COLVILLE INDIAN HOUSING AUTHORITY

REQUEST FOR PROPOSALS

Grant Writing Services; IHBG Competitive Grant FR-6300-N-48

May 21, 2019

Contact:
Douglas R. Marconi, Sr.
Colville Indian Housing Authority
P.O. Box 528
42 Convalescent Center Blvd.
Nespelem, WA 99155
The Colville Indian Housing Authority (CIHA), the tribally designated housing entity for the Confederated Tribes of the Colville Reservation, is inviting appropriate individuals and firms to submit proposals for the provision of grant writing to the CIHA for the Indian Housing Block Grant (IHBG) Program--Competitive Grants FR-6300-N-48. All proposals submitted in response to this solicitation must conform to the requirements and specifications outlined in this document in its entirety. It is the goal of this solicitation to qualify consultant firms to provide the needed grant writing services for the funding of this opportunity.

Proposals submitted in response to this Request for Proposals will be received at the following address until 10:00 a.m. local time, on Wednesday, June 12, 2019.

Colville Indian Housing Authority
42 Convalescent Center Boulevard
P.O. Box 528
Nespelem, WA 99155
BACKGROUND:

The Colville Indian Housing Authority (CIHA) is a tribal entity formed by the Colville Confederated Tribes to provide federally subsidized housing and housing assistance to low-income Indian families, located on the Colville Confederated Tribes Reservation with headquarters located in Nespelem, Washington. CIHA manages and operates the housing program in accordance to the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA).

Indian Housing Block Grant (IHBG) Program--Competitive Grants FR-6300-N-48:

- Application Due Date: 08/08/2019, 11:59 P.M. EDT.
- Ceiling for proposal: $5,000,000
- IHBG Grant to support new construction of infrastructure and housing developed by CIHA

INSTRUCTIONS TO PROPOSERS

1. Format, Timing, and Submission of Proposals

Those wishing to be considered in the selection process must submit a copy of their proposal no later than 10:00 AM local time, Wednesday, June 12, 2019.

The complete proposal package shall be plainly marked as follows:

Douglas R. Marconi, Sr.
Colville Indian Housing Authority
P.O. Box 528
Nespelem, WA  99155

Proposal Name:  Grant Writing Services; IHBG Competitive Grant FR-6300-N-48
Submittal Date:  
Firm Name:  

The proposal transmittal letter shall be on the firm’s or individual’s letterhead signed by a person authorized to submit and sign a proposal, the firm name, address, telephone number, the name of the person authorized to submit/sign the proposal, and his/her title, telephone number, and e-mail address.

All proposals received up to the designated time will be considered in the selection process. CIHA reserves the right to waive minor informalities; to reject any proposal not in compliance with all prescribed procedures and requirements; and may reject any and all proposals if it is in the best interest of the CIHA to do so.
Submit Proposals: ATTN: Toria Jackson, Procurement Officer

- Email
  - Toria.Jackson.HSG@colvilletribes.com, or
- Fax
  - 509.634.2335, or
- Hand delivery, US mail, or other common carrier
  - Colville Indian Housing Authority
  - 42 Convalescent Center Boulevard
  - P.O. Box 528
  - Nespelem, WA 99155

All proposals shall contain concise written material and may contain illustrations. Legibility, clarity and completeness are essential and all submittals must have the following headings:

A. Proposal Transmittal Letter
B. Ownership Interest, Managerial and Staff Capacity
C. Methodology
D. Experience
E. Qualifications
F. Cost (Firm fixed price)
G. Indian Preference Eligibility (if applicable, use attached form)
H. Small, Women Owned, or Minority Owned Business (if applicable)
I. Non-Collusive Affidavit (attached)
J. Certifications and Representations of Offerors
K. Acknowledgement of Proposer’s Representations (Item 9 below)

2. Services to be Provided

The Colville Indian Housing Authority (CIHA) will receive proposals for grant writing services to submit funding application in order to respond to the IHBG Notice of Funding Availability (NOFA) Indian Housing Block Grant (IHBG) Program--Competitive Grants FR-6300-N-48 from the:

- U. S. Department of Housing and Urban Development

CIHA intends to select a qualified individual and/or firm based on applicants’ experience and expertise. The period of services shall begin upon negotiation and award of a contract until the application for funding has been properly submitted and received by HUD or the contract is terminated, whichever comes first. Applicants are required to provide a fee schedule for the scope of service to be provided for grant writing services along with their current hourly rates (in the event of a contract change) that will include the following:
A. Preparation, organization, writing, formatting and submission of a professionally detailed and comprehensive grant application in accordance with guidelines as specified by the funding source.
B. Maintain files, documentation and correspondence and send back up copies to CIHA for archival purposes.
C. Work with CIHA staff to direct tasks that need to be completed and by what dates for the submission of grant applications.
D. Prepare and submit completed funding application in advance of deadline date, in the method prescribed by the funding source subject to CIHA approval for submission.
E. Coordinate with third party professionals to provide the documents necessary to submit the application(s) and close with the investor and/or grant provider.

3. Costs of Preparing and Submitting Proposal

CIHA will not be liable for any costs incurred by the Proposers in replying to this RFP. CIHA is not liable for any costs for work or services performed by the selected company prior to the execution of a written contract for services.

4. Ownership Interest

The offeror shall include the following ownership interest information in its proposal:

A. The name of each person having an ownership interest in the Proposer;

B. The identity of each person having an ownership interest in the Proposer, who is, or who within one year prior to the date of submittal of the proposal has been, a commissioner, officer or employee of the CIHA or a member of the governing body of the Confederated Tribes of the Colville Reservation, or any other public official who exercises or who will exercise any responsibilities or functions with regard to the developments covered by this RFP; and

C. The identity of each person having an ownership interest in the Proposer who has been suspended, debarred, or otherwise determined to be ineligible for award of contracts by the U.S. Department of Housing and Urban Development, CIHA, the Confederated Tribes of the Colville Indian Reservation, any other agency of the U.S. Government, or any other Indian tribe or tribally designated housing entity.

If none of the persons having an ownership interest in the Proposer has been suspended, debarred, or otherwise determined to be ineligible for award of contracts as described above, the proposal should expressly certify that this is the case by including the following statement in the ownership interest section:

“None of the persons having an ownership interest in the Proposer have been suspended, debarred, or otherwise determined to be ineligible for award of contracts for award of contracts by the U.S. Department of Housing and Urban Development, CIHA, the Confederated Tribes of the Colville Reservation, any other agency of the U.S.
Government, or any other Indian tribe or tribally designated housing entity.”

5. **Applicable Law**

This Request for Proposals and all contracts and subcontracts for the Project will be subject to the applicable governing law, which includes, but is not limited to:

A. The applicable provisions of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and the regulations promulgated pursuant thereto.

B. The Indian Preference provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b), which provides that, to the greatest extent feasible (1) preference and opportunities for training and employment shall be given to Indians, and (2) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

C. The laws, policies, and regulations of the Confederated Tribes of the Colville Reservation and CIHA.

D. Such other federal law as may be applicable.

6. **Confidentiality**

To the extent permitted under applicable law, all proposals will be kept confidential. In the event any Proposer believes that any information submitted with its proposal is confidential, classified, or proprietary business information, such information should be explicitly identified and marked. The reason for such designation should also be stated.

7. **Requests for Information**

Any specific project related questions may be directed to Dale Schrock, Capital Improvements Manager at the offices of the CIHA, P.O. Box 528, Nespelem, WA 99155, by phone at 509-634-2169, or by email at Dale.Schrock@colvilletribes.com.

Requests for additional information or questions regarding this RFP can be addressed to Douglas R. Marconi, Sr. at 509-634-2284 or Douglas.MarconiSr.HSG@colvilletribes.com. Any oral communication will be considered unofficial and non-binding. Proposers shall rely only on written amendments issued by CIHA.

8. **Responsibility of Proposers**

It is the responsibility of each Proposer before submitting a proposal to:

A. Become familiar with all applicable laws and regulations that may affect cost, and have the proposed cost reflect the impact of such laws and regulations.

B. Promptly give the CIHA written notice of all conflicts, errors, ambiguities, or discrepancies that Proposer discovers in the RFP and confirm that the written resolution thereof by CIHA is acceptable to the Proposer.
C. Determine that the RFP documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of services related to the Project.

9. **Representations by Proposer**

Submission of a proposal will constitute an incontrovertible representation by the Proposer that the Proposer has complied with all the requirements set out in Section 8, that without exception the proposal is premised upon providing the labor and materials under the RFP and applying any specific means, methods, techniques, sequences, and procedures that may be shown or indicated or expressly required by the RFP, that Proposer has given CIHA written notice of all conflicts, errors, ambiguities, or discrepancies that Proposer discovers in the RFP and has confirmed that the written resolution thereof by CIHA is acceptable to the Proposer, and that the RFP documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the work.

By submission of a proposal, the Proposer agrees, if its proposal is accepted within sixty (60) days after the deadline for submitting proposals, to enter into a written contract with the CIHA in the form consistent with the RFP and the Proposer’s final proposal. By submission of a proposal, the Proposer further accepts all of the terms and conditions of the Request for Proposal.

Proposer understands and accepts the following contract language which will be included in the final contract entered into with CIHA: Ownership of Work Product: All documents, analysis, reports, designs, drawings, specifications and other work developed in the performance of this agreement by Contractor shall become the sole property of the CIHA and shall not be used for any other purpose not released to any third party without the express written consent of the CIHA.

10. **Evaluation of Proposals**

Proposers will be evaluated on the basis of proposals submitted and references, and on the basis of the evaluation factors set forth in this RFP. A maximum of 100 points will be available for the evaluation of each proposal.

11. **Indian Preference:**

Notice is hereby given to all prospective contractor’s that the Colville Confederated Tribes have an approved Tribal Employment Rights Ordinance (TERO) concerning the Indian Preference Labor & Contracting, and/or Subcontracting and all prospective Contractors should contact the office before starting work on the Request for Proposal.

TERO Director
Confederated Tribes of the Colville Reservation
P. O. Box 150
Nespelem, WA 99155
509.634.2200
The Contractor will be required to give Indian Preference when hiring, employing and/or sub-contracting and will place this requirement in any and all contracts. All individuals or firms are advised that this proposal is subject to HUD’s Indian Preference Regulations, contained in 24 CFR 1000. Indian preference will be given in the award of contracts “to the greatest extent feasible” as determined in sec 7(b) of the Indian Self Determination and Education Act (25 U.S.C. 450e (b). This proposal is open to Indian and Non-Indian individuals or firms. In order to qualify as an Indian or Indian owned firm, an Indian Enterprise Qualification Statement must be submitted with proposal.

Proposers seeking to qualify as an Indian-owned enterprise or an Indian organization must submit the required documentation and information not later than the deadline for submittal of proposals. Indian preference will be provided consistent with 24 CFR 1000.48 and CIHA Procurement Policy.

A. **Indian Enterprise Qualification Statement (form available upon request):**
   1. Evidence showing the extent of Indian ownership, control, and interest.
   2. Evidence of structure, management, and financing affecting the Indian character of the enterprise, including major subcontracts and purchase agreements; materials or equipment supply arrangements; and management salary or profit sharing arrangements; and evidence showing the effect of these on the extent of Indian ownership and interest.
   3. Evidence sufficient to demonstrate to the satisfaction of the housing authority that the individual or firm has the technical, administrative, and financial capability to perform this contract.
   4. Evidence to show, at least 51% of the firm is qualified, as an Indian owned enterprise, as defined in 24 CFR 1000.

All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of an applicant entity will be excluded from participation on the CIHA evaluation panel. Similarly, all persons having ownership interest in and/or contract with an applicant entity will be excluded from participation on the CIHA evaluation panel.

CIHA reserves the right to reject any and all proposals that it deems are not in the best interest of CIHA. CIHA reserves the right to amend or change the terms of this RFP at its sole discretion if it deems that doing so is in the best interests of CIHA.

Negotiations may be conducted with Proposers who submit proposals determined to have a reasonable chance of being selected for award, and Proposers may be requested to clarify or resubmit all or portions of their proposal.

The following information must be included in each Proposal and will form the basis of the evaluation. The point number is the weight of each criterion.
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<thead>
<tr>
<th>NO.</th>
<th>MAX POINT VALUE</th>
<th>CRITERION DESCRIPTION</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>15 Points</td>
<td>Methodology and responsiveness to required scope of services. Knowledge, expertise, and experience and the ability to provide all of the items listed on the Scope of Services. OVERALL QUALITY AND POSITIVE ASPECTS OF THE PROPOSAL SUBMITTED, based upon the opinion of the evaluators</td>
</tr>
<tr>
<td>2</td>
<td>25 points</td>
<td>Experience of the Individuals performing the work: Demonstration of experience in providing compliance related services primarily in Indian Country working with Indian Tribes, Indian Tribal organizations, Tribal Housing Authorities, HUD, LIHTC investors, State Housing Agencies and other relevant organizations. Past performance of the firm and/or individuals on prior development service projects of the same or similar nature, based on the letters of reference and/or client lists submitted, and based upon the results of any consultation that the CIHA chooses to conduct with such.</td>
</tr>
<tr>
<td>3</td>
<td>25 points</td>
<td>Qualifications: Demonstration of ability to provide the requested list of services, professional capacity, knowledge and experience of Contractor working with Tribally Designated Housing Entities and Tribes utilizing the following programs: ICDBG, NAHASDA, Affordable Housing Program, HOME and relevant State and Federal funding sources.</td>
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<td>4</td>
<td>25 points</td>
<td>The proposed COST of the services (firm fixed price).</td>
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<tr>
<td>5</td>
<td>10 points</td>
<td>Indian Owned Enterprise (5 points may be earned for small, women-owned, or minority owned businesses).</td>
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100 Points Total

The CIHA shall establish a panel to evaluate each proposal submitted in response to this RFP for the applicable administrative area, and in accordance with the evaluation criteria referenced in this document. The evaluation methods utilized by the panel may include an oral interview of each qualified applicant’s entity. Telephone interviews may be conducted to obtain additional information regarding the proposal.

11. **Attachments**

The following documents are attached to and incorporated by reference into this RFP:

11.1 Non-Collusive Affidavit (must be completed by all Proposers)

11.2 Certification of Indian-Owned Enterprise or Indian Organization (must be completed by Proposers claiming Indian preference)

11.3 Form 5369-C Certifications and Representations of Offerors

11.4 Supplemental Provisions to Certifications and Representations of Offerors
Non-Collusion Affidavit

I, ____________________________, being first duly sworn under oath, do hereby attest and affirm as follows:

1. That I am a duly authorized officer or agent of __________________________, the offeror submitting the competitive proposal attached to this Affidavit, for the purpose of certifying the facts pertaining to the existence of collusion among the offerors or between this offeror and any officer, agent or employee of Colville Indian Housing Authority (CIHA) or the Colville Confederated Tribes (Tribe), as well as facts pertaining to the giving or offering things of value to officers, agents or employees of CIHA or the Tribe in return for special consideration in the letting of any contract pursuant to the attached competitive bid.

2. That I am fully aware of the facts and circumstances surrounding the making of the competitive proposal and has been personally and directly involved in the proceedings leading to the submission of such proposal.

3. That the proposal submitted is genuine and is not the product of any collusion and is not a sham proposal, and that all statements in the proposal are true.

4. That neither the offeror named above nor anyone subject to the offeror’s direction or control has been a party:
   a. to any collusion among offerors to agree to bid at a fixed price or to refrain from submitting a proposal, or as to quantity, quality, cost element, profit, overhead, or price in the prospective contract or as to any other term of the prospective contract;
   b. to any collusion with any CIHA or Tribal officer, agent or employee as to quantity, quality, cost element, profit, overhead, or price in the prospective contract or as to any other term of the prospective contract;
   c. to any discussions between offerors or between this offeror and any officer, agent or employee of CIHA or the Tribe pertaining to the giving or offering things of value to officers, agents or employees of CIHA or the Tribe in return for special consideration in the letting of any contract pursuant to the attached proposal.

So sworn this ___ day of ______________, 20___.

____________________________
Signature of Affiant

(Certification on page 2)
Certification

County of _____________  )
                        )ss
State of _____________  )

I, the undersigned, a duly commissioned and sworn notary public, do hereby certify that on the ___ day of ____________, 20___, the above-signed _____________________ personally appeared before me and was personally known to me, and executed the within instrument and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

__________________________________
Notary Public for ____________________

My Commission Expires:______________
INDIAN ENTERPRISE QUALIFICATION STATEMENT

NOTE: Submit completed questionnaire to the Colville Indian Housing Authority within the time frame specified. Use additional sheets to complete answer if needed.

The Undersigned certifies under oath the truth and correctness of all answers to questions made hereinafter:

1. Applicant wishes to qualify as:

   An "Economic Enterprise" as defined in Section 3(e) of the Indian Financing Act of 1974 (P.L. 93-262); that is "any Indian-Owned...commercial, industrial or business activity established or organized for the purpose of profit"; Provided, that such Indian Ownership shall constitute not less than 51 percent of the enterprise:

   --or--

   An "Organization" as defined in Section 3(f) of the Indian Financing Act (P.L. 93-262); that is “the governing body of any Indian tribe, as defined in subsection (c) of [Section 3 of the Indian Financing Act], or entity established or recognized by such governing body for the purposes of [Chapter 17 of Title 25 of the United States Code].”

2. Name of Enterprise or Organization: _____________________________

   Address: _____________________________________________

   ______________________________________________

   Telephone No.: ________________________________________

3. Check One:

   ___ Corporation    ___ Joint Venture

   ___ Partnership    ___ Other:

   ___ Sole Proprietorship

4. Answer the following:
If a Corporation:

a. Date of incorporation:________________________________

b. Tribe or State of incorporation: _____________________________

c. Give the names and addresses of the officers of this Corporation and establish whether they are Indian (I) or Non-Indian (NI).

<table>
<thead>
<tr>
<th>Name and Social Security No.</th>
<th>I or NI</th>
<th>Title</th>
<th>Address</th>
<th>% of Stock Ownership</th>
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<td>___________________________</td>
<td>_______</td>
<td>President</td>
<td>___________</td>
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<td>___________________________</td>
<td>_______</td>
<td>Vice-President</td>
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<td>Secretary or Clerk</td>
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<td>Treasurer</td>
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d. Complete the following information on all stockholders who are not listed in c. above, owning O% or more of the stock. Establish whether they are Indian (I) or Non-Indian (NI).

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<th>Name and Social Security No.</th>
<th>I or NI</th>
<th>Address</th>
<th>% of Stock Ownership</th>
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If a Sole Proprietorship or Partnership:
a. Date of Organization: _____________________

b. Give the following information on the individual or partners and establish whether they are Indian (I) or Non-Indian (NI).

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<th>Name and Social Security No.</th>
<th>I or NI</th>
<th>Address</th>
<th>% of Stock Ownership</th>
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If a Joint Venture:

a. Date of Joint Venture Agreement: _______________

b. Attach the information for each member of the joint venture prepared in the appropriate format given above.

5. Give the name, address, and telephone number of the principal spokesperson of your organization: __________________________________________________________

___________________________________________________________________________

6. Has any officer or partner of your organization listed in #4 been an officer or partner of another organization that failed in the last ten years to complete a contract? ____

If yes, state circumstances:

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________
7. Has this enterprise failed in the last ten years to complete any work awarded to it or to complete the work on time? ____

If so, note when, where and why:

____________________________________________________________

____________________________________________________________

____________________________________________________________

____________________________________________________________

8. Will any officer or partner listed in #4 be engaged in outside employment?

_____ Yes    _____ No

If Yes, complete:

<table>
<thead>
<tr>
<th>Name/Title</th>
<th>Hours Per Week</th>
<th>Outside the Enterprise</th>
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9. If the enterprise or anyone listed in #4 above, currently subject to an administrative sanction issued by any department or agency of the Federal Government?

_____ Yes    _____ No

If Yes, complete:

Date of    Type of    Department
10. Does this enterprise have any subsidiaries or affiliates or is it a subsidiary or affiliate of another concern?

____ Yes   ____ No

If Yes, complete:

Name and address of subsidiary, affiliate or other concern

_________________________________________    _______________

_________________________________________    _______________

_________________________________________    _______________

11. Does this enterprise or any person listed in #4 above have or intend to enter into any type of agreement with any other concern or person which relates to or affects the on-going administration, management or operations of this enterprise? These include but are not limited to management, and joint venture agreements and any arrangement or contract involving the provision of such compensated services as administrative assistance, data processing, management consulting of all types, marketing, purchasing, production and other types of compensated assistance.

____ Yes   ____ No

If yes, attach a copy of any written agreement or an explanation of any oral or intended agreement.

12. Has this enterprise ever been subject to a judgment of any court or administrative sanction (Federal, State, or Tribal)?

____ Yes   ____ No
Has any individual listed in #4 ever been subject to judgment of any court or administrative sanction (Federal, State, or Tribal)?

_____ Yes  _____ No

If the answer is Yes to either question, furnish details in a separate attachment.

13. Has any tax lien or other collection procedure been instituted against this enterprise or the individuals listed in #4 as a sole proprietor or partner in their capacities with this enterprise or other enterprise?

_____ Yes  _____ No

If yes, furnish details in a separate exhibit.

14. Has this enterprise or any person listed in #4 ever been involved in a bankruptcy or insolvency proceeding?

_____ Yes  _____ No

If yes, provide details in an attachment.

15. What dollar amount of Working Capital is available to your enterprise prior to the start of construction?

$_______________

Explain the source of these funds: ________________________

___________________________________________________________

___________________________________________________________

Include a copy of the Company's most recent audited financial statement.

16. How will project development bookkeeping and payroll be maintained: (check one)

a. By contract with an outside professional accounting firm: _____

   Name: ___________________  Address: _____________

   _________________________  Telephone: ___________

b. Records are to be kept by enterprise personnel: _____

   If "b" has been checked--state the qualifications of
your personnel to perform this function:

______________________________________________________

______________________________________________________

c. Other: _________________________________________________

______________________________________________________

______________________________________________________

17. Trade References (include addresses and phone numbers):

______________________________________________________

______________________________________________________

______________________________________________________

18. Bank and credit references (including addresses and phone numbers):

______________________________________________________

______________________________________________________

______________________________________________________

______________________________________________________

19. Indicate the core crew employees in your work force, their job titles, and whether they are Indian or Non-Indian. Core crew is defined as an individual who is either a current bonafide employee or who is not a current employee but who is regularly employed in a supervisory or other key skilled position when work is available.

______________________________________________________

______________________________________________________

______________________________________________________

______________________________________________________
b. Over the past three years, what has been the average number of employees:


20. Attach certification by a tribe or other evidence of enrollment in a federally recognized tribe for each officer, partner or individual designated as an Indian in #4.

21. Attach a certified copy of the charter, article of incorporation, by-laws, partnership agreement, joint venture agreement and/or other pertinent organizational documentation.

22. Explain in narrative form the stock ownership, structure, management, control, financing, and salary or profit sharing arrangements of the enterprise, if not covered in answers to specific questions heretofore. Attach copies of all shareholder agreements, including voting trust, employment contracts, agreements between owners and enterprise. Include information on salaries, fees, profit sharing, material purchases, and equipment lease or purchase arrangements.

Evidence relating to structure, management, control, and financing should be specifically included. Also, list the specific management responsibilities of each principal, sole proprietor, partner, or party to a joint venture (as appropriate) listed in response to #4.

23. Attach evidence that the enterprise (or an individual in it) is appropriately licensed for the type of work that is to be performed. Include Federal ID Number.

24. Attach a brief resume of the education, technical training, business, employment, design and/or construction experience for each officer, partner or sole proprietor listed in #4. Include references.

NOTES:
I. Omission of any information may be cause for this statement not receiving timely and complete consideration.

II. The persons signing below certify that all information in this INDIAN ENTERPRISE QUALIFICATION STATEMENT, including exhibits and attachments, is true and correct.

III. Print and type name below all signatures.
If applicant is Sole Proprietor, Sign Below:

________________________________________       _________________
Name                                                                       Date

If applicant is in a Partnership or Joint Venture, all Partners must sign below:

________________________________________       _________________
Name                                                                       Date

________________________________________       _________________
Name                                                                       Date

If applicant is a corporation, affix corporate seal

________________________________________
Corporate Seal

By: _____________________________________         ________________
President's Signature                                                        Date

Attested by: ______________________________          ________________
Corporate Secretary's Signature                    Date

WARNING:  U.S. Criminal Code, Section 1010, Title 18, U.S.C. provides in part:
"Whoever...makes, passes, utters, or publishes any statement, knowing the same to be false...shall be fined not more than $5,000 or imprisoned not more than two years, or both."
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 fee contingent upon or resulting from the award of this contract; and (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:

(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:

(1) Black Americans
(2) Hispanic Americans
(3) Native Americans
(4) Asian Indian Americans
(5) Asian Pacific Americans
(6) Black Americans
(7) Asian Indian Americans
(8) Asian Pacific 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; and

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; or

(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:
Supplemental Provisions to Certifications and Representations of Offerors

Certifications and Representations of Offerors/Non-Construction Contract, Form HUD-5369-C (8/93)

1. The terms “PHA” and “HA” as used in the form mean “TDHE” or “Tribally Designated Housing Entity”.
2. The term “offeror” as used in the form also means “proposer”.
3. The term “Contractor” as used in the form means “proposer”.
