

Municipality of Anchorage
Office of Equal Opportunity

Small, Minority, and Women Business Enterprises Requirements
HUD-Financially Assisted Projects

This project is funded wholly or in part with financial assistance from the U.S. Department of Housing and Urban Development. It is subject to Anchorage Municipal Code Chapter 7.60, Anchorage Municipal Regulations 7.60, and 2 CFR 200.321 regarding the use of small and minority firms and women's business enterprises and to any other applicable federal and state regulations. The requirements of this program are mandatory. Bidders and proposers shall be fully informed regarding the requirements of the above regulations.

A bidder or proposer who is not in compliance with the requirements of the applicable regulations or these specifications will not be awarded this contract. Noncompliance after award of contract constitutes a breach of the contract and may result in termination of the contract or other appropriate remedy for such breach.

No percentage goals based on race, ethnicity, or gender have been established for subcontracting on this project. However, all bidders and/or proposers on this project must take affirmative action steps to assure that minority firms and women's business enterprises are used when possible as sources of supplies, equipment, construction, and services. These affirmative action steps include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
4. Establishing delivery schedules, where the requirements permits, which encourage participation by small and minority business, and women's business enterprises; and,
5. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

Recordkeeping requirements. The prime contractor must retain all records documenting its good faith efforts, including the five affirmative action steps listed above, and provide copies of these to the DBE Officer upon request.

Prior to award of bid, the DBE Officer in the Office of Equal Opportunity may request that the apparent successful bidder/proposer provide written documentation to show that the five affirmative action steps were taken by the bidder/proposer. This request will be in writing, with response due within five (5) municipal working days from date of receipt of request by the bidder/proposer.

The DBE Officer may request this documentation at any time during the term of the contract as a monitoring effort to ensure compliance with the affirmative action efforts requirement or when it

otherwise appears necessary to meet the Municipality's affirmative action requirements established by the U.S. Department of Housing and Urban Development under its grant agreements with the Municipality.

Apparent successful bidders/proposers who fail to demonstrate on written request that the required five affirmative action steps were taken will not be awarded this contract.

Noncompliance with a request to provide written documentation of the five affirmative action steps during the conduct of the contract constitutes a breach of the contract and may result in termination of the contract or other appropriate remedy for such breach.

For more information on the HUD S/M/WBE requirements, please contact the DBE Officer within the Office of Equal Opportunity, P. O. Box 196650, Anchorage, AK 99519; or at 632 W. 6th Avenue, Suite 170, Anchorage, Alaska 99501, telephone (907) 343-4878.

Companies currently certified by the U.S. Small Business Administration as disadvantaged businesses are eligible for credit toward affirmative action. Companies which are currently certified under the Unified Certification Program administered by the State of Alaska DOT Civil Rights Office DBE program or any of the other United States' State Departments of Transportation are eligible for credit toward affirmative action efforts. The State of Alaska DOT DBE listing can be found at <http://www.dot.alaska.gov/cvlrts/directory.shtml> .

The successful bidder or proposer for this project shall submit a completed Form 10-029 S/M/WBE HUD with the bid packet (ITB) or prior to award of contract (RFP).

The Municipality encourages the successful bidder or proposer not to require performance and/or payment bonds of their minority firms or women's business enterprises subcontractors.

The DBE Officer or his or her designee may visit the job site during regular working hours and interview subcontractors and employees for verification of compliance with these specifications and/or the regulations.



**Municipality of Anchorage
Office of Equal Opportunity**
Small and Minority Firms
and Women's Business Enterprise Statement
for HUD-Financially Assisted Projects

Date: _____

Project name/number (ITB/RFP): _____

To be eligible for award of this contract, the bidder/proposer must execute and submit, prior to award of contract, this statement relating to Small and Minority Firms and Women's Business Enterprise.

The below signed company certifies that it acknowledges the Small and Minority Firms and Women's Business Enterprise requirements for this contract and assures that it will perform the required affirmative action steps specified in the S/M/WBE Requirements for this project and, if requested in accordance with the S/M/WBE Requirements, will provide documented evidence of having done so.

The undersigned certifies that this bidder/proposer is aware of and will comply with Chapter 7.60 and Regulation 7.60 of the Anchorage Municipal Code which are incorporated by reference as if fully set forth herein. We understand that if we fail to document, if requested as provided in the S/M/WBE Requirements for this project, that we have performed the required affirmative action steps as specified in the S/M/WBE Requirements for this contract, the contract will not be awarded to us.

We certify that we shall submit such data as required by the Municipality for award of a contract within the time limits set forth in the S/M/WBE Requirements for this contract unless otherwise specified by the Purchasing or DBE Officer. False statements are punishable under Alaska Statutes Section 11.56.210.

Company Name

Company's S/M/WBE Liaison Officer

Principal's Printed name and Title

Principal's Signature

Administrative Requirements

A. Access to Records

The Contractor and all subcontractors shall grant the Municipality of Anchorage, the U.S. Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the Contractor or subcontractors which are directly pertinent to this Contract for the purpose of making audit, examination, excerpts, and transcriptions.

B. Contract Provisions

The Contractor is bound to each and every applicable Contract provision executed between the Contractor and the Municipality or its Subrecipient.

C. Conflict of Interest

1. Under the regulations stated in 24 CFR 570.611, no employee, officer, or agent of the Municipality of Anchorage or its Subrecipient shall participate in the selection, award or administration of a contract supported by HUD CDBG funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers employees, and agents of the Municipality of Anchorage or its Subrecipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements.
2. Under the regulation of 24 CFR 570.611, no covered person who exercises or has exercised any functions or responsibilities with respect to any Municipality of Anchorage HUD-funded activity or are in a position to participate a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from such activities, or have a financial interest in any contract, subcontract, or agreement with respect to the proceeds of such an activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.
3. A covered person is any person who is an employee, agent, consultant, office, or elected official or appointed official of the Municipality of Anchorage, or of any designated public agency.
4. Upon the written request of the Contractor to the Municipality of Anchorage, HUD may grant an exception to the provisions of this section when it determines that the requirement of paragraph i below has been met, taking into account the cumulative effects of paragraph ii below.
 - i. HUD will consider an exception only after the following documentation has been provided
 - a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been a public disclosure of the conflict and a description of how the public disclosure was made; and

- b. An opinion from the Municipal Attorney, or the Subrecipient's attorney as applicable, that the interest for which the exception is sought would not violate State or local law.
- ii. In determining whether to grant a requested exception after the requirements above have been satisfactorily met, HUD shall conclude that such an exception will serve to further the purposes of the CDBG Program and effective and efficient administration of the Municipality of Anchorage's capital or housing project, taking into account the cumulative effect of the following factors, as applicable:
 - a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the project or program which would otherwise not be available;
 - b. Whether an opportunity was provided for open competitive bidding or negotiation;
 - c. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same benefits as are being made available or provided to the group or class;
 - d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;
 - e. Whether the interest or benefit was present before the affected person was in a position as described under paragraph 2 above;
 - f. Whether undue hardship will result either to the contractor or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
 - g. Any other relevant considerations.
- 5. In addition, the Contractor shall provide a written statement signed by the executive director or authorized designee of the Contractor holding HUD and the Municipality of Anchorage harmless from all liability in connection with any exception which may be granted by HUD relating to this provision.

D. Political Activity

No portion of the funds provided herein under shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or to influence the approval or defeat of any ballot issue or to lobby any state agency or member or employee of the legislature.

None of the funds provided under this Contract may be used by or on behalf of the Contractor to influence or attempt to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress or in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

E. Equal Employment Opportunity

The Contractor and all subcontractors shall comply with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in the Department of Labor regulations (41 CFR chapter 60).

F. Copeland "Anti-Kickback" Act

The Contractor and all subcontractors shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3).

G. Debarment and Suspension

No contracts shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension" as set forth at 24 CFR part 24. The Contractor and all subcontractors shall check and submit to the Municipality or its Subrecipient as applicable the printout from the search engine found at www.sam.gov.



Release of Information and Background Check Authorization

Please complete the following:

First name: _____ Initial: _____ Last Name: _____

Other Names Used: _____

Date of Birth: _____ SSN: _____

Driver's License: (Number & State: _____

Current Physical Address: _____ How long at current address: _____

PRIOR ADDRESS: _____ How Long Resided There: _____

I understand that it is necessary for Abused Women's Aid in Crisis, Inc. to conduct a criminal and child protection background check on me as part of the screening process for employment. I give permission for AWAIC, Inc. to receive this information from Volunteer Select, the Anchorage Police Department, the Alaska State Troopers, the District Attorney's Office, the Federal Bureau of Investigation, and/or Courtview.

Signature of Applicant: _____ Date: _____

Signature of Witness: _____ Date: _____

08/2009