

CERTIFICATIONS OF FIRMS SUBMITTING PROPOSALS

I, _____, state that I am _____(TITLE) of _____(COMPANY)and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the contents of the Company's proposal and based upon my personal knowledge, I state that the following representations are true and correct:

1. Contingent Fee Representation and Agreement

- a. The firm represents and certifies as part of its proposal that, except for full-time bona fide employees working solely for the firm, the firm:
 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 firm shall make an immediate and full written disclosure to the MCHA Contracting Officer.
- c. Any misrepresentation by the firm shall give the MCHA 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 firm represents and certifies as part of its proposal 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)

Hispanic Americans Native Americans Asian Indian Americans

Hasidic Jewish Americans Black Americans Asian Pacific Americans

3. Certificate of Independent Price Determination

a. The firm certifies that-

1. The prices in this proposal have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other firm or competitor relating to (i) those prices, (ii) the intention to submit a proposal, or (iii) the methods or factors used to calculate the prices offered;
2. The prices in this proposal have not been and will not be knowingly disclosed by the firm, directly or indirectly, to any other firm 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 proposal for the purpose of restricting competition.

b. Each signature on the proposal is considered to be a certification by the signatory that the signatory:

1. Is the person in the firm'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 firm's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the firm'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 firm deletes or modifies subparagraph (a)2 above, the firm must furnish with its proposal 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:
 - 1. Award of the contract may result in an unfair competitive advantage;
 - 2. The Contractor's objectivity in performing the contract work may be impaired; or
 - 3. 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 MCHA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The MCHA may, however, terminate the Contract for the convenience of MCHA if it would be in the best interest of MCHA.
- 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 MCHA, the MCHA 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 MCHA 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. 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."

6. Debarment

Neither the company, nor the president/owner of the company, nor any member of the company is now or has ever been placed on any, state, or federal debarment list as a result of work performed on county, state, or federal projects.

If this representation is not correct, then this statement must be stricken from the submitted form and a statement explaining the circumstances surrounding the debarment and the current status of the debarment must be attached to the proposal.

7. Non Compliance/ Default

Neither the company, nor the president/owner of the company, nor any member of the company has ever had an incident of non-compliance or default in any public housing, mixed finance or HOPE VI transaction by the Respondent, its affiliates or assigns. State whether HUD has debarred any individual or the firm.

If this representation is not correct, then this statement must be stricken from the submitted form and a statement explaining the circumstances surrounding the non-compliance or default and the current status of the non-compliance or default must be attached to the proposal.

8. Pending Legal Actions

There are no pending any legal actions (arbitration, mediation or other alternative dispute resolution) or litigation matters against the firm or person(s) to be assigned to this account, nor have there been any such legal actions or litigation matters against the firm or person(s) to be assigned to this account with the last three (3) years.

If this representation is not correct, then this statement must be stricken from the submitted form and a statement explaining the circumstances surrounding the legal action and the status of the legal action must be attached to the proposal.

9. Civil Rights

The Company hereby certifies that it operates in full compliance with all applicable civil rights and nondiscrimination statutes, executive orders, rules and regulations.

I state that _____ (COMPANY) understands and acknowledges that the above representations are material and important, and will be relied on the Montgomery County Housing Authority in awarding the contract(s) for which this Proposal and Certification are submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the Montgomery County Housing Authority of the true facts relating to the submission of bids for this contract.

(Signature)

(Name Typed)

(Title)

(Date)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 20____

BY: _____

TITLE: _____

MY COMMISSION EXPIRES _____, 20____

SECTION 3 STRATEGY:

In order to evaluate your firms Section 3 Strategy, carefully read the Equal Employment Opportunity/Section 3 Clause and the Special Conditions of the Owner found in the RFP, and proceed to answer the following questions and attach to your proposal:

1. Have you hired any employees who qualify as Section 3 residents within the past three years? _____
If yes, how many? _____
2. Does your firm currently have any employment positions available? _____
If yes, how many? _____
If yes, are these positions permanent or only for the duration of this modernization project? _____
If yes, will your firm advertise for the position and then interview and hire a qualified Section 3 resident to fill the position? _____
3. Does your firm propose to create a position(s) for this modernization project where you will advertise for the position and then interview and hire a qualified Section 3 resident to fill the position? _____
4. If your firm does have employment positions available or if you propose to create a position, what would these positions be, such as Office/Clerical, Technical, Maintenance/Janitorial, Office Housekeeping, etc.

5. If your firm does not believe that it is feasible to interview and hire qualified Section 3 residents at this time, please briefly explain why: _____

6. Is your firm a Section 3 Business? _____
If yes, please attach your notarized Section 3 Certification to this questionnaire.
7. Does your firm offer any training opportunities in your field of expertise where you could advertise and recruit Section 3 residents to participate? _____
If yes, please attach brochures on these training opportunities.

**SPECIAL CONDITIONS OF THE OWNER
SECTION 3 BUSINESS CONCERNS**

This contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended. This provides special consideration for qualified Section 3 Business Concerns, in addition to training, employment, and business opportunities, if feasible, for lower-income residents, as defined by HUD, of the Section 3 covered area as explained in the Equal Opportunity for Business and Lower Income Persons clause found in the General Conditions of the Contract for Construction.

(a) Definitions. As used in this provision:

“**Section 3 Covered Area**” is the Metropolitan Statistical Area where the work will be performed. For purposes of this contract the Section 3 covered area will be the Philadelphia Metropolitan Statistical Area which includes Montgomery, Chester, Bucks, Philadelphia and Delaware counties.

“**Section 3 Resident**” is a **public housing** resident, or an individual who resides in the Philadelphia Metropolitan Statistical Area who is considered to be a low or very low income person. For an individual to be considered a low or very low income person their total family income must fall below the limits shown on the following income chart.

FAMILY SIZE	1	2	3	4	5	6	7	8
LOW	\$43,600	\$49,800	\$56,050	\$62,250	\$67,250	\$72,220	\$77,200	\$82,150

“**Section 3 Business Concern**” is any business owned 51% or more by Section 3 Residents; or a business whose permanent/temporary/seasonal, full-time employees include persons, at least 30% of whom are currently Section 3 Residents, or a business who can provide evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in this paragraph.

(b) Order Of Providing Preference

If your business qualifies as a Section 3 Business Concern, you are to certify to what preference category your business falls under:

Category 1 Business concerns are businesses who are owned 51% or more by Section 3 Residents who reside in the Montgomery County Housing Authority (MCHA) public housing development where the work is being performed; or whose permanent/temporary/seasonal, full-time employees include persons, at least 30% of whom are Section 3 Residents who reside in the Montgomery County Housing Authority (MCHA) public housing development where the work is located; or who can provide evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns who fall under this category.

Category 2 Business concerns are businesses who are owned 51% or more by Section 3 Residents who reside in other public housing developments managed by the MCHA; or whose permanent/temporary/seasonal, full-time employees include persons, at least 30% of whom are Section 3 Residents who reside in other public housing developments managed by the MCHA; or a business who can provide evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns who fall under this category.

Category 3 Business concerns are businesses who utilize participants from a HUD Youthbuild Program; or a business who can provide evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns who fall under this category.

Category 4A Business concerns are businesses who are owned 51% by Section 3 Residents who reside in Montgomery County and fall under the low income limit provided; or whose permanent/temporary/seasonal, full-time employees include persons, at least 30% of whom are Section 3 Residents who reside in Montgomery County and fall under the low income limit provided; or who subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns who fall under this category.

Category 4B Business concerns are businesses who are owned 51% by Section 3 Residents who reside in the remaining counties of the Philadelphia Metropolitan Statistical Area (Bucks, Chester, Philadelphia and Delaware counties) and fall under the low income limit provided; or whose permanent/temporary/seasonal, full-time employees include persons, at least 30% of whom are Section 3 Residents who reside in the remaining counties of the Philadelphia Metropolitan Statistical Area (Bucks, Chester, Philadelphia and Delaware counties) and fall under the low income limit provided; or who subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns who fall under this category.

(c) Eligibility For Contracting Preference

A Section 3 Business Concern Certification form is included in this request and must be signed and notarized to take advantage of the contracting preference. At any time, the Business concern may be requested to submit evidence to support its certification.

___ **CHECK HERE** IF NOT SECTION 3 QUALIFIED AND INCLUDE WITH YOUR PROPOSAL/QUOTE

CERTIFICATION OF SECTION 3 BUSINESS CONCERN

COMMONWEALTH OF _____)
) SS:
COUNTY OF _____)

Before me, the undersigned notary public, this day personally appeared _____, to me known,
(NAME)

being duly sworn according to law, deposes and says that he/she is _____
(PRESIDENT, OWNER, ETC.)

of said _____; whose business address is _____.
(NAME OF COMPANY) (BUSINESS ADDRESS)

_____ acknowledges after having familiarized himself/herself with the true
(NAME)

and correct definitions of Section 3 Resident and Section 3 Business Concern, which were provided by the Montgomery County Housing Authority, found in the Special Conditions of the Owner, Section 3 Business Concerns, as found in the Federal Regulations at Part 135 Economic Opportunities for Low and Very Low Income Persons; hereby certifies that:

(CHECK ALL THAT APPLY)

___ (a.) his/her company is owned 51% or more by Section 3 Residents of the Philadelphia Metropolitan Statistical Area. (CIRCLE WHICH APPLIES) Category 1 2 3 4A 4B

___ (b.) his/her permanent, full time employees include persons, at least 30 percent of whom are currently Section 3 Residents of the Philadelphia Metropolitan Statistical Area, or within three years of the date of first employment with the business concern were Section 3 Residents of the Philadelphia Metropolitan Statistical Area. (CIRCLE WHICH APPLIES) Category 1 2 3 4A 4B

___ (c.) he/she can provide evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraph (a.) or (b.). (CIRCLE WHICH APPLIES) Category 1 2 3 4A 4B

He/She is also aware that the aforementioned certification must be supported with proof of such to the Montgomery County Housing Authority when requested.

Signature

Sworn to and before me this _____ day of _____, 200_____.

Notary Public

WARNING: Title 18, Section 1001 of the United States Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any Departments or Agencies of the United States.

EQUAL EMPLOYMENT OPPORTUNITY/SECTION 3 CLAUSE

FOR ALL WORK PERFORMED UNDER CONTRACT WITH THE MONTGOMERY COUNTY HOUSING AUTHORITY, IN ORDER TO INSURE EQUAL EMPLOYMENT OPPORTUNITY AND EQUAL OPPORTUNITY FOR BUSINESSES AND LOWER INCOME PERSONS ALL CONTRACTORS AND SUBCONTRACTORS AGREE AS FOLLOWS:

The Contractor/Subcontractor/Offeror shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or handicap.

The Contractor/Subcontractor/Offeror shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, or handicap. Such action shall include, but not be limited to, (1) employment, (2) upgrading, (3) demotion, (4) transfer, (5) recruitment or recruitment advertising, (6) layoff or termination, (7) rates of pay or other forms of compensation, and (8) selection for training, including apprenticeship.

The Contractor/Subcontractor/Offeror shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor/Subcontractor/Offeror, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or handicap.

The Contractor/Subcontractor/Offeror shall to the greatest extent feasible, furnish opportunities for training and employment to lower income residents of the Montgomery County Housing Authority and to other low income residents of the project area; and that contracts for work in connection with the project be awarded to business concerns which are owned in substantial part by lower income residents of the project area, to business concerns who employ (at least 30%) lower income residents of the project area, or to business concerns who subcontract at least 25% with other businesses that are considered Section 3 qualified.

The Contractor/Subcontractor/Offeror shall send, to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, this plan advising the labor union or workers' representative of its commitments under these Equal Employment Opportunity and Section 3 clauses, and post copies of this notice in conspicuous places available to employees and applicants for employment.

The Contractor/Subcontractor/Offeror shall comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor; and with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR part 135 and all applicable rules and orders of the Department issued thereunder. All parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements. All information and reports required shall be furnished by the Contractor/Subcontractor/Offeror and they shall permit access to its books, records, and accounts by the Secretaries and their representatives for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

In the event of a determination that the Contractor/Subcontractor/Offeror is not in compliance with these clauses, or any rule, regulation, or order, their contract with the Montgomery County Housing Authority may be canceled, terminated, or suspended in whole or in part, and the Contractor/Subcontractor/Offeror may be declared ineligible for further Government or Federally assisted contracts.

The Contractor/ Subcontractor/Offerer shall include the terms and conditions of these clauses in every subcontract or purchase order, so that these terms and conditions will be binding upon each subcontractor or vendor. The Contractor/Subcontractor/Offeror shall take such action with respect to any subcontract or purchase order as the Secretary of Housing and Urban Development or the Secretary of Labor may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that if the Contractor/Subcontractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor/Subcontractor/Offeror may request the United States to enter into the litigation to protect the interests of the United States.

The Contractor/Subcontractor/Offeror will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations issued by the Secretary of Labor and the Secretary of Housing and Urban Development.

