

Request for Proposal for Homelessness Prevention Service Provider(s) (RFP No. ESG 14- 2022-23)

Alliance of Community Assistance Ministries, Inc. (ACAM) is expecting to receive a contract award from the Texas Department of Housing and Community Affairs (contract # TBD ESG 14) for the Emergency Solutions Grants program (ESG). Accordingly, ACAM hereby solicits proposals from qualified organizations.

RFP TIMELINE

Official Release Date: Friday, September 16, 2022 Full RFP posted at: https://acamweb.org/funding-vendor-opportunities/
Optional RFP Conference September 27, 2022, 1:00 pm-2:00 pm Zoom registration link: https://us02web.zoom.us/meeting/register/tZ0qfu6ppjlvGtVK9p9tQOX8cv9uEDHCYtSZ
RFP Questions Due by September 30, 2022, at 12PM CDT Please submit questions in writing to Sarah Malcolm at smalcolm@acamweb.org
Anticipated Release Date of ACAM answers to written questions received: October 3, 2022 at 5:00 PM CDT
Proposals Due: October 7, 2022 at 12:00 PM CDT
Anticipated Preliminary Award Announcements: October 19, 2022 Internet website where addenda and answers to questions will be posted at https://acamweb.org/funding-vendor-opportunities/

SUBMISSION REQUIREMENTS: Mail or hand deliver (1) electronic copy on flash drive AND (1) hard copy of the proposal to the address below. The proposal cover sheet must be signed and dated by an authorized representative of the proposing organization.

Responses to this request for proposals should be mailed or hand delivered to:

ACAM, Inc.

Attn: Sarah Malcolm – Procurement

710 N. Post Oak Road, Suite 210

Houston, TX 77024

713-429-5958

Late proposals will NOT be accepted. Proposals must be received by the due date.

If all or any portion of a response submitted is received late or is otherwise non-responsive due to equipment failure or operator error, the response or the applicable portion of the response will not be considered. In addition, ACAM is not liable for equipment failure or operator error.

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SUMMARY

Alliance of Community Assistance Ministries, Inc (“ACAM”) seeks a qualified contractor(s) to assist ACAM in the installation of appropriate measures under the Homelessness Prevention Service grant (ESG) expected awarded through the Texas Department of Housing and Community Affairs (TDHCA) Respondents must include the following required services:

I. Statement of Qualifications

A competent contractor will possess experience administering federally funded housing projects. Proposals must disclose past clients, types of programs administered, and résumés of all employees who might provide services under the winning contract.

II. Scope of Work

ACAM is a nonprofit organization that advances collaboration to create community-wide solutions for thriving nonprofits, neighborhoods, and families in Harris/Fort Bend/Montgomery counties. The Homelessness Prevention Program provides case management, financial and rental assistance, and other wraparound services to people that face imminent risk of eviction and lack the resources needed to remain stably housed. Proposers must describe tasks they would perform to comply with the above administrative duties.

III. Proposed Cost of Services

Your proposal must include your estimated cost for each activity identified in the Scope of Work. ACAM will not use lowest cost as the sole basis for selecting the best bid for this contract.

A. PURPOSE

The Alliance of Community Assistance Ministries, Inc. seeks vendor(s) to provide homelessness prevention services to families at imminent risk of homelessness. The Emergency Solutions Grant (ESG) Program [CFDA# 14.231](#) is funded by the United States Department of Housing and Urban Development (HUD) through the Texas Department of Housing and Community Affairs (TDHCA) Contract No. TBD ESG 14. The objective of the Request for Proposal (RFP) process is to receive from each interested Homelessness Prevention vendor, a formal response to the Statement of Work (SOW) outlined in this RFP to identify the most qualified contractor(s) to provide homelessness prevention services including short- and medium-term tenant based rental assistance, financial assistance, and housing and relocation stabilization “case management” services to eligible families at imminent risk of homelessness. The submitted proposal will be used to evaluate each contractor’s experience, capabilities, and qualifications to provide services that meet the needs of at-risk families. Alliance of Community Assistance Ministries, Inc. (“ACAM”) is seeking an organization that serve clients at imminent risk of homelessness and that provide rent and utility assistance coupled with housing stabilization services in the course of normal business within the Harris, Fort Bend,

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and/or Montgomery Counties. The offerors must include 1) targets for the number of clients and estimated number of households it proposes to serve, 2) demonstrate capacity to assist families in achieving housing stability and 3) and satisfy the requirements as outlined in this RFP. Please review the RFP timeline. Responses to questions about the application process will be posted to ACAM's website on the release date (<https://acamweb.org/funding-vendor-opportunities/>).

The objective of this RFP is to locate contractor(s) that will provide the best overall value to ACAM. While price is a factor, other criteria will form the basis of the decision. ACAM reserves the right to amend, suspend, terminate, or reissue this RFP, in whole or in part, at any stage. In no event is ACAM liable to respondents for any cost or damages incurred in connection with the RFP process, including but not limited to, all costs of preparing a response to this RFP, or any other costs incurred in reliance on this RFP. No respondent shall be entitled to repayment from ACAM for any costs, expenses, or fees related to this RFP. All supporting documentation submitted in response to this RFP will become the property of ACAM. Respondents may also withdraw their interest in the RFP, in writing, at any point in time, as more information becomes known.

B. START DATE AND CONTRACT TERM

The Alliance of Community Assistance Ministries, Inc. (ACAM) hereby requests proposals from offerors to perform homelessness prevention services, as described in the RFP, for a one-year period, with the potential of being extended up to four (4) years. Contract may be renewed for subsequent time periods by mutual written agreement not to exceed four (4) years. The one-year period is expected to begin **November 1, 2022**, depending on the date of funding availability. We invite organizations to submit a proposal by **Friday, October 7, 2022, by 12:00 pm.** for consideration. Proposals will be held in confidence and not released in any manner until after the contract(s) are awarded. Payments on contract(s) will be made on a reimbursement basis. The contract amount agreed upon by ACAM and the respective contractor will provide compensation for services and allowable direct service expenses. A payment schedule will be negotiated with selected contractor(s). ACAM reserve the right to offer a contract award greater or less than the amount requested in the proposal.

C. GOALS

ACAM's goal is to serve 41 people residing in Harris, Fort Bend, and/or Montgomery Counties. Offerors must submit a budget that indicates how funds will be spent on allowable services. The historical program cost per person during the current COVID response has ranged from \$1,750 to \$2,833. ACAM is seeking contractor(s) that can serve people residing in the area specified above. A cost per person that falls below this range will not benefit the application score. The selected contractors will demonstrate a capacity to:

1. Serve a minimum of 41 people at imminent risk of homelessness, 100% of whom will demonstrate barriers to stable housing upon program entry. (See: ACAM Business Rules for list of barriers to stable housing and

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- <https://www.hudexchange.info/resource/1975/criteria-for-definition-of-at-risk-of-homelessness/> for definition of imminent risk).
2. Serve those belonging to subpopulations described as Children of Parenting Youth; Parenting Youth; Persons Experiencing Chronic Homelessness; Persons Experiencing Severe Mental Illness; Persons with Chronic Substance Use Disorder; Persons with HIV/AIDS; Unaccompanied Youth; Veterans; and Victims of Domestic Violence.
 3. Stably house people at imminent risk of homelessness defined as maintaining housing and addressing factors that threaten housing stability for families residing in Harris, Fort Bend, and/or Montgomery Counties.
 4. Provide temporary, intensive, housing stabilization case management services to households at imminent risk of losing housing per ACAM's Homelessness Prevention Business Rules available on ACAM's website: <https://acamweb.org/funding-vendor-opportunities/>
 5. Provide case management service, short- or medium-term rental and/or financial assistance to eligible families and individuals.
 6. Coordinate services necessary for housing stabilization.
 7. Build and maintain relationships with landlords.
 8. Provide stabilizing services and connect to mainstream resources which ensure households remain stably housed.

D. EXPECTATIONS

Contractor(s) must provide direct services to eligible families residing in Harris, Fort Bend, and/or Montgomery Counties who are at imminent risk of homelessness. Services shall be provided per ACAM's Homelessness Prevention Business Rules and include but are not limited to:

1. Assessment in accordance with ACAM procedures
2. Housing Stabilization Planning (HSP), housing assessments and inspections
3. Financial assistance
4. Landlord relationship management
5. Provision of tenant-based rental assistance to landlords for eligible families
6. Coordination of information and referral for services
7. Conducting client meetings
8. Establishing and/or maintaining connections to mainstream resources
9. Follow-up with exited clients
10. Record individual and household data, outputs, and outcomes
11. Produce accurate and complete case management records for review
12. Participate in bi-monthly case management sessions, case staffing and/or Continuous Quality Improvement Sessions (to be held in Houston, Texas)
13. Follow ACAM guidelines on case management and employ ACAM's Standardized Record adhering to procedures outlined in ACAM's Homelessness Prevention Business Rules

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14. Maintain a willingness to be flexible to changes and reporting improvements
15. Produce timely invoices including monthly expenditure reports and monthly performance reports to meet the established deadlines
16. Has the capacity to record, report, and support client outputs and outcomes including but not limited to the following:
 - a. Serve a minimum of 41 people at imminent risk of homelessness, 100% of whom will demonstrate barriers to stable housing upon program entry. (See: ACAM Business Rules for list of barriers and <https://www.hudexchange.info/resource/1975/criteria-for-definition-of-at-risk-of-homelessness/> for definition of imminent risk).
 - b. Number and percent of clients who exit the program stably housed in a permanent housing destination
 - c. Number and percent of clients who maintain stable housing for 3 months or more after program exit
 - d. Number and percent of clients who demonstrate higher income by program exit
 - e. Number and percent of clients who demonstrate an increase in non-cash benefits by program exit
 - f. Number and percent families who demonstrate a decrease in barriers to stable housing from entry to exit
 - g. Number and percent families who demonstrate an increase in self-sufficiency by program exit
 - h. Number and percent of successfully achieved goals from the Housing Stabilization Plan

E. QUALIFICATION REQUIREMENTS:

Homelessness Prevention contractor(s) will be selected on their ability to meet the expectations of the ACAM Homelessness Prevention Program and ensure compliance with the written guidance for the program. The ACAM ESG 14-2022-23 Homelessness Prevention Program is designed and implemented by ACAM and follows all applicable federal regulations. Selected contractor(s) shall be required to follow ACAM's program and eligibility requirements. Offerors will be selected on their ability to comply with federal, state, and local regulatory expectations. For experienced contractors, prior performance will be taken into consideration. Offerors shall demonstrate financial and staffing capacity to perform the work proposed. ACAM will verify that any offeror selected is not restricted from participation in government contracts through <https://www.sam.gov> and through <https://ourcpa.cpa.state.tx.us/coa/Index.html>. Debarred or suspended offerors from the State of Texas and/or Federal government shall not be procured.

F. DENIAL OR TERMINATION OF ASSISTANCE

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Minimum standards for denial of assistance are: The denial shall follow an established process that recognizes the rights of the individuals affected. Provisions for denial shall be clearly stated in ACAM Case Management Policies and Procedures. Minimum standards for termination of assistance are:

- 1) **In general:** If a program violation occurs and the contracted service provider terminates assistance as a result, the termination shall follow an established process that recognizes the rights of the individuals affected. Provisions for termination shall be clearly stated in the signed Program Agreement completed upon initial assessment.
- 2) **Program participants receiving rental assistance or housing relocation or stabilization services:** When terminating rental assistance or housing relocation and stabilization services, the required formal process shall minimally consist of:
 - a. Written notice clearly stating the reasons for termination;
 - b. Review of the decision that gives the participant opportunity to present objections to the decision maker; and
 - c. Prompt written final notice, which includes information about the right to appeal.
- 3) **Appeals to Denial or Termination of Service:** All applicants/clients who are denied admission or continuation of services will be informed at the time of the denial/termination of their right to appeal the decision. Applicants/clients wishing to appeal the decision must inform the ESG case manager and complete an appeal form within seven (7) business days of the date of the denial/termination letter. The applicant/client will be supplied with a denial/termination letter, a copy of the appeals procedure, and a blank appeals form.
- 4) **Ability to provide further assistance:** Denial or Termination will not bar the contracted service provider from providing later additional assistance to the same family or individual.

G. STATEMENT OF WORK

Submit a proposal in response to the Statement of Work (SOW) for this RFP. The length of the submittal document, not including the signed cover letter or attachments, shall not exceed 8 pages (single sided, single spaced, using Times New Roman and 12-point font). The proposal shall state the organization's qualifications and experience to fulfill the goals and achieve the targets outlined above. Respond to each item in the order listed below. The budget and budget narrative should be included behind the responses to the statement of work and are included in the 8-page limit. Lastly, include all attachments in the order listed with the cover sheet placed in front of the proposal and other attachments following the proposal.

1. Provide a brief description of your organizational history and capacity to fulfill the qualifications described above, (date organization started, current total number of employees, any special accommodations/services that could be provided).
2. Describe the experience of key staff and the relevant experience of those working directly with clients. Describe any relevant training and/or certification(s). Describe the experience of case managers at homelessness prevention.
3. Describe, if any, direct experience providing homelessness prevention services including

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experience developing relationships with landlords. If none, then please explain how your qualifications prepare you to provide homelessness prevention services and meet the stated objective and targets.

4. Describe experience providing services for residents of Harris, Fort Bend, and/or Montgomery Counties and any previous participation in the Continuum of Care (CoC). (Please note that services may not be restricted by zip code or county. Selected organizations are expected to serve eligible applicants throughout the three-county Continuum of Care.)
5. Describe your experience providing homelessness prevention case management and other services to families at imminent risk of homelessness. Include a description of the impact of those services. Please provide available output and outcome information.
6. Describe experience connecting families to mainstream resources (TANF, SSI, Medicaid, CHIP etc.) Describe your organization's involvement of clients in the development of strategies and program design.
7. Explain the system in place to maintain caseloads in the extended absence or departure of staff members.
8. Describe any experience using the Homeless Management Information System (HMIS). Please describe the process for entering data into HMIS (or comparable system) including responsible parties, frequency of entry, and methods for data analysis. If not using HMIS, please describe the agency's plans for becoming an HMIS user.
9. Describe your experience serving clients' high barriers to stable housing and any special populations. (See ACAM's Business Rules)
10. Describe your proposed targets - the number of people proposed to be served and projected outcomes as described in this RFP. Please address each output and outcome listed in Section D Subsection 16.

H. BUDGET SUMMARY

Complete the budget table below and provide a budget narrative. (See 24 CFR 576.103, 576.105, and 576.106 and 576.107 for category definitions). Vendors are encouraged to estimate household size, unit size and deploy the current Fair Market Rent amounts for the Houston-The Woodlands-Sugar Land MSA. ESG allows for a maximum one-time payment of rental arrears not to exceed 6 months. The average length of stay for ACAM's homelessness prevention program is approximately 3 months.

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Budget Categories	Amount
A) Financial Assistance (*does not include current rental assistance payments)	
B) Housing Services (Housing Search & Placement and Housing Stability Case)	
C) Tenant-based rental assistance	
D) Total	
E) Number of People to be served	
F) Average cost per person (D/E)	
G) Estimated Households to be served	
H) Average cost per household (D/G)	

I. REQUIRED ATTACHMENTS

Required attachments to submit with proposal in the order below. Proposals submitted without the listed attachments will be considered incomplete.

1. Proposal cover sheet signed and dated by a Certifying Representative (see attachment). This executed document shall be placed in front of the proposal. Attachments 2-6 should follow the proposal.
2. Evidence of good standing from the Texas Comptroller (Print from Link: <https://ourcpa.cpa.state.tx.us/coa/Index.html>)
3. Evidence of good standing from SAM (Print from Link) <https://www.sam.gov>
4. Résumés of key personnel including the background and qualifications of direct service staff
5. Evidence of 90-day working capital (copies of most recent 3 months of bank statements and financial statement)
6. Most recent audit

J. EVALUATION, NEGOTIATION, AND SELECTION

- Evaluation: A designated committee evaluates each proposal in confidence and based on stated criteria. Points will be assigned for stated evaluation factors. A cost/price analysis will be conducted, and qualitative technical factors will be evaluated that include but are not limited to:
 - Appropriateness, thoroughness, quality of the proposed work plan
 - Provider experience and/or demonstrated knowledge of the homelessness prevention services

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- Demonstrated successful past performance
- Quality of proposed staffing
- Demonstrated capacity to meet the goals and targets of the program

- Negotiation:
 - Negotiations may be undertaken with offerors to achieve best and final offers
 - All negotiation procedures will be documented

- Selection:
 - Contracts must be awarded to responsible organizations whose proposals are most advantageous to the program
 - All respondents will be notified of ACAM's selection in writing

K. GRIEVANCE PROCEDURE FOR RESPONDENT ORGANIZATIONS TO ACAM'S HOMELESSNESS PREVENTION PROGRAM

Purpose

The purpose of the grievance procedure is to settle any grievance between a Respondent Organization and Alliance of Community Assistance Ministries, Inc. (ACAM), as quickly as possible to assure an efficient and fair procurement.

Eligibility

A grievance may be filed by any respondent organization that claims it has been adversely affected by:

1. The score assigned by the Proposal Review Team.
2. Improper application of Alliance of Community Assistance Ministries, Inc. Business Rules, regulations, and procedures.

Procedure for Filing Respondent Organization Grievances

The following steps must be followed in the order given. Time limits shall begin on the first working day after the applicable occurrence, filing, appeal, response, or recommendation. Working days shall not include weekends or national holidays.

Step 1

To be considered, a grievance must be filed in writing with ACAM within 24 hours of contract award announcement on **October 19, 2022**. This written grievance should be sent to Sarah Malcolm, Homelessness & Eviction Prevention Coordinator at smalcolm@acamweb.org. ACAM has forty-eight (48) hours from receipt of the grievance form to respond to and resolve the grievance.

Step 2

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If the respondent organization is not satisfied with the proposed resolution, the respondent organization has twenty-four (24) hours to file an appeal with the ACAM Grievance Committee.

The Grievance Committee has forty-eight (48) hours to investigate, talk with the grievant, and respond in writing using the official form.

General Provisions

1. The Grievance Forms provided by the Homelessness & Eviction Prevention Coordinator should be used in pursuing a resolution of the grievance.
2. The respondent's organization may represent itself or be represented by a chosen representative when presenting the organization's grievance.

*Note: Grievance Forms attached to the back of this RFP

NOTE: Any other attachments will not be reviewed as part of the proposal.



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GRIEVANCE PROCEDURE FOR THE ACAM HOMELESSNESS PREVENTION PROGRAM – Respondent/Proposer Organization

Grievance Form

Respondent Organization: _____

Respondent Representative: _____

Job Title: _____

Organization's Address: _____

Organization's Phone Number: _____

We have discussed this complaint with the Homelessness & Eviction Prevention Coordinator and received his/her verbal answer on (date)_____. Because this answer is unacceptable to us, we wish to file a formal complaint.

Nature of grievance. Explain how your organization was unfairly treated including names and dates. (Use additional pages if needed.)

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A just and fair solution of our grievance is:

We understand that if we wish to further appeal our complaint, we have twenty-four (24) hours from response to submit a grievance form to the next level of appeal. Grievances not appealed timely are considered settled at the previous level.

Date

Signature



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GRIEVANCE PROCEDURE FOR THE ACAM HOMELESSNESS PREVENTION PROGRAM – Proposer/Respondent Organization

Grievance Form Response from ACAM’s Grievance Committee

Respondent Organization: _____

Respondent Representative: _____

ACAM’s Grievance Committee Response to Respondent Organization’s Complaint:

Grievances not appealed timely are considered settled at the previous level.

Date

Signature



ESG and HUD Waivers ESG Homelessness Prevention Program Procedure Update

In addition, ACAM accepted the HUD waivers for the ESG Program summarized below:

- 1) **Habitability Inspections (NOTE: NO WAIVER):** There is no waiver for habitability inspections. Inspections do not need to be done in person. It would be acceptable to implement strategies for conducting inspections virtually using a video connection (e.g., FaceTime). Although video is preferred, photographs may also be an acceptable way to conduct an inspection. The video or photographs may be taken by the property owner or the household applying for assistance. A case manager or other representative must be able to visually inspect evidence of the unit's condition and document compliance in the ESG program participant's file. Case Managers shall complete the inspection form derived from the video, note the method of observation, and date. **The ESG contractor should conduct full in-person ESG habitability inspections once it is safe to resume standard operating procedures.**

Additional Waivers: ESG Annual Winter Storm Waivers

Texas' severe winter weather in February 2021 was the subject of the disaster declaration DR-586-TX. HUD offered waivers for people living in the disaster-declared counties or displaced as a result of the disaster. TDHCA accepted the HUD waivers in relation to DR-4586-TX to be effective March 6, 2021. When using the ESG Annual Winter Storm Waivers, please note in the Program Participant file which waiver was used and the reason for its use.

- 1) Limits on rental assistance, utility assistance and housing relocation and stabilization services are expanded from 24 months to 36 months.
 - a. Households must meet the two following conditions:
 - 1) Be displaced or live in the declared disaster area FEMA-DR-4586-TX; and
 - 2) Households who were receiving rental assistance, utility assistance or housing relocation stabilization on March 6, 2021, or will begin receiving rental assistance, utility assistance, or housing relocation services between March 6, 2021, and the earlier of the end of the Contract Term or February 25, 2023.
- 2) Waiver of Fair Market Rent (FMR) requirement.
 - a. The Fair Market Rent restriction is waived for:
 - 1) Households living or moving into in units located in the declared disaster area FEMA-DR-4586-TX; and
 - 2) Households who were receiving rental assistance on March 6, 2021, or will begin receiving rental assistance between March 6, 2021, and the earlier of the end of the Contract Term or February 25, 2023.

(ESG Annual rental assistance can be up to 24 months in a 3-year period which includes a onetime payment of up to 6 months of arrears therefor, the months of arrears count toward the 24 months of rental assistance. For ESG CARES, rental assistance may be up to 12 months of rental assistance AND up to 6 months of rental arrears. For ESG CARES, the cap for rental assistance is separate from the cap of rental arrears.)



**ESG and HUD Waivers
ESG Homelessness Prevention Program Procedure Update**

Program Type	Maximum Arrears (mos.)	Maximum Rent (mos.)	Maximum Total Months
ESG Annual	6	18-24 depending on mos. arrears applied to max. total	Combined maximum of 24 months (arrears plus rent payments)
ESG CARES	6	12 months max. regardless of the no. of arrears months	12-18 months (Each has their own cap. Arrears and rental months are NOT additive)

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Organization (Offeror) Name and Address	Contact Person
Phone Number	RFP No. ESG 14- 2022-23
Contact Email Address	EIN OR TAX ID Number
Cage Number	Annual Budget
DUNS Number	# of Employee
<p>Name & Title of Certifying Representative. Note: “Certifying Representative” means the individual who may legally submit proposals for the agency and enter into agreements (i.e. the Chairman of the Board of a social service agency). You may identify a different contact person.</p> <p>Name: _____ Title: _____</p>	

I hereby certify that all information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate to the best of my knowledge.

Signature of Certifying Representative	Date
Signature of Preparer	Date

The undersigned, as Proposer, certifies that the Proposer has not, either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competition in connection with this contract. The Proposer certifies they have not and will not participate in the development, review, and/or selection process.

Date

Proposer Signature

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CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

The undersigned certifies, to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal agency or ACAM;
- (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;
- (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; and
- (e) Will submit to ACAM information about each proceeding that occurs during this Contract Term or during the recordkeeping period that:
 - (1) Is in connection with this award;
 - (2) Reached its final disposition during the most recent five year period; and
 - (3) Is one of the following:
 - i. A criminal proceeding that resulted in a conviction, as defined below;
 - ii. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - iii. An administrative proceeding, as defined below, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damage in excess of \$100,000; or
 - iv. Any other criminal, civil, or administrative proceeding if:
 1. It could have led to an outcome described in this section (e) paragraph (3), items (i) – (iii) of this award term and condition;
 2. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 3. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.
 - (4) For purposes of section (e) of this certification the following definitions apply:
 - i. An "administrative proceeding" means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

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- ii. A “conviction”, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

Where the undersigned Contractor is unable to certify to any of the statements in this certification, such Contractor shall attach an explanation of why it cannot provide said certification to this Contract.

The undersigned Contractor further agrees and certifies that it will include the below clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Subcontracts/Lower Tier Covered Transaction,” without modification, in all subcontracts and in all solicitations for subcontracts:

**“CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND
VOLUNTARY EXCLUSION – SUBCONTRACTS/ LOWER TIER COVERED
TRANSACTIONS”**

(1) The prospective lower tier participant/subcontractor 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 agency or ACAM.

(2) Where the prospective lower tier participant/subcontractor is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

LOWER TIER PARTICIPANT/ SUBCONTRACTOR:

Entity Name, Entity Type

By: _____ Signature Authority Name, Title

Date: _____”

This certification is a material representation of fact upon which reliance is placed when ACAM awards the contract. If it is later determined that Contractor knowingly rendered an erroneous certification, in addition to any other remedies available to the Federal Government, ACAM may terminate this Contract for cause or default.

CONTRACTOR:

Entity Legal: _____

By: _____

Name: _____

Title: _____

Date: _____