

# **OFFICIAL BIDDING DOCUMENTS**

East Pages Siding Replacement

Proposal No. 1548

REQUIRED BID DOCUMENT SUBMISSION CHECKLIST

The Louisville Metro Housing Authority has a two (2) day bid process, the Second Day Submittals will only need to be submitted by the apparent low bidder, who shall be required to provide this information for review to determine acceptability.

1<sup>st</sup> DAY SUBMITTALS - (To be turned in by bid opening date and time by all prospective bidders - All items listed in the "First Day Submittals" must be included in the bid package and fully completed to be considered a responsible and responsive bid.)

Section B – Representations, Certifications and Other Statements of Bidders / Form HUD 5369-A

\_\_\_\_\_ 5369-A – pages 1-3

Section D – Form of Bid

\_\_\_\_\_ Form of Bid – pages 1-7

\_\_\_\_\_ Bond 5% of Bid Amount

Section E – Supplemental Bid Information

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\_\_\_\_\_ Bidders Qualifications - pages 5-6 of 11

\_\_\_\_\_ Previous Participation Certification / Form HUD 2530 - pages 7-10 of 11

Section M – MBE, Section 3 and EEO Contract Requirements, Forms and Documents

\_\_\_\_\_ IF APPLICABLE - Legitimacy of Joint Venture - page 23 of 27

\_\_\_\_\_ IF APPLICABLE - Details of Joint Venture Agreement - page 24 of 27

2<sup>nd</sup> DAY SUBMITTALS - (All items noted below will be submitted by the lowest apparent bidder, as notified by LMHA. Documents to be delivered by 2:00 pm the day after bid opening at LMHA Main Office located at 420 S. 8<sup>th</sup> St., Louisville, KY 40203, To the Attention of Norma Ward.)

Section E – Supplemental Bid Information

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Section M – MBE, Section 3 and EEO Contract Requirements, Forms and Documents

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Notes :

- If General Contractor has no Subcontractors the MBE, FBE and DBE goals are not required.
- Bonds must be obtained from a surety company acceptable to the U.S. Government, <http://www.fms.treas.gov/c570/index.html> Check to see if yours is on the list.

## **SECTION B**

# **REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF BIDDERS PUBLIC AND INDIAN HOUSING PROGRAMS (Form HUD-5369-A)**

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

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

# Representations, Certifications, and Other Statements of Bidders

## Public and Indian Housing Programs

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### 1. Certificate of Independent Price Determination

#### (a) The bidder certifies that--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 2. Contingent Fee Representation and Agreement

#### (a) Definitions. As used in this provision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4. Organizational Conflicts of Interest Certification

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

- (a) Result in an unfair competitive advantage to the bidder; or,  
(b) Impair the bidder's objectivity in performing the contract work.  
[ ] In the absence of any actual or apparent conflict, I hereby certify that to the best of my knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement.

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

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

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

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

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

#### 6. Minimum Bid Acceptance Period

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

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

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

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

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

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

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

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

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

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

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

(Check the block applicable to you)

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

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

The bidder represents and certifies that it:

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

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

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

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

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

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

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

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

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

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

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

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

(1) Obtain identical certifications from the proposed subcontractors;

(2) Retain the certifications in its files; and

(3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

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

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

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

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

The bidder certifies that:

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

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

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

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

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

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

**13. Bidder's Signature**

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

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

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

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

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

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

## **SECTION D**

### **FORM OF BID**

- Form of Bid
- Form of Bid Bond
- Certificate as to Corporate Principal
- Affidavit of Non-Collusion



**FORM OF BID**

**Louisville Metro Housing Authority**  
**420 South Eighth Street**  
**Louisville, Kentucky 40203**

Gentlemen:

We, the signatories, state that we or our representatives have visited the sites of the proposed work on \_\_\_\_\_, 20\_\_\_\_\_ and have fully familiarized ourselves with all conditions affecting the cost of the work and with the specifications [including Advertisement for Bids, Instructions to Bidders (HUD-5369), Representations, Certifications, and Other Statements of Bidders (HUD-5369-A), Supplemental Instructions to Bidders, MBE Requirements, Bid Proposal and forms, to include this page, Form of Bid Bond, Non-Collusive Affidavit, Schedule of MBE Participation, Schedule of MBE Unavailability, Addenda, if any thereto, Supplemental Bid Information, Form of Contract, Form of Performance Bond, Form of Payment Bond, General Conditions (HUD-5370), Supplemental General Conditions, Special Conditions, Specifications, Project Manual and Drawings on file in the Capital Improvements Department Louisville Metro Housing Authority, Kentucky, and having examined the work sites and the documents titled above hereby propose to furnish all labor, materials, equipment and services required to complete the work entitled:

**East Pages Siding Replacement**  
**PROPOSAL No. 1548**

In submitting this bid it is understood and agreed that the Louisville Metro Housing Authority reserves the right to accept any bid, or portion thereof, reject any or all bids, to waive any informalities in bids received where such acceptance, rejection, or waiver is considered to be in the best interest of the Louisville Metro Housing Authority and to reject any bid where evidence or information submitted by the bidder does not satisfy the Louisville Metro Housing Authority that the bidder is qualified, capable of carrying out the requirements of the Contract Documents or is in any manner unresponsive in the preparation of its bid.

If written notice of intent to award the contract connected with this bid is mailed, telegraphed or delivered to the undersigned within sixty (60) days after the opening thereof, or at any time thereafter, unless the bid is withdrawn in writing, the undersigned agrees to execute and deliver a contract in the prescribed form and furnish the required bonds and meet other stipulated requirements within ten (10) days after the contract is presented to him/her for signature.

**"FORM OF BID BOND"**

KNOW ALL MEN BY THESE PRESENTS, That we the undersigned,

\_\_\_\_\_  
(NAME OF PRINCIPAL)

as Principal, and

\_\_\_\_\_  
(NAME OF SURETY)

as Surety, are held and firmly bound unto the Louisville Metro Housing Authority, Louisville, Kentucky, hereinafter called the "LMHA", in the penal sum of \_\_\_\_\_ DOLLARS, lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal has submitted the accompanying bid,

dated \_\_\_\_\_, 20\_\_\_\_, for:

**East Pages Siding Replacement**  
**PROPOSAL No. 1548**

NOW, THEREFORE, the Principal shall not withdraw said bid within the sixty (60) day period specified therein after the opening of the same, and shall within the ten (10) day period specified after the prescribed forms are presented to him/her for signatures, enter into a written contract with the LMHA in accordance with the bid as accepted, and give bond with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract; or in the event of the withdrawal of said bid within the sixty (60) day period specified, or the failure to enter into such contract and give such bond within the time specified, the Principal shall be obligated and shall pay the LMHA the difference between the amount specified in said bid and the amount for which the LMHA may procure the required work or supplies, or both, if the latter amount be in excess of the former, as the full force and virtue of this Bid Bond shall so provide.

<b>NOTE:</b> <b>Failure to complete and submit <u>THIS</u> bond form is ground for bid rejection.</b>
---

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

**PRINCIPAL**

Name \_\_\_\_\_

Business Address of Corporate Principal \_\_\_\_\_

BY: \_\_\_\_\_  
(Representative's Signature)

**AFFIX CORPORATE  
SEAL**

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(Signature)

NAME: \_\_\_\_\_  
(Print or type)

**SURETY**

Name and Business \_\_\_\_\_

Address of **Corporate**

**Surety:** \_\_\_\_\_

BY: \_\_\_\_\_  
(Representative's Signature)

**AFFIX CORPORATE  
SEAL**

TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(Signature)

NAME: \_\_\_\_\_  
(Print or type)

**POWER OF ATTORNEY FOR PERSON SIGNING FOR SURETY COMPANY MUST BE ATTACHED HERETO.**

<b>NOTE:</b> Failure to complete and submit <u>THIS</u> form is ground for bid rejection.
---

**CERTIFICATE AS TO CORPORATE PRINCIPAL**

I, \_\_\_\_\_, certify that I am the  
(Printed name of Corporate Officer)

\_\_\_\_\_ of the Corporation named as  
(Title of Corporate Officer)

Principal in the within bond; that \_\_\_\_\_ who,  
(Representative who signed as Principal above)

signed the said bond on behalf of the Principal was then the \_\_\_\_\_  
(Title of Representative)

of said Corporation; that I knew his/her signature, and his/her signature thereto is genuine;

and that said bond was duly signed, sealed and attested to for and in behalf of said

Corporation by Authority of its governing body.

**AFFIX CORPORATE  
SEAL**

BY: \_\_\_\_\_  
(Signature of Corporate Officer)

TITLE: \_\_\_\_\_  
(Print or Type)

**Instructions:** "Corporate Officer" means any authorized officer of the firm submitting this bid, **except** the person who signed the bid bond as "Representative" on behalf of the bidding firm.

"Name of Representative" means the person who signed the bid bond (preceding page) on behalf of the bidding firm.

Names and titles of persons associated with the Surety should not appear on this page.

**NOTE:** Failure to complete and submit **THIS** form is ground for bid rejection.

**AFFIDAVIT OF NON-COLLUSION**

State of \_\_\_\_\_,

County of \_\_\_\_\_,

\_\_\_\_\_, being first duly sworn,  
(Printed name of Representative)

deposes and says:

That he or she is \_\_\_\_\_  
(A Partner, Officer, etc. of bidding firm)

of the party making the foregoing proposal or bid, that such proposal or bid is genuine and not collusive or sham; that said Bidder has not colluded, conspired, connived, or agreed, directly or indirectly, with any bidder or person, to submit 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 bid 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 other bidder, or to secure any advantage against the Louisville Metro Housing Authority or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

BY: \_\_\_\_\_  
(\* Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day

of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of Notary: \_\_\_\_\_

**AFFIX SEAL  
OF NOTARY**

My commission expires: \_\_\_\_\_.

\* Signature of:

1. Bidder, if the bidder is an individual;
2. Partner, if the bidder is a partnership; or
3. Corporate Officer, if the bidder is a corporation.

**NOTE: Failure to complete and submit THIS form is ground for bid rejection.**

The Bidder represents that it \_\_\_ **has** \_\_\_ **has not** participated in a previous contract or subcontract subject to the equal opportunity clause prescribed by Executive Orders 10925, 11114, or 11246, or the Secretary of Labor; that it \_\_\_ **has** \_\_\_ **has not** filed all required compliance reports; and that representations indicating submittal of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontracts being awarded. The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.

Certification of Non-Segregated Facilities - By signing this bid, the Bidder certifies that it does not, and will not, maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not, and will not, permit its employees to perform their services at any location, under its control, where segregated facilities are, or will be, maintained. The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity clause of the Contract Documents. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, parking lots, time clocks, locker rooms and other storage or dressing areas, drinking fountains, recreation, break, or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are, in fact, segregated on the basis of race, color, religion, or national origin, or because of habit, local custom, or otherwise. The Bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000.00 which are not exempt from the provisions of the Equal Opportunity clause; that it will forward a notice to proposed subcontractors as provided in the Instructions to Bidders.

The penalty for making false statements in offers (10 year imprisonment and/or \$10,000 fine) is prescribed in 18 U.S.C. 1001.
--

**RECEIPT OF ADDENDA IS ACKNOWLEDGED FOR:**

ADDENDUM NUMBER

ADDENDUM DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional  
sheets if  
necessary.

**BIDDERS MUST SUBMIT BASE BID TO BE CONSIDERED RESPONSIVE.**

☐ Check box if claiming status as a 'Section 3 Business Concern' and supply certification.

**BASE BID:**

AMOUNT OF BASE BID FOR (Use words)

\_\_\_\_\_ DOLLARS AND \_\_\_\_\_ CENTS,

(\$\_\_\_\_\_).  
(Use figures)

DATE: \_\_\_\_\_

NAME OF FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

BY: \_\_\_\_\_  
(Representative's Signature)

**AFFIX CORPORATE  
SEAL**

TITLE: \_\_\_\_\_  
(Print or type)

**BIDDERS ARE CAUTIONED TO ENSURE THAT ALL INFORMATION REQUESTED IN SECTIONS B, D, AND E OF THIS SOLICITATION HAS BEEN PROVIDED IN FULL AND ACCURATE DETAIL. FAILURE TO DO SO MAY RENDER THE BID NONRESPONSIVE.**

The penalty for making false statements in offers (10 year imprisonment and/or \$10,000 fine) is prescribed in 18 U.S.C. 1001.

**END OF SECTION D**

**SECTION E**

**SUPPLEMENTAL BID INFORMATION**

- Bidder's Point of Contact
- Lists of Materials and Equipment
- List of Proposed Subcontractors
- Affidavit of Sub-Bidder
- Bidder's Qualifications
- Form HUD 2530

**OFFICIAL BIDDING DOCUMENTS**



**SUPPLEMENTAL BID INFORMATION**

These documents are a supplement to the bid proposal. These forms must be submitted, at the time and place of the bid opening, in a sealed envelope, separate from Section D, Form of Bid. This supplemental information will be used for bid analysis and evaluation.

***Failure to submit any required information is grounds for rejection of bid!***

The Louisville Metro Housing Authority (LMHA) reserves the right to waive any formalities and/or accept, reject, or negotiate any or all offerings, representations, or proposals contained in this section of the bid submittal. Upon execution of the contract, all representations made herein shall become part of the contract and shall be equally as binding as any other portion of the Contract Documents (unless expressly rejected by LMHA prior to execution of the contract). The preceding sentence notwithstanding, the burden of proof of equality of all methods, equipment, and materials listed in this section to those indicated in the project specifications or drawings is on the Bidder.

Indicate below, the name and phone number of the individual who may be contacted to supply or clarify information required in connection with this bid.

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

TITLE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Alternate Contract:

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

TITLE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Bidder's Business Address (PO Box is not acceptable):

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Bidder's Federal Employer ID Number: \_\_\_\_\_

**LIST OF MATERIALS AND EQUIPMENT**

Each bidder shall indicate the brand name of materials and/or equipment it proposes to use if awarded this contract.

The bidder shall clearly identify the materials and/or equipment that it proposes to furnish. Stating "as per plans and specifications" is not sufficient identification. If the bidder identifies the name or brand of materials and/or equipment which does not conform to the requirements of this solicitation, as determined by LMHA, the bidder will be required to substitute that item with an item which does meet the requirements of this solicitation at no additional cost to LMHA, whether or not such conflict is discovered by LMHA prior to contract award.

<u><b>MATERIALS/EQUIPMENT</b></u>	<u><b>NAME OR BRAND</b></u>
1. _____	
2. _____	
3. _____	
4. _____	
6. _____	
7. _____	
5. _____	
6. _____	

***THIS FORM MUST BE COMPLETED AND SUBMITTED WITH THE  
OFFICIAL BID PACKAGE.***

Use additional Sheets If Necessary

LIST OF PROPOSED SUBCONTRACTORS

LIST OF PROPOSED THIRD TIER SUBCONTRACTORS

All proposed subcontractors who propose to employ third tier subcontractors must provide the below referenced information for each proposed third tier subcontractor. Proposed third tier subcontractors are subject to the approval of LMHA. PROPOSED THIRD TIER SUBCONTRACTORS AND SUBCONTRACT AMOUNTS SHALL NOT BE CHANGED, NOR SHALL ANY ADDITIONAL THIRD TIER SUBCONTRACTORS BE EMPLOYED, WITHOUT THE EXPRESS WRITTEN CONSENT OF THE LOUISVILLE METRO HOUSING AUTHORITY.

Subcontractor: _____ (From previous page)	Category of Work: _____
3 <sup>rd</sup> Tier Sub: _____	\$ Amount: _____
Is 3 <sup>rd</sup> Tier Sub an MBE: Yes or No	

Subcontractor: _____ (From previous page)	Category of Work: _____
3 <sup>rd</sup> Tier Sub: _____	\$ Amount: _____
Is 3 <sup>rd</sup> Tier Sub an MBE: Yes or No	

***THIS FORM MUST BE COMPLETED AND SUBMITTED  
WITH THE OFFICIAL BID PACKAGE.***

Subcontractor: _____ (From previous page)	Category of Work: _____
3 <sup>rd</sup> Tier Sub: _____	\$ Amount: _____
Is 3 <sup>rd</sup> Tier Sub an MBE: Yes or No	

Subcontractor: _____ (From previous page)	Category of Work: _____
3 <sup>rd</sup> Tier Sub: _____	\$ Amount: _____
Is 3 <sup>rd</sup> Tier Sub an MBE: Yes or No	

Use Additional Sheets If Necessary

**AFFIDAVIT OF SUBBIDDER**

***ONE FORM FOR EVERY PROPOSED SUBCONTRACTOR MUST BE COMPLETED AND  
SUBMITTED WITH THE OFFICIAL BID PACKAGE.***

\_\_\_\_\_, being first duly sworn, deposes and says:  
(Name of Officer or Partner)

That he is \_\_\_\_\_ of the firm of \_\_\_\_\_,  
(Officer or Partner) (Name of firm)

the party making a certain proposal or bid dated \_\_\_\_\_, 20\_\_\_\_

to \_\_\_\_\_ for subcontract work in connection  
(Name of Prime Contractor)

with the Louisville Metro Housing Authority's Project, located in Louisville, Kentucky, and the party proposed by said work as a result of said bid, that such bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price or affiant or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or that of any other bidder, or to secure any advantage against the Louisville Metro Housing Authority or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Signature of Bidder (Officer or Partner)

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Attest: \_\_\_\_\_  
(Signature of Notary)

**SEAL OF  
NOTARY**

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

**BIDDER'S QUALIFICATIONS**

The bidder presently has the following jobs under contract and bonded (list all projects currently under contract and bonded; use additional sheets if necessary):

1. \_\_\_\_\_  
(Project name/description) (Owner or Architect)

Contract Amount: \$\_\_\_\_\_ % Complete: \_\_\_\_\_

Percentage completed with Bidder's own forces and nature of Bidder's involvement: \_\_\_\_\_

2. \_\_\_\_\_  
(Project name/description) (Owner or Architect)

Contract Amount: \$\_\_\_\_\_ % Complete: \_\_\_\_\_

Percentage completed with Bidder's own forces and nature of Bidder's involvement: \_\_\_\_\_

3. \_\_\_\_\_  
(Project name/description) (Owner or Architect)

Contract Amount: \$\_\_\_\_\_ % Complete: \_\_\_\_\_

Percentage completed with Bidder's own forces and nature of Bidder's involvement: \_\_\_\_\_

4. \_\_\_\_\_  
(Project name/description) (Owner or Architect)

Contract Amount: \$\_\_\_\_\_ % Complete: \_\_\_\_\_

Percentage completed with Bidder's own forces and nature of Bidder's involvement: \_\_\_\_\_

**BIDDER'S QUALIFICATIONS (CONTINUED)**

State the average number of workers the bidder regularly employs -- on its own full-time payroll and without regard to this project -- in each of the following classifications (the bidder shall write-in all classifications it deems appropriate and attach additional sheets if necessary):

Classification or description of duties	Average # of full-time employees in this classification

We, the bidder, will perform \_\_\_\_\_% of the work under this contract with our own forces. List trades:

We, the bidder, normally perform \_\_\_\_\_% of the work with our own forces. List trades:

Approximately \_\_\_\_\_% of our company's total employees are members of a racial minority.

Approximately \_\_\_\_\_% of our company's total employees are not members of a racial minority.

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
(Authorized Officer's Signature)

The penalty for making false statements in offers (10 years imprisonment and/or \$10,000 fine) is prescribed in 18 U.S.C. 1001.
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# Previous Participation Certification

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

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

## US Department of Agriculture Farmers Home Administration

<b>Part I to be completed by Principals of Multifamily Projects (See instructions)</b>		<b>For HUD HQ/FmHA use only</b>	
Reason for submission:			
1. Agency name and City where the application is filed		2. Project Name, Project Number, City and Zip Code	
3. Loan or Contract amount \$	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one) <input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)

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

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

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

- Schedule A contains a listing, for the last ten years, of every project assisted or insured by HUD, USDA FmHA and/or State and local government housing finance agencies in which the principal(s) have participated or are now participating.
- For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
  - No mortgage on a project listed has ever been in default, assigned to the Government or foreclosed, nor has it received mortgage relief from the mortgagee;
  - The principals have no defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
  - There are no known unresolved findings as a result of HUD audits, management reviews or other Governmental investigations concerning the principals or their projects;
  - There has not been a suspension or termination of payments under any HUD assistance contract due to the principal's fault or negligence;
  - The principals have not been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
  - The principals have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;
  - The principals have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond;
- All the names of the principals who propose to participate in this project are listed above.
- None of the principals is a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part 0 and USDA's Standard of Conduct in 7 C.F.R. Part 0 Subpart B.
- None of the principals is a participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification, have not been filed with HUD or FmHA.
- None of the principals have been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105(a). (If any principals or affiliates have been found to be in noncompliance with any requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any).
- None of the principals is a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
- Statements above (if any) to which the principal(s) cannot certify have been deleted by striking through the words with a pen, and the relevant principal(s) have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances.

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

# Previous Participation Certification

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

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

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

## Part II- For HUD Internal Processing Only

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

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



### Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record.

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

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

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

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

#### Who Must Sign and File Form HUD-2530:

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

Principals include all individuals, joint ventures,

partnerships, corporations, trusts, non-profit organizations, any other public or private entity that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arm's length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

**Exception for Corporations** – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is full disclosure.

**Exemptions** – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

#### Where and When Form HUD-2530 Must Be Filed:

The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and

Handicapped).

- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

**Review of Adverse Determination:** If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

#### Specific Line Instructions:

**Reason for submitting** this Certification: e.g., refinance, change in ownership, change in management agent, transfer of physical assets, etc.

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

**Block 2:** Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract

identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code.

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

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

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

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

**Block 8:** Beside the name of each principal, fill in the appropriate role. The following are examples of possible roles that the principals may assume: Owner/Mortgagor, Managing Agent, Sponsor, Developer, General Contractor, Packager, Consultant, Nursing Home Administrator etc.

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

#### Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/ FmHA, and State and local Housing Finance Agencies in which you have previously participated **must be** listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required.

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

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

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

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

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

**Certification:** After you have completed all other parts of

form HUD-2530, including schedule A, read the Certification carefully. In the box below the statement of the certification, fill in the names of all principals and affiliates as listed in block 7. Each principal should sign the certification with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File Form HUD-2530). Principal who is signing on behalf of the entity should attach signature authority document. Each principal who signs the form should fill in the date of the signature and

a telephone number. By providing a telephone number, HUD can reach you in the event of any questions.

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

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

a felony within the past 10 years, strike out 2e. and attach statement of explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting stand point of an insurer, lender or governmental agency.

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

**Privacy Act Statement:** The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

**Public reporting burden** for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

A response is mandatory. Failure to provide any of the information will result in your disapproval of participation in this HUD program.

END OF SECTION E

**SECTION M**

(v.5370)

**MBE, WBE & DBE CONTRACTUAL REQUIREMENTS,  
FORMS AND DOCUMENTS  
(PAGES 15 TO 24)**

**SCHEDULE OF MBE, WBE, AND DBE PARTICIPATION**

\_\_\_\_\_  
(Name of Bidder)

For each MBE, WBE, or DBE firm proposed to participate in this project, list the firm's name, business address, category of work, percentage of total bid to be performed by the firm, and the firm's Federal Tax ID number in the space provided below. **Use additional sheets if necessary.**


The combined total of MBE participation proposed is \_\_\_\_\_ % of the total bid amount.  
The combined total of WBE participation proposed is \_\_\_\_\_ % of the total bid amount.  
The combined total of DBE participation proposed is \_\_\_\_\_ % of the total bid amount.

In addition to completion of this form, a Bidder who has met the MBE, WBE, and DBE goals must submit a copy of the signed sub-bid from each MBE, WBE, and DBE subcontractor listed with its bid.

The bidder, if successful, agrees to enter into a formal contract with each of the above referenced firms, in the amounts indicated, provided those firms are acceptable to the Louisville Metro Housing Authority.

NOTE: With respect to all MBD, WBE and DBE firms, whether proposed or otherwise, Bidder [or Contractor] hereby certifies that it and its fiduciaries and affiliates (i) have engaged in a fair and impartial manner with all such firms; (ii) have not utilized any such firms to obtain any unfair advantage; (iii) have made no negligent or fraudulent representations or misrepresentations to or about such firms; (iv) and there exist no side deals or undisclosed contracts or agreements that would otherwise frustrate the purpose of contracting with any MBD, WBE or DBE firms.

Signature/Title: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: Failure to complete and submit <u>THIS</u> form or comply with directions therein is ground for bid rejection.
--

**MBE, WBE AND DBE WAIVER REQUEST INFORMATION SHEET**

Contractor's Name: \_\_\_\_\_  
Business Address, City, State and Zip Code: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_  
Contract Person: \_\_\_\_\_

Project Name and Proposal Number: \_\_\_\_\_  
\_\_\_\_\_

**WAVIER REQUESTED FOR:** (fill in as needed for any that apply)

MBE: \_\_\_\_\_ WBE: \_\_\_\_\_ DBE: \_\_\_\_\_  
% Requested: \_\_\_\_\_ % Requested: \_\_\_\_\_ % Requested: \_\_\_\_\_

**NOTE:** The "MBE, WBE and/or DBE waiver percentages" requested, when added with the "MBE, WBE and/ or DBE percentages" proposed on Page 15, must add up to the percentage needed for each category (MBE is 25%; WBE is 10%; and DBE is 0.5%).

**STEPS TAKEN TO MEET GOALS:** (must choose one for respond for each "step"):

		YES	NO
1	Provide written notice to potential bidders		
2	Allowed sufficient time to respond		
3	Follow-up written notification to potential bidders		
4	Contacting MBE, WBE, and DBE Agencies		
5	Selecting portions of work to be performed by MBE, WBE and DBE		
6	Advertising in general circulation media		
7	Marking efforts to meet and negotiate with potential MBE, WBE and DBE bidders		

**PROVIDE A WRITTEN NARRATIVE OF THE "GOOD FAITH EFFORTS" TAKEN AND RESULTS:** (Use Additional Sheets if Necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** With respect to all MBD, WBE and DBE firms, whether proposed or otherwise, Bidder [or Contractor] hereby certifies that it and its fiduciaries and affiliates (i) have engaged in a fair and impartial manner with all such firms; (ii) have not utilized any such firms to obtain any unfair advantage; (iii) have made no negligent or fraudulent representations or misrepresentations to or about such firms; (iv) and there exist no side deals or undisclosed contracts or agreements that would otherwise frustrate the purpose of contracting with any MBD, WBE or DBE firms.

Signature/Title: \_\_\_\_\_ Date: \_\_\_\_\_

**LIST OF PROPOSED SUBCONTRACTORS**

The following list of proposed subcontractors is required to be submitted with each bidder's proposal, in accordance with the requirements of Section C of this solicitation. All subcontractors are subject to the approval of LMHA. PROPOSED SUBCONTRACTORS AND SUBCONTRACT AMOUNTS SHALL NOT BE CHANGED, NOR SHALL ANY ADDITIONAL SUBCONTRACTORS BE EMPLOYED, WITHOUT THE EXPRESS WRITTEN CONSENT OF THE LOUISVILLE METRO HOUSING AUTHORITY.

<u>NAME OF SUBCONTRACTOR</u>	<u>CATEGORY OF WORK</u>	<u>\$ Amount</u>
1. _____		
2. _____		
3. _____		
4. _____		
5. _____		
6. _____		

(Employer ID numbers must be provided upon request)

**Use Additional Sheets If Necessary**

**THIS FORM MUST BE COMPLETED AND SUBMITTED  
WITH THE OFFICIAL BID PACKAGE.**

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NOTE: WITHIN TWO WEEKS OF CONTRACT EXECUTION, THE GENERAL CONTRACTOR SHALL SUBMIT, FOR THIS CONTRACT, COPIES OF ALL SUBCONTRACTOR CONTRACTS OR WRITTEN AGREEMENTS TO THE LOUISVILLE METRO HOUSING AUTHORITY

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NOTE: If third tier subcontracts are intended, the information on the following page must be provided for <u>each</u> proposed subcontractor.
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NOTE: With respect to all MBD, WBE and DBE firms, whether proposed or otherwise, Bidder [or Contractor] hereby certifies that it and its fiduciaries and affiliates (i) have engaged in a fair and impartial manner with all such firms; (ii) have not utilized any such firms to obtain any unfair advantage; (iii) have made no negligent or fraudulent representations or misrepresentations to or about such firms; (iv) and there exist no side deals or undisclosed contracts or agreements that would otherwise frustrate the purpose of contracting with any MBD, WBE or DBE firms.

Signature/Title: \_\_\_\_\_ Date: \_\_\_\_\_

EMPLOYMENT DEMOGRAPHICS

This form to be completed and submitted by the prime contractor and every proposed subcontractor. Failure to complete and submit this form is grounds for rejection.

Company Name: \_\_\_\_\_

☐ Contractor

☐ Subcontractor

1 Last Name	2 First Name	3 Job Title	4 Date Hired	5 Description of Work	6 Race

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

(Authorized Officer's Signature)

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

In witness whereof, I hereunto set my hand and official seal:

\_\_\_\_\_  
(Notary's Signature)

\_\_\_\_\_  
(Notary's Printed Name)

My commission expires \_\_\_\_\_.

**AFFIX  
NOTARY'S  
SEAL**

See the following page for instructions for completing this form.

The penalty for making false statements in offers (10 years imprisonment and/or \$10,000 fine) is prescribed in 18 U.S.C. 1001.



Instructions for Completing EMPLOYMENT DEMOGRAPHICS Form

1. Duty to Submit Form -- Every bidder shall complete the Employment Demographics form (hereafter, the Form). Every bidder shall ensure that each of its sub-bidders also completes the Form. The Bidder shall submit fully executed Forms for itself and each sub-bidder, with its bid, in the package labeled "Supplemental Bid Information."
2. Space Constraints/Additional Forms -- If the space provided on a single Form is insufficient to list every employee (see definition below) of the bidder or sub-bidder completing the Form (hereafter, the Entity), such Entity shall use additional Forms. Said Entity shall, however, ensure that each separate Form is dated, signed, and notarized. Each Official Bid Package contains one (1) blank copy of the Form. From that, the Bidder shall make as many copies as needed to ensure compliance with the preceding requirements.

3. Completing the Form -- The Form is divided into six numbered columns. Write the appropriate name and check the appropriate box at the top of the Form, then complete each column as follows:

Columns 1 and 2 -- Identify, by name, each and every employee, officer, principal, and agent of the Entity. Identify every such person (hereafter, the employee), whether or not intended to perform work under or related to this Contract. Be careful to list each employee by last name first. List only proper, legal names, do not list nicknames. Do not list names of persons the Entity employs as independent contractors. If the employee routinely works less than 37 and 1/2 hours per week, write the letter "P" in the left margin adjacent to the employee's name.

Column 3 -- State the employee's job title (e.g., secretary, laborer, carpenter, CEO). Use the job titles the Entity actually, routinely uses to describe the employee.

Column 4 -- State the date upon which the Entity hired the employee. If the employee has left the Entity's employ in the past and returned to work for the Entity again, state the most recent date of hire.

Column 5 -- Describe the nature of the work the employee routinely performs for the Entity. For example, if the employee's job title is "Laborer," the employee's work may be described as "performs unskilled physical labor." Or, a "Secretary" might be described as doing "filing, typing, etc." Use additional lines if necessary, to provide a clear description of an employee's duties.

Column 6 -- State the employee's race. Use the racial classifications provided in page 2, Section M. If you write "other" or a similar classification in Column 6, attach a signed statement explaining in detail exactly what is meant by such description. Attach a separate signed statement for each employee so described, tailoring each such statement to the employee to whom it refers.

4. Each Form shall be signed and dated by an authorized officer of the Entity and shall be notarized.

**AGREEMENT TO NOTIFY LMHA OF JOB OPENINGS**

(This form to be completed and submitted by prime contractor and all subcontractors.)

By my signature below, \_\_\_\_\_ (hereafter "the Company"), agrees to the  
(Company's Name)  
following conditions:

1. The Company shall, if awarded the contract for which this Bid is offered, give LMHA notice of any and all job openings that may arise at the Company during the course of that contract.
2. Such notice shall be in writing and mailed, first class, to LMHA via the U.S. Postal Service within two business days after such opening arises. The notice shall describe the minimum qualifications and requirements of the job, the nature of the work, the expected pay rate or range, the place and manner of submitting applications, the name, address and telephone number of the person to contact to obtain an application or additional information, and the date by which applications must be submitted.
3. LMHA will notify its residents of such job openings and encourage qualified residents to submit applications for employment.
4. The Company will, if it receives an application from a qualified LMHA resident, give that application and applicant the same opportunity and consideration for the job as would be given any other, similarly qualified applicant and, if such applicant is the most qualified applicant and there is no bar to employing the applicant, the Company will hire the applicant for the job if it hires anyone for the job.

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

By: \_\_\_\_\_  
(Authorized Officer's Signature)

In witness whereof, I hereunto set my hand and official seal:

\_\_\_\_\_  
(Notary's Signature)

\_\_\_\_\_  
(Notary's printed name)

My commission expires \_\_\_\_\_.

**AFFIX  
NOTARY'S  
SEAL**

**STATEMENT OF INTENT TO PERFORM AS A  
MINORITY BUSINESS ENTERPRISE CONTRACTOR/SUBCONTRACTOR**

(Separate form required for each MBE, WBE, and DBE prime or sub-bidder)

Name of Prime Bidder: \_\_\_\_\_

Name of MBE firm completing this form: \_\_\_\_\_

The undersigned wishes to perform work in connection with the above referenced project as:

☐ Individual

☐ Corporation

☐ Partnership

☐ Joint Venture

The undersigned hereby confirms its status as a Minority Business Enterprise as defined by LMHA and that a copy of the certification from the agency specified in Section C of this solicitation, or other evidence, is attached hereto.

The undersigned intends to perform the following work in connection with this project (specify, in detail, the work to be performed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Bid amount to be entered by sub-contractor \$ \_\_\_\_\_

The undersigned MBE projects its start and completion dates for the work as follows:

Project Start: \_\_\_\_\_

Project Completion: \_\_\_\_\_

BY: \_\_\_\_\_  
(Signature of MBE's Principal)

\_\_\_\_\_  
(Name and Title)

THIS FORM MUST BE COMPLETED, and included in this Supplemental Bid Information package, by each and every MBE contractor or subcontractor proposed to participate in this project.

The penalty for making false statements in offers (10 years imprisonment and/or \$10,000 fine) is prescribed in 18 U.S.C. 1001.

**AFFIDAVIT OF MINORITY BUSINESS ENTERPRISE**  
(Separate form required for each MBE, WBE, and DBE proposed)

State of \_\_\_\_\_ County of \_\_\_\_\_

I hereby declare and affirm that \_\_\_\_\_ is a Minority  
(Bidder's printed company name)

Business Enterprise (MBE), as defined by LMHA in the bid solicitation and that I am an officer of the above referenced MBE firm, and that I am authorized to provide information required by LMHA to support that firm's representation that it is a Minority Business Enterprise.

I do solemnly declare and affirm, under the penalties of perjury, that the foregoing is true and correct, and that I am authorized, on behalf of the above-named firm, to make this affidavit.

\_\_\_\_\_  
(Signature of Affiant) (Printed name and title of Affiant)

STATE OF KENTUCKY, COUNTY OF JEFFERSON, CITY OF LOUISVILLE

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_, the undersigned officer, personally appeared before me,  
(Printed name of Affiant)

known to me to be the person described in the foregoing Affidavit, and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal:

\_\_\_\_\_  
(Notary's Signature) (Notary's printed name)

My commission expires \_\_\_\_\_.

**AFFIX  
NOTARY'S  
SEAL**

THIS FORM MUST BE COMPLETED, and included in this Supplemental Bid Information package, by each and every minority contractor or subcontractor proposed to participate in this project.

The penalty for making false statements in offers (10 years imprisonment and/or \$10,000 fine) is prescribed in 18 U.S.C. 1001.

**LEGITIMACY OF JOINT VENTURE**

(Separate form required for each joint venture)

Majority Party's Name, Address, Phone, and Principal's Name:

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Minority Party's Name, Address, Phone, and Principal's Name:

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Portion of work to be performed by Majority Party: \_\_\_\_\_ %    \$ \_\_\_\_\_  
Portion of work to be performed by Minority Party: \_\_\_\_\_ %    \$ \_\_\_\_\_

(Provide additional details on following page if applicable.)

"The undersigned do hereby declare and affirm, under the penalties of perjury, that the foregoing statements are true and correct and that all material information necessary to identify and explain the terms and operation of the joint venture, and the intended participation by each joint venture, in this undertaking, is attached hereto. Further, the undersigned agree to provide LMHA current, complete, and accurate information regarding the actual joint venture work, payments and any proposed changes in the above-stated arrangements, and to permit audits and/or examinations of books, records, and files of the joint ventures by authorized representatives of LMHA. The undersigned recognize and acknowledge that the statements herein are given under oath and any material misrepresentation will be grounds for terminating any contract that may be awarded the undersigned for this project."

BY: \_\_\_\_\_  
(Signature of Majority Party's Principal)

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

BY: \_\_\_\_\_  
(Signature of Minority Party's Principal)

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

Which, if any, of the parties to this venture are MBE firms? \_\_\_\_\_

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**THIS FORM MUST BE COMPLETED**, and included in this *Supplemental Bid Information* package, by every joint venture proposed to participate in this project (ATTACH the Joint Venture Agreement and Letters of Incorporation).

The penalty for making false statements in offers (10 years imprisonment and/or \$10,000 fine) is prescribed in 18 U.S.C. 1001.
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DETAILS OF JOINT VENTURE AGREEMENT  
(Separate form required for each joint venture)

The Majority Party normally employs \_\_\_\_\_ tradespersons and performs work in the following trades:

\_\_\_\_\_.

The Minority Party normally employs \_\_\_\_\_ tradepersons and performs work in the following trades:

\_\_\_\_\_.

Indicate all work to be performed under this contract by the parties to this joint venture and the dollar value of each item (on a per-party basis):

<u>Description of Work Item</u>	<u>Party Performed By</u>	<u>\$ Value</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total Dollar Value: \$\_\_\_\_\_

(Attach additional pages if needed.)

**IF THE BID INVOLVES A JOINT VENTURE OR JOINT VENTURES, THIS FORM  
MUST BE COMPLETED AND SUBMITTED WITH THE OFFICIAL BID PACKAGE.**