



REQUEST FOR QUALIFICATIONS:

RFQ 2014-11
Professional Consultant
Aquatic Engineering Design &
Construction Management Services

DEADLINE: **Thursday, May 1, 2014 @ 2:00 P.M.**

CITY OF HARLINGEN
COMMUNITY DEVELOPMENT DEPARTMENT

REQUEST FOR QUALIFICATIONS

Notice is hereby given that the City of Harlingen, Texas is requesting Statements of Qualifications for the following:

RFQ 2014-11 Professional Consultant Aquatic Engineering Design & Construction Management Services

PURPOSE: The City of Harlingen is requesting Statements of Qualifications for firms licensed with the State of Texas interested in being considered for providing aquatic engineering design and construction management services for the Lon C. Hill Pool Renovations Project. Interested firms may obtain a RFQ packet at the Purchasing Office, (956) 216-5316 during regular business hours.

DEADLINE: Deadline for submission is **2:00 p.m., Thursday, May 1, 2014** in the Purchasing Office located at 404 S. 54th Street, Harlingen, TX 78550. For more information, contact Compliance Coordinator, Brandy Garza at (956) 216-5180. Any RFQ received after the time and date specified will not be opened and will be returned. Sealed proposals should be addressed to: Procurement Supervisor, 404 S. 54th Street, Harlingen, Texas, 78550 with RFQ 2014-11 AQUATIC ENGINEERING DESIGN & CONSTRUCTION MANAGEMENT SERVICES printed on the envelope.

NON-COLLUSION: Submitters, by submitting a signed submission, certify that the accompanying submission is not the result of, or affected by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under Texas or United States Law.

NON-DISCRIMINATION: Submitters, during the performance of this contract, will not discriminate against any employee or applicant because of race, color, religion, sex, handicap, familial status, national origin, sexual orientation or gender identity in employment or the provision of services. Further, the City prohibits retaliation against a person who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Programs (OFCCP) proceeding, or otherwise opposes discrimination under Federal law.

DEBARRED/SUSPENDED: Submitters that are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project.

The City of Harlingen is an Affirmative Action and Equal Opportunity Employer. Small (SBE), minority (MBE), and women-owned businesses (WBE) are encouraged to submit qualification statements for consideration.

SECTION 3: Preference will be given to Section 3 Businesses/Residents (Section 3, as amended, requires that to the greatest extent feasible, economic opportunities are given to residents and businesses in the area where HUD assistance is received, particularly to those who are of low and very low income). Preference will be given to Section 3 Business Concerns certified by the City. Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with the City must be able to provide a copy of the Section 3 certification letter received and acknowledged by any of the Rio Grande Valley Entitlement Communities as evidence of eligibility for preference under the Section 3 Program. The Section 3 certification letter shall be submitted along with bid packages.

PROOF OF FINANCIAL AND BUSINESS CAPABILITY: Submitters must, upon request, furnish satisfactory evidence of their ability to furnish products or services in accordance with the terms and conditions of these specifications.

CONFLICT OF INTEREST QUESTIONNAIRE: Chapter 176 of the Texas Local Government Code requires entities seeking to contract and/or contracting with local government entities, such as cities, for the sale of goods or services, and their agents, to complete, sign and file a Conflict of Interest Questionnaire (Form CIQ) with the City of Harlingen. If the Firm has a business relationship with the City or with a City Official, the name of the City contact or City Official must be disclosed on the enclosed CIQ Form. If the Firm or a principal of the Firm has no business relationship with the City or a City Official, write/type in "none in the form and write/type in the name of the Firm and person acting for the Firm and sign the CIQ Form. A blank CIQ Form is enclosed and should be completed, signed and submitted with your Statement of Qualifications. If you are not sure how to fill in the CIQ Form, contact your attorney for advice.

***The sample CIQ Form, is to be used ONLY if there is NO business relationship with the City or with a City Official.**

SUBMITTER DEFAULT: The City of Harlingen reserves the right, in case of submitter default, to procure the articles of services for other sources and hold the defaulting vendor responsible for any excess costs occasioned thereby.

PROJECT DESCRIPTION/SCHEDULE: The Lon C. Hill Aquatics Center is located at 605 North L Street in Harlingen, Texas. The Aquatics Center is equipped with a 50' x 150' (7,500 SF) Swimming Pool which depth varies from east to west from 3 FT at its shallow end to 8 FT at the 150-foot mark. The Deck to the pool measures 15' x 150' on the north and south sections (Sections B and D) and 10' x 100' on the east and west sections (Sections C and E). The deck adjacent to the Bathhouse measures 30' by 90' (Section A). The Center also has a 25' x 75' Bathhouse, which houses its reception area, bathroom and changing areas, a 17.5' x 80' Pump/Filter Room. The Center is bordered by a grassy area on the south that measures approximately 40' x 170'. The City intends to replace the existing concrete decking, all plumbing, filters, pumps, skimmers, main return lines and other related structures in compliance with the Texas Administrative Code and American Disabilities Act. The City anticipates that the project engineer/designer will be under contract by mid-May 2014. It is anticipated that the construction documents will be completed by mid-June 30, 2014 with a possible construction start in mid-August 2014. The renovation work is expected to be completed within 6 months and the building, fully functional and open for business by June 1, 2015.

SCOPE OF WORK: The firm selected will/shall:

- (1) Design a new pool deck and new filtration system including new motors, filters, connections, skimmers, main return lines and a C1 injection system in compliance with Texas Administrative Code standards for public pools and spas as well as the American Disabilities Act.
- (2) Provide complete construction management services for all phases of the project for a guaranteed maximum price, including but not limited to:
 - A. Develop a detailed schedule that identifies all design activities, permits and all other activities required to be completed before construction activities can begin and a preliminary construction schedule.
 - B. Schedule, attend and lead periodic project meetings for the exchange of information concerning the project, and review of design progress, permits and approvals. All meetings shall be held at a location and time convenient to City Staff
 - C. Make recommendations to value engineering, constructability, suitability of materials and equipment, scheduling, time, methods and sequence of construction, and the clarity, consistency and coordination of documentation.
 - D. Perform detailed cost estimates and value engineering analyses during the development of Schematic Design, Design Development, and Construction Documentation phase of the project.
 - E. Develop the scope of work and prepare trade bid packages for each trade to be bid and participate in the prequalification and qualification of each of the trade contractor and other subcontractors as defined by law.
 - F. Conduct activities relating to the procurement and award of Trade Contracts and all other contracts for the furnishing of labor, materials, equipment, or other services in connection with the construction of this project and in a manner that will meet Minority Business Enterprise, Women Business Enterprise and Section 3 goals set by the City for the project.
 - G. Review and recommend revisions, if appropriate, to the project master Schedule, Construction, Budget and permitting plan developed.
 - H. Attend Pre-Bid Conference and if appropriate, prepare addendums to the plans and specifications.
 - I. Provide additional cost estimates to confirm budget due to modifications made via addendum.
 - J. Manage and coordinate all Trade Contractors and subcontractors and others engaged in the performance of the work.
 - K. Implement procedures following City standards for reviewing and processing requests for information/clarifications/interpretations of the contract documents; shop drawings, samples, and all other submittals, contract schedule adjustments, change order proposals, proposals for substitutions, payment applications, and as-built drawings.
 - L. Continuously supervise and observe all work in progress so as to ensure that the work is proceeding in accordance with the construction contract documents.
 - M. Schedule, attend and lead regular project and construction progress meetings, and conduct regular meetings at the site with each subcontractor. All meetings shall be held at a location and time convenient to City Staff.

- N. Furnish monthly reports concerning the progress of the work which address: (a) compliance with the construction schedule, (b) status of testing and inspection activities performed (c) status of shop drawings and submittals, (d) status of change orders, and (e) other matters relating to the progress of work as directed by City Staff.
- O. Determine when each subcontractor's work is substantially complete and prepare a list of incomplete work and work which does not conform to the requirements of the construction documents.
- P. Maintain complete and accurate records, including (a) correspondence, (b) meeting notes and minutes, (c) shop drawings and submittals, (d) construction documents including change orders, (e) clarifications and interpretations of the construction documents issued by the project designer, (f) progress reports including observations of testing performed, (g) as-built drawings, and (h) all other project related documents.
- Q. In accordance with the project designer, develop and implement procedures for orderly completion of punch list items, checkout of utilities, operational systems and equipment and initial start up and testing.
- R. Preparation and delivery to the City warranties, as built drawings, maintenance manuals, and the like, and generally administer closeout of the project. City Staff will be responsible for ensuring performance of all warranty obligations, resolution of all claims, and other post-construction requirements.

PROPOSAL SUBMISSION CONTENTS: Submitter should address each topic listed below in their submission.

(1) Submitter should demonstrate their understanding of the project, the project needs, work required, and any local issues or concerns. This description should be concise, candid, and limited to 2 pages in length.

(2) Submitter must provide a brief statement of qualifications and experience in the following areas:

- Engineering Certifications
- Aquatic Engineering Design
- Renovation of public pool process and procedures
- Prior experience with Community Development Block Grant funded projects

1. Submitter must include 3 references.

The firm selected shall provide services, **for a period of 1 year.**

SECTION II RESPONSE REQUIREMENTS

REQUIRED CERTIFICATIONS AND SUBMITTAL: All submissions must also include Conflict of Interest Questionnaire Form and Certification Regarding Debarment and Suspension. Businesses seeking Section 3 preference, must submit the "CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3 PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY". **FAILURE TO COMPLY WITH SUBMISSION REQUIREMENTS MAY DISQUALIFY RESPONDENT WITHOUT EXCEPTION.**

INSURANCE: The Firm and his sureties shall indemnify and save harmless the City and all its officials, agents, and their employees from all suits, action or claims of any character, name and description brought for, or on account of any injuries or damages received or sustained by any person or persons or property, by or from said Respondent or his employee or by or in consequence of any negligence in safeguarding the work or by or in consequence of any negligence recovered under the Worker's Compensation Laws or any other law, ordinance, order or decree.

Prior to contract execution, as further and additional evidence of such indemnification, each Firm shall furnish Certificates of Insurance providing that his interests are adequately covered by the following:

The following insurance requirements will be included in the City contracts to ensure completion of work:

- (1) The Firm is required to carry the following listed insurance coverage and limits and furnish acceptable proof of payment of insurance premiums.

Minimum Insurance Requirements

<u>Type of Coverage</u>	<u>Limits of Liability</u>	
Worker's Compensation	\$ 500,000	Each Accident
Employer's Liability	\$ 500,000	Disease, Policy Limit
	\$ 500,000	Disease, Each Employee
Commercial General Liability	\$2,000,000	General Aggregate
	\$2,000,000	Products-Completed Operations
	\$1,000,000	Personal & Advertising Injury
	\$1,000,000	Each Occurrence
	\$ 50,000	Fire Damage
Commercial Automobile Liability	\$ 5,000	Medical Expense
	\$ 500,000	Each Accident Limit

Policies must be endorsed to Waive Subrogation Rights, Name the City as an "Additional Insured" and the Cancellation Provisions extended to thirty (30) days in writing.

FIRMS ARE NOT TO PROVIDE A FEE PROPOSAL WITH THIS SUBMITTAL: Fees will be negotiated in accordance with the Professional Services Procurement Act, TX. Govt. Code Ann. 2254.001, et seq.

SECTION III – SELECTION AND SCHEDULES

RESPONSE RANKING: A City of Harlingen Selection Committee that may include the Community Development Director, Compliance Coordinator, Aquatics Supervisor, Chief Building Official, Director of Parks and Recreation or the Assistant City Engineer, whom will evaluate and score each of the RFQs in accordance with the evaluation criteria.

NEGOTIATION PROCESS: Negotiations will be initiated with the most highly qualified provider selected to negotiate a fee. If a mutually satisfactory agreement cannot be reached with the selected provider, negotiations will be formally terminated and City will proceed with negotiations with the next most highly qualified provider. This process will be repeated as necessary until a mutually satisfactory agreement is reached.

Proposals must be received by **no later than Thursday, May 1, 2014 at 2:00 P.M.**

EVALUATION: The evaluation system consists of a 100-point ranking system. The firms will be short-listed from this evaluation.

EVALUATION CRITERIA

In the following criteria for a minimum and preferred qualifications, one year, two years, etc. experience need not consist of continuous work but may be made up of discontinuous periods of full-time work adding up to the equivalent years of full-time experience.

RESPONSE EVALUATION CRITERIA

The Firm's response will be evaluated based on the criteria presented below. These criteria will be scored on the scales shown on the enclosed "Response Evaluation Form."

1. Professional Qualifications of Team (20 points)

The Firm should provide information on their proposed Windstorm Engineer/Inspector, i.e. applicable certifications/registrations and other pertinent information that demonstrates their qualification to perform the services in the contract. The Windstorm Engineer shall have experience in performing similar contracts.

Minimum Qualifications - One (1) Certified Engineer with educational background or strong experience in aquatic engineering design, construction management and inspection of aquatic and related structures with less than 2 years experience.

Preferred Qualifications - One (1) Certified Engineer with educational background or strong experience in aquatic engineering design, construction management and inspection of aquatic and related structures with more than 2-4 years experience.

2. Experience/Availability of Project Engineer/Project Manager (30 points)

The Aquatic Engineer must be a licensed and registered Engineer with the State of Texas with adequate experience in managing projects. A resume for each and every person who will have any management responsibility, direct or indirect, for the Project, including but not limited to project executives, project managers, field superintendents and field engineers must be included in the appendix. Scope of relative projects must be included as well with references.

Minimum Qualifications - The Aquatic Engineer must have prior experience as a Construction Manager on at least one pool renovation or construction project and have completed at least one project of a similar complexity, type, and size as this project as it is described. The prior pool renovation/construction projects must have been completed within the last ten (10) years.

Preferred Qualifications - The Aquatic Engineer must have prior experience as a Construction Manager on at least two pool renovation or construction projects and have completed at least two projects of a similar complexity, type, and size as this project as it is described. The prior pool renovation/construction projects must have been completed within the last ten (10) years.

3. Understanding of Project (40 points)

The response shall include the following:

- ❖ Demonstrate an understanding of the scope of services
- ❖ Address the approach to complete the scope
- ❖ Address appropriate Federal/State/Local regulations and policies

Minimum Qualifications - The response must address knowledge and experience of working with multiple entities, such as the Texas Department of Health and Human Services, construction contractors, and Building Inspection Departments.

Preferred Qualifications - The response must address the approach to complete the scope and identify information to be gathered or obtained and how it will be used in addition to the Minimum Qualifications above. The response must indicate knowledge of state and federal funding programs for projects and identify those applicable.

4. Familiarity with Applicable Rules and Regulations (10 points)

The response should indicate, through past experience of Aquatic Engineering Design and Construction Management, that they possess sufficient knowledge of governmental regulations, appropriate codes, guidelines, professional standards and policies (as required).

Minimum Qualifications - The response must contain a narrative that outlines applicable regulations, guidelines, standards and policies.

Preferred Qualifications - Suitable examples of previous Aquatic Engineering Design and Inspection of related structures completed, in addition to the Minimum Qualifications above.

RESPONSE EVALUATION FORM

Aquatic Engineering Design & Construction Management Services

Selection Criteria	*RIF	**Evaluation (Scale 0-3)	Score
1. Professional Qualification of Team	(20 points)	X () =	()
2. Experience/Ability of Project Manager	(30 points)	X () =	()
3. Understanding of Project	(40 points)	X () =	()
4. Familiarity with Applicable Rules and Regulations	(10 points)	X () =	()
Total	100%	Total Score	_____

Respondent: _____

Evaluator: _____ Date: _____

* The Relative Importance Factor (RIF) is the relative importance (or weight) of each criterion as it relates to the particular project.

** The Respondent is to be evaluated with regard to the selection criteria by each committee member, on the basis of a rating system with the following scale:

- 0 – Does not meet minimum qualifications.
- 1 – Meets minimum qualifications.
- 2 – Meets preferred qualifications.
- 3 – Exceeds preferred qualifications.

EXHIBIT A

CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3 PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY

Name of Business _____

Address of Business _____

Type of Business/Trade/Profession _____

Type of Business: Corporation Partnership Sole Proprietorship Joint Venture

Please select the statement that best describes your business.

- 1. 51% (or more) of your business is owned by a Section 3 Resident(s). A Section 3 Resident is a public housing resident or an individual who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended and who is considered to be a low to very low-income person.

And provide:

List if current ownership and percentage of ownership along with contact information

Any of the following documents, if available:

- Copy of Article of Incorporation Certified of Good Standing
- Assumed Business Name Certificate Partnership Agreement
- List of Business Name Certificate Corporation Annual Report
- % ownership of each Latest Board minutes appointing officers
- Organization chart with names and titles Additional documentation
- and brief function statement

- 2. At least 30% of your business workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of the date of first employment with your business.

And provide the following regarding your employees:

- List of all current full-time employees List of employees claiming Section 3 Status with Exhibit J or K completed for each employee
- PHA/IHA Residential lease less than 3 years from day of employment other evidence of Section 3 status less than 3 years from date of employment

- 3. At least 25% of your total dollar award will be contracted to qualified Section 3 businesses:

Provide:

- A list of previously contracted Certified Section 3 business(es) and subcontracted amount and
- Agree to provide a list of subcontracted Section 3 business(es) and subcontract and subcontract amount when submitting bids for any HUD funded projects to meet this requirement.

Authorizing Name and Signature

Date

Witnessed by: _____

Received by : _____

Date: _____

CONFLICT OF INTEREST QUESTIONNAIRE
 For vendor or other person doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).
 By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.
 A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

 Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4

 Signature of person doing business with the governmental entity

 Date

Adopted 06/29/2007

CONFLICT OF INTEREST QUESTIONNAIRE
 For vendor or other person doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).
 By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.
 A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY	
Date Received	

1 Name of person who has a business relationship with local governmental entity.
NONE

2 Check this box if you are filing an update to a previously filed questionnaire.
 (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.
NONE

 Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?
 Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?
 Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?
 Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

4

 Signature of person doing business with the governmental entity

 Date

Adopted 06/29/2007

***THIS SAMPLE FORM IS ONLY TO BE USED IF THERE IS NO BUSINESS RELATIONSHIP WITH A CITY OR WITH A CITY OFFICIAL.**

Certification Regarding Debarment and Suspension

U.S. Department of Housing and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant	Date
Signature of Authorized Certifying Official	Title