

# **BIDDER'S PACKET**

## **THE KLAMATH TRIBES goos oLgi gowa (Pine Grove Gathering Place)**

### **CHILOQUIN, OREGON**

Project No. 1754-2609 & 1754-28  
March 2013



Engineers ▲ Planners ▲ Surveyors

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2950 Shasta Way • Klamath Falls, OR 97603 • (541) 884-4666 • FAX (541) 884-5335

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**KLAMATH TRIBES HOUSING DEPARTMENT**

**INVITATION FOR BIDS**

goos oLgi gowa (Pine Grove Gathering Place)

**March 2013**

**For Further Information Contact:**

**Adkins Consulting Engineering, LLC  
2950 Shasta Way  
Klamath Falls, OR 97603**

**Bids to be Submitted to:**

**Jackie Galbreath  
Klamath Tribes Purchasing Agent  
P.O. Box 436  
501 Chiloquin Boulevard  
Chiloquin, Oregon 97624**

**Klamath Tribes**  
goos oLgi gowa (Pine Grove Gathering Place)  
**Invitation for Bids**  
**SUMMARY**

Date: March 20, 2013  
Bids due by: April 17, 2013

To: Prospective Offeror's  
Subject: Invitation for Bids

The Klamath Tribes Housing Department ("KTHD"), the tribal housing program for the Klamath Tribes, is inviting appropriate individuals and firms to submit bids for the provision of general contractor construction services to the KTHD for the following Project:

**THE KLAMATH TRIBES**  
goos oLgi gowa (Pine Grove Gathering Place)

**The work contemplated consists of:**

Construction of a 7,444 s.f. light wood framed building with structurally insulated panel exterior walls complete with commercial kitchen, on-site septic system, and other utilities, parking lot, sidewalks, parking lot lighting and street lighting throughout existing 55-acre housing development.

Bids submitted in response to this Invitation for Bids must be submitted to the following address no later than 2:00 p.m. local time, on April 17, 2013:

**Jackie Galbreath**  
**Klamath Tribes Purchasing Agent**  
**P.O. Box 436**  
**501 Chiloquin Boulevard**  
**Chiloquin, Oregon 97624**

The award will be made to the most responsible and responsive bidder whose bid meets the requirements of this Invitation for Bids, as determined by consideration of the weighted factors set out herein.

## INSTRUCTIONS TO OFFERORS

### 1. Format, Timing, and Submission of Bids and Public Bid Opening

- A. Firms or individuals wishing to be considered in the selection process must submit three (3) copies of their bid **no later than 2:00 PM local time, April 17, 2013.**

The complete bid package shall be plainly marked as follows:

**Jackie Galbreath  
Klamath Tribes Purchasing Agent  
P.O. Box 436  
501 Chiloquin Boulevard  
Chiloquin, Oregon 97624**

**Project Name: Klamath Tribes goos oLgi gowa (Pine Grove Gathering  
Place)**  
**Bid Opening Date: April 17, 2013**  
**Contractor's Name: \_\_\_\_\_**  
**Construction Contractors Board Registration Number: \_\_\_\_\_**

The bid shall be submitted in triplicate on the "BIDDER'S PACKET".

No electronic or faxed submittals will be accepted. All bids received will be time-stamped but not opened and will be stored in a secure place until bid opening. An Offeror may withdraw its bid at any time prior to opening.

- B. The public bid opening will occur at **2:00 PM** at **The Klamath Tribes Administration Building, 501 Chiloquin Boulevard, Chiloquin, Oregon.**

### 2. Costs of Preparing and Submitting Bid

KTHD will not be liable for any costs incurred by the offeror's in replying to this Invitation for Bids. KTHD is not liable for any costs for work or services performed by the selected company prior to the execution of a written contract for services.

### 3. Ownership Interest

The offeror shall include the following ownership interest information in its bid: the name of each person having an ownership interest in the offeror; the identity of each person having an ownership interest in the offeror, who is, or who within one year prior to the date of submittal of the bid has been, a commissioner, officer or employee of the KTHD or a member of the governing body of the Klamath Tribes, or any other public official who exercises or who will exercise any responsibilities or functions with regard to the developments covered by this Invitation for Bids; and the identity of each person having an ownership interest in the offeror who has been suspended, debarred, or otherwise determined to be ineligible for award of contracts by the U.S. Department of Housing and Urban Development,

KTHD, the Klamath Tribes, any other agency of the U.S. Government, or any other Indian tribe or tribally designated housing entity. If none of the persons having an ownership interest in the offeror has been suspended, debarred, or otherwise determined to be ineligible for award of contracts as described above, the bid should expressly certify that this is the case by including the following statement in the ownership interest section: “None of the persons having an ownership interest in the offeror have been suspended, debarred, or otherwise determined to be ineligible for award of contracts for award of contracts by the U.S. Department of Housing and Urban Development, KTHD, the Klamath Tribes, any other agency of the U.S. Government, or any other Indian tribe or tribally designated housing entity.”

#### **4. Subcontractors**

The Offeror shall submit with the Bid a list of Subcontractors, listing each subcontractor who will perform work that amounts to more than 10 percent of the contract price, and the specific item of work those subcontractors will perform on the contract. A proposal will be considered irregular and will be rejected if the Offeror does not provide this list as part of the proposal when submitting the proposal.

#### **5. Applicable Law**

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

- 5.1 The applicable provisions of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and the regulations promulgated pursuant thereto.
- 5.2 The Indian Preference provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), which provides that, to the greatest extent feasible (1) preference and opportunities for training and employment shall be given to Indians, and (2) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.
- 5.3 The laws, policies, and regulations of the Klamath Tribes and the Klamath Tribes Housing Department.
- 5.4 Davis-Bacon Wage Rates (Prevailing Wages)

All construction contracts and subcontracts for this Project shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor Regulations (29 CFR Part 5). In addition, contractors shall be required to pay wages not less often than once a week. The Tribes shall provide a copy of the current prevailing wage determination issued by the Department of Labor, if requested, in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The Tribes shall report all suspected or reported violations to the federal grantor.

- 5.5 Executive Order 11246 (Equal Employment Opportunity)

All construction contracts awarded for this Project shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as supplemented by Department of Labor Regulations (41 CFR Part 60). However, this Equal Employment Opportunity provision will apply only after the Indian preference requirements prescribed have been met.

#### 5.6 Copeland Anti-Kickback Act

All contracts for this Project shall include a provision for compliance with the Copeland "Anti Kickback" Act (18 U. S. C. 874) as supplemented in Department of Labor Regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public works, to give up any part of the compensation to which he is otherwise entitled. The Tribe shall report all suspected or reported violations to the federal grantor (HUD).

#### 5.7 Clean Air Act/Clean Water Act

Contracts for this Project shall contain a provision that requires the contractor to agree to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR, Part 15), which prohibit the use under non-exempt federal contracts, grants or loans of facilities included on the EPA list of Violating Facilities. Violations shall be reported to the grantor agency (HUD) and to the U.S. Environmental Protection Agency Assistant Administrator for Enforcement (EN-329).

#### 5.8 Contract Work Hours and Safety Standards Act

Contracts for this Project must be in compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5).

Under Section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

#### 5.9 Inadvertent Discovery of Native American Remains and Objects

The Project and contractor shall be conducted in strict compliance with any relevant provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) - Public Law 101-601, Klamath Tribal law and customs, and the NAGPRA provisions within the Klamath Tribes Procurement Policy.

5.10 Such other federal or Tribal law as may be applicable.

## 6. Confidentiality

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

## 7. Requests for Information

Any questions may be directed to **Adkins Consulting Engineering, LLC, 2950 Shasta Way, Klamath Falls, OR 97603**, or by email at [adkins@adkinsengineering.com](mailto:adkins@adkinsengineering.com)

*Requests for further information or questions regarding this Invitation for Bids should be addressed only to **Adkins Consulting Engineering, LLC**. **UNAUTHORIZED CONTACT REGARDING THIS INVITATION FOR BIDS WITH ANY OTHER KTHD EMPLOYEE OR BOARD MEMBER MAY RESULT IN DISQUALIFICATION**. Any oral communication will be considered unofficial and non-binding. Proposers shall rely only on written addenda issued by **Adkins Consulting Engineering, LLC or KTHD**.*

## 8. Responsibility of Offeror's

It is the responsibility of each offeror before submitting a bid to:

- 8.1 Become familiar with all applicable laws and regulations that may affect cost, and have the proposed cost reflect the impact of such laws and regulations.
- 8.2 Promptly give the KTHD written notice of all conflicts, errors, ambiguities, or discrepancies that offeror discovers in the Invitation for Bids and confirm that the written resolution thereof by KTHD is acceptable to the offeror.
- 8.3 Determine that the Invitation for Bids documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of engineering services related to the Project.

## 9. Representations by Offeror

Submission of a bid will constitute an incontrovertible representation by the offeror that the offeror has complied with all the requirements set out in Section 7, that without exception the bid is premised upon providing the labor and materials under the Invitation for Bids and applying any specific means,



methods, techniques, sequences, and procedures that may be shown or indicated or expressly required by the Invitation for Bids, that offeror has given KTHD written notice of all conflicts, errors, ambiguities, or discrepancies that offeror discovers in the Invitation for Bids and has confirmed that the written resolution thereof by KTHD is acceptable to the offeror, and that the Invitation for Bids documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the work.

By submission of a bid, the offeror agrees, if its bid is accepted within sixty (60) days after the deadline for submitting bids, to enter into a written contract with the KTHD in the form consistent with the Invitation for Bids and the offeror's final bid. By submission of a bid, the offeror further accepts all of the terms and conditions of the Invitation for Bids.

The offeror further agrees to begin immediately upon receipt of the Notice to Proceed, and to complete in all respects, the construction covered by the contract by **February 14, 2014** unless such time limit is extended by the Klamath Tribes as allowed by these Contract Documents.

## **10. Services to be Provided**

KTHD is seeking to establish a contractual relationship with a General Contractor for Construction Services for the Project. The specifications for the Project are on file and available for viewing at Adkins Consulting Engineering, LLC, 2950 Shasta Way, Klamath Falls, OR 97603, the Klamath Tribes Administration Building, 501 Chiloquin Boulevard, Chiloquin, Oregon and the Klamath Builders Exchange, 724 Main Street, Klamath Falls, OR 97601. A copy of said documents may be viewed and downloaded at the Adkins Consulting Engineering, LLC FTP site. For instructions please send an email to [adkins@adkinsengineering.com](mailto:adkins@adkinsengineering.com).

## **11. Evaluation of Bids and Selection of Successful Bidder**

Bids will be received at the time and place indicated in the herein or in an addendum, unless the Klamath Tribes Housing Department has withdrawn the Invitation for Bids. In the event of any discrepancies, the amount shown in words shall have precedence, an item's unit price shall have precedence over the item extended unit price, and the arithmetic sum of the extended unit and lump sum prices shall have precedence over the total amount of proposal. Any interlineation, alteration or erasure shall be initialed by the Offeror for the proposal to be considered.

It is the intent of the KTHD to award a Contract to the responsive and responsible Offeror providing the lowest bid, provided the bid has been submitted in accordance with the requirements of this Invitation for Bids and associated contract documents and does not exceed the funds available.

KTHD will apply Indian preference in the selection of the successful bidder as follows: Any qualified Indian firm whose bid is within 10% of the lowest responsible bid shall be awarded the bid based on Indian preference.

All potential offeror's are notified that any and all bids are likely to be rejected if deemed in the best interests of the KTHD. In the event all proposals are rejected, this project may be deferred for re-advertising for proposals until a more competitive situation exists. The Klamath Tribes Housing

Department may cancel this Invitation for Bids at any time, and may reject any or all bids at its sole discretion.

## **12. Attachments**

The following documents are attached to and incorporated by reference into this Invitation for Bids, and all of them must be completed and submitted with any bid:

- 12.1 Certifications and Representations of Bidders/ Construction Contract HUD 5389-A
- 12.2 Non-Collusion Affidavit
- 12.3 Certification of Indian-Owned Enterprise or Indian Organization (for offerors claiming Indian preference)
- 12.4 Bid Bond
- 12.5 Indian Enterprise Qualification Statement (if seeking to qualify as an Indian-owned enterprise)
- 12.6 Indian Preference Statement: all bidders must include a statement detailing their employment and training opportunities and their plan for providing preference to Indians.
- 12.7 Labor and Material Payment Bond
- 12.8 Performance Security Bond
- 12.9 Advertisement for Bids

The following documents are also attached, and will comprise the Contract Documents once an Offeror is selected and a Contract is executed.

- 12.10 Construction Contract Template Document
- 12.11 Exhibit A, Contract Plans, Drawings, and Specifications
- 12.12 GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION/NATIVE AMERICAN PROGRAMS. FORM NWIHA GC (1/99)(REVISED 09/04) SEPT. 2004 PRINTING
- 12.13 SUPPLEMENTAL CONDITIONS TO THE GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION
- 12.14 Any addenda deemed necessary or appropriate by KTHD

Project Name: The Klamath Tribes goos oLgi gowa (Pine Grove Gathering Place)  
 Contractor: \_\_\_\_\_

All work not specifically included in the bid items shown shall be considered incidental to the work and no separate payment will be made. The work shall constitute a complete project.

The Bidder hereby proposes to accept as full payment for the work proposed herein, the lump sum or unit price amount(s) listed for each proposed item (detailed description in the Supplemental Conditions to Instructions to Bidders) as follows:

**BASE BID SCHEDULE 'A'**

BID ITEM NO.	APPROX. QTY.	ITEM (WITH UNIT PRICE IN WRITTEN WORDS)	UNIT PRICE IN FIGURES	EXTENDED TOTAL AMOUNT
1	<u>1</u> L.S.	COMMUNITY CENTER, Complete-in-Place  _____ _____	\$ _____ L.S.	\$ _____

**ALTERNATIVE BID SCHEDULE 'A'**

1	<u>1</u> L.S.	ADD: SECURITY ACCESS SYSTEM, Complete-in-Place  _____ _____	\$ _____ L.S.	\$ _____
2	<u>1</u> L.S.	DEDUCT: PORTICO 'B' at TENANT 108, Complete-in-Place  _____ _____	\$ _____ L.S.	\$ _____
3	<u>1</u> L.S.	DEDUCT: PORTICO 'C' at ELDERS 119, Complete-in-Place  _____ _____	\$ _____ L.S.	\$ _____
4	<u>8</u> EA.	ADD: LOG BENCH (UP TO EIGHT (8) TOTAL), a. Log Bench  _____ _____	\$ _____ EA.	\$ _____

b. Upholstery option b. Upholstered 3” medium firmness foam bench cushion with \$40 per lineal (54”x36”) yard allowance for durable upholstery fabric  
Unit Price (each)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_ L.S. \$ \_\_\_\_\_

c. Upholstery option c. Upholstered 3” medium firmness foam bench cushion with Pendleton wool bed blanket as upholstery fabric Unit Price (each) available  
Example patterns: “Crater Lake National Park” and/or “Crossroads”

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_ L.S. \$ \_\_\_\_\_

NOTE: Upholstery available from: KJ’s Upholstery – Bend, Oregon  
 Phone: (541) 383-2717 [www.kjsup.com](http://www.kjsup.com)

5        1   L.S.      ADD:      AUDIO VISUAL EQUIPMENT (CONFIGURATION ‘B’),  
 Complete-in-Place

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_ L.S. \$ \_\_\_\_\_

**BASE BID SCHEDULE ‘B’**

BID ITEM NO.	APPROX. QTY.	ITEM (WITH UNIT PRICE IN WRITTEN WORDS)	UNIT PRICE IN FIGURES	EXTENDED TOTAL AMOUNT
1	<u>  1  </u> L.S.	PARKING LOT, SIDEWALKS/SLABS, STREET LIGHTING, & PARKING LOT LIGHTING, Complete-in-Place		
		_____ _____ _____	\$ _____	L.S. \$ _____

**DEDUCTIVE BID SCHEDULE ‘B’**

1        1   L.S.      STREET LIGHTING,  
 Complete-in-Place

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_ L.S. \$ \_\_\_\_\_

2

    1     L.S.

PARKING LOT LIGHTING,  
Complete-in-Place

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

\$ \_\_\_\_\_ L.S. \$ \_\_\_\_\_

The name of the Company who is submitting this Bid is:

\_\_\_\_\_

doing business at \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
City County State Zip Telephone

which address is the address to which all communications concerning this Bid and Contract shall be sent.

I (We), acknowledge that Addenda numbers \_\_\_\_\_ through \_\_\_\_\_ have been received and have been examined as part of the Contract Documents. (If none have been received, write "none" in the above space.) The Presidents Executive Order 11246, the Certification of Nonsegregated Facilities and the Certification of Nondiscrimination in Employment contained herein and executed by the Bidder is hereby made a part of this Bid.

The Contractor and/or each Subcontractor, in preparing the Bid submitted, hereby states that each employee will be paid an amount not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality where such labor is performed. Any employee whose type of work is not covered by any of the classified wage rates shall be paid not less than the rate of wage listed for the classification which most nearly corresponds to the type of work to be performed.

The name of the principal officers of the corporation, or members of the partnership, or individual submitting this Bid are as follows:

\_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_

The name of the Bidder is:

\_\_\_\_\_  
Contractors Board Registration Number

\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Title Date

**RESIDENT/NON RESIDENT BIDDER CERTIFICATION**

Resident Bidder. Bidder hereby certifies that: he/she is  is not  a “resident bidder”.  
“Resident bidder” means a bidder that has paid unemployment taxes or income taxes in Oregon during the last 12 calendar months immediately preceding submission of the bid and has a business address in Oregon.

\_\_\_\_\_  
Name of Bidder

\_\_\_\_\_  
Signature

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

**DRUG TESTING PROGRAM CERTIFICATION**

Employee Drug Testing Program. Bidder hereby certifies that it has an employee drug testing program in place.

\_\_\_\_\_  
Name of Bidder

\_\_\_\_\_  
Signature

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

**NON-COLLUSION AFFIDAVIT**

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

1. That I am a duly authorized officer or agent of \_\_\_\_\_, the Bidder submitting the bid attached to this Affidavit, for the purpose of certifying the facts pertaining to the existence of collusion among the Bidders or between this Bidder and any officer, agent or employee of Klamath Tribes Housing Department (KTHD) or the Klamath Tribes (Tribes), as well as facts pertaining to the giving or offering things of value to officers, agents or employees of KTHD or the Tribes in return for special consideration in the letting of any contract pursuant to the attached competitive bid.
2. That I am fully aware of the facts and circumstances surrounding the making of the bid and has been personally and directly involved in the proceedings leading to the submission of such bid.
3. That the bid submitted is genuine and is not the product of any collusion and is not a sham bid, and that all statements in the bid are true.
4. That neither the Bidder named above nor anyone subject to the Bidder's direction or control has been a party:
  - a. to any collusion among Bidders to agree to bid at a fixed price or to refrain from submitting a bid, or as to quantity, quality, cost element, profit, overhead, or price in the prospective contract or as to any other term of the prospective contract;
  - b. to any collusion with any KTHD or Tribal officer, agent or employee as to quantity, quality, cost element, profit, overhead, or price in the prospective contract or as to any other term of the prospective contract;
  - c. to any discussions between Bidders or between this Bidder and any officer, agent or employee of KTHD or the Tribes pertaining to the giving or offering things of value to officers, agents or employees of KTHD or the Tribes in return for special consideration in the letting of any contract pursuant to the attached bid.

So sworn this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Affiant

*Certification*

County of \_\_\_\_\_ )  
 )ss  
 State of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires:



**DISCLOSURE OF FIRST-TIER SUBCONTRACTORS  
SERVICES AND SUPPLIES**

**Project Name:** The Klamath Tribes goos oLgi gowa (Pine Grove Gathering Place)  
**Contractor:** \_\_\_\_\_  
**Bid Closing Date:** April 17, 2013  
**Time:** 2 P.M.

The Bidder, if awarded the Contract, proposes to utilize the services of the following listed first-tier subcontractors and suppliers for the work items as noted:

Description of Service: \_\_\_\_\_  
Total price of subcontract: \_\_\_\_\_  
Subcontractor/Supplier name: \_\_\_\_\_  
Subcontractor address: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

Description of Service: \_\_\_\_\_  
Total price of subcontract: \_\_\_\_\_  
Subcontractor/Supplier name: \_\_\_\_\_  
Subcontractor address: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

Description of Service: \_\_\_\_\_  
Total price of subcontract: \_\_\_\_\_  
Subcontractor/Supplier name: \_\_\_\_\_  
Subcontractor address: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

Description of Service: \_\_\_\_\_  
Total price of subcontract: \_\_\_\_\_  
Subcontractor/Supplier name: \_\_\_\_\_  
Subcontractor address: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

Description of Service: \_\_\_\_\_  
Total price of subcontract: \_\_\_\_\_  
Subcontractor/Supplier name: \_\_\_\_\_  
Subcontractor address: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

\*\*\* NOTE: If you have more than five subcontractors or suppliers, add additional pages.

**CERTIFICATION OF NONSEGREGATED FACILITIES**

The construction Contractor certifies that he does not and will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not and will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The construction Contractor agrees that he will obtain identical certifications from proposed subcontractors exceeding \$10,000.00 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

---

Contractor or Subcontractor

---

Signature Date

---

Printed Name & Title of Signer

**NONDISCRIMINATION IN EMPLOYMENT**

To: The Klamath Tribes, Chiloquin, Oregon

Regarding a Construction Contract for:

**THE KLAMATH TRIBES  
goos oLgi gowa (Pine Grove Gathering Place)**

You are advised that, under the provisions of the above contract(s) or subcontract(s) and in accordance with Section 202 of Executive Order No. 11246 dated September 24, 1965, the undersigned will not discriminate against any employee or applicant for employment because of race, color, creed or national origin. This obligation not to discriminate in employment includes, but is not limited to, the following:

EMPLOYMENT, UPGRADING, TRANSFER OR DEMOTION  
RECRUITMENT AND ADVERTISING  
RATES OF PAY OR OTHER FORMS OF COMPENSATION  
SELECTION FOR TRAINING INCLUDING APPRENTICESHIP,  
LAYOFF OR TERMINATION

This notice is furnished you pursuant to the provisions of the above contract(s) or subcontract(s) and Executive Order No. 11246.

Copies of this notice will be posted by the undersigned in conspicuous places available to employees or applicants for employment upon award of the above Contract(s).

---

Contractor or Subcontractor

---

Signature

Date

---

Printed Name & Title of Signer

## INDIAN ENTERPRISE QUALIFICATION STATEMENT

NOTE: Submit completed questionnaire to the Klamath Tribes Housing Department at the same time bids are due to the KTHD. Use additional sheets to complete answer if needed.

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

1. For purposes of being treated under "Indian preference" provisions, the Applicant wishes to qualify as:

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

--OR--

b. A "Tribal Organization" as defined in Section 4(c) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638); that is: "the recognized governing body of any Indian Tribe; any legally established organization of Indians which is controlled, sanctioned or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe shall be a prerequisite to the letting or making of such contract or grant..."

2. Name of Enterprise or Organization:

---

---

---

Address

---

Telephone

3. Check One:

Corporation

Joint Venture

Partnership

Sole Proprietorship

Other: \_\_\_\_\_

4. Answer the following:

If a Corporation:

a. Date of incorporation:

---

b. State of incorporation:

---

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

<u>Name and Social Security No.</u>	<u>I or NI</u>	<u>Title</u>	<u>Address</u>	<u>% of Stock Ownership</u>
_____	_____	Vice President	_____	_____
_____	_____	Vice President	_____	_____
_____	_____	Secretary <u>or Clerk</u>	_____	_____
_____	_____	Secretary	_____	_____
_____	_____	Treasurer	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

d. Complete the following information on all stockholders who are not listed in c. above, owning 0% or more of the stock. Establish whether they are Indian (I) or Non-Indian (NI).

<u>Name and Social Security No.</u>	<u>I or NI</u>	<u>Address</u>	<u>% of Stock Ownership</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If a Sole Proprietorship or Partnership:

a. Date of Organization:

\_\_\_\_\_

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

Name and Social Security No.	<u>I</u> or NI	Address	% of Stock Ownership
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If a Joint Venture:

a. Date of Joint Venture Agreement:

\_\_\_\_\_

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

Name and Social Security No.	<u>I</u> or NI	Address	Ownership
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

\_\_\_\_\_

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

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, state circumstances:

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

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If so, note when, where and why:

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8. Will any officer or partner listed in #4 be engaged in out-side employment?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If Yes, complete:

Name/Title	Hours Per Week Outside the Enterprise
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

9. Is the enterprise or organization, or anyone listed in #4 above, currently subject to an administrative sanction issued by any department or agency of the Federal Government?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No



If the answer to #9 is "Yes," complete:

Name of person /business	Date of Action	Type of Action	Department or Agency
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, complete:

Name and address of subsidiary, affiliate or other concern	Description of Relationship
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

marketing, purchasing, production and other types of compensated assistance.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

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

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

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

Has any individual listed in #4 ever been subject to judgment of any court or administrative sanction (Federal, State, or Tribal)?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

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

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

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

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

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, provide details in an attachment.

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

\$ \_\_\_\_\_

Explain the source of these funds:

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Include a copy of the enterprise's or organization's most recent audited financial statement.

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

a. By contract with an outside professional accounting firm:

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

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

b. Records are to be kept by enterprise or organization personnel.

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

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c. Other: \_\_\_\_\_

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

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

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

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b. Over the past three years, what has been the average number of employees of the organization or enterprise? \_\_\_\_\_

20. Attach certification by a tribe or other evidence of enrollment in a federally recognized tribe for each officer, partner or individual designated as an Indian in #4.
21. Attach a certified copy of the charter, article of incorporation, by-laws, partnership agreement, joint venture agreement and/or other pertinent organizational documentation.
22. Explain in narrative form the stock ownership, structure, management, control, financing, and salary or profit sharing arrangements of the enterprise or organization, if not covered in answers to specific questions heretofore. Attach copies of all shareholder agreements, including voting trust, employment contracts, agreements between owners and enterprise. Include information on salaries, fees, profit sharing, material purchases, and equipment

lease or purchase arrangements.

Evidence relating to structure, management, control, and financing should be specifically included.

23. I am a duly authorized officer or agent of \_\_\_\_\_, the bidder submitting the competitive bid attached to this Indian Enterprise Qualification Statement, and I have personal knowledge of the facts set out herein and attest that these facts are true and accurate.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
[Title]

*Certification*

County of \_\_\_\_\_ )  
  )ss  
State of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires:

**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)

# Previous Participation Certification

U.S. Department of Housing and Urban Development  
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture  
Farmers Home Administration

OMB Approval No. 2502-0118  
(exp11/30/2012)

<b>Part I To be completed by Principals of Multifamily Projects. See Instructions Reason for Submitting Certification</b>			<b>For HUD HQ/FmHA use only</b>	
1. Agency Name and City where the application is filed			2. Project Name, Project Number, City and Zip Code contained in the application	
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)	

**List of all proposed Principal Participants and attach organization chart for all organizations.**

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Ownership Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA FmHA, as the case maybe, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification. Verify that neither you nor any of your principals or affiliates have ever been found to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105 (a). If you or any of your principals or affiliates have been found to be in noncompliance with any such requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any. I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31U.S.C. 3729, 3802) I further certify that:

- Schedule A contains a listing of every assisted or

- insured project of HUD, USDA FmHA and State and local government housing finance agencies in which I have been or am now a principal.
- For the period beginning 10 years prior to the date of this certification, and except as shown by me on the mortgagee been given;
  - No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
  - I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
  - To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
  - There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
  - I have not been convicted of a felony and am not presently, to my knowledge, 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);
- I 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.
- I 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 parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
- I am not 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 5C.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.

- I am not a principal 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
- To my knowledge I have not 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).
- I am not 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 I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name) \_\_\_\_\_ Area Code and Telephone No. \_\_\_\_\_

**Schedule A: List of Previous Projects and Section 8 Contracts.** By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, "**No previous participation, First Experience.**"

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation?		6. Last Mgmt. and/or Physical Inspc'tn Rating and Date
				Yes	No If "Yes," explain	

**Part II – For HUD Internal Processing Only**

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approval is recommended.	<input type="checkbox"/> C. Disclosure or Certification problem
Staff	Processing and Control	<input type="checkbox"/> B. Name match in system	<input type="checkbox"/> D. Other, our memorandum is attached.
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. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

**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 parties applying to become principal participants 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 arms 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, management, change in ownership, 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 of the site location.

**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 role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

**Block 9:** Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

**Block 10:** Fill in the Social Security Number or IRS employer number of every party 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. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

**Column 2** List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

**Column 3** List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

**Column 4** Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

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

**Column 6** Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

**No Previous Record:** Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

**Master List System:** If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "Master List." In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form

and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

**HUD-2530 Master List  
Participation and Compliance  
Division – Housing  
U.S. Department of Housing and  
Urban Development  
451 Seventh Street, S.W.  
Washington, D.C. 20410**

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

**If you have withdrawn from a project** since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

**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 certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, 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"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has 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 and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your 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 standpoint 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 who 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 for participation in this HUD program.

**BID BOND**

Bond No. \_\_\_\_\_

KNOW ALL BY THESE PRESENTS that \_\_\_\_\_

[Insert full name and address of legal title of Contractor] as Principal, hereinafter called Contractor,  
and \_\_\_\_\_, a duly organized

[Enter name of Bonding Company]

corporation under the laws of the State of Oregon and authorized to conduct surety business in  
the State of Oregon as Surety, hereinafter called Surety, are held and firmly bound unto the  
Klamath Tribes, as Obligee, hereinafter called THE TRIBES, for the use and benefit of claimants  
herein below defined in the amount of \$ \_\_\_\_\_ Dollars, for the

[Insert full amount of the Contract price]

payment where of Contractor and Surety bind themselves, their heirs, executors, administrators,  
successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted the accompanying bid, dated  
\_\_\_\_\_, 20\_\_\_\_, for

**THE KLAMATH TRIBES  
goos oLgi gowa (Pine Grove Gathering Place)**

NOW, THEREFORE, if the Principal shall not withdraw said proposal within the period  
specified therein after the opening of the same, and shall within the period specified therefore, or,  
if no period be specified within ten (10) days after the prescribed forms are presented to him for  
signature, enter into a written contract with THE TRIBES 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 period specified, or the failure to enter into such contract and give such bond  
within the time specified, if the Principal shall pay THE TRIBES the difference between the  
amount specified in said bid and the amount for which THE TRIBES may procure the required  
work or supplies or both, if the latter amount be in excess of the former, then the above  
obligation shall be void and of no effect, otherwise to remain in full force and effect.

*IN WITNESS WHEREOF, we hereunto set our hands this \_\_\_\_ day of*  
\_\_\_\_\_, 20\_\_\_\_.

*Principal:* \_\_\_\_\_  
*Name of Firm*

*Surety:* \_\_\_\_\_  
*Name of Firm*

*By:* \_\_\_\_\_  
*Title:* \_\_\_\_\_

*By:* \_\_\_\_\_  
*Title:* \_\_\_\_\_

*Address for Notices:*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Address for Notices:*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Certification for Principal*

County of \_\_\_\_\_ )  
  )ss  
State of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires:

*Certification for Surety*

County of \_\_\_\_\_ )  
  )ss  
State of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: