the Type II fence to be as 2' high is not an option?

*Response: Provide 4" picket spacing for type II and type III fences. Type II fence to be revised to Ameristar Aegis Plus at 24" height.*

Substitution Request 4: We respectfully submit our SAFTI FIRST fire rated glass products for fire rated glass specified for the Lam Bow Apartments Residential Building project.

Attached are product data and listings for your review. I also invite you to view our online project gallery to see our SAFTI FIRST products installed in various code-approved applications throughout the country.

We appreciate your time and we look forward to working with you on this project. Please let us know if you have questions or need further information. You can also visit us online at [www.safti.com](http://www.safti.com) to view our complete line of USA-made fire rated glass and framing products.

*Response: The SAFTI FIRST fire rated glass product is an equivalent product, as is acceptable to substitute the Fire Rated Glass substitution request.*

END OF ADDENDUM NO. 2

**ATTACHMENT A**  
**Part 1: Cost Proposal Form and Required Documents**

**To: Seattle Housing Authority**  
**190 Queen Anne Avenue North**  
**Seattle WA 98109-1028**

**For: SHA Solicitation No. 5457**  
**Request for Competitive Proposals for General Contractor**  
**For Lam Bow Apartment Project (Preconstruction Services and**  
**Construction of a four and five story wood-frame Residential**  
**Building)**

**From:** \_\_\_\_\_  
(Contractor (PRINT NAME))

\_\_\_\_\_  
(Individual (PRINT NAME))

In response to your request for Competitive Proposals for the above referenced work, the undersigned (“Proposer”) offers to furnish all personnel, equipment, facilities, supplies, bonds and insurance required to successfully carry out all of the construction management, and general contracting responsibilities of the Contractor during Preconstruction and Construction which management and administration responsibilities include, without limitation, those more particularly identified in Attachment B and D to the RFCP including implementation of the Community Participation Plan for the firm and fixed price set forth in this Cost Proposal Form.

Proposer certifies that: it has examined and is fully familiar with all provisions of the Request for Competitive Proposals including any addenda thereto; it has carefully checked all of the words and figures which comprise this Cost Proposal; and it has by careful examination of the Request for Competitive Proposals, any addenda thereto, the sites and all other pertinent conditions and matters, satisfied itself as to the nature, location, character, quality, and quantity of the work required by the contract and as to the conditions and other matters that may be encountered at the sites or that may affect performance of the work or the cost or difficulty thereof.

In submitting this Proposal the undersigned agrees:

1. To hold its Proposal prices firm until completion of the MACC negotiations and execution of the Phase II construction contract.
2. Within seven (7) days of written notification from the Owner that it is the selected Contractor, for the Preconstruction of the Lam Bow Apartment Project , the Contractor will submit a Preconstruction Services Plan to the Seattle Housing Authority and to duly execute the Contract for Phase I Preconstruction Services between Owner and Contractor and deliver it to the Seattle Housing Authority, together with all required certificates of insurance upon approval of the Preconstruction Services Plan.
3. To diligently carry out the subcontractor bidding and MACC negotiation requirements described in the Request for Competitive Proposals within the Owner’s schedule.

As full compensation for satisfactory performance of all Contractor obligations under the Preconstruction Services contract and the Contractor Construction Contract, incorporated herein by reference, except for the MACC, the undersigned will perform such work for the prices listed on the Cost Proposal Form. Failure to complete and submit this form and all attachments or the inclusion of false information shall be considered evidence that this proposal is non-responsive to the terms and conditions of the RFCP.

Proposer acknowledges that start dates for construction of the Lam Bow Apartment Project is dependent on mixed finance closing scheduled date of approximately mid-Q2 2021.

Proposer acknowledges receipt, understanding and full consideration of Addenda No(s): \_\_\_\_\_  
\_\_\_\_\_ (list each addendum separately by number)

**ATTACHMENT A**

**Part 1: Cost Proposal Form and Required Documents**

<b>Component</b>	<b>Proposal Amounts</b>	<b>Proposal Amount expressed as percent of estimated MACC</b>
A. Phase I Preconstruction Services	<b>\$75,000.00</b>	<b>Hourly - Not to Exceed</b>
B. Fee not to exceed 6% (% times estimated MACC of <u>\$26,500,000.00</u> )	\$ _____	<b>Profit %:</b> _____ %
C. Overhead not to exceed 2% (% times estimated MACC of <u>\$26,500,000.00</u> )	\$ _____	<b>Overhead %:</b> _____ %
D. Fixed Amount for Specified General Conditions including Bond not to exceed 6% (% times estimated MACC of <u>\$26,500,000.00</u> )	\$ _____	<b>Fixed Amount for specified General Conditions including Bond:</b> _____ %
<b>E. Total Cost Proposal (A+B+C+D)</b>	\$ _____	

**ATTACHMENT A**

**Part 1: Cost Proposal Form and Required Documents**

**\*IMPORTANT:** The following completed and signed documents are attached to and made a condition of Part 1:

1. Cost Proposal Form
2. Required Bid Bond (Proposal Cost Guarantee)
3. Representations, Certifications & other Statements of Bidders (HUD 5369-A)
4. Certificate as to Corporate Principal
5. Seattle Housing Authority Vendor Fact Sheet
6. Section 3 Business Certification
  - a. \* Affidavit of Family Size and Income (\* Submitted with RFCP Part 1 only if the Proposer is a Section 3 Business)
7. Suspension & Debarment Compliance
8. Non-Collusive Affidavit
9. Environmental Regulation Compliance
10. HUD Subgrantee Contractor Certifications and Assurances
11. SSB5301- Certification of Compliance with Wage Payment Statutes
12. HUD 2530 – Previous Participation Certification

**SUBMITTED on:** \_\_\_\_\_ **day of** \_\_\_\_\_ **2014**

**From:**

**Legal Name of Proposer:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (Phone) \_\_\_\_\_ (Email)

**Street Address:** \_\_\_\_\_

\_\_\_\_\_

**Proposer's Washington State Contractor's License No.** \_\_\_\_\_

**License Expiration Date:** \_\_\_\_\_

**Federal Tax Identification Number (TIN)** \_\_\_\_\_

Signature of Corporation: \_\_\_\_\_

(Proposer's Business Name)

a \_\_\_\_\_ corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Partnership



**ATTACHMENT A**

**Part 1: Cost Proposal Form and Required Documents**

or Joint Venture:

\_\_\_\_\_ (Name of Partnership or Joint Venture)

Signed by (all general partners or joint ventures)

Name \_\_\_\_\_  
Title \_\_\_\_\_ Date Signed \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_ Date Signed \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_ Date Signed \_\_\_\_\_

Signature of Sole Proprietorship (if signing as individuals they shall be jointly and severally liable)

Name \_\_\_\_\_  
Title \_\_\_\_\_ Date Signed \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_ Date Signed \_\_\_\_\_

**End of Cost Proposal Form**

**HOUSING AUTHORITY OF THE CITY OF SEATTLE**

**BID BOND**

We, the undersigned,

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**(Name of Principal)**

as PRINCIPAL, and

\_\_\_\_\_ as SURETY

are held and firmly bound unto the Housing Authority of the City of Seattle, hereinafter called the "Authority" , in the penal sum of \_\_\_\_\_

Dollars, lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these present.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal has submitted the accompanying bid, dated \_\_\_\_\_, 20\_\_\_\_\_, for \_\_\_\_\_

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NOW, THEREFORE, if the Principal shall not withdraw said bid within the period specified therein after the opening of the same, or, if no period be specified, within sixty (60) days after the said opening, and shall within the period specified therefore, or, if no period be specified within ten (10) days after acceptance of the bid, give bond with good and sufficient surety or sureties as may be required, for the faithful performance and proper fulfillment of such contract; or the failure to give such bond within the time specified, if the Principal shall pay the Authority the difference between the amount for which the Authority may procure the required work or supplies or both, if the latter amount be in excess of the former, then the above obligation shall be void and of no effect, otherwise to remain in full force and virtue.

**BID BOND**

IN WITNESS WHEREOF, the above bonded parties have executed this instrument under their several seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the name and corporate seal of each corporate party being hereto affixed and these present duly signed by its undersigned representative, pursuant to authority of its governing body.

In presence of:

\_\_\_\_\_ (SEAL)  
(Individual Principal)

\_\_\_\_\_  
(Business Address)

\_\_\_\_\_ (SEAL)  
(Individual Principal)

\_\_\_\_\_  
(Business Address)

ATTEST:

\_\_\_\_\_ (Corporate Principal)

\_\_\_\_\_  
(Business Address)

BY: \_\_\_\_\_ Affix  
Corporate Seal

ATTEST:

\_\_\_\_\_ (SURETY)

\_\_\_\_\_  
(Business Address)

BY: \_\_\_\_\_ Affix  
Corporate Seal

\_\_\_\_\_  
(Power-of-attorney for person signing for surety company must be attached to bond.)

**HOUSING AUTHORITY OF THE CITY OF SEATTLE**

**CERTIFICATE AS TO CORPORATE PRINCIPAL**

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ Secretary of the corporation named as Principal in the within bond; that \_\_\_\_\_, who signed the said bond on behalf of the Principal was then \_\_\_\_\_ of said corporation; that I know his/her signature, and his/her signature thereto is genuine, and that said bond was duly signed, and attested to, for and in behalf of said corporation by authority of its governing body.

(SIGNED) \_\_\_\_\_



# Individual Affidavit on Family Size and Income for Section 3 Resident Certification

**(Complete this form after certified payroll is submitted on  
Labor Compliance Management (LCPtracker))**

An individual seeking preference in training and employment provided as a result of the Seattle Housing's Section 3 program<sup>1</sup> shall certify and submit evidence, if requested, that the person is a Section resident as defined by the Section 3 Person Criteria listed below:

**Section 3 Person Criteria:** A Section 3 qualified person must:

- 1) Be a City of Seattle Housing Authority public housing resident; or
- 2) Live in the metropolitan statistical area (MSA) covering King, Snohomish, and Pierce counties, and,
- 3) Earn no more than the following amounts for the respective MSA as follows:

Region/Area	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
King and Snohomish Counties	\$ 56,200	\$64,200	\$ 72,250	\$ 80,250	\$ 86,700	\$ 93,100	\$ 99,550	\$ 105,950
Pierce County	\$ 41,800	\$ 47,800	\$ 53,750	\$ 59,700	\$ 64,500	\$ 69,300	\$74,050	\$ 78,850

NOTE: Information provided on this form shall remain confidential and shall be used for certification and reporting purposes only. **If you have questions, please contact Cary Calkins at (206) 588-4314 or [cary.calkins@seattlehousing.org](mailto:cary.calkins@seattlehousing.org).**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Employer Name: \_\_\_\_\_  
 Hire Date (the hire date for the company, NOT the hire date for the project): \_\_\_\_\_  
 Position Title: \_\_\_\_\_ Wages: \_\_\_\_\_

1. **I am a resident in a Seattle Housing Authority property.**  YES  NO  
*(If Yes, please list the name of the property and skip Questions 2 and 3 and sign at the bottom.)*  
 Property Name: \_\_\_\_\_
2. **I am currently in Seattle Housing Authority's Section 8 Program.**  YES  NO  
*(If Yes, please skip question 3 and sign at the bottom.)*
3. **I am a participant in a HUD Youthbuild Program.**  YES  NO  
*(If Yes, please skip question 4 and sign at the bottom.)*
4. **There are a total of \_\_ members in my family. The total number of deductions claimed on my Federal income tax return from last year was\_\_\_\_\_.**
5. **The total gross income for my family, from all sources, from all related family members, reflected on my Federal Income tax return for last year was \$\_\_\_\_\_.**

**I hereby certify under penalty of perjury that the information above is true and correct.**

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Signature \_\_\_\_\_ Date \_\_\_\_\_

<sup>1</sup> As authorized under the Housing and Urban Development Section 3 Act of 1968, as amended, and codified in 24 CFR Part 135.

## ENVIRONMENTAL REGULATION COMPLIANCE

\_\_\_\_\_ certifies that neither it, nor any person or firm which has an interest in the above named firm has any environmental sanctions in effect and complies with the requirements of Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

## **For-Profit Subgrantee and Contractor Certifications and Assurances**

The Department of Housing and Urban Development (HUD) requires that all for-profit Subgrantees and Contractors on HOPE VI projects sign this “Certifications and Assurances” form certifying that they will comply with the specific federal requirements described below.

The parties who must sign a “Certifications and Assurances” form are defined below:

- **Subgrantees:** These are for-profit organizations to which the Housing Authority (Housing Authority or Grantee) has awarded a grant from the HOPE VI grant that the Housing Authority received from HUD. The subgrantee is accountable to the Housing Authority for the use of the funds provided, but the Housing Authority is ultimately accountable to HUD.
- **Contractors:** This includes any for-profit contractor, consultant, service provider, or supplier that the Housing Authority contracts with for goods or services on any HOPE VI project.

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**Certification and Assurance:** The subgrantee or contractor executing this certification hereby assures and certifies that it will comply with all of the applicable requirements of the following, as the same may be amended from time to time, including adding appropriate provisions to all contracts between Grantee and for-profit Subgrantees or Contractors:

- (1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)
- (2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)
- (3) Compliance with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)
- (4) Compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)
- (5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)
- (6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

- (7) Notice of awarding agency requirements and regulations pertaining to reporting.
- (8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
- (9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.
- (10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- (11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
- (12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000).
- (13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

The information contained in this certification is true and accurate, to the best of my knowledge.

Name of Subgrantee or Contractor	Name and Contract Number:	
Signature of Authorized Certifying Official:	Title:	Date:

WARNING: Section 1001 of the Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat.967) applies to this certification. 18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing knowing the same to contain any false, fictitious or fraudulent statement or entry, in any matter within jurisdiction of any department or agency of the United States, shall be fined no more than \$10,000 or imprisoned for not more than five years, or both.

Return this form to:

Seattle Housing Authority  
Attn: Mel Henley, Purchasing  
P.O. Box 19028  
Seattle, WA 98109-1028



**US Department of Housing and Urban Development**  
Office of Housing/Federal Housing Commissioner

**US Department of Agriculture**  
Farmers Home Administration

<b>Part I to be completed by Principals of Multifamily Projects (See instructions)</b>		<b>For HUD HQ/FmHA use only</b>	
Reason for submission:			
1. Agency name and City where the application is filed		2. Project Name, Project Number, City and Zip Code	
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)

**7. List all proposed Principals and attach organization chart for all organizations**

Name and address of Principals and Affiliates (Name: Last, First, Middle Initial) proposing to participate	8 Role of Each Principal in Project	9. SSN or IRS Employer Number

Certifications: The principal(s) listed above hereby apply to HUD or USDA FmHA, as the case maybe, for approval to participate as principal(s) in the role(s) and project listed above. The principal(s) each certify that all the statements made on this form are true, complete and correct to the best of their knowledge and belief and are made in good faith, including any Exhibits attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. The principal(s) further certify that to the best of their knowledge and belief:

1. Schedule A contains a listing, for the last ten years, of every project assisted or insured by HUD, USDA FmHA and/or State and local government housing finance agencies in which the principal(s) have participated or are now participating.
2. For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
  - a. No mortgage on a project listed has ever been in default, assigned to the Government or foreclosed, nor has it received mortgage relief from the mortgagee;
  - b. The principals have no defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
  - c. There are no known unresolved findings as a result of HUD audits, management reviews or other Governmental investigations concerning the principals or their projects;
  - d. There has not been a suspension or termination of payments under any HUD assistance contract due to the principal's fault or negligence;
  - e. The principals have not been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony. (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);
  - f. The principals 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;
  - g. The principals 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;
3. All the names of the principals who propose to participate in this project are listed above.
4. None of the principals is 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 35006) and HUD's Standard of Conduct in 24 C.F.R. Part 0 and USDA's Standard of Conduct in 7 C.F.R. Part 0 Subpart B.
5. None of the principals is a participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification, have not been filed with HUD or FmHA.
6. None of the principals have been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105(a). (If any principals or affiliates have been found to be in noncompliance with any requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any).
7. None of the principals is 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.
8. Statements above (if any) to which the principal(s) cannot certify have been deleted by striking through the words with a pen, and the relevant principal(s) have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances.

Name of Principal	Signature of Principal	Certification Date(mm/dd/yyyy)	Area Code and Tel. No.
This form prepared by (print name)			Area Code and Tel. No.

Previous Participation Certification

OMB Approval No. 2502-0118  
(Exp. 05/31/2019)

**Schedule A: List of Previous Projects and Section 8 Contracts.** Below is a complete list of the principals' previous participation projects and participation history in multifamily Housing programs of HUD/FmHA, State and local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If no previous projects, write by your name, **"No previous participation, First Experience"**.

1. Principals Name (Last, First)	2. List of previous projects (Project name, project ID and, Govt. agency involved )	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of loan (current, defaulted, assigned, foreclosed)	5. Was the Project ever in default during your participation <b>Yes No If yes, explain</b>		6. Last MOR rating and Physical Insp. Score and date

**Part II- For HUD Internal Processing Only**

Received and checked by me for accuracy and completeness; recommend approval or refer to Headquarters after checking appropriate box.

Date (mm/dd/yyyy)	Tel No. and area code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approval recommended.  <input type="checkbox"/> B. Name match in system	<input type="checkbox"/> C. Disclosure or Certification problem  <input type="checkbox"/> D. Other (attach memorandum)	
Staff	Processing and Control			
Supervisor		Director of Housing/Director, Multifamily Division	Approved <input type="checkbox"/> Yes <input type="checkbox"/> 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.

**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 principals applying to participate 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, non-profit 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 arm's 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., refinance, change in ownership, change in management agent, 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.

**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 appropriate role. The following are examples of possible roles that the principals may assume: Owner/Mortgagor, Managing Agent, Sponsor, Developer, General Con-tractor, Packager, Consultant, Nursing Home Administrator etc.

**Block 9:** Fill in the Social Security Number or IRS employer number of every principal listed, including affiliates.

#### Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately 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.

**Column 2. All previous projects must be listed or your certification cannot be processed.** Include the name of all projects, project number, city where it is located and the governmental agency (HUD, USDA-FmHA or state or local housing finance agency) that was involved.

**Column 3.** List the role(s) as a principal, dates participated and if fee or identity of interest (IOI) with owners.

**Column 4.** Indicate the current status of the loan. Except for current loan, the date associated with the status is required. Loans under a workout arrangement are considered assigned. For all noncurrent loans, an explanation of the status is required.

**Column 5.** Explain any project defaults during your participation.

**Column 6.** Provide the latest Management Review (MOR) rating and Physical Inspection score.

**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 the certification, fill in the names of all principals and affiliates as listed in block 7. Each principal should sign the certification 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). Principal who is signing on behalf of the entity should attach signature authority document. Each principal who signs the form should fill in the date of the signature and

a telephone number. By providing a telephone number, HUD can reach you in the event of 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 to strike through those parts that differ with your record, and then sign and certify.

Attach a signed statement of explanation of the items you have struck out on the certification. Item 2e. relates to felony convictions within the past 10 years. If you are convicted of

a felony within the past 10 years, strike out 2e. and attach statement of 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 stand point of an insurer, lender or governmental agency.

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 that 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 of participation in this HUD program.

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

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

# Representations, Certifications, and Other Statements of Bidders

## Public and Indian Housing Programs

### Table of Contents

Clause	Page
1. Certificate of Independent Price Determination	1
2. Contingent Fee Representation and Agreement	1
3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions	1
4. Organizational Conflicts of Interest Certification	2
5. Bidder's Certification of Eligibility	2
6. Minimum Bid Acceptance Period	2
7. Small, Minority, Women-Owned Business Concern Representation	2
8. Indian-Owned Economic Enterprise and Indian Organization Representation	2
9. Certification of Eligibility Under the Davis-Bacon Act	3
10. Certification of Nonsegregated Facilities	3
11. Clean Air and Water Certification	3
12. Previous Participation Certificate	3
13. Bidder's Signature	3

### 1. Certificate of Independent Price Determination

(a) The bidder certifies that--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4. Organizational Conflicts of Interest Certification

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

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

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

#### 5. Bidder's Certification of Eligibility

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

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

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

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

#### 6. Minimum Bid Acceptance Period

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

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

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

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

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

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

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

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

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

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

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

(Check the block applicable to you)

- |                        |                              |
|------------------------|------------------------------|
| [ ] Black Americans    | [ ] Asian Pacific Americans  |
| [ ] Hispanic Americans | [ ] Asian Indian Americans   |
| [ ] Native Americans   | [ ] Hasidic Jewish Americans |

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

The bidder represents and certifies that it:

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Obtain identical certifications from the proposed subcontractors;
- (2) Retain the certifications in its files; and
- (3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities**

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

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

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

The bidder certifies that:

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

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

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

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

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

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

**13. Bidder's Signature**

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

\_\_\_\_\_  
(Signature and Date)

\_\_\_\_\_  
(Typed or Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Company Address)



**NON-COLLUSIVE AFFIDAVIT**

State of Washington )ss  
County of King )

\_\_\_\_\_ who is a \_\_\_\_\_  
of the firm of \_\_\_\_\_

\_\_\_\_\_, being first  
duly sworn, on their oath, says that the bid herewith submitted is a genuine and  
not a sham or collusive bid, or made in the interest or on behalf of any person not  
therein named; and further states that the said bidder has or was not directly or  
indirectly induced or solicited by any bidder on the above work or supplies to put  
in a sham bid, or any person or corporation to refrain from bidding; and that said  
bidder has not in any manner sought by collusion to secure themselves an  
advantage over any other bidder or bidders, or to secure any advantage against  
the Seattle Housing Authority or any person interested in the proposed contract;  
and that all statements in said proposal or bid are true.

\_\_\_\_\_  
BIDDER  
(if individual)

\_\_\_\_\_  
PARTNER  
(if partnership)

\_\_\_\_\_  
OFFICER  
(if corporation)

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_.

My commission expires \_\_\_\_\_, 20\_\_\_\_\_.

# Seattle Housing Authority

## Section 3 Business Certification

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 low-and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

**Section 3 Business Criteria:** Your business is eligible for Section 3 Certification if it meets any one of the following criteria. If your business meets one or more of these criteria, please circle the applicable criteria.

1. Fifty-one percent or more of your business is owned and managed by a Section 3 qualified person or persons. (See qualification guidelines below) A completed and signed Individual Certification form for each Section 3 qualified person or persons is required to be submitted.
2. Thirty percent or more of your permanent, full time employees are Section 3 qualified persons. (When seeking certification under this criteria, please submit a listing of all current, permanent, full-time employees, as well as a completed and signed Individual Certification form for each Section 3 qualified employee.)
3. You can provide evidence of a commitment to subcontract in excess of 25 percent of the amount of all subcontracts to Section 3 certified businesses. (When seeking certification under these criteria, please consult with the Section 3 Coordinator regarding the documentation to be submitted.)

**Section 3 Person Criteria:** A Section 3 qualified person must:

- 1) Be a City of Seattle Housing Authority public housing resident; or
- 2) Live in the metropolitan statistical area (MSA) covering King, Snohomish, and Pierce counties, and,
- 3) Earn no more than the following amounts for the respective MSA area:

Region/Area	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
King and Snohomish Counties	\$ 56,200	\$64,200	\$ 72,250	\$ 80,250	\$ 86,700	\$ 93,100	\$ 99,550	\$ 105,950
Pierce County	\$ 41,800	\$ 47,800	\$ 53,750	\$ 59,700	\$ 64,500	\$ 69,300	\$74,050	\$ 78,850

**Section 3 Statement:** Please check the appropriate box below.

- My business is eligible to be certified as a Section 3 business in accordance with the criteria circled above under Section 3 Business Criteria.
- My business is not a Section 3 business.

Signature:		Date Signed:
Name:	Title:	
Company Name:		
Address:		
Telephone Number:		

Note: If you certify above that your business is a Section 3 business, SHA will request documentation and additional information as may be reasonably required to certify whether your business qualifies as a Section 3 business.

If you have any questions about this form, please call Cary Calkins at (206) 588-4314.



**Address** 190 Queen Anne Ave N  
PO Box 19028  
Seattle, WA 98109

**Telephone** 206-615-3300

**TTY** 1-800-833-6388

**Website** [www.seattlehousing.org](http://www.seattlehousing.org)

## Certification of Compliance with Wage Payment Statutes

The undersigned hereby certifies that the bidder is now, and in the three-year period immediately preceding the date of this bid solicitation February 25, 2021 has been, in compliance with the responsible bidder criteria requirement of RCW 39.04.350(1)(g) and has not been found to have willfully violated any provision of RCW Chapters 49.46, 49.48, or 49.52 in a final determination by the Department of Labor and Industries or any court of limited or general jurisdiction.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

---

Bidder's Business Name

---

Signature of Authorized Official\*

---

Printed Name

---

Title

---

Date

---

City

---

State

*Check One:*

Sole Proprietorship  Partnership  Joint Venture  Corporation

State of Incorporation, or if not a corporation, State where business entity was formed:

---

If a co-partnership, give firm name under which business is transacted:

---

*If a corporation, proposal must be executed in the corporate name by the president or vice-president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner.*

**SEATTLE HOUSING AUTHORITY**

**SUSPENSION AND DEBARMENT COMPLIANCE CERTIFICATE FOR CONTRACTOR**

By signing below, the Contractor certifies that to the best of its knowledge and belief neither its firm nor any of its principals as named below are presently debarred, suspended, or have been declared ineligible or are excluded from participation in this transaction by any federal, state or local government.

**Contractor's Firm Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

	<b>PRINCIPAL(S) Name(s)</b>	<b>Title(s)</b>
1		
2		
3		
4		
5		

<b>Contractor's Signature</b>	<b>Printed Name</b>	<b>Title</b>	<b>Date</b>

**NOTE:** This requirement applies to the Contractor's firm as well as its principals. Principal is defined in the regulation (2 CFR 180.995) as follows:

- 1) An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or
- 2) A contractor or other person, whether or not employed by the participant or paid with Federal funds, who-
  - a) Is in a position to handle Federal funds;
  - b) Is in a position to influence or control the use of those funds; or,
  - c) Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity require to perform the covered transaction.

The federal websites to verify eligibility include: <https://www.sam.gov/portal/public/SAM/> and [http://portal.hud.gov/hudportal/HUD?src=/topics/limited\\_denials\\_of\\_participation](http://portal.hud.gov/hudportal/HUD?src=/topics/limited_denials_of_participation).

[Add this section if Suspension and Debarment Compliance Certificate for the Sub-Contractors or Sub-Consultants is needed. DO NOT forget to fill in your contact information below]

**SEATTLE HOUSING AUTHORITY**

**SUSPENSION AND DEBARMENT COMPLIANCE CERTIFICATE FOR SUB-CONTRACTORS**

The Prime Contractor may use this form if the Prime can verify that their Sub-Contractors named below, nor any of their principals are debarred, suspended or ineligible from involvement by Federal, State or Local Government. If the Prime is unable to verify this information, the Prime must send the previous **SUSPENSION AND DEBARMENT COMPLIANCE CERTIFICATE FOR CONTRACTOR** form to each sub- contractor to be completed and returned.

**Prime Contractor's Name:** \_\_\_\_\_ certifies that neither any of the sub- contracting firms named below, nor any of its principals are debarred, suspended or ineligible from involvement by Federal, State or Local Government. I understand that the Seattle Housing Authority (SHA) relies on this certification and I understand that I am obligated to submit the following to SHA:

- A certification for any new sub- contractor hired after submission of this certification.
- A renewal certification for every sub- contractor on the anniversary of the Contract execution date if the Contract Time extends beyond one year.

(**Note:** In lieu of this certification, the Prime Contractor may elect to submit a separate certification signed by each sub- contracting firm to SHA as evidence of sub- contractor eligibility. It is the Prime Contractor's responsibility to initiate, obtain, and provide all such individual sub- contractor certifications to SHA.)

<b>Prime Contractor's Signature</b>	<b>Printed Name</b>	<b>Title</b>	<b>Date</b>

**Sub- Contractor Firm Listing:** (If sub- contractors are not involved in the project, please enter **NONE.**)


If additional pages are necessary, copy this form to ensure signed statement precedes any listing of sub- contractors.

Please contact Mel Henley at 206-615-3472 or by e-mail at [purchasing@seattlehousing.org](mailto:purchasing@seattlehousing.org) if you have any questions regarding compliance with this requirement.



## Vendor Fact Sheet Instructions

Thank you for your interest in doing business with the Seattle Housing Authority (SHA). We look forward to doing business with you. If you have any questions about completion of the Vendor Fact Sheet, please call us at (206) 615-3379.

In order for SHA to make payments to you or to procure goods or services from you, we need the information requested on the Vendor Fact Sheet, which also serves as a substitute IRS W-9 Form. The information about you will be entered into our computerized payment system and will allow us to make required reports to the Federal government about our business and payment transactions.

**Substitute IRS Form W-9 Certification:** In completing the Vendor Fact Sheet, you must sign the "Substitute IRS Form W-9 Certification" or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct taxpayer identification number to SHA, you must cross out the portion of the certification after the word "and" in line two, through the end of line five, before signing the form. Detailed instructions about IRS Form W-9 are included on the form, which may be obtained by calling our office at (206) 615-3379 or visiting the IRS web site at [www.irs.gov](http://www.irs.gov).

**Certification of Eligibility:** In order to do business with SHA, the Vendor must be eligible to:

- 1) Be awarded contracts by any agency of the U.S. Government, HUD, or the State in which this Contract work is to be performed; or,
- 2) Participate in HUD programs pursuant to 24 CFR Part 24.

The websites to verify eligibility of the firm and its principals are: <https://www.sam.gov/portal/SAM> and [http://portal.hud.gov/hudportal/HUD?src=/topics/limited\\_denials\\_of\\_participation](http://portal.hud.gov/hudportal/HUD?src=/topics/limited_denials_of_participation). By signing the Vendor Fact Sheet, the Vendor understands that the certification of eligibility is a material representation of fact upon which reliance was placed when SHA agreed to enter into the transaction with the Vendor. SHA may require the Vendor to submit such certification on an annual basis depending on the terms of its contract or the frequency of its business transactions with SHA. If the Vendor subcontracts any portion of the work, the Vendor will be required to submit a similar certification of eligibility to SHA for any Vendor subcontracts. Any written contract executed between SHA and the Vendor shall include these provisions, which may also be referred to as Suspension/Debarment provisions.

**Contract Payments:** Unless SHA grants a waiver, its method of contract payment for contracts of one million or more is through its Bank of America e-payables program. Payments will be made electronically through a virtual Visa credit card. Benefits for using this method include reduced labor costs associated with the processing of checks and enhancing cash flow by eliminating float time associated with the mailing of checks. To learn more about the program, please click here or copy and paste the following URL into your browser: [www.bankofamerica.com/epayablesvendors](http://www.bankofamerica.com/epayablesvendors). For new vendors, SHA will automatically send an enrollment form upon contract award. If you have questions about the program, please contact Brenda Mix, SHA's Accounts Payable Manager, at 206-615-3421 or [bmix@seattlehousing.org](mailto:bmix@seattlehousing.org).

**Small Businesses:** The Vendor Fact Sheet also requests information about whether your business is owned and controlled by women or minorities, and/or is a small business. The following are definitions of these terms for your use. This information provides valuable information to SHA in its efforts to ensure its contracting program meets its diversity objectives and requirements.

- **WMBE:** Minority and women-owned business enterprises must either be self-identified or certified by, the Washington State Office of Women's and Minority Business Enterprises (OMWBE) to be at least fifty-one percent owned by women and/or minority group members.
- **Small Business:** A small business means a business concern, including its affiliates, that is independently owned and operated, not an affiliate or subsidiary of a business dominant in its field of operation, and qualified as a small business under the criteria and size standards in 13 CFR 121. Furthermore, a business is considered small according to the Small Business Administration's established guidelines provided to such businesses.
- **HUD Section 3 Business:** A business that is owned 51% or more by a Section 3 qualified person, or where 30% or more of the permanent, full-time employees of the business are Section 3 qualified persons, or where the business can provide evidence of a commitment to subcontract in excess of 25% of the amount of all subcontracts to other Section 3 certified businesses. A Section 3 qualified person must live in the metropolitan statistical areas identified on SHA's Section 3 form and whose income level meets or falls below the stated income limits.