



Request for Qualifications: General Contractors

Date Issued: October 2018



The Gwinnett Housing Corporation (GHC), a non-profit housing developer, is seeking submissions of qualifications from General Contractors in order to develop a list of companies who will be eligible to contract with GHC for the rehabilitation of single family and multifamily homes throughout Gwinnett County.

1. PROGRAM SUMMARY

This Request for Qualifications (RFQ) is being issued by the Gwinnett Housing Corporation (herein referred to as “GHC”) to qualify experienced Licensed General Contractors (herein referred to as “Applicant”) to participate in the rehabilitation and reconstruction of foreclosed and/or blighted single-family properties, and the rehabilitation of multifamily properties.

GHC Welcome Home Program

The Gwinnett Housing Corporation is a certified nonprofit housing developer and operates the Welcome Home Program. Funds were awarded to GHC to acquire and rehabilitate residential properties in order to stabilize neighborhoods, create new jobs and promote homeownership among low- and moderate-income families. The program is funded by HOME and NSP grants from HUD through the Gwinnett County’s Community Development Program.

The homes included in this program will be, at a minimum, rehabilitated to meet habitability standards as established in The Property Standards in the Code of Federal Regulations Title 24 CFR 92.251 (see the Property Standards Section). In addition, the utilization of the funding requires the following:

1. The properties must meet all environmental screening requirements
2. The properties must be constructed on or after 1978; and
3. The properties must be located in Gwinnett County

GHC will contract with Contractors who are qualified through this RFQ and adhere to the program requirements. Contractors will be directly responsible for executing the rehabilitation plans and specifications and obtaining all permits and city/county approvals. Licensed general contractors will coordinate the work of all required subcontractors.

2. LOCATION OF PROPERTIES

GHC will limit its acquisition of properties to Gwinnett County. Selected Contractors must agree to provide services within any and all of the areas designed in this RFQ.

3. REQUEST FOR QUALIFICATIONS OVERVIEW

GHC requests that the Applicant submit their qualifications for review and approval. The agency will make every effort to review and qualify Applicants in an expedited manner. Depending upon

the volume of responses received, GHC anticipates qualifying applicants within *15 to 30 business days* of receipt of their completed application.

See Section 7 for Selection Criteria.

The Applicant must hold a current Georgia General Contractor License that is in good standing. For the GHC Welcome Home Program, the Applicant must have extensive rehabilitation experience, including substantial rehabilitation of a minimum of 5 owner-occupied homes (specifically single-family homes, condominiums, or townhomes) in the previous 5 years. The Applicant's proposal must show that the Applicant has substantial experience evaluating the condition of single and/or multifamily properties; evaluating and remedying building code violations; determining and budgeting for anticipated rehabilitation costs including preparation of project budgets; and obtaining required building permits and inspections.

4. REHABILITATION STANDARDS

Single Family Properties

Must meet the HOME Program Property Standards specified at 24 CFR 92.251 (the HOME Program regulations) and as defined in the Gwinnett County HOME Program/ADDI Operating Procedures.

The Property Standards in 24 CFR 92.251 require that homes receiving HOME Program funds must meet the locally adopted HOME Program Property Standards [the Gwinnett County Community Development HOME Program Housing Rehabilitation Standards and Sections 14-3085(a) and 14-321 through 14-327 of the Gwinnett County Property Maintenance Ordinance].

Additionally, contractors must obtain and provide to the Gwinnett County Community Development Program copies of building permits issued and Certificates of Occupancy issued by Gwinnett County or the applicable local municipality located in Gwinnett County, as evidence of compliance with the Gwinnett County HOME Program Property Standards.

Final inspections will be performed by a Gwinnett County rehabilitation inspector to satisfy HOME Program requirements.

5. OTHER REQUIREMENTS

Certification Regarding Debarment, Suspension and Other Responsibility Matters

Included as Attachment C.

Construction Contract

Contractors should review the contract terms and be prepared to execute a contract on relatively short notice. The contract will outline the general terms between Contractors and GHC and the Contractor's obligations for the rehabilitation of designated properties.

Depending upon the availability of properties at any one time, GHC may execute a contract with a particular Contractor for the rehab of one property or multiple properties. Only after GHC has had an opportunity to evaluate a Contractor's performance with the rehab of its first property will it award those Contractors additional/multiple properties. In that case, GHC may execute a new contract with a Contractor for additional subsequent sets of properties.

Certificate of Insurance

Contractors will be required to provide Certificates of Insurance naming GHC as the Certificate Holder (depending on project scope) prior to the execution of a construction contract. Minimum policy limits are as follows:

Commercial General Liability - \$1,000,000 per occurrence for bodily injury and property damage

Auto Liability Insurance - \$500,000 per occurrence for bodily injury and property damage

Workers' Compensation Insurance –

Bodily Injury By Accident - \$100,000 each accident

Bodily Injury By Disease - \$500,000 policy limit

Bodily Injury By Disease - \$100,000 each employee

"Certificate Holder" should read:

Gwinnett Housing Corporation
502 Glenn Edge Drive
Gwinnett, GA 30046

License

Contracts must provide a copy of Business License, all necessary insurance documentation and active State Contractor's License.

6. REPORTING REQUIREMENTS

Contractors will be required to provide reports to satisfy GHC and HUD requirements. These reports will be in a format acceptable to GHC and will include but may not be limited to weekly, monthly and quarterly status reports providing information on the status of each building. These reports will include progress of rehabilitation work and projected completion dates.

7. SELECTION CRITERIA

1. Construction Experience – The Applicant must have extensive residential rehabilitation experience, including substantial rehabilitation of a minimum of 5 homes (specifically single-family homes, condominiums, or townhomes) and/or multifamily residential properties in the previous 5 years. Please list experience, if any, with government-funded projects.
2. Financial Capability – The Applicant must present evidence of his/her financial capacity to perform all requirements within the proposed projects. Such evidence should include banking and credit references and/or available lines of credit. All winning bidders will be required to obtain a 25% letter of credit upon construction contract execution. *All information relative to financial statements will remain confidential.*
3. Performance Record – Contractors must have proven performance and experience in completing projects of similar scope. Contractors must supply a minimum of three (3) references for projects completed within the last two years and a minimum of three references from vendors or suppliers. If your company was awarded government contracts in last three years, make sure to include current contact information.
4. Required Documents – The Applicant must show proof of insurance, must not be in a HUD disbarred list of contractors, and must provide a Georgia General Contractor License.

8. SELECTION PROCESS

GHC will review only completed applications. After reviewing all submittals, the Selection Team will identify contractors with whom it will meet to discuss and evaluate the contractors' qualifications, experience, and capacity in more depth. The Selection Team may also request site visits to Applicant's completed projects. Based on the outcome of these meetings, the Selection Team will complete an evaluation and develop a list of pre-qualified bidders for these projects utilizing the following weighted factors:

Scoring Criteria	Points
Organizational Capacity	20
Construction Experience	20
Financial Capability	10
Performance Record	20
Experience with Government-funded Projects	10
TOTAL	80

9. BIDDERS LIST

The intent of this RFQ is to establish a list of pre-qualified contractors from which to solicit bids for the work described in this RFQ. It is anticipated that the established list will be comprised of general contractors and the exact scope of work for each project will vary based on the needs of the individual properties. GHC may at its discretion make additions or deletions from this list as it deems necessary depending upon the response to this RFQ.

The bid process will either be formal or informal depending on the scope and projected cost of work. The process will comply with all established procurement guidelines.

Once the RFQ responses have been reviewed and GHC has determined a General Contractor is qualified, the name of that company is added to the Active General Contractor List as follows and assigned projects:

1. Contractors are placed on the list as their applications are approved.
2. GHC will contact all the approved contractors, from the list to bid on each project as it becomes available. GHC will provide the bidding contractors with a scope of work and a blank cost estimate from which to work. Contractors are given a uniform amount of time in which to develop a bid.
3. In the case where one contractor is bidding, if that contractor is within 10% of the in-house estimate, that contractor will be awarded the contract. In the case where multiple contractors are bidding, the contractor with the lowest reasonable qualified bid will be awarded the contract. GHC reserves the right to negotiate prices downward or rebid projects that are greater than 10% of the anticipated cost.
4. GHC may add additional names of qualified General Contractors to the list at any time. If all qualified contractors on the list have been awarded contracts, GHC will evaluate the capacity of all contracts on the list to handle additional work by evaluating their project

completion status, change orders, contractor's experience handling multiple projects simultaneously, workforce capacity, financial capacity, and bonding capacity.

5. GHC will evaluate a contractor's performance after every project. If a contractor's performance is satisfactory after the first project is completed, GHC may assign that contractor more than one project at a time based on the contractor's work force, financial and bonding capacities. If a contractor's performance is unsatisfactory at any time, GHC reserves the right not to assign that contractor any additional properties.

10. REHAB TIMELINE

Rehab timelines will be negotiated and finalized at the time the construction contract is signed, after the Contractor has had an opportunity to inspect the site and will be based on the extent of the work being done. In the contract, the Contractor accepts responsibility for meeting its deadlines in the rehab timeline and subsequent amendments and for complying with its enforcement provisions.

GHC will review the project status with the Contractors on a regularly scheduled basis to determine if Contractors are on schedule. It is understood that the Contractor may be delayed at any time in the rehab timeline by the rain, other acts of God or other causes beyond the Contractor's control. With written consent from GHC, Contractors may be permitted to extend the completion schedule for the work or affected parts of the work by the same amount of time caused by the delay. GHC staff will closely monitor the rehab timeline and may invoke the contractual enforcement provisions of the contract as necessary including terminating the Agreement and/or reassigning the properties to another Contractor.

11. SUBMISSION ITEMS

To respond to this RFQ, Applicants must submit the following:

1. Contractor Application and Reference Form (Attachment A)
2. Signed Application Checklist List (Attachment B)
3. Georgia General Contractor License
4. Copy of City/County Business Registration
5. Proof of General Liability Insurance
6. Copy of Workers Compensation Insurance Certificate
7. Proof of Financial Capacity
8. Certification of Debarment, Suspension and Other Responsibility Matters (Attachment C)

No submissions will be reviewed until all items have been submitted. Applications received after the deadline will not be considered.

12. SUBMISSION FORMAT

1. Submit one (1) original and three (3) copies including all attachments.
2. The original submission must be signed by an authorized representative of the Applicant.
3. If the applicant is a limited partnership or joint venture, the Applicant must complete the Application for each entity that comprises the limited partnership or joint venture.
4. Each submission must be clearly labeled with the name of the Applicant(s) on the cover.
5. Application must be complete including responses to all Sections and all documentation requested. Incomplete submissions will not be considered.

13. RFQ APPLICATION

A PDF version of the Application can be downloaded from www.lawrencevilleha.org.

14. RFQ SUBMISSION LOCATION

A complete RFQ application must be submitted to the following address:

Gwinnett Housing Corporation
502 Glenn Edge Drive
Lawrenceville, GA 30046
Attn: Contractor RFQ Response

15. RFQ DEADLINES

- **February 8, 2017** at 4:00 PM: Deadline to submit questions
(All questions and comments must be emailed to darren@lhainfo.com by the deadline.)
- **February 15, 2017** at 4:00 PM: Answers to the questions will be posted
(All answers posted on www.lawrencevilleha.org website.)
- **March 1, 2017** at 4:00 PM: RFQs due at address noted above in Section 14.
- **March 15, 2017** at 4:00 PM: Qualified applicants will be notified

16. TERMS AND CONDITIONS

This RFQ is subject to the specific conditions, terms and limitations stated below:

1. The proposed Program shall conform to, and be subject to, the provisions of all applicable laws, rules, regulations and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time.
2. GHC is not obligated to pay, nor shall in fact pay, any costs or losses incurred by any Applicant at any time including the cost of responding to the RFQ.
3. Applicants will be disqualified for adverse findings with respect to:
 - City and HUD mortgage foreclosure proceedings or arrears;
 - Foreclosure or substantial tax arrears;
 - A record of substantial building code violations or litigation against properties owned by the Applicant or by any entity or individual that comprises the Applicant;
 - Tenant harassment conviction or pending case;
 - Arson, fraud, bribery, or grand larceny conviction or pending case;
 - Previous record of default on work done under government contract;
 - Formal debarment or suspension from entering into contracts with any governmental agency or other notification or ineligibility for or prohibition against bidding or proposing on government contracts;
 - Denial of a contract based on any obligation to, or unsatisfied judgment or lien held by, a governmental agency;
 - Subject of any voluntary or involuntary bankruptcy proceeding;
 - A negative history with GHC or HUD.
4. All material and information presented in this RFQ is general in nature and shall not be deemed to be inducements or representations to which GHC is bound. Contractors are cautioned to make their own independent investigation of all factual, financial, and legal matters upon which their submittals may be based.
5. GHC reserves the right to reject at any time any or all submissions and/or to withdraw this RFQ in whole or in part, to negotiate with one or more Applicants, and/or to dispose of the sites on terms other than those set forth herein. GHC likewise reserves the right, at any time, to waive compliance with, or change any of the terms and conditions of this RFQ, and to entertain modifications and additions to the selected submissions.

17. CONFLICTS OF INTEREST

Applicants should be aware that all Contractors deemed eligible will be required to adopt GHC's Conflict of Interest Policy, which is included in the Construction Contract.

ATTACHMENT A

**Gwinnett Housing Corporation (GHC)
Single and Multifamily Property Rehabilitation**

CONTRACTOR APPLICATION AND REFERENCE FORM

All applicants must complete this form and provide requested references. If the applicant is a limited partnership or joint venture, the applicant must complete this form and provide references for each entity that comprises the limited partnership or joint venture.

Please type/write directly into the boxes provided for responses. If additional space is needed, please submit separate sheets identifying the questions being answered on each sheet.

SECTION 1 - GENERAL CONTRACTOR INFORMATION

Name of Company/Licensee:	
Address:	
Name of Contact Person:	
Office Phone No.	
Office Fax No.	
Email Address:	
Contractor License No./Type With Expiration Date:	
City Business License:	
IRS Tax ID or Social Security No.:	
Is your firm classified as a:	<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Section 3 Business Concern

Attach copies of your contractor's license, County/City Business registration certificate, MBE/WBE/Section 3 Business Concern certifications (if applicable) and certificates of general liability and workers compensation insurance.



SECTION 2 - GENERAL QUESTIONS

Describe the trade or construction type your company specializes in (check all that apply)

<input type="checkbox"/>	General Contractor for all Trades
<input type="checkbox"/>	Electrical
<input type="checkbox"/>	Plumbing
<input type="checkbox"/>	HVAC
<input type="checkbox"/>	Masonry
<input type="checkbox"/>	Roofing
<input type="checkbox"/>	Painting

If General Contractor is checked, which trades do you subcontract out?

<input type="checkbox"/>	Electrical
<input type="checkbox"/>	Plumbing
<input type="checkbox"/>	HVAC
<input type="checkbox"/>	Masonry
<input type="checkbox"/>	Roofing
<input type="checkbox"/>	Painting
<input type="checkbox"/>	Cabinetry
<input type="checkbox"/>	Flooring
<input type="checkbox"/>	Drywall
<input type="checkbox"/>	Other:



What experience have you had in rehabilitating vacant residential units?

Response:

SECTION 3 - ORGANIZATIONAL CAPACITY

Provide an explanation, brochures and/or materials describing your company and the projects undertaken.

Response:

State the number of years the business has been in operation.



Response:

State the number of jobs completed as a General Contractor/subcontractor.

Response:

Provide the number of employees and describe their general duties and experience.

Response:



GWINNETT HOUSING CORPORATION

This Program requires extensive reporting. Please describe how your operation is structured to handle the submission requirements (use of staffing, technology, consultants, etc.)

Response:

Provide the number of construction projects currently underway (and describe fully in Section 4 following).

Response:

How many new rehab construction projects is your company capable of adding as a participant in GHC's programs? Please specify type and size of buildings and potential construction dollar value.

Response:



Describe any experience or other factors that would demonstrate your knowledge and experience in rehabilitating single and/or multifamily residential properties in Gwinnett County.

Response:

Describe your process for ensuring that the work is completed in a timely and workmanship like manner.

Response:



How does your company handle post construction warranty issues? What is the turnaround time for responding to these issues?

Response:

Has your company performed rehab on any government-funded projects? If yes, please include source of funding, government agency, and contact information.

Response:

SECTION 4 - RESIDENTIAL BUILDING EXPERIENCE and REFERENCES

Please provide the following information for construction projects currently underway and those completed over the last five years. *Provide individual sheets for each project as necessary.* GHC reserves the right to contact any or all references listed.

A. Projects Currently Underway

Project Address:	
Owner's Name:	
Telephone Number:	
Type of Project (Rehab, room addition):	
Project Size: (In square feet, linear feet or cubic yards):	
Code Compliance Issues:	
Start Date:	
Projected End Date:	
Total (Projected) Project Time:	
Trades your company performed:	
Owner Funding Source:	<input type="checkbox"/> Savings <input type="checkbox"/> Private Lender <input type="checkbox"/> Government Lender, List:

List sub contractor(s) and the trades they performed:

Company Name:	
Address:	
Telephone No.:	
License No.:	
Trade Performed:	

Company Name:	
Address:	
Telephone No.:	
License No.:	
Trade Performed:	

Company Name:	
Address:	
Telephone No.:	
License No.:	
Trade Performed:	



B. Completed Projects

Project Address:	
Owner's Name:	
Telephone Number:	
Type of Project (Rehab, room addition):	
Project Size: (In square feet, linear feet or cubic yards):	
Code Compliance Issues:	
Start Date:	
Projected End Date:	
Total (Projected) Project Time:	
Trades your company performed:	
Owner Funding Source:	<input type="checkbox"/> Savings <input type="checkbox"/> Private Lender <input type="checkbox"/> Government Lender, List:

List sub contractor(s) and the trades they performed:

Company Name:	
Address:	
Telephone No.:	
License No.:	
Trade Performed:	

Company Name:	
Address:	
Telephone No.:	
License No.:	
Trade Performed:	

Company Name:	
Address:	
Telephone No.:	
License No.:	
Trade Performed:	



SECTION 5 – FINANCIAL INFORMATION

Applicants who are unable to provide proof of financial capacity either through performance bonds or extensive financial review will have to provide a letter of credit from their financial institution in the amount of 25% of the total contract.

For applicants seeking three or more construction projects simultaneously:

Provide Available Line of Credit.

As necessary, GHC may ask for additional information such as Compilations and/or Audited Financial Statements.

SECTION 6 – CLAIMS, CITATIONS AND/OR DISPUTES

	YES	NO
Has your organization ever failed to complete any work awarded to it?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization filed any lawsuits or requested arbitration with regard to construction contracts within the last five years?	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization or members of your organization ever been cited by the Georgia Board of General and Residential Contractors, or any other Governmental Licensing Agency?	<input type="checkbox"/>	<input type="checkbox"/>
In the last five years, has any Person in your organization had their Contractors license revoked?	<input type="checkbox"/>	<input type="checkbox"/>
Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)	<input type="checkbox"/>	<input type="checkbox"/>
In the last five (5) years, has your organization, or any Person, been “defaulted” or “terminated” by an owner (other than for convenience of the project owner) or has your surety completed a contract for your organization?	<input type="checkbox"/>	<input type="checkbox"/>
In the last five (5) years, has your organization been assessed and paid liquidated damages after completion of a project under construction contract with either a public or private owner because of a delay not contemplated during the bid process?	<input type="checkbox"/>	<input type="checkbox"/>
In the last five (5) years, has your organization, or any organization associated with your organization’s Persons, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?	<input type="checkbox"/>	<input type="checkbox"/>



Has your organization or any Person in your organization had a City/County and/or HUD Mortgage foreclosure or currently more than 90 days in arrears on any City, State or HUD loan;	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization or any Person in your organization defaulted on any contract obligation or agreement of any kind or nature whatsoever entered into with the HUD, Gwinnett County or any of its agencies;	<input type="checkbox"/>	<input type="checkbox"/>
In the last 5 years, has your organization or any Person in your organization failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any government agency?	<input type="checkbox"/>	<input type="checkbox"/>
In the last 7 years, has your organization or any Person in your organization filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings?	<input type="checkbox"/>	<input type="checkbox"/>
In the last 5 years, has your organization or any Person in your organization failed to file any required tax returns, or failed to pay any applicable Federal, State or City/County taxes or other charges?	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization or any Person in your organization ever been convicted of fraud, bribery, or grand larceny?	<input type="checkbox"/>	<input type="checkbox"/>
In the last ten (10) years, has your organization, or any Person, ever been convicted of a crime involving any federal, state or local law related to construction, including acts of dishonesty?	<input type="checkbox"/>	<input type="checkbox"/>
In the last five (5) years, has your organization, or any Person, been convicted of a crime involving the awarding of a contract of a government (local, state or federal) construction project, or the bidding or performance of a government contract?	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization, or any Person, ever been found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?	<input type="checkbox"/>	<input type="checkbox"/>



SECTION 7 - SIGNATURE

I understand that the information set forth in this application and all attachments and supporting documentation is true and correct. I understand that LHA/GHC will rely on the information in or attached to this document and that this document is submitted to induce GHC to select me as a contractor.

I understand that this statement is part of a continuing application and that until such time that GHC identifies properties for rehabilitation I will report any changes in, or additions to, the information herein, and will furnish such further documentation or information as may be requested by GHC.

I understand that if I am selected as a General contractor/Subcontractor, I must submit all additional disclosure forms required.

Name of Principal:	
Signature of Principal:	
Print Name and title of Individual:	

Name of Principal:	
Signature of Principal:	
Print Name and title of Individual:	



ATTACHMENT B

**Gwinnett Housing Corporation (GHC)
Single and Multifamily Property Rehabilitation**

CONTRACTOR APPLICATION CHECKLIST

This checklist is provided to ensure that your application is complete!

<input type="checkbox"/>	Original Signed Application
<input type="checkbox"/>	Three (3) copies of Application
<input type="checkbox"/>	Copy of General Contractor's License
<input type="checkbox"/>	Copy of City/County Business Registration
<input type="checkbox"/>	Copy of General Liability Insurance Certificate
<input type="checkbox"/>	Copy of Workers Compensation Insurance Certificate
<input type="checkbox"/>	Letter demonstrating ability to be Bonded (Performance and Materials, including amounts, single and aggregate); OR other proof of financial capacity
<input type="checkbox"/>	Certification Regarding Debarment and Suspension

Name of Principal:	
Signature of Principal:	
Print Name and title of Individual:	





**Certification Regarding
Debarment, Suspension, and Other Responsibility Matters
Primary Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13 CFR Part 145. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211). Copies of the regulations are available from local offices of the U.S. Small Business Administration.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal.

Business Name _____

Date _____

By _____
Name and Title of Authorized Representative

Signature of Authorized Representative

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the ineligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.