



Keys to a brighter future

1500 HENSLEY DRIVE
POST OFFICE BOX 1007
TAHLEQUAH, OK 74465-1007
918.456.5482 OR 800.837.2869

WWW.HACN.ORG

REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES

The Housing Authority of the Cherokee Nation of Oklahoma (HACN) is accepting qualifications (RFQ) from qualified individuals or firms to provide Professional Engineering Services within the Cherokee Nation Jurisdictional Boundaries (HACN Service Area). The successful offeror will be required to enter into a contract with the HACN to provide said services and beginning within approximately 30 days of contract signing. This will be for a one year engagement with the option to renew annually for (2) two additional years. Information necessary for submission of qualifications may be picked up at the Housing Authority of the Cherokee Nation, Procurement Department, 4992 S. Muskogee Ave, Tahlequah, Oklahoma between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Or, you may call Delana Kimble at 918-456-5482 ext. 1156 or Tracie Cochran, 918- 456-5482 ext. 1117 if you would like to request that a packet be mailed to you. You may also request an e-mail copy from: delana.kimble@hacn.org. Or tracie.cochran@hacn.org.

A copy of all necessary information is also available at www.cherokeebids.org.

Questions must be submitted by e-mail to delana.kimble@hacn.org. Questions must be submitted no later than Midnight, Friday, March 14, 2014. Responses to questions will be returned to interested parties no later than noon on Tuesday, March 18, 2014.

Qualifications may be mailed to the Housing Authority of the Cherokee Nation of Oklahoma, Attn: Delana Kimble P.O. Box 1007 (USPS Mailing Address) Tahlequah, Oklahoma, 74465-1007, or hand delivered to 4992 S. Muskogee Ave., Tahlequah, Oklahoma 74464. Request for Qualifications must be received on or before **5:00 p.m., Friday, March 21, 2014**. Late Request for Qualifications or incomplete RFQ's will not be accepted or considered. Request for Qualifications must be clearly marked, **"REQUEST FOR QUALIFICATIONS, PROFESSIONAL ENGINEERING SERVICES, DO NOT OPEN."** **ATTN: DELANA KIMBLE. It is the offerors responsibility to ensure delivery of RFQ by 5:00 P.M., Friday, March 21, 2014.**

RFQ'S will be accepted from Cherokee, Indian, and Non-Indian Offerors. Tribal and Indian preference will be given ONLY to offerors who provide current certification from the Tribal Employment Rights Office (TERO) located at the Cherokee Nation of Oklahoma, P. O. Box 948, Tahlequah, Oklahoma, 74465, telephone number (918) 453-5000. Failure to submit the TERO certification with the proposal, or within three (3) days of deadline may result in denial of Indian Preference. This contract is subject to section 7 (b) of the Indian Self-Determination and Education Assistance Act which requires in part that to the greatest extent feasible, preference in the award of contracts and subcontracts shall be given to Indian Organizations and Indian Owned Economic Enterprises.

The HACN reserves the right to determine a Request for Qualifications acceptable in terms of meeting RFQ requirements. The HACN reserves the right to accept or reject any and all RFQ'S received and may negotiate with offeror(s) regarding the terms of their RFQ'S or parts thereof. The Housing Authority of the Cherokee Nation reserves the right to award a contract(s) for RFQ'S that are in the best interest of the HACN including but not limited to the total cost and capability of the offeror. The HACN may award contracts to more than one offeror. This will be for a one year engagement with the option to renew annually for (2) two additional years.

Debarment, Suspension, Proposed Debarment, and other Responsibility Matters, the bidder certifies to the best of its knowledge and belief that the bidder, the firm or any of its principals are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency or Indian Tribe. The bidder will also certify they have not within a three-year period preceding this Request for Qualification, been convicted of or had a civil judgment rendered against them for : Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, Local, or Tribal) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commissions of embezzlement, theft, forgery, bribery, falsifications or destruction of records, making false statements, and are not presently indicted for, or otherwise criminally or civilly charged by governmental entity with, commission of any of the offenses enumerated in this provision. The bidder certifies they have not, within a three-year period preceding this Request for Qualification, had one or more contracts terminated for default by Federal, State, Local or Tribal agency.

The bidder shall provide immediate written notice to the HACN if, at any time prior to contract award, the bidder learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. This certification is a material representation of fact upon which reliance was placed when making award. If it is later determined that bidder knowingly rendered an erroneous certification, in addition to other remedies available to the HACN; the HACN may terminate the contract resulting from this Request for Qualification for default.

It is understood any information submitted to the bidder by the HACN in respect to this RFQ embodies certain proprietary information and is loaned to the bidder on a confidential basis. Any information acquired at the HACN or otherwise relating to processes belonging to the HACN incorporated into this project shall be kept confidential. The bidder agrees not to use in an unauthorized manner or communicate to others any such confidential items without the prior written consent of the HACN and will undertake such measures as are necessary to require its employees and all approved subcontractors to maintain complete confidentiality.

Each bidder must inform themselves fully of the scope of work of this Request for Qualification. Failure to do so will not relieve a successful bidder of his obligation to carry out provisions of a contract resulting from this RFQ. Insofar as possible, the bidder, in performing work under this contract, will employ such methods or means as will not cause any interruption of or interference with the work of the HACN.

HACN is funded on both state and federal levels and holds a tax exempt, government status. Funds are appropriated and approved on an annual basis each fiscal year which begins October 1st and end September 30th. All Vendors will need to renew their W9 and all contracts/agreements will need to renew the purchase order each fiscal year.

STATEMENT OF WORK

OBJECTIVE

The Housing Authority of the Cherokee Nation of Oklahoma is accepting qualifications from individuals and/or firms interested in providing Professional Architect & Engineering Services within the Cherokee Nation Jurisdictional Boundaries (HACN Service Area). The successful offeror(s) will be required to enter into a contract with the Housing Authority to provide said services and beginning within approximately 30 days of contract signing. This will be for a one year engagement with the option to renew annually for two additional years. The HACN may award contracts to more than one offeror.

SCOPE OF WORK

Primarily, the services will consist of design and construction services of affordable (single-family and/or multifamily) residential development projects. Services may include, but are not limited to typical A/E services pertaining to:

- Site Planning;
- Structural Engineering;
- Mechanical Engineering;
- Electrical Engineering;
- Plumbing Engineering;
- Septic System Design;
- Water Distribution System Design;
- Civil Engineering;
- General Architecture;
- Geotechnical Analysis;
- Handicap Accessibility Design;
- Landscape Architecture;
- Surveying and evaluation of existing conditions;

The projects may be located anywhere within the HACN Service Area, including the following counties:

- Adair
- Cherokee
- Craig
- Delaware
- Mayes
- McIntosh
- Muskogee
- Nowata
- Ottawa
- Rogers
- Sequoyah
- Tulsa
- Wagoner
- Washington

Additional Instructions to Offerors

1. Offerors must submit an original and two copies of their qualifications to:

The Housing Authority of the Cherokee Nation
P.O. Box 1007 (USPS Mailing Address)
4992 S. Muskogee Avenue
Tahlequah, OK 74465-1007
2. All costs in connection with the preparation and submission of RFQ shall be paid by the offeror.
3. It is the intention of this HACN to make this RFQ, the successful offeror's proposal and written correspondence, a part of the contract.
4. The Housing Authority of the Cherokee Nation reserves the right to determine a Request for Qualifications acceptable in terms of meeting RFQ requirements. The Housing Authority reserves the right to accept or reject any and all RFQ's received and may negotiate with offerors regarding the terms of their RFQ's or parts thereof. The Housing Authority of the Cherokee Nation reserves the right to award a contract for RFQ's that are in the best interest of the Housing Authority of the Cherokee Nation including but not limited to the total cost and capability of the offeror. The HACN may award contracts to more than one offeror. This will be for a one year engagement with the option to renew annually for (2) two additional years.
5. The RFQ shall contain all required attachments, forms and documentation as outlined in the solicitation documents.

EVALUATION FACTORS

OFFEROR: _____

All RFQ's will be evaluated individually on their administrative technical merits. Rating factors and their values are as follows:

Offeror must provide a general summary of the items asked for below and the names and contact information of 3 references that may be contacted for references.

1. Ability to perform the work **MAX: 10 points** _____
Evidence of the individual or firm's ability to perform the work as indicated by profiles of the principals, the staff's professional and technical competence and experience related to professional engineering services. To obtain the maximum points the offeror should provide evidence they specialize and are registered to perform such work within the State of Oklahoma.

2. Previous Participation that the offeror has provided services within the Cherokee Nation jurisdictional boundaries. **MAX: 20 points** _____
Evidence showing offeror has provided professional engineering services within the fourteen county jurisdictional area of the Cherokee Nation.

3. Credentials and insurance **MAX: 10 points** _____
Provide evidence that the offeror has the necessary credentials to perform professional engineering work in the state of Oklahoma. Provide evidence the offeror has Errors and Omission/Liability insurance.

4. Previous participation with Indian Housing Authorities or Indian Tribes. **MAX: 15 points** _____
Documentation provided to show previous participation with Indian Tribes, Indian Housing Authorities, and/or Tribally Designated Housing Entities, on previous participation form provided.

5. Time to Completion **MAX: 30 points** _____
Provide attachment on the estimated amount of time to complete all activities for the proposed project. Failure to meet expected timelines will result in the HACN contracting with the next best offeror for services.

6. Tribal / Indian Preference **MAX: 15 points** _____
Proposal includes current TERO certification or letter (5 points)
Proposal includes current TERO certification or letter as Cherokee owned (10 points)

Total Points 100 points

TIME TO COMPLETION FORM

We estimate that the amount of time to complete, at minimum from the date of request to be as follows: *(provide a summary timeline for work on the project)*

Estimated time to completion is our best estimate under normal circumstances.

PREPARATION OUTLINE

I. Attachments (*these must be submitted with proposals to be considered responsive*) all other documents required for the purpose of obtaining points during the evaluation process is the responsibility of the offeror.

- a. Preparation Outline
- b. Offeror's RFQ
- c. HACN Work History form
- d. HUD 2530 Previous Participation Certification
- e. Non-Collusive Affidavit
- f. HUD Form 5369-C - Certifications and Representations of Offerors Non Construction Contract

III. Offerors must submit with your RFQ , or within 3 days of deadline, to receive the following preferences:

- a. Indian Preference - offeror must submit a current TERO Certificate

III. Documents the successful offeror will be required to complete and submit.

- a. W-9 form (provided by HACN)
- b. New Contractors must complete a Vendor Registration form (provided by HACN)

SPECIAL INSTRUCTIONS

**Be advised that all responsive proposals will be evaluated as outlined in this solicitation packet.

Signature/Title

Company Name

Contact Phone Number(s)

INSERT HACN WORK HISTORY FORM

Housing Authority of the Cherokee Nation

PREVIOUS WORK HISTORY FORM

NOTE: This form is a required submission from each bidder/offeror and is the HACN's documentation to determine responsible bidders/offerors. In the spaces below complete all information requested, providing all telephone numbers and any available facsimile numbers for all employers, companies and vendors listed. In the disclosure space enter any defaults, assignments or foreclosures.

Employer/Company name, address, phone & fax	Contract Amount	Amt. & Size of Units	Describe type of work performed/completed - provide begin & complete dates	Disclosures	Contractor's Current & previous vendors - give address & phone/fax
Please attach additional sheets as required to sufficiently provide a minimum of <u>3</u> years work history					

Insert HUD 2530 Previous Participation form

Previous Participation Certification

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

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp 11/30/2012)

Part I To be completed by Principals of Multifamily Projects. See Instructions Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one)	7. Expected % Owner Ship Interest in Project	8. Social Security or IRS Employer Number
			<input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)		

List of all proposed Principal Participants and attach organization chart for all organizations. Proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)

Principal Name	Role of Each Principal in Project	Expected % Owner Ship Interest in Project	Social Security or IRS Employer Number

Certification: I (inserting the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA FmHA, as the case maybe, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification. Verify that neither you nor any of your principals or affiliates have ever been found to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105 (g). If you or any of your principals or affiliates have been found to be in noncompliance with any such requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any. I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. Warnings: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31U.S.C. 3729, 3802) I further certify that:

- Schedule A contains a listing of every assisted or insured project of HUD, USDA FmHA and State and local government housing finance agencies in which I have been or am now a principal.
- For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification:
 - No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
 - I have not experienced defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
 - To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
 - There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
 - I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
 - I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;
 - I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond;
 - All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
 - I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standard of Ethical Conduct for Employees of the Executive Branch in 5C.F.R. Part 2633 (37 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.
- Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

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

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

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (Indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? If "Yes," explain	6. Last Mgmt. and/or Physical Inspect Rating and Date

Part II - For HUD Internal Processing Only

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

Date (mm/dd/yyyy)	Telephone Number and Area Code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approval is recommended. <input type="checkbox"/> B. Name match in system	<input type="checkbox"/> C. Disclosure or Certification problem <input type="checkbox"/> D. Other, our memorandum is attached.
Staff	Processing and Control	Director of Housing/ Director, Multifamily Division	

Supervisor	Approved	Date (mm/dd/yyyy)
Previous editions are obsolete.	<input type="checkbox"/> Yes <input type="checkbox"/> No	ref Handbook 4065.1 form HUD-2530 (7/2009)

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" whenever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

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

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

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

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

Previous editions are obsolete

Who Must Sign and File Form HUD-2530:

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

Principals include all individuals, joint ventures, partnerships, corporations, trusts, 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 governmental 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 Certificate: e.g., refinance, management change in ownership, transfer of physical assets, etc.

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

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

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

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

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

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

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

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

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

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

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

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

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3534 requires persons applying for a Federally-insured or guaranteed loan to furnish to the Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

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

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

Column 5: Explain any project defaults during your participation.

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

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

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

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

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

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

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

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

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

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

Certification:

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

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

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

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

NON-COLLUSIVE AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, being duly sworn, deposes and says: that he/she is _____ of _____. The party making the foregoing proposal of bid, that such bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived, or agree, 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 or collusion or communication or conference, with any person, to fix the price of affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price, or of that of any or the secure any advantage against the Cherokee Housing Authority of any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

(Name of bidder, if bidder is an individual)
(Name of partner, if the bidder is a partnership)
(Name of officer, if the bidder is a corporation)

Subscribed and sworn to before me this _____ day of _____, 2014 .

Notary Public: _____

My Commission Expires: _____

**Insert HUD 5369-C
Certifications and Representations of Offerors Non
Construction Contracts**

Certifications and Representations of Offerors
Non-Construction Contract

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

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

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

1. Contingent Fee Representation and Agreement

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

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

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

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

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

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

- (a) is, is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.
- (b) is, is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.
- (c) is, is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- Black Americans Asian Pacific Americans
- Hispanic Americans Asian Indian Americans
- Native Americans Hasidic Jewish Americans

3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

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

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

- (1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of persons) 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:
