



# HOUSING AUTHORITY

*of the City of Beaumont, Texas*

## **REQUEST FOR QUALIFICATIONS**

**# 15-109**

THE HOUSING AUTHORITY OF THE CITY OF BEAUMONT, TEXAS IS REQUESTING QUALIFICATIONS FOR PROFESSIONAL AND COMPLIANCE AUDITING SERVICES.

THE QUALIFICATIONS MUST BE SUBMITTED TO THE HOUSING AUTHORITY ON OR BEFORE 4:30 P.M., LOCAL TIME, 9/18/15 WITHOUT EXCEPTION AT THE FOLLOWING ADDRESS:

THE HOUSING AUTHORITY OF THE CITY OF BEAUMONT, TEXAS

1890 LAUREL STREET

BEAUMONT, TEXAS 77701

SOLICITATION NO. RFQ # 15-109

INQUIRIES REGARDING THIS REQUEST FOR QUALIFICATIONS MUST BE DIRECTED **IN WRITING** TO PAULA NICHOLAS AT [NICHOLASPA@BMTHA.ORG](mailto:NICHOLASPA@BMTHA.ORG). AT LEAST 7 BUSINESS DAYS PRIOR TO DUE DATE.

THE BEAUMONT HOUSING AUTHORITY RESERVES THE RIGHT TO REJECT ANY OR ALL QUALIFICATIONS, OR TO ACCEPT ANY QUALIFICATIONS DEEMED ADVANTAGEOUS TO IT.

FIRST PUBLICATION: 8/23/15

SECOND PUBLICATION: 8/26/15

***AN EQUAL OPPORTUNITY EMPLOYER. A FAIR HOUSING AGENCY.***

<b>INFORMATION TO OFFERORS OR QUOTERS</b>  <b>SECTION A - COVER SHEET</b>	<b>1. Solicitation No.</b> RFQ#15-109	<b>2. Request for Qualifications</b>  Financial Auditor
<b>3. ITEMS TO BE PURCHASED</b>  Professional and compliance Auditing services		
Offerors are asked to include their federal identification number and their email address.		
<b>5. POINT OF CONTACT FOR INFORMATION</b>		
<b>a. Company Name and Address</b>  Beaumont Housing Authority  1890 Laurel  Beaumont, TX 77701	<b>b. Contact</b>  Jennifer Manriquez,  Comptroller	<b>c. Email and Facsimile</b>  <b>email:</b> manriquezje.bmtha.org  <b>fax:</b> 409-951-7273
<input type="checkbox"/> <b>Yes: We wish to remain on the BHA's mailing list</b>  <input type="checkbox"/> <b>No: We do not wish to be retained on the BHA's mailing list</b>		
<b>7. RESPONDING FIRM</b>		
<b>A. COMPANY NAME—[PRINT OR TYPE NAME OF RESPONDING COMPANY]</b>		<b>B. CONTACT INFO—[OF RESPONDING COMPANY]</b>
<b>C. COMPANY OFFICIAL,</b>	<b>D. TITLE</b>	<b>E. SIGNATURE</b>
		<b>F. DATE SIGNED</b>

**Subject:** Request for Qualifications for Compliance Auditing Services

Dear Offeror:

The Beaumont Housing Authority (BHA) is requesting qualifications for professional and compliance auditing services.

Contracts will be awarded to the independent auditor or auditing/accounting firm who, based on all responses, applying all criteria and oral interviews if necessary, is determined to be the best qualified to provide the requested services.

Qualifications must be submitted to the Housing Authority on or before **4:30 pm, local time on September 18, 2015** without exception at the following address:

Paula Nicholas, Procurement Officer

The Housing Authority of the City of Beaumont, Texas

1890 Laurel Street

Beaumont, TX 77701

**QUALIFICATIONS RECEIVED AFTER THE STATED TIME AND DATE WILL NOT BE CONSIDERED.**

To assure that your qualifications arrive at the proper place on time and to prevent opening by unauthorized individuals, your qualifications must be identified on the envelope or wrapper as follows:

**REQUEST FOR QUALIFICATIONS:** *Professional and Compliance Auditing Services*

**DUE DATE:** *September 18, 2015*

**ATTENTION:** *Paula Nicholas, Procurement Officer*

Your response to information requested in the enclosed Request for Qualifications, including related cost data and any supportive documentation, will be used to make the final selection(s). Your written qualifications will be the primary communication of your qualifications to perform our audit. BHA reserves the right to reject any or all qualifications, to advertise for new qualifications or proceed to accomplish the award by any means determined to be in the best interest of the BHA.

The award will be funded and administered by the BHA.

**Your proposal should address the following elements:**

1. A written presentation describing:
  - a) the approach to perform and manage the work;
  - b) the relevant experience of your firm directly related to the requirements;
  - c) key individuals who will perform the project and who will do the work;
  - d) resumes of key personnel;
  - e) the level-of-effort necessary to accomplish the work;
  - f) how this effort is applied to the staff proposed to perform the requirement;
  - g) a proposed schedule to complete the work;
2. Provide a separately bound cost/price proposal, which fully documents the costs, per task and per person. The Offeror's proposed price shall include all direct and indirect costs, expenses (travel, materials, mailing), profit and overhead. Qualifications will be reviewed and evaluated on the criteria defined in Section 2.12 of the Request for Qualifications packet. A contract will be awarded to the proposal that best meets the needs of the Housing Authority within the conditions of the specifications.

Inquiries regarding the Request for Qualifications should be directed in writing to Paula Nicholas at [nicholaspa@bmtha.org](mailto:nicholaspa@bmtha.org) at least 7 business days prior to due date.

We appreciate your consideration and assistance in this matter. We are looking forward to the receipt of your qualifications.

Sincerely,



Robert L. Reyna  
Executive Director



Enclosures

## TABLE OF CONTENTS

<b>1</b>	<b><i>Instructions to Offerors</i></b> .....	<b>1</b>
1.1	Preparation of Offers .....	1
1.2	Explanation to Prospective Offerors .....	1
1.3	Amendments to the Solicitation .....	1
1.4	Proposal Requirements .....	1
1.5	Proposal Withdrawal .....	2
1.6	Proposal Submission .....	2
1.7	Evaluation of Qualifications .....	2
1.8	Responsibility of Prospective Contractor.....	3
1.9	Negotiations with Selected Offeror .....	3
1.10	Notice of Award.....	3
<b>2</b>	<b><i>Nature of Services Required - Scope of Work</i></b> .....	<b>4</b>
2.1	Background .....	4
2.2	Scope and Requirements of the Audits.....	4
2.3	Qualifications of the Auditor .....	5
2.4	Audits and Audit Periods.....	5
2.5	Entrance and Exit Conference Requirements .....	5
2.6	Assistance Available to Proposers.....	5
2.7	Reports Required.....	6
2.8	Supplementary Documents available .....	6
2.9	Time Requirements .....	6
2.10	Reports Review, Timing, and Number of Copies.....	7
2.11	Working Papers.....	7
2.12	Evaluation Factors .....	7



## **1 Instructions to Offerors**

### **1.1 PREPARATION OF OFFERS**

1. All Offerors are expected to examine the Statement of Work, the proposed contract terms and conditions, and all instructions. Failure to do so will be at the Offeror's risk.
2. Each Offeror shall furnish the information required by the solicitation. The Offeror shall sign the offer and print or type its name on the cover sheet and each continuation sheet on which it makes an entry.

### **1.2 EXPLANATION TO PROSPECTIVE OFFERORS**

Any prospective Offeror desiring an explanation or interpretation of the solicitation, statement of work, etc., must request it in writing or by e mail at [nicholaspa@bmtha.org](mailto:nicholaspa@bmtha.org) no later than **September 11, 2015. Oral explanations or instructions will not be given.** Any information given to a prospective Offeror concerning the solicitation will be furnished promptly to all other prospective Offerors as an amendment to the solicitation and will be posted on the web site at [www.bmtha.org](http://www.bmtha.org).

### **1.3 AMENDMENTS TO THE SOLICITATION**

If the solicitation is amended, then all terms and conditions that are not modified remain unchanged. Offerors shall acknowledge receipt of any amendments to this solicitation by the following actions:

- (1) Identify the amendment number and date in the space provided for this purpose on the form to submit the offer
- (2) Acknowledge receipt of the amendment in a cover letter at the time of submission

### **1.4 PROPOSAL REQUIREMENTS**

All qualifications must be submitted in the form prescribed by the BHA in this RFQ. One (1) original and three (3) copies must be submitted. Proposal forms must be signed by an individual authorized to execute contracts for the Company in order to be accepted. Failure to include any of the following information could result in rejection of the proposal:

- (1) A description of the firm's experience that is directly relevant to the work required in this solicitation. The statement of experience should identify the housing authorities to which the services were provided, the date of those services, the duration of the services, the contract amount, a contact name, address and telephone number at the subject authority who has knowledge of those services and can report on the Offeror's performance, and the outcome achieved through those services. The statement should also include the experience of any sub-contractors the firm proposes to use in the performance of the contract activities. Previous relationships with subcontractors and their experience in working with the prime contractor are highly relevant.
- (2) A plan that describes the methodology to complete the scope of the audits.

- (3) A list of the firm's key personnel that will perform the work under the contract. Also include resumes of each key person that describe the relevant experience and background of such personnel and each staff person's participation and time commitment to the contract. If the firm plans to use a sub-contractor to perform the work, similar information must be provided for each sub-contractor.
- (4) A detailed management proposal that describes how the work will be controlled and how quality will be assured.
- (5) A business and cost proposal will be separately provided. It will include Debarment Certification for Prime and Sub-contractors, a Non-Collusive Affidavit (Attachment A) for Prime and sub-contractors, and Minority Participation Forms including both MBE/WBE participation and workforce content. Please note a copy of current MBE/WBE certification (Attachment B) or other documentation must be included to substantiate MBE/WBE status for Prime and all sub-contractors if applicable. Cost and pricing information should include the proposed base hourly rate for each job classification and the number of hours in each job classification for each task. The proposal should include all direct and indirect costs including overhead, profit and any proposed reimbursable costs.
- (6) The Offeror has the option to submit qualifications for up to 2 years of service. Qualifications are required to have a price per year if a multi-year contract is proposed.

#### **1.5 PROPOSAL WITHDRAWAL**

No proposal shall be withdrawn for a period of ninety (90) days subsequent to the opening of the qualifications without the written consent of the BHA.

#### **1.6 PROPOSAL SUBMISSION**

Four bound and secured copies of qualifications, one of which shall be clearly identified as containing documents with original signatures, must be submitted to the BHA by **September 18, 2015** no later than 4:30 p.m. Local Time without exception. Qualifications shall be submitted in sealed envelopes or packages using forms furnished by the BHA. The technical proposal and cost proposal must be submitted together in a sealed envelope.

#### **1.7 EVALUATION OF QUALIFICATIONS**

Within thirty (30) days after receipt of qualifications, the BHA will complete a review of all qualifications. The initial review will determine qualifications responsive or non-responsive to submission requirements.

Responsive qualifications will be reviewed for technical and cost considerations. References and experience will be checked and documented. A point value will be developed based on criteria listed in Section 2.12. All individual factors for award will be added to obtain an accumulated total score absent price. Those scores considered to be in the technically acceptable range will be reviewed for price. At this point, the Authority may decide, at its sole discretion to enter into negotiations with the Offeror it deems to be the best for the needs of the Authority.

Should the Authority deem it advisable to obtain additional clarification, orally or in writing from Offerors with the highest scores during the technical evaluation, they may be invited to respond to questions and provide a Best and Final offer.

#### **1.8 RESPONSIBILITY OF PROSPECTIVE CONTRACTOR**

The BHA shall award a contract only to a responsible prospective contractor who is able to perform successfully under the terms and conditions of the proposed contract. To be determined responsible, a prospective contractor must:

- (1) Have adequate financial resources to perform the contract or the ability to obtain them
- (2) Have satisfactory performance records
- (3) Have a satisfactory record of integrity and business ethics
- (4) Have a satisfactory record of compliance with public policy
- (5) Not have been suspended, debarred, or otherwise determined to be ineligible for award of Contracts by the U.S. Government or the State of Texas.

Before an award is made, the Offeror may be requested to submit a statement or other documentation regarding any of the foregoing requirements. Failure by the Offeror to provide such additional information may render the Offeror ineligible for award.

#### **1.9 NEGOTIATIONS WITH SELECTED OFFEROR**

Once the evaluation is complete, the BHA will negotiate with the top ranked Offeror to clarify the scope of work, performance period, and determine the final cost. If the BHA and the highest ranked Offeror fail to reach an agreement, the BHA may negotiate with the next highest ranked Offeror to reach an agreement, unless the BHA determines that it is in its best interest to resolicit for these services. The BHA may select other than the low cost bidder.

#### **1.10 NOTICE OF AWARD**

All Offerors will be notified by mail of the BHA's selection as soon as the award is made. A successful Offeror will be issued a Notice of Award. Within ten (10) business days, the Offeror shall provide the following documentation:

- (1) Proof of the appropriate insurance coverage to include Worker's Compensation & Employers Liability, Comprehensive Automobile Liability for vehicles used, Professional Liability (\$1 million for each occurrence/\$1 million Aggregate)
- (2) Federal Tax ID number
- (3) Evidence of the appropriate professional licenses as required.



## **2 Nature of Services Required - Scope of Work**

### **2.1 BACKGROUND**

The Authority administers the following programs that have been authorized through Federal legislation. (Housing Act of 1937, as amended)

#### **Low-Rent Public Housing**

The Authority owns and operates the apartment complexes. Construction is amortized over a forty (40) year period through Federal Annual Contributions to bondholders. Residents must meet prescribed income limits for admissions and pay a rent based upon income – not to exceed 30%. Additional revenues are provided by the government in the form of Operating Subsidies. Low Rent Public Housing in Beaumont consists of **638** units at **seven (7)** separate locations and **150** single-family houses. In addition, the Authority owns **12** Section 32 homeownership units.

#### **Section 8 New Construction**

Funds are received from Federal Housing and Urban Development similar to subsidy funds received in Low Rent Public Housing. There are 150 units in the project.

#### **Section 8 Housing Choice Voucher Program**

Presently the Authority is allocated **2,067** vouchers.

#### **Market Rate Property**

The Housing Authority created a public finance corporation to own a 152 unit, market rate, apartment complex.

#### **Listing of Grants**

- *Capital Fund Grants*
- *ROSS Grant*
- *FSS Grant*

### **2.2 SCOPE AND REQUIREMENTS OF THE AUDITS**

The selected Offerors must perform a financial and compliance audit of all of the activities of the Authority, regardless of Federal funding source, under the following conditions:

1. Audits shall be performed in accordance with Department of Housing and Urban Development regulations, the Single Audit Act of 1984, Single Audit Amendments Act of 1996, OMB Circular A-133 and government auditing standards.
2. In accordance with HUD PIH Notice 96-32 and 96-53, the auditor must follow the PIH compliance supplement relating to the Public Housing Management Assessment Program.

3. In accordance with Uniform Financial Reporting standards for HUD housing programs, the audit reports submitted to HUD must be in compliance with Generally Accepted Accounting Principles (GAAP).
4. The Auditor will be required to submit the audit report electronically to the Real Estate Assessment Center of HUD, along with attestation function (within 9 months of the Housing Authority's fiscal year end).

### **2.3 QUALIFICATIONS OF THE AUDITOR**

Respondents must provide the following information:

1. An affirmation that the audit firm is independent and licensed to practice in the State of Texas.
2. An affirmation that the firm's professional personnel have received adequate continuing professional education within the preceding two years.
3. An affirmation that the firm has no conflict of interest with regard to any other work performed by the firm for the Housing Authority.
4. An affirmation that the firm has an appropriate internal quality control system in place and has participated in an external quality control review within the last three years.

### **2.4 AUDITS AND AUDIT PERIODS**

The Authority is requesting qualifications for an audit of BHA financial statements for the fiscal year ending September 30, 2015.

### **2.5 ENTRANCE AND EXIT CONFERENCE REQUIREMENTS**

The audit entrance conferences will be held at the beginning and the audit exit conferences will be held at the completion of the audits. The contact person for setting up the meetings, where the meetings are to be held and the persons with whom they will meet is the Executive Director, Robert L. Reyna. The Comptroller, Jennifer Manriquez, will also be the contact person for the meetings to be held to discuss drafts of potential findings and consideration of the Housing Authority responses to the findings of reportable conditions.

### **2.6 ASSISTANCE AVAILABLE TO PROPOSERS**

1. The Comptroller and all staff will be available to assist the Auditor by providing information and explanations during the audit. The Comptroller will be reachable by phone for assistance as well. The staff of the Finance and Administration Department will be available to reproduce and secure documents.
2. The Executive Director will issue representation letters if required.
3. Work areas, reproducing equipment and a majority of the records to be audited are located at the central administration building of the Authority. Alternatively, transaction information may be moved off site to facilitate audit efforts and reduce cost to the BHA.
4. The U. S. Dept. of Housing and Urban Development (HUD) is the appointed Federal agency for the Authority.

## **2.7 REPORTS REQUIRED**

1. The audit reports must state that the audit was made in accordance with the provisions of OMB Circular A-133 and meet all requirements of OMB Circular A-133.
2. The audit report must include:
  - a. The auditor's opinion report on the financial statements and on schedule of Federal assistance, showing the total expenditures for each Federal assistance program as defined in the Catalog of Federal Domestic Assistance, and all other Federal programs and grants which have not been assigned catalog numbers.
  - b. The auditor's report on the study and evaluation of internal control systems and it must identify the Housing Authority and its component units significant internal accounting controls as well as those controls designed to provide reasonable assurance that Federal programs are being managed in compliance with laws and regulations. This report must identify the controls that were not evaluated, and the material weaknesses identified as a result of the evaluations.
  - c. The auditor's report on compliance containing:
    - (1) A statement of positive assurance with respect to those items tested for compliance including compliance with laws, rules and regulations pertaining to non-major programs and other items which could have a material effect on financial reports and claims for advances and reimbursements. In addition, the auditor's report must disclose whether the authority and its component units have a material effect on each major Federal assistance program.
    - (2) A statement of negative assurance on those items not tested.
    - (3) A summary of all instances of noncompliance, and,
    - (4) An identification of total amounts of costs questioned, if any, for each Federal assistance award, as a result of noncompliance.
3. The three parts of the audit reports must be represented as three separate reports.
4. If the auditors became aware of illegal acts or other irregularities, prompt notice must be given to the authority's management officials above the level of involvement. The auditor may contact the U.S. Department of Housing and Urban Development for guidance if illegal acts or irregularities are suspected. The auditor must prepare a separate written report on such acts including all questioned costs found as the results of these acts.

## **2.8 SUPPLEMENTARY DOCUMENTS AVAILABLE**

BHA Audits for FY 2013 AND 2014

## **2.9 TIME REQUIREMENTS**

1. Time for Proposal Submission: **4:30 p.m., local time**
2. Date for Proposal Submission: **September 18, 2015**

3. Date of Contract Awards: **To Be Determined**
4. Date audit work can be commenced: **To Be Determined**
5. Date for Preliminary Report Completion and Exit Conference (s):  
**To Be Determined**

## **2.10 REPORTS, REVIEW, TIMING AND NUMBER OF COPIES**

Requirements concerning procedures of reporting, frequency, number of copies, special reporting, etc. are as follows:

1. The Authority will review exposure draft submissions. The Executive Director will be responsible for reviewing and responding to the draft audit reports.
2. All fraud abuse, or illegal acts or indication of such acts, including questioned costs found as the result of these acts that the auditor becomes aware of will be covered in a separate written report and submitted in accordance with Section 2.7, Reports Required.
3. **Three (3)** copies of each final audit report will be submitted to the Authority in accordance with Section 2.8, *Time Requirements*.
4. All reports rendered to BHA by the auditor are the exclusive property of BHA and are subject to its use and control, according to applicable laws and regulations.

## **2.11 WORKING PAPERS**

Work papers and reports shall be retained for a minimum of three years from the date of the audit reports, unless the auditors are notified in writing by the U.S. Department of Housing and Urban Development to extend the retention period. Audit work papers shall be made available upon request to the U.S. Department of Housing and Urban Development or its designee or the General Accounting Office, of the Housing Authority of the City of Beaumont Texas, at the completion of the audits.

## **2.12 EVALUATION FACTORS**

The proposal will be evaluated on the following elements:

1. Knowledge and understanding of the work to be performed as demonstrated by previous experience in performing similar work. Previous experience should include the date of the assignment, the specific conditions encountered and the results achieved (**Maximum 25 points**)
2. Soundness of the proposed plan to complete the work successfully. The bidder must describe how its approach will lead to a clean opinion and stable operations for the authority. Evaluation will include the management plan, proposed level of effort to accomplish the work and the proposed staff. (**Maximum 20 points**)
3. The time to complete the work. The schedule of completion of this work is critical to the operation of the authority. The Contractor's proposed timeframe for completion will be considered among other factors in awarding this work. (**Maximum 15 points**)

4. Your firm's past performance provided by 3 references from similar assignments. These references must include detailed information about the assignment, dollar amount, and contact person name and phone number. **(Maximum 35 points)**
5. Level of commitment for MBE/WBE participation **(Maximum 5 points)**

BHA will evaluate qualifications for technical acceptability based on the elements identified in this request. Following consideration of technical elements, BHA will evaluate proposed cost. The combination of total technical points and price will be ranked. BHA may issue a contract to other than the lowest bidder. BHA may also determine to conduct discussions concerning qualifications and price, or issue no contract as a result of this request.

In order to receive maximum consideration, your proposal must provide a detailed approach to the requirement and be precise and direct regarding experience, technical knowledge, and past performance.

The technical proposal including resumes and experience, level of effort and schedule shall be limited to 20 pages. A page is considered to be one side of a single sheet of 8 1/2 x 11 paper, single-spaced, using not smaller than 12 pitch type.

**ATTACHMENT A**

**FORM OF NON-COLLUSIVE AFFIDAVIT**

STATE OF TEXAS

COUNTY OF JEFFERSON

\_\_\_\_\_, being first duly sworn, deposes and says that he

is \_\_\_\_\_ (a partner or officer of the firm) 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 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 of that of any other bidder, or to secure any advantage against THE HOUSING AUTHORITY OF THE CITY OF BEAUMONT or any person interested in the proposed Contract; and that all statements in said proposal or bid are true.

\_\_\_\_\_

Signature of Bidder, if Bidder is an Individual

\_\_\_\_\_

Signature of Bidder, if Bidder is a Partnership

\_\_\_\_\_

Signature of Officer, if Bidder is a Corporation

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_

Notary Public in and For the County of Jefferson in the State of Texas.

My Commission expires \_\_\_\_\_



**ATTACHMENT B**

**M/WBE PARTICIPATION**

**M/WBE PARTICIPATION:** The contractor agrees to make its best efforts to subcontract with minority business enterprises and/or women business enterprises (herein called W/MBE) certified as such or recognized by HACB as a certified M/WBE.

**USING BEST EFFORTS TO FULFILL M/WBE REQUIREMENT:** In the event HACB has a reasonable belief that Contractor will not use his/her/its best efforts to meet the M/WBE participation goal, HACB reserves the right to pull work from the contract. Best efforts may be established by a showing that Contractor has contacted and solicited bids/quotes from subcontractors and worked with the Housing Authority to seek assistance in identifying M/WBEs.

**NOTIFICATION OF M/WBE PARTICIPATION:** Contractor agrees to promptly complete and return all M/WBE Confirmation of Participation and M/WBE Confirmation of Payment forms utilized by HACB to confirm M/WBE subcontractor by submitting copies of checks made payable to the respective M/WBE subcontractor signed by the Contractor.

---

**CONTRACTOR**

---

**DATE**

**Note: This form must bear a signature.**

# ATTACHMENT C

## Instructions to Offerors Non-Construction

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



- 03291 -

### 1. Preparation of Offers

(a) Offerors are expected to examine the statement of work, the proposed contract terms and conditions, and all instructions. Failure to do so will be at the offeror's risk.

(b) Each offeror shall furnish the information required by the solicitation. The offeror shall sign the offer and print or type its name on the cover sheet and each continuation sheet on which it makes an entry. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the HA.

(c) Offers for services other than those specified will not be considered.

### 2. Submission of Offers

(a) Offers and modifications thereof shall be submitted in sealed envelopes or packages (1) addressed to the office specified in the solicitation, and (2) showing the time specified for receipt, the solicitation number, and the name and address of the offeror.

(b) Telegraphic offers will not be considered unless authorized by the solicitation; however, offers may be modified by written or telegraphic notice.

(c) Facsimile offers, modifications or withdrawals will not be considered unless authorized by the solicitation.

### 3. Amendments to Solicitations

(a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

(b) Offerors shall acknowledge receipt of any amendments to this solicitation by

- (1) signing and returning the amendment;
- (2) identifying the amendment number and date in the space provided for this purpose on the form for submitting an offer, letter or telegram, or
- (4) facsimile, if facsimile offers are authorized in the solicitation. The HA/HUD must receive the acknowledgment by the time specified for receipt of offers.

### 4. Explanation to Prospective Offerors

Any prospective offeror desiring an explanation or interpretation of the solicitation, statement of work, etc., must request it in writing soon enough to allow a reply to reach all prospective offerors before the submission of their offers. Oral explanations or instructions given before the award of the contract will not be binding. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment of the solicitation, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors.

### 5. Responsibility of Prospective Contractor

(a) The HA shall award a contract only to a responsible prospective contractor who is able to perform successfully under the terms and conditions of the proposed contract. To be determined responsible, a prospective contractor must -

- (1) Have adequate financial resources to perform the contract, or the ability to obtain them;

- (2) Have a satisfactory performance record;
- (3) Have a satisfactory record of integrity and business ethics;
- (4) Have a satisfactory record of compliance with public policy (e.g., Equal Employment Opportunity); and
- (5) Not have been suspended, debarred, or otherwise determined to be ineligible for award of contracts by the Department of Housing and Urban Development or any other agency of the U.S. Government. Current lists of ineligible contractors are available for inspection at the HA/HUD.

(b) Before an offer is considered for award, the offeror may be requested by the HA to submit a statement or other documentation regarding any of the foregoing requirements. Failure by the offeror to provide such additional information may render the offeror ineligible for award.

### 6. Late Submissions, Modifications, and Withdrawal of Offers

(a) Any offer received at the place designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it -

- (1) Was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);
- (2) Was sent by mail, or if authorized by the solicitation, was sent by telegram or via facsimile, and it is determined by the HA/ HUD that the late receipt was due solely to mishandling by the HA/ HUD after receipt at the HA;
- (3) Was sent by U.S. Postal Service Express Mail Next Day Service - Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays; or
- (4) Is the only offer received.

(b) Any modification of an offer, except a modification resulting from the HA's request for "best and final" offer (if this solicitation is a request for proposals), is subject to the same conditions as in subparagraphs (a)(1), (2), and (3) of this provision.

(c) A modification resulting from the HA's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the HA after receipt at the HA.

(d) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the offer, modification, or withdrawal shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors should request the postal clerk to place a hand cancellation bull's-eye postmark on both the receipt and the envelope or wrapper.

(e) The only acceptable evidence to establish the time of receipt at the HA is the time/date stamp of HA on the offer wrapper or other documentary evidence of receipt maintained by the HA.

(f) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (c) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, offerors should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(g) Notwithstanding paragraph (a) of this provision, a late modification of an otherwise successful offer that makes its terms more favorable to the HA will be considered at any time it is received and may be accepted.

(h) If this solicitation is a request for proposals, proposals may be withdrawn by written notice, or if authorized by this solicitation, by telegram (including mailgram) or facsimile machine transmission received at any time before award. Proposals may be withdrawn in person by a offeror or its authorized representative if the identity of the person requesting withdrawal is established and the person signs a receipt for the offer before award. If this solicitation is an invitation for bids, bids may be withdrawn at any time prior to bid opening.

#### 7. Contract Award

(a) The HA will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the HA, cost or price and other factors, specified elsewhere in this solicitation, considered.

(b) The HA may

- (1) reject any or all offers if such action is in the HA's interest,
- (2) accept other than the lowest offer,
- (3) waive informalities and minor irregularities in offers received, and (4) award more than one contract for all or part of the requirements stated.

(c) If this solicitation is a request for proposals, the HA may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint.

(d) A written award or acceptance of offer mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer shall result in a binding contract without further action by either party. If this solicitation is a request for proposals, before the offer's specified expiration time, the HA may accept an offer, whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award. Negotiations conducted after receipt of an offer do not constitute a rejection or counteroffer by the HA.

(e) Neither financial data submitted with an offer, nor representations concerning facilities or financing, will form a part of the resulting contract.

#### 8. Service of Protest

Any protest against the award of a contract pursuant to this solicitation shall be served on the HA by obtaining written and dated acknowledgment of receipt from the HA at the address shown on the cover of this solicitation. The determination of the HA with regard to such protest or to proceed to award notwithstanding such protest shall be final unless appealed by the protestor.

#### 9. Offer Submission

Offers shall be submitted as follows and shall be enclosed in a sealed envelope and addressed to the office specified in the solicitation. The proposal shall show the hour and date specified in the solicitation for receipt, the solicitation number, and the name and address of the offeror, on the face of the envelope.

It is very important that the offer be properly identified on the face of the envelope as set forth above in order to insure that the date and time of receipt is stamped on the face of the offer envelope. Receiving procedures are: date and time stamp those envelopes identified as proposals and deliver them immediately to the appropriate contracting official, and only date stamp those envelopes which do not contain identification of the contents and deliver them to the appropriate procuring activity only through the routine mail delivery procedure.

[Describe bid or proposal preparation instructions here:]

## ATTACHMENT D

### Certifications and

U.S. Department of Housing

and Urban Development

Office of Public and Indian Housing

### Representations of Offerors Non-Construction Contract

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

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

#### 1. Contingent Fee Representation and Agreement

- (a) The bidder/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:
- (1) ☐ has, ☒ has not employed or retained any person or company to solicit or obtain this contract; and
  - (2) ☐ has, ☒ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.
- (b) If the answer to either (a)(1) or (a) (2) above is affirmative, the bidder/offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.
- (c) Any misrepresentation by the bidder/offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

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

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

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

For the purpose of this definition, minority group members are: (Check the block applicable to you)

- |                                             |                                                   |
|---------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Black Americans    | <input type="checkbox"/> Asian Pacific Americans  |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans   |
| <input type="checkbox"/> Native Americans   | <input type="checkbox"/> Hasidic Jewish Americans |

### 3. Certificate of Independent Price Determination

- (a) The bidder/offeror certifies that—
- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
  - (2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
  - (3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.
- (b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:
- (1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of person(s) in the bidder/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror's organization); (ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

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Form HUD-5369-C

(8/93)

ref. Handbook 7460.8

- (iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.
- (c) If the bidder/offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

### 4. Organizational Conflicts of Interest Certification

- (a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:
- (i) Award of the contract may result in an unfair competitive advantage;
  - (ii) The Contractor's objectivity in performing the contract work may be impaired; or
  - (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.
- (b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.
- (c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.
- (d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any

necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

**5. Authorized Negotiators (RFQs only)**

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for qualifications: (list names, titles, and telephone numbers of the authorized negotiators):

**6. Conflict of Interest**

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

**7. Offeror's Signature**

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

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Signature & Date:

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Typed or Printed Name:

---

Title

Form HUD-5369-C



## RFQ # 15-109



**HOUSING AUTHORITY**  
*of the City of Beaumont, Texas*

### *Important Dates*

DESCRIPTION	DATE
<i>Release to public</i>	<i>8/21/15</i>
<i>Publish in Beaumont Enterprise</i>	<i>8/23/15 &amp; 8/26/15</i>
<i>Posted on BHA web site</i>	<i>8/21/15</i>
<i>No more questions after:</i>	<i>9/11/15</i>
<i>Response due to BHA</i>	<i>9/18/15</i>