

# REQUEST FOR PROPOSALS

## RFP #24-914-21



## PROJECT BASED VOUCHERS

### PROPOSAL DUE DATE:

**Wednesday, February 28, 2024**  
**2:00 PM Local Time**

**Housing Authority of New Orleans  
Department of Procurement and Contracts  
4100 Touro Street  
New Orleans, LA 70122**

**Evette Hester, Executive Director**

**HOUSING AUTHORITY OF NEW ORLEANS  
REQUEST FOR PROPOSALS  
PROJECT BASED VOUCHER PROGRAM**

The Housing Authority of New Orleans (HANO) is requesting proposals from Developers for the Project Based Voucher Program.

PBV applications will be accepted for up to 300 general vouchers for projects serving families and up to an additional 500 exception vouchers for properties that will exclusively serve populations that are elderly (age 62 and older), disabled, homeless, veterans, or are in a census tract with a poverty rate of less than 20%.

Proposals will be accepted for properties that will be newly constructed or substantially rehabilitated with a minimum of 10 PBV units per project. The maximum number of general vouchers per project is 25% of the total units in the property or 120 units, whichever is less. The maximum number of exception vouchers per project is 100% of total units in the property or 120 units, whichever is less.

Proposals must be received by HANO no later than **2:00 PM Local Time on Wednesday, February 28, 2024.**

**PART I – PROJECT BASED VOUCHER PROGRAM**

This Project Based Voucher Program solicitation is designed to conform to PIH Notice 2017-21 published on October 30, 2017 and 24CFR Part 983.

**PBV Cap** - The U.S. Department of Housing and Urban Development (HUD) has established a “cap” on the number of vouchers that a local Public Housing Authority can project base equal to no more than 20% of total vouchers allocated by HUD. An additional 10% of total vouchers can be project based for “exception” units that serve elderly (age 62 and older), disabled, homeless, veterans, or are located in a census tract with a poverty rate of less than 20%. HANO is approaching its maximum cap and thus, has a limited number of PBV’s available under this solicitation.

**PBV Commitments** - HANO will select properties pursuant to the criteria set forth in this solicitation and upon selection, will provide the following commitments if the Developer/Owner complies with the timeframes set forth.

1. **PBV Commitment Letter** – HANO will provide a PBV commitment letter to projects selected under this solicitation. The commitment letter will provide the number and type of PBV’s to be made available and the initial contract rent and utility allowances. This commitment will only be valid until financial closing or **March 31, 2025** whichever occurs first.
2. **AHAP Agreement** - HANO will execute an Agreement to Enter into a Housing Assistance Payment (AHAP) at the time of financial closing, provided the property has received environmental clearance under Part 58; subsidy layering approval; an independent study (appraisal, rent comp or market study) demonstrating comparable rents; and a financial closing has been scheduled. An AHAP agreement will not be provided until HANO has received confirmation of a scheduled closing date which must occur by **March 31, 2025.**

- HAP Contract** – HANO will execute a Housing Assistance Payment (HAP) Contract upon completion of construction; receipt of Certificate(s) of Occupancy; receipt of all payroll documentation confirming compliance with Davis Bacon wages; and, all units pass inspection pursuant to the National Standards for the Physical Inspection of Real Estate (NSPIRE). If a multi-stage project, the first phase must be completed within **12 months** from the effective date of the AHAP agreement and the final phase must be completed within **24 months** from the effective date of the AHAP agreement. If a single-phase project, all construction must be completed within **24 months** from the date of the AHAP agreement.

**PBV HAP Terms** – The term of the PBV HAP contract under this solicitation will be for an initial period of twenty (20) years with an extension of up to ten (10) additional years. HANO, at its sole discretion, may provide the ten-year extension up front at the time of closing. Regardless of the term, the HAP contract remains subject to Congressional appropriations and funding availability.

**Rent Levels** – HANO will approve rents up to 110% of the HUD published Fair Market Rents provided the independent study documents that the rents requested are comparable with unassisted market rate rents similar in type, amenities, and location of the PBV units. Owners may request a rent increase on an annual basis at the time of the HAP contract anniversary date. A request must be submitted sixty days prior to the anniversary date with supporting documentation from an independent third party that the rent increase remains reasonable in comparison with unassisted market rate rents. Rents may never exceed HANO's applicable payment standard for the voucher program. However, if FMR's decrease, the PBV rents will not decrease below the last approved rent amount.

**HAP Payments** – Tenants will pay 30% of their monthly adjusted income and HANO will provide rental assistance payments for the difference between the tenant rent and the approved contract rent for the unit. HAP payments will be issued directly to the owner on a monthly basis.

**Occupancy** – All newly admitted applicants for Project Based Voucher units must have annual incomes at or below 50% of the Area Median Income. Applicants admitted from other HUD assisted housing are exempt from this income limit, but no applicant can be admitted to a PBV unit with zero housing assistance. HANO will maintain a property specific waiting list for each PBV project. HANO will provide the owner with the PBV waiting list and owners will be required to select applicants in order of the wait list to determine eligibility. Owners must provide HANO with a written status report of all applicants selected, denied or non-responsive, monthly. Owners are responsible for screening applicants utilizing the same criteria used for non-subsidized tenants in the property. All units must be occupied by appropriately sized households as determined by HANO's occupancy standards. If a household size changes during their occupancy in a PBV unit, the owner must move the family to an appropriately sized unit immediately upon availability. If the property does not have an appropriately sized unit for the family, the owner must refer the family to HANO who will provide the family with alternate housing options pursuant to the policies set forth in HANO's HCV Administrative Plan.

**Vacancy** - PBV units that remain vacant for more than 60 days will be removed from the HAP contract unless the owner can demonstrate that the extended vacancy was beyond the control of the owner. However, no vacant unit will remain under the HAP contract for a period beyond 120 days regardless of cause.

**Choice Mobility** – After one-year residing in a project-based voucher unit, households may request a Choice Mobility (tenant-based) voucher. To be eligible for a Choice Mobility voucher, the household must be in good standing at the PBV unit and a voucher must be available. If a voucher is not available, the household will be placed on the Choice Mobility wait list until a voucher becomes available. If the household is not in good standing, they cannot request a Choice Mobility voucher until their next regularly scheduled recertification.

**Unit Inspections** – After the initial unit acceptance inspection, units shall be inspected as follows:

- All vacant units shall be inspected prior to re-occupancy.
- On an annual basis, 20% of the total PBV units in the project shall be inspected. If more than 20% of units inspected fail the inspection, then all PBV units shall be inspected that year.
- Units shall be inspected in response to tenant complaints related to property conditions.

**Prohibited Types of Housing** – The following types of housing are prohibited from participation in the Project Based Voucher program:

- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution.
- Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care.
- Units that are owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution.
- Shared housing; Cooperative housing; Transitional housing; Manufactured homes or Owner-occupied housing.
- Hi-rise family units.
- Any housing units receiving subsidy from another source including public housing dwelling units; units subsidized with any other form of Section 8 assistance (i.e. tenant based or project based assistance); units subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing; units subsidized with Section 236 / Section 521 / Section 202 / Section 811 / Section 101 rental assistance payments; units subsidized with any form of tenant-based rental assistance (i.e. HOME funded programs); or, units with any other duplicative federal, state, or local housing subsidy.

**Non-Discrimination and Other Federal Requirements** - Owners/Developers must comply with the following requirements, as applicable:

- The Fair Housing Act, 42 U.S.C. 3601-19, and regulations issued thereunder, 24 CFR Part 100; Executive Order 11063 (Equal Opportunity in Housing) and regulations issued thereunder, 24 CFR Part 107; and the fair housing poster regulations, 24 CFR Part 110, and advertising guidelines, 24 CFR Part 109.
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and regulations issued thereunder relating to nondiscrimination in housing, 24 CFR Part 1 and Age Discrimination Act of 1975, 42 U.S.C. 6101-07, and regulations issued thereunder, 24 CFR Part 146.
- Uniform Relocation Act. A displaced person must be provided relocation assistance at the levels described in and in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (URA) (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24.

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and regulations issued thereunder, 24 CFR Part 8, including the Uniform Federal Accessibility Standards, 24 CFR Part 40, App. A; Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., and regulations issued thereunder, 28 CFR Parts 35 and 36; the Architectural Barriers Act of 1968, 42 U.S.C. 4151-4157; and Section 109 of the Housing Community Development Act of 1974 (Section 109), 42 U.S.C. 5301 et seq., and regulations issued thereunder, 24 CFR 570.601 and 570.602.
- The Davis-Bacon Act requires the payment of prevailing wage rates (as determined by the Department of Labor) to laborers and mechanics on Federally-assisted construction projects in excess of \$2,000. Also, pursuant to 24 CFR § 983.154, the Owner/Developer's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development or rehabilitation of the housing.
- Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and its implementing regulations at 24 CFR Part 135.

## **PART II – PROJECT SITE REQUIREMENTS**

Project Based Vouchers will be awarded under this solicitation to projects that are consistent with HANO's goal to deconcentrate poverty in Orleans Parish, as well as promote the expansion of affordable housing opportunities for low-income families.

**Substantial Rehabilitation** – Sites for existing properties that will be substantially rehabilitated (rehab costs exceed \$25,000 per unit) must meet the following standards.

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed.
- Have adequate utilities and streets available to service the site.
- Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted standard housing of similar market rents; and,
- Be in an area that allows travel time and cost via public transportation or private automobile from the neighborhood to places of employment and is not excessive.

**New Construction** – Sites for proposed new construction of units must meet the following standards.

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed.
- Have adequate utilities and streets available to service the site.
- Not be in an area of minority concentration unless it can be documented that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration, or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area.
- Not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

- Be located in a neighborhood that is not seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate.
- Accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units.
- Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

**Site Preference** - HANO will provide preference to sites that are located in a census tract with a poverty rate below 20 percent or that meet one or more of the criteria set forth below.

- The census tract in which the project is located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.
- The concentration of assisted units will be or has decreased as a result of public housing demolition.
- The census tract in which the project is located is undergoing significant revitalization.
- Significant public funding has been invested in the area.
- New market rate units are being developed in the area which are likely to positively impact the poverty rate in the area.
- There has been an overall decline in the poverty rate in the past five years.
- There are meaningful opportunities for educational and economic advancement in the area.

**Environmental Review** - Owners/Developers are required to comply with all environmental requirements under the Project Based Voucher Program. All sites must receive Environmental Clearance pursuant to 24 CFR part 58. The City of New Orleans is the responsible entity (RE) designated by HUD to perform the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Owners/Developers shall provide a Part I Environmental Assessment report, the corresponding Federal Checklist as well as any applicable Phase II Environmental reports conducted by an environmental consultant approved by the City of New Orleans. The fully completed environmental package must be submitted in a format designated by the city within 90 days after selection under this solicitation.

**Subsidy Layering Review** - PBV assistance may only be provided in accordance with HUD subsidy layering regulations as outlined in [24 CFR 4.13]. The subsidy layering review is intended to prevent excessive public assistance to units, when combining housing assistance subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, as well as assistance from tax concessions or tax credits. The required subsidy layering package must be submitted in the format required by the designated agency (HANO, HUD or LHC) within 120 days after selection under this solicitation.

## **PART III – SUBMISSION REQUIREMENTS**

### **3.1 METHOD OF SOLICITATION AND SCHEDULE**

The Housing Authority of New Orleans (HANO) is requesting proposals from Developers for the Project Based Voucher Program.

PBV applications will be accepted for up to 300 general vouchers for projects serving families and up to an additional 500 exception vouchers for properties that will exclusively serve populations that are elderly (age 62 and older), disabled, homeless, veterans, or are located in a census tract with a poverty rate of less than 20%.

Proposals will be accepted for properties that will be newly constructed or substantially rehabilitated with a minimum of 10 PBV units per project. The maximum number of general vouchers per project is 25% of the total units in the property or 120 units, whichever is less. The maximum number of exception vouchers per project is 100% of total units in the property or 120 units, whichever is less.

It is the intent of HANO to select multiple properties for award of Project Based Vouchers. The following schedule has been developed for the processing of this solicitation. It should be noted that the dates listed are estimated and may be changed based on the needs of the Housing Authority. Changes in dates will be issued via an addendum to this solicitation.

| <b>SOLICITATION SCHEDULE</b>                    | <b>ESTIMATED DATE</b>   |
|---|---|
| Availability of RFQ Package                     | Monday, February 12, 2024                                     |
| Optional Solicitation Conference via Zoom       | Thursday, February 15, 2024<br>2:00 PM Central Time           |
| Deadline for Submission of Questions            | Tuesday, February 20, 2024                                    |
| Issuance of Response to Questions<br>(Addendum) | Thursday, February 22, 2024                                   |
| <b>DUE DATE</b>                                 | <b>WEDNESDAY<br/>FEBRUARY 28, 2024<br/>2:00 PM LOCAL TIME</b> |
| Notification of Award of PBV's                  | Thursday, March 7, 2024                                       |

### **3.2 CONTENT OF SUBMISSION**

#### **Tab 1 – Experience**

A description of the scope and nature of development experience with short bio's of key personnel including the General Contractor and Property Management Company. Provide a listing of five development projects completed within the past ten years with the following information: name and location of development; number and type of units; identification of non-residential or other components of development; total project development costs; total project construction costs; financing methods and funding sources; date project commenced, date completed and explanation of any delays; name, address, email and telephone number of client/owner. Provide 5 multi-family properties currently managed by the PM company with name, location, dates managed, description of property including types of units and subsidy programs managed.

#### **Tab 2 – Proposed Site**

A description of the site and how it meets the required site and neighborhood standards. Complete the site and neighborhood workbook in Appendix A. Include a map showing the location of the site and identifies surrounding neighborhood amenities. Include documentation of the census tract and the corresponding poverty rate and minority concentration rate. Include the documentation of location support in this tab. Identify if the site meets any of the preference criteria and provide documentation that support any criteria identified.

### Tab 3 – Development Plan

A conceptual development plan must be provided which shall include a site plan and conceptual design elevations. If a substantial rehab project provide details of the rehab work to be performed. Provide a project proforma with a detailed rent schedule that identifies the number and type of units including the requested PBV units; development budget; construction budget and a 20- year operating proforma. Provide current financial commitments or describe proposed financing plans with detailed timeline that demonstrates how the project will reach closing by March 31, 2025.

### Tab 4 – Design Standards

Describe the energy efficiency standards that will be reached based on new or sub-rehab construction. Identify all unit and building amenities, describe any resident service programs to be provided at the property. Describe safety and security equipment to be installed. Identify proximity of primary neighborhood services including grocery stores, public transportation, medical services, and recreational facilities. If family housing, list all schools that will serve the project and the ranking of the schools.

### Tab 5 – References and Forms

Provide five (5) corporate references containing at least one financial reference and four current or recent client references, for development projects the Respondents have successfully completed within the past five years.

All forms attached and/or required to be attached as identified in this solicitation shall be included in this Section. The following forms are attached in the exhibits to this solicitation and must be completed, signed and notarized an applicable and submitted in this section of the response.

| EXHIBIT | NAME   |
|---------|--|
| A       | Site and Neighborhood Standards Workbook                                     |
| B       | Site and Neighborhood Standards Certification                                |
| C       | HUD 5369 C- Certifications and Representations of Offerors, Non-Construction |
| D       | Non-Collusive Affidavit  |
| D       | Certification of Contractors Non-Exclusion                                   |
| F       | HUD Form 50071- Certification of Payments to Influence Federal Transactions  |

### 3.3 DIRECTIONS FOR SUBMISSION

The Proposal shall be submitted electronically via e-mail to:

[Proposal Submission Form \(jotform.com\)](https://jotform.com)

The electronic file shall include a divider page inserted at the beginning of each section that clearly labels and identifies the corresponding section of the submission.

Response must be received by the proposal due date and time.

**PROPOSAL DUE DATE AND TIME:  
WEDNESDAY, FEBRUARY 28, 2024 - 2:00 PM LOCAL TIME**

Formal communication, such as requests for clarification and/or information concerning this solicitation shall be submitted via e-mail to [Procurement@hano.org](mailto:Procurement@hano.org) by the date stated in the above solicitation schedule.

Responses to inquiries will only be provided in writing via issuance of an addendum to this RFQ by the date stated in the schedule detailed above. All addenda will be issued via HANO’s website: <https://www.hano.org/> under “Business”; “Active Solicitations”.

## **PART IV - SELECTION PROCESS**

### **4.1 DETERMINATION OF RESPONSIVENESS**

An initial review process will be conducted by HANO staff to establish responsiveness. Responsiveness will be confirmed through determining if the Respondent(s) have met all mandatory requirements outlined in this solicitation. Any submission not in compliance with the mandatory requirements will be deemed “non-responsive”.

### **4.2 EVALUATION CRITERIA**

The Statements of Qualifications will be evaluated through consideration of several factors. The Evaluation Committee will review all documents in the submissions and award points in accordance with the following criteria.

| <b>EXPERIENCE</b>   |                       |
|---|-----------------------|
| <b>Criteria</b>   | <b>Maximum Points</b> |
| Demonstrated understanding of the real estate development process and quality performance in the development and management of multi-family rental housing.   | <b>10</b>             |
| Capability and experience of the members of the development and property management teams; determination of availability of all required skills necessary for the development process and previous experience in managing project based vouchers or rental assistance.. | <b>10</b>             |
| <b>PROSED SITE</b>  |                       |
| Compliance with required site criteria for substantial rehabilitation or new construction as applicable.  | <b>Pass/Fail</b>      |
| Poverty rate of census tract: <20% or the site meets one of the preference criteria identified in the solicitation.   | <b>20</b>             |
| <b>DEVELOPMENT PLAN</b>   |                       |
| Development plan demonstrates quality housing, financial feasibility and high probability of closing by March 31, 2025.   | <b>15</b>             |
| Firm financial commitments that demonstrate high probability to reach financial closing by March 31, 2025.  | <b>15</b>             |
| <b>DESIGN STANDARDS</b>   |                       |
| Design and proposed construction meets energy efficiency standards.   | <b>10</b>             |
| Unit and building amenities equal or exceed standard amenities such as in-unit washer and dryers; dishwashers, ice makers, LVP, hard surface, etc.  | <b>10</b>             |
| <b>REFERENCES</b>   |                       |
| References demonstrate high client satisfaction with development and management of existing properties.   | <b>10</b>             |
| <b>TOTAL POSSIBLE POINTS</b>  | <b>100</b>            |

### **4.3 SELECTION**

An evaluation committee will be established to review and evaluate each proposal. Each member of the committee will individually score the proposals. The proposals will then be ranked based on the total combined score of all evaluators.

HANO reserves the right to visit any proposed site(s), verify information/documentation submitted in response to this proposal, and contact Owners/Developers to clarify information.

A proposed project must meet the "Pass" criteria for the site to be considered for further scoring. HANO's initial review for determination of a "Pass" score will be based on verification of the information provided in the Site and Neighborhood workbook. If the information reveals that the site does not comply with the "Pass" requirements, the proposal will be rejected and the respondent(s) will be notified in writing, as soon as practical.

Proposals that are rejected in the initial review are considered to be nonresponsive and will not receive further consideration. HANO reserves the right at any time during the evaluation process to reconsider any proposal submitted. It also reserves the right to contact an Owner/Developer at any time during the Evaluation Process to gather additional information.

Furthermore, HANO reserves the right to delete, add or modify any aspect of this procurement. HANO reserves the right to; award a contract to one Owner/Developer; make multiple awards; award without discussions; and negotiate the final scope of services, price, schedule, and any and all aspects of this solicitation with all Owners/Developers. HANO may award one or multiple contracts pursuant to this solicitation to the responsible offers whose offers, conforming to the solicitation, will be most advantageous to the Authority. HANO reserves the right to make contract awards with or without negotiations, and to make no award or decline to enter into negotiations should it believe that no respondent to this RFP will be capable of delivering the required service.

## **PART V - GENERAL CONDITIONS**

### **5.1 CONFLICT OF INTEREST**

The respondent's warrant that to the best of their knowledge and belief, and except as otherwise disclosed it does not have any organizational conflict of interest. Conflict of interest is defined as a situation in which the nature of work under this solicitation and the firm's organizational, financial, contractual or other interests are such that:

- Respondents may have an unfair competitive advantage; or
- The respondent's objectivity in performing the work solicited may be impaired. In the event the respondent has an organizational conflict of interest as defined herein, the respondents shall disclose such conflict of interest fully in the proposal submission.

The respondents agree that if, after award he, she or it, discovers an organizational conflict of interest with respect to this solicitation, he, she or it, shall make an immediate and full disclosure in writing to HANO that shall include a description of the action, which the respondents has taken or intends to take to eliminate or neutralize the conflict. HANO may, however, disqualify the respondents or if a contract has been entered into with the respondents, terminate said contract, at its sole discretion.

In the event the respondents were aware of an organizational conflict of interest before the award of a contract and intentionally did not disclose the conflict to HANO, HANO may disqualify the respondents.

The provisions of Section 5.1 shall be included in all subcontracts or other agreements wherein the work to be performed is similar to the service provided by the respondents. The respondents shall include in such subcontracts and other such agreements any necessary provisions to eliminate or neutralize conflicts of interest.

- No member of or delegate to the U.S. Congress or Resident Commissioner or Resident Advisor to the Board of Commissioners, shall be allowed to share in any part of the contract awarded under this solicitation or to any benefit that may arise therefrom. This provision shall be construed to extend to any contract made with the successful respondents.
- No member, officer, or employee of HANO, no member of the governing body of the locality in which the project is situated, no member of the governing body in which HANO was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, shall during his or her tenure, or for one year thereafter, have any interest, direct or indirect, in any contract or the proceeds thereof resulting from this solicitation.
- No member, officer or employee of the respondents selected to perform the services described above shall, during the term of their contract, or for one year thereafter, have any interest direct or indirect, in any contract that they are responsible for procuring, managing or overseeing on in the proceeds of any such contract.

## **5.2 COST OF PROPOSAL**

All costs incurred, directly or indirectly, in response to this proposal shall be the sole responsibility of and shall be borne by the respondents.

## **5.3 AWARDS**

A contract shall be awarded in accordance with the terms and conditions of this solicitation. HANO reserves the right to negotiate and award any element of this solicitation, to reject any or all proposals or to waive any minor irregularities or technicalities in proposals received.

## **5.4 PROPOSAL TABULATIONS/NOTIFICATION**

After the award is made, a list of firms submitting proposals will be posted to HANO's website. Each unsuccessful firm will be notified in writing promptly upon award. The notice shall identify the selected properties and commitments of Project Based Vouchers..

## **5.5 FORM OF PURCHASE**

The acceptance of the proposed firm's offer specified herein shall be made by issuance of an a PBV Commitment Letter prior to execution of a duly authorized contract prepared by HANO. Such contract shall consist of the Agreement to Enter into a Housing Assistance Payment (AHAP) agreement and subsequent Housing Assistance Payment (HAP) contract. Vendors are cautioned to make no assumptions or accept any representations by any employee, member, officer or representative of HANO concerning the award until a written document is executed.

## **5.6 GOVERNMENT RESTRICTIONS**

In the event any governmental restrictions may be imposed which would necessitate alteration of the material, quality, workmanship or performance of the goods or services offered, it shall be the responsibility of the successful firm to immediately notify HANO in writing specifying the regulation which requires alteration. HANO reserves the right to accept any such alteration, including any reasonable price adjustments occasioned thereby, or to cancel the contract at no expense to HANO.

## **5.7 ASSIGNMENT OR TRANSFER**

The successful firm shall not assign or transfer any interest in the contract, in whole or part, without written approval of HANO. Claims for sums of money due, or to become due from HANO pursuant to the contract may be assigned to a bank, trust company or other financial institution. HANO is hereby expressly relieved and absolved of any and all liability in the event a purported assignment or subcontracting of the contract is attempted in the absence of the firm obtaining HANO's prior written consent.

## **5.8 AVAILABILITY OF RECORDS**

The Comptroller General of the United States, the Department of Housing and Urban Development (HUD), HANO and any duly authorized representative of each, shall have full and free access to, and the right to audit and to make excerpts and transcripts from, any and all pertinent books, records, documents, invoices papers and the like, of the vendor, or in the possession of the firm, which shall relate to, or concern the performance of the contract.

## **5.9 PERMITS AND LICENSES**

The successful firm shall obtain all permits and licenses that are required for performing its work. The firm shall pay all related fees and costs in connection with required permits and licenses.

## **5.10 TAXES**

The successful firm is responsible for all state and federal payroll and/or social security taxes. The firm shall hold HANO harmless in every respect against tax liability.

## **5.11 ADVERTISING**

In submitting a proposal, the firm and their consultants agree not to use the results as a part of any commercial advertising.

## **5.12 STANDARDS OF CONDUCT**

The successful firm shall be responsible for maintaining satisfactory standards of its employees' competence, conduct, courtesy, appearance, honesty, and integrity. It shall be responsible for taking such disciplinary action with respect to any of its employees as may be necessary.

## **5.13 DISPUTES**

- a. **Issues Causing Protest.** Any respondents which dispute the reasonableness, necessity, or competitiveness, of the terms and conditions of this solicitation or who has been adversely affected by a decision concerning a notice of intended or actual award, may file a written notice of protest with the HANO's Chief Executive Officer.

- b. **Filing the Protest.** The respondents must first advise HANO's Contract Administrator in writing within 10 days after receipt of the bid solicitation or intended or actual notice of award of his intent to file a formal written notice.
- c. **Content of Formal Written Notice.** The formal written notice should be printed, typewritten, or otherwise duplicated in legible form. The formal written notice of protest should contain the information that follows:
- (1) The name and address of the respondent filing the protest and an explanation of how his substantial interests have been affected by the bid solicitation or by HANO's notice of intended or actual award.
  - (2) A statement of how and when the respondents filing the protest received notice of the bid solicitation or notice of intended or actual award.
  - (3) A statement of all issues of disputed material fact. If there are none, the protest must so indicate.
  - (4) A concise statement of the ultimate facts alleged, as well as HANO's policies, which entitle the Respondents filing the protest to relief.
  - (5) A demand for relief the Respondents deems they are entitled.
  - (6) Any other information, which the Respondents contends, is material.
- d. **Informal Resolution.** Upon receipt of the formal written notice of protest or intent to protest, the Contract Administrator will attempt to resolve the protest on an informal basis. The Contract Administrator will have ten days after receipt of the formal written protest to resolve it through mutual agreement. If the protest is not resolved by mutual agreement within the required time, the formal written protest will be referred to the CEO.
- e. **Resolution.** The CEO may request such information pertaining to the matter, as he/she deems appropriate. Within thirty days of the date that the formal written protest is referred to him/her, the CEO will notify the Respondents making the protest of his/her decision.

#### **5.14 FEDERAL, STATE AND LOCAL REPORTING COMPLIANCE**

The firm shall provide such financial and programmatic information as required by HANO to comply with all Federal, State and local law reporting requirements.

#### **5.15 NONDISCRIMINATION**

The firm agrees that it will abide by Federal, State and Local Laws, and City ordinances incorporated by reference herein.

#### **5.16 SECTION 3 CLAUSE**

Every applicant, recipient, contracting party, contractor, and subcontractor shall incorporate or cause to be incorporated a "Section 3 Clause" in all contracts for work in connection with a Section 3 covered development. All proposals must also include a Compliance Plan to include submittal of reports applicable to Section 3 requirements.

## **5.17 NOTICES**

All written notices required to be given by either party under the terms of the contract(s) resulting from the contract award shall be addressed to the firm at their legal business residence as given in the contract. Written notices to HANO shall be addressed as provided in the contract.

## **5.18 CANCELLATION**

Irrespective of any default hereunder HANO may also at any time, at its discretion, cancel the contract in whole or in part. In the event of cancellation, the Firm shall be entitled to receive equitable compensation for all work completed and accepted prior to such termination or cancellation as shall be indicated in the contract.

## **5.19 LAWS**

The laws of the State of Louisiana and applicable federal law shall govern the contract.

## **5.20 CONTRACT DOCUMENTS**

Written contract documents will be prepared by HANO. Modifications may be adopted based on final negotiations and specific requirements of the contract under this particular RFQ.

## EXHIBITS

- A Site and Neighborhood Standards Checklist
- B Site and Neighborhood Standards Certification
- C HUD 5369 C- Certifications and Representations of Offerors,  
Non-Construction
- D Non-Collusive Affidavit
- D Certification of Contractors Non-Exclusion
- F HUD Form 50071- Certification of Payments to  
Influence Federal Transactions

**HOUSING AUTHORITY OF NEW ORLEANS**  
**PROJECT BASED VOUCHER PROGRAM**

**OWNER/DEVELOPER SITE AND NEIGHBORHOODS STANDARDS CHECKLIST**

1. Owner/Developer Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
  
2. Type of Project:     **Family**     **Elderly**     **Special Needs:** \_\_\_\_\_
  
3. Development Method: (Check One):    Substantial Rehabilitation (    )    New Construction (    )
  
4. Census Tract: \_\_\_\_\_ Poverty Rate: \_\_\_\_\_ Minority Percent (non-white): \_\_\_\_\_
  
5. Check all boxes that apply below and provide a narrative, not to exceed one page, explaining why the criteria apply to the project and identify data sources used.

|                          |  |
|--------------------------|--|
| <input type="checkbox"/> | A HUD-designated Enterprise Zone, Economic Community, or Renewal Community                                       |
| <input type="checkbox"/> | Decreasing the concentration of assisted units as a result of public housing demolition and redevelopment        |
| <input type="checkbox"/> | Undergoing significant revitalization as a result of state, local, or federal dollars invested in the area       |
| <input type="checkbox"/> | Developing new market rate units that will positively impact the poverty rate in the area                        |
| <input type="checkbox"/> | Experiencing an overall decline in the poverty rate within the past five years, if the poverty level is over 20% |
| <input type="checkbox"/> | Providing meaningful opportunities for educational and economic advancement                                      |

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**HOUSING AUTHORITY OF NEW ORLEANS  
PROJECT BASED VOUCHER PROGRAM  
SITE AND NEIGHBORHOOD CERTIFICATION**

Project Name: \_\_\_\_\_

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

Applicant Name: \_\_\_\_\_

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

E-mail Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Housing provided through Project Based Voucher (PBV) Program must promote greater choice of housing opportunities. Specific rules are as follows:

- A. Housing must be suitable from the standpoint of facilitating and furthering full compliance with Title VI of the Civil Rights Act - 1964, the Fair Housing Act, and Executive Order 11063.
1. **Title VI of the Civil Rights Act of 1964**, as amended (42 U.S.C. 2000d) - States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin.
  2. Title VIII of the Civil Rights Act of 1968, as amended "**The Fair Housing Act**" (42 U.S.C. 3601) - Prohibits discrimination in the sale or rental of units in the private housing market against any person on the basis of race, color, religion, sex, national origin, familial status or handicap.
  3. Equal Opportunity in Housing (**Executive Order 11063**) - Prohibits discrimination in housing or residential property financing related to any federally assisted activity against individuals on the basis of race, color, religion, sex or national origin.
- B. Sites proposed for new construction projects or rehabilitation must meet site and neighborhood standards from 24 CFR 983.57(e), which places limiting conditions on building in areas of "minority concentration" and that are "racially mixed."

**Sec. 983.57(e) Site and neighborhood standards**

Sites must meet the following site and neighborhood standards:

1. The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
2. The site must not be located in an area of minority concentration, except as permitted under paragraph (e)(3) of this section, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
3. A project may be located in an area of minority concentration only if:

- a. Sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration; or
- b. The project is necessary to meet overriding housing needs that cannot be met in that housing market area..

As used in this section, "sufficient" does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality's population.

Units may be considered "comparable opportunities," if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require approximately the same tenant contribution towards rent; serve the same income group; are located in the same housing market; and are in standard condition.

Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:

- c. A significant number of assisted housing units are available outside areas of minority concentration.
- d. There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
- e. There are racially integrated neighborhoods in the locality.
- f. Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.
- g. Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
- h. A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs.
- i. Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

Application of the "overriding housing needs" criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing area"). An "overriding housing need," however, may not serve as the basis for determining that a site is acceptable, if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

- j. The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- k. The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
- l. The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- m. Except for new construction, housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

**I have read the above and understand that it is my responsibility to ensure the site(s) and neighborhood(s) in which my project is located must meet all Site and Neighborhood Standards. I hereby certify that my site(s) comply with Title VI of the Civil Rights Act of 1964, as amended, the Fair Housing Act, and Executive Order 11063. In addition, I certify that my site(s) meet all site and neighborhood standards of Section 983.57(e).**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

# Certifications and Representations of Offerors

## Non-Construction Contract

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:

---

**NON-COLLUSIVE AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

\_\_\_\_\_, being first duly sworn, deposes  
and says:

THAT HE/SHE IS \_\_\_\_\_ (*a partner or officer of the firm of, etc.*) the party making the foregoing proposal or bid; that such proposal or bid is genuine and not collusive nor sham; that said bidder has not colluded, conspired, connived nor agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding; and has not in any manner, directly or indirectly, sought by agreement of collusion, or communication or convergence, with any person, to fix the bid price of affiant or of any other bidder; nor to fix any overhead, profit, or cost element of said bid price, nor of that of any other bidder; nor to secure any advantage against THE HOUSING AUTHORITY OF THE CITY OF COLUMBIA, SOUTH CAROLINA, or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Signatures of:

BIDDER, if the Bidder is an individual:

\_\_\_\_\_

PARTNER, if the Bidder is a partnership:

\_\_\_\_\_

OFFICER, if the Bidder is a corporation:

\_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

My Commission expires: \_\_\_\_\_

## CERTIFICATION OF CONTRACTOR NON-EXCLUSION

This certification applies to a sole proprietor or any bidding entity or any individual partner, incorporator, director, manager, officer, organizer, or member, who has at least 10% ownership in the bidding entity, for consideration for award of contracts, in accordance with LA R.S. 38:2227.

A conviction of or plea of guilty or no contest to the following state crimes or equivalent federal crimes shall permanently bar any person or the bidding entity from bidding on public projects:

- (a) Public bribery
- (b) Corrupt Influencing
- (c) Extortion
- (d) Money laundering

A conviction of or plea of guilty or no contest to the following state crimes or equivalent federal crimes shall bar any person or the bidding entity from bidding on public projects for a period of five years from the date of conviction or from the date of the entrance of the plea of guilty or no contest:

- (a) Theft
- (b) Identity theft
- (c) Theft of a business record
- (d) False accounting
- (e) Issuing worthless checks
- (f) Bank fraud
- (g) Forgery
- (h) Contractors; misapplication of payments
- (i) Malfeasance in office

The five-year prohibition shall apply only if the crime was committed during the solicitation or execution of a contract or bid awarded pursuant to the provisions of LA R.S. Title 38, Chapter 10 – Public Contracts.

Should information be discovered about a bidding entity that would be cause for debarment, suspension, exclusion, or determination of ineligibility for award of a contract, HANO shall report and submit supporting documentation to the applicable regulatory agency.

I hereby attest that I have not been convicted of, or have not entered a plea of guilty or nolo contendere to any of the crimes listed above or equivalent crimes.

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

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

# Certification of Payments to Influence Federal Transactions

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

Public reporting burden for this information collection is estimated to average 30 minutes. This includes the time for collecting, reviewing, and reporting data. The information requested is required to obtain a benefit. This form is used to ensure federal funds are not used to influence members of Congress. There are no assurances of confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Applicant Name \_\_\_\_\_

Program/Activity Receiving Federal Grant Funding \_\_\_\_\_

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|                             |       |
|-----------------------------|-------|
| Name of Authorized Official | Title |
|-----------------------------|-------|

|           |                   |
|-----------|-------------------|
| Signature | Date (mm/dd/yyyy) |
|-----------|-------------------|