



# REQUEST FOR PROPOSALS #2022-002

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Hearing Officer Services Roster

Friday, July 29, 2022

A handwritten signature in blue ink, appearing to read 'R. Graham', is positioned above a horizontal line.

Robert Graham, CPM  
Executive Director/Contracting Officer

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## **MANDATORY SUBMITTALS (EXHIBITS)**

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### **EXHIBIT A**

Fee Proposal Form

### **EXHIBIT B**

W-9 – Request for Taxpayer Identification Number and Certification

### **EXHIBIT C**

Required Representations and Certifications

### **EXHIBIT D**

Subcontractor Data Form

### **EXHIBIT E**

Section 3 Business Self-Certification Form

### **EXHIBIT F**

Principal Personnel Disclosure Statement Certification and Instructions

### **EXHIBIT G**

Respondent Disclosure Certification

### **EXHIBIT H**

Liability Questionnaire

### **EXHIBIT I**

HUD-50071 - Certification of Payments to Influence Federal Transactions

### **EXHIBIT J**

Record of Comparable Projects in Past Two (2) Years

### **EXHIBIT K**

Record of Comparable in Progress

### **EXHIBIT L**

Contractor Responsibility Survey

### **EXHIBIT M**

Addenda Acknowledge Form

### **EXHIBIT N**

HUD-5370-C - General Contract Conditions Non-Construction Section I (With or without Maintenance Work)

Copy of Valid Business License

## **PART 1 – GENERAL INFORMATION**

### **1.1 The Virgin Islands Housing Authority (VIHA)**

The Virgin Islands Housing Authority (VIHA), a public body corporate and political; is located within the United States Virgin Islands, an unincorporated territory of the United States. VIHA is responsible for planning, financing, constructing, maintaining, and managing all public housing developments located on the three islands of St. Thomas, St. John, and St. Croix, which include ten (10) Asset Management Projects (AMPs) with 3,018 public housing units in 24 communities. VIHA's mission is to create vibrant, dynamic, sustainable communities so families can evolve economically, improve lives, strengthen communities through quality, safe and affordable housing, and provide various services to empower public housing residents. VIHA also administers the Territory's Housing Choice Voucher Program, which currently provides rental assistance in the form of vouchers to 1,733 eligible low-income families, the elderly, and persons with disabilities. The vouchers help low-income families rent affordable housing of their choice from private landlords in the Territory and are funded by the U.S. Department of Housing and Urban Development.

VIHA has a professional management and maintenance team and administers over a \$41 million annual budget, including the capital outlays for comprehensive improvements. Funding sources include the U.S. Department of Housing and Urban Development (HUD), rental income, and limited other income. As one of the largest affordable housing providers in the Virgin Islands, VIHA has extensive experience in managing and developing residential rental properties.

### **1.2 Solicitation Purpose**

The Virgin Islands Housing Authority (VIHA) seeks proposals from interested and qualified professional firms and/or individuals interested in serving as Section 8 and/or Public Housing Hearing Officers who will preside at Section 8 and/or Public Housing Hearings as set forth in VIHA's Administrative Plan for the Virgin Islands Housing Authority Housing Choice Voucher Program, Section 18-Complaints and Appeals (attached) and the Public Housing Grievance Policy (attached).

The purpose of this Request for Proposals (RFP) is to select the most qualified individuals for placement on a Roster that will be used for future assignments. Each individual selected for the Roster will have at a minimum, qualifications, and experience necessary to perform the scope of work as described herein, will sign an On-Call Contract for these Services that will not include any specific scope of work, and shall be able to provide the services described in this RFP within a time frame required by VIHA.

As work assignments arise, VIHA will select a qualified Hearing Officer from the Roster on a rotation basis. Work assignments shall be formalized in a Work order to the On-Call Contract.

The initial term of the Roster to be created by this RFP shall be for three (3) years. At VIHA's option, this contract may be extended for up to two (2) additional one-year periods, along with appropriate adjustments in compensation. In submitting for placement on the Roster, the firm/individual understands that there is no guarantee of any dollar amount under any On-Call Contract resulting from this RFP.

**Please Note:** Respondents are responsible for reading this Request for Proposals ("RFP") and all exhibits, in their entirety, as updates and revisions have been added. By submitting a response to this solicitation, the Respondent acknowledges that it has read the entire document and is responding with full knowledge of all terms, conditions, and requirements as set forth.

All proposals submitted in response to this solicitation must conform to all of the requirements and specifications outlined within this document and any designated attachments in their entirety.

### 1.3 Schedule of Events

The following Schedule of Events represents VIHA's estimate of the timetable that will be followed in connection with this solicitation:

<b>Contact Person</b>	Marilyn Miller Procurement Manager Virgin Islands Housing Authority Procurement Department 9900 Oswald Harris Court St. Thomas, VI 00802 Email: <a href="mailto:mmiller@vihousing.org">mmiller@vihousing.org</a>
<b>How to Obtain the RFP Documents on the Applicable Internet Site</b>	<ol style="list-style-type: none"><li>1. Access VIHA's Website at</li><li>2. <a href="http://www.vihousing.org">http://www.vihousing.org</a>.</li><li>3. Click on Contractors</li><li>4. Click on the applicable RFP</li><li>5. Follow the listed directions</li><li>6. Be sure to download all applicable forms and document</li></ol> If you have any problems accessing the system, email Marilyn Miller for assistance at <a href="mailto:mmiller@vihousing.org">mmiller@vihousing.org</a>
<b>Deadline to Submit Questions</b>	<b>Friday, August 5, 2022, by noon LOCAL TIME</b>
<b>How to Fully Respond to This RFP by Submitting a Proposal Submittal</b>	Completed proposals must be submitted to the VIHA electronically by the Proposal Due Date and Time. Respondents shall transmit completed proposals to the VIHA by email to <a href="mailto:mmiller@vihousing.org">mmiller@vihousing.org</a> in PDF format. The "Subject" line of the email should state "(name of firm) Public Relations and Marketing Communications." Please exercise caution in creating your electronic file. <ol style="list-style-type: none"><li>1. Be sure that all documents are executed as required.</li><li>2. Be sure that all required forms and exhibits have been included.</li></ol>
<b>Proposal Submittal Return &amp; Deadline</b>	<b>Friday, August 26, 2022, by 2:00 P.M. LOCAL TIME</b>  NOTE: The "pdf file format" proposal must be received via email no later than Friday, August 26, 2022, by 2:00 P.M. LOCAL TIME, or the proposal will be rejected.
<b>VIHA Evaluation Process</b>	<b>August 29-31, 2022</b>
<b>Potential Interviews</b>	<b>September 1-2, 2022</b>

VIHA reserves the right, at its sole discretion, to adjust this Schedule of Events as it deems necessary. If necessary, VIHA will communicate adjustments to any event in the Schedule of Events supplement this RFP. Addenda to this RFP will only be issued and posted on VIHA's website at: <http://www.vihousing.org>.

- A. **It is the responsibility of the Respondent to monitor VIHA's website for any addenda issued.** All Respondents are encouraged to check VIHA's website for additional information frequently.

### 1.4 Communications

All procurement actions facilitated by VIHA will be conducted in an open, transparent, and competitive manner. VIHA will consider competitive pricing, quality of work, reputation and referrals, and understanding of each transaction are solicited deliverables and requirements. VIHA supports solicitation of proposals from all markets with no geographical preferences and gives ALL qualified businesses, including those owned by minorities, women, and small business enterprises, the opportunity to do business with VIHA as Contractors and Subcontractors.

To maintain a fair and impartial competitive process, VIHA and any outside consultants assisting VIHA with this solicitation shall avoid private communication concerning this procurement with prospective Respondents during the entire procurement process. From the issue date of this RFP until the final award is announced, Respondents are not allowed to communicate about this RFP for any reason with any VIHA staff and outside consultants assisting VIHA with this solicitation except:

- Through the RFP Point of Contact named below;
- As otherwise specified in this RFP; and
- As provided by existing work agreement(s) (if any)

Prohibited communications include all contact, including but not limited to telephonic communications, emails, faxes, letters, or personal meetings, such as lunch, entertainment, or otherwise. VIHA reserves the right to reject the proposal of any Respondent violating this provision.

- B. Questions must be submitted in writing via email to [mmiller@vihousing.org](mailto:mmiller@vihousing.org). **VIHA will receive requests for additional information and clarification relative to this solicitation between Friday, July 29, 2022, by noon LOCAL TIME and Friday, August 26, 2022, by noon Local Time.**
- C. Responses to these questions will be addressed in writing and issued as an addendum to this RFP. VIHA will **not** respond to requests for information after the date stated above.
- D. **It is the responsibility of the Respondent to monitor VIHA's website for any addenda issued.** All Respondents are encouraged to check VIHA's website for additional information frequently.
- E. All requests for information or clarification about this solicitation must be addressed in writing.

## **PART 2 – SCOPE OF WORK**

### **2.1 Scope of Work and Specific Requirements**

VIHA is soliciting Proposals Hearing Officer Services. The selected firms/individuals shall have qualifications and experience to perform the tasks related to this Category of Service.

- 1). **Description of Work:** Qualified firms/individuals selected for the Virgin Islands Housing Authority's Hearing officer Services Roster and assigned work under the Roster will be required to;
  - Attend a VIHA established/approved "Hearing officer Training program" within three (3) months of admission to this roster.
  - Conduct informal hearings at locations determined by VIHA, generally the VIHA's Central Office located at 9900 Oswald Harris Court, St. Thomas, VI 00802.
  - Within ten (10) business days after the conclusion of the hearing, prepare a written decision together with the reasons therefore based solely upon the information presented at the hearing. The written decision shall present the issues and an analysis of the rules to the issues and conclusion.
  - Submit an original hard copy of the written decision to VIHA's Hearings Coordinator.
- 2). **Detailed Work Requirements:** The Hearing Officer shall preside at the hearing and conduct the hearings pursuant to the appropriate program guidelines: VIHA's Administrative Plan for the Virgin Islands Housing Authority Housing Choice Voucher Program, Section 18-Complaints and Appeals (attached) and the Public Housing Grievance Policy (attached).

## PART 3 – PROPOSAL SUBMISSION

### 3.1 Proposal Format and Structure

**Tabbed Proposal Submittal** – VIHA intends to retain the successful proposer under a “Best Value” basis, not a “Low Proposal” basis (“Best Value,” in that VIHA will consider factors other than just cost in making the award decision). So that VIHA can adequately evaluate the offers received, the sequence must format all proposals submitted in response to this RFP noted below. Each category must be separated by numbered index dividers and labeled with each tab numbered sequentially, as shown below. None of the proposed services may conflict with any requirements VIHA has published herein or has issued by addendum. The sections are delineated as follows:

**Introductory Letter.** The firm shall provide a brief synopsis on company letterhead of its ability to perform the scope of work outlined in the RFP, business background, and identify the benefits provided by its offering. Provide proof of training, experience and resume(s). Proposals will not be reviewed without proof of experience in arbitration or having transferrable skills that will allow you to make fair decisions.

- A. The Introductory Letter must include the legal business name and company status (i.e., partnership, corporation – including State or Territory of incorporation, etc.). Additionally, the respondent must state if there have been any recent (within the past three years) changes in ownership and substantial leadership changes. Also, please include the location of the Firm’s principal place of business and discuss any joint venture partners or sub-consultants as they pertain to the RFP. ***Please limit Introductory Letter to three (3) pages maximum.***

The Virgin Islands Housing Authority will evaluate all responses. It will select the three (3) most highly qualified names or firms and rank them in a one-two-three order, according to the following qualifications:

- B. Tabbed sections as indicated:

TAB	WEIGHTED SCORING CRITERIA	PAGE COUNT
1	Relevant Experience, Qualifications and Knowledge	Maximum six pages
2	Availability/Project Timeline	Maximum eight pages
4	Proposed All-Inclusive Hourly Rate	Maximum two pages
5	References	Maximum two pages
6	Equal Employment Opportunity/Supplier Diversity	Maximum two pages
7	Mandatory Submittals (See Section 6.1)	N/A - Use Forms

The proposal should be prepared simply and economically, avoiding using elaborate promotional materials beyond those sufficient to provide a complete presentation.

A page is considered one side of a single side of an 8½” x 11” paper, single-spaced using not smaller than 11-point font, and containing margins at the top, bottom, and sides of no less than one inch in width. Foldouts containing charts, spreadsheets, and oversize exhibits are permissible and included in page count. VIHA will allow a font size no smaller than 9-point for the information included in tables and charts ***only***. **All proposal pages must be consecutively numbered. Respondents are cautioned that if their Proposal exceeds the page limitation, VIHA will evaluate up through the permitted number of pages only. Information contained on pages beyond that limit will not be considered.** Brevity concerning proposals is strongly encouraged.

**All information must be incorporated into a response to a specific requirement and referenced.** Any information not meeting these criteria will be deemed extraneous and not contribute to the evaluation process.

All information presented in response to this RFP must be included in the submitted response. There can be no information linked to a website that requires reviewers to access the website for consideration of content. Any such conditions will not be considered part of the Respondent's proposal.

VIHA may award a contract based on initial offers received, without discussions; therefore, each submission should contain the Respondent's best terms from a cost or price and technical standpoint. The selected firm must be ready to execute the contract within one week of receiving a contract from VIHA.

### 3.2 Submission of Proposals

It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements, and specifications set forth within all applicable documents issued by the Authority. Including the RFP document, any appendices, and required attachments submitted by the proposer. By completing, signing, and presenting the complete documents, the proposer states their agreement to comply with all conditions and requirements set forth with those documents. Written notice from the proposer not authorized in writing by the Executive Director to exclude any of the Authority requirements contained within the records may cause the proposer not to be considered for the award.

By submitting a response to the RFP, the Respondent is acknowledging that the Respondent:

1. Has read the information and instructions; and
2. Agrees to comply with the information and instructions contained herein.

**Proposal Submission** –All completed proposals must be submitted to the VIHA electronically by the Proposal Due Date and Time. Respondents shall transmit completed proposals to the VIHA by email to [mmiller@vihousing.org](mailto:mmiller@vihousing.org) in PDF format. The "Subject" line of the email should state "(name of firm) Public Relations and Marketing Communications." Please exercise caution in creating your electronic file.

A. VIHA reserves the right to:

- Reject any or all offers, discontinue this RFP process, and re-advertise this RFP without obligation or liability to any potential Respondent,
- Accept other than the lowest-priced offer;
- Award more than one (1) contract; and
- Award a contract based on initial offers received, without discussions or requests for best and final offers.

## PART 4 – PROPOSAL EVALUATION

### 4.1 Consultant Evaluation Criteria

Submittals will be evaluated based on the criteria listed in this section. In preparing your proposal to VIHA, it is important to clearly demonstrate expertise in the areas described in this document.

You are encouraged to identify and clearly label in your proposal how each criterion is being fully addressed. Evaluation of responses to this RFP will be based only on the information provided in the proposal, and if applicable, interviews, and reference responses. VIHA reserves the right to request additional information or



documentation from you regarding your submittal documents, personnel, financial viability, or other items in order to complete the selection process. If you choose to provide additional materials beyond those requested, those materials should be included in a separate section of the proposal. In submitting, you agree that any costs or prices proposed shall be valid for a minimum of 90 days from the date of the proposal.

The following criteria with a point system of relative importance with an aggregate total of one hundred points will be utilized to evaluate each proposal:

**PASS/FAIL TEST:** Proof of at least three (3) years relevant experience as a law clerk, arbitrator, other legal professional, or mediator is required to be considered for these services and must have no other affiliation with VIHA other than as a Hearing Officer.

Proposals will be evaluated based on the following Evaluation Criteria

NO.	Evaluation Criteria MAX POINT VALUE	MAX POINT VALUE
1	Relevant Experience, Qualifications and Knowledge	50 Points
2	Availability/Project Timeline	25 Points
3	Proposed All-Inclusive Hourly Rate	25 Points
Maximum Total Points		100 Points

The establishment, application, and interpretation of the above Evaluation Factors shall be solely within the discretion of VIHA. VIHA reserves the right to determine the suitability of proposals based on all of these factors.

#### 4.2 Evaluation Factor Description

**Respondents are required to respond thoroughly to each of the following evaluation factors, focusing on providing answers that are both clear and concise.**

**TAB 1: Relevant Experience, Qualifications and Knowledge–**

- Outline relevant experience of personnel who will serve as Hearing Officers. To be qualified to respond, one must show experience in arbitration, or have transferrable skills that will allow him/her to be fair in decisions.
- Outline additional experience which could include experience presiding over, or as an advocate in contested administrative proceedings, arbitration, mediation, or other relevant proceedings, and three years experience with landlord/tenant matters, or three year's experience with federally funded low-income housing programs and/or the Section 8 Housing Choice Voucher Program.
- Outline relevant knowledge of personnel who will serve as Hearing Officers. To be qualified to respond, firms/individuals must have knowledge of Landlord/tenant law. Knowledge of federal low-income housing programs and the Section 8 Voucher Program also preferred.
- Provide a brief professional resume for each person who will serve as a Hearing Officer indicating the extent of his/her experience on related work.

**TAB 2: Availability/Project Timeline–**

- Describe your ability to perform the required services on an on-call basis, often under very short deadlines, as required by VIHA.

**TAB 3: Proposed All-Inclusive Hourly Rate –**

- Submit your **\*\*All-Inclusive Hourly Rate** for Hearing Officer Services. The minimum payment is for a one-hour proceeding. When hearings last longer than one hour, then the time is billed in quarter-hour increments and rounded up to the quarter hour. In the event of a No-Show by the party requesting the hearing or if the hearing is cancelled with less than a 24-hour notice, the Hearing Officer will be compensated for one hour.
- If VIHA requests the Hearing Officer attend training sessions on topics such as the role of the hearing officer, the conduct of hearings or the preparation of hearing decisions, the Hearing Officer will be compensated for the time spent in such training.

\*The “All-Inclusive Hourly Rate” shall include anticipated costs for your base rate, overhead and/or fringe benefits, profit and any anticipated administrative and/or non-salary direct costs for performing these services.

#### **4.3 Evaluation and Award Process**

The Evaluation Committee shall be established to evaluate proposals based solely on the Evaluation Factors set forth above. Submissions will be reviewed individually against the requirements stated in the RFP. Factors not specified in the RFP will not be considered. VIHA reserves the right to waive any minor irregularities or technicalities in the proposals received.

A Technical Advisor with the required expertise may provide information and advise the Evaluation Committee on technical matters to ensure that the Evaluation Committee will benefit from such expertise to inform decisions. The designated Technical Advisor does not have voting rights concerning the evaluation and scoring of Project Proposals but will have consultation rights concerning matters that the Evaluation Committee cannot resolve.

Proposals that are considered nonresponsive will not receive consideration. VIHA reserves the right during the evaluation process to reconsider any bid submitted. It also reserves the right to meet with a Respondent at any time to gather additional information. Furthermore, VIHA reserves the right to delete, add or modify any aspect of this procurement.

VIHA reserves the right to: 1) award this contract to one Respondent, 2) make multiple awards, 3) award without discussions, and 4) negotiate the final scope of services, price, schedule, and any aspects of this solicitation with all Respondents. VIHA may 1) reject any or all offers if such action is in VIHA’s interest, 2) award a contract other than to the lowest Respondent, 3) waive informalities, minor irregularities in offers received, and 4) award all or part of the requirements stated. VIHA reserves the right to reject an award to Respondent during the contract negotiations if 1) Respondent and VIHA cannot agree to mutual terms for the contract or 2) Respondent causes a delay that, in VIHA’s discretion, causes hardship to VIHA.

A proposal receiving a proper evaluation from the Evaluation Committee will be submitted to VIHA’s Board of Commissioners for approval, subject to funding availability.

Provided the proposal meets all requirements of this RFP, VIHA will enter into a Service Agreement for an initial term of up to one year (12) months, with one (1) possible extension of one-year (12) month period provided the owner complies with the Service Agreement as determined by VIHA. The contract may be amended in writing from time to time by mutual consent of the parties. This is a task order-driven contract. Unless this RFP states otherwise, the resulting award of the agreement does not guarantee volume or a commitment of funds.

### **PART 5 – MANDATORY SUBMITTALS**

#### **5.1 Mandatory Submittals**

The following Mandatory Submittals that must be included as a part of the proposal and received by the due date and time are:

<b>MANDATORY SUBMITTALS</b>
<b>Exhibit A – Fee Proposal Form</b>
<b>Exhibit B – W-9-Request for Taxpayer Identification Number and Certification</b>
<b>Exhibit C – Required Representations and Certifications</b>
<b>Exhibit D – Subcontractor Data Form</b>
<b>Exhibit E – Section 3 Business Self-Certification Form</b>
<b>Exhibit F – Principal Personnel Disclosure Statement Certification and Instructions</b>

<b>Exhibit G – Respondent Disclosure Certification</b>
<b>Exhibit H – Liability Questionnaire</b>
<b>Exhibit I – HUD-50071 – Certification of Payments to Influence Federal Transactions</b>
<b>Exhibit J – Record of Comparable Projects in Past Two (2) Years</b>
<b>Exhibit K – Record of Comparable Projects in Progress</b>
<b>Exhibit L – Three Completed Contractor Responsibility Survey</b>
<b>Exhibit M – Addenda Acknowledge Form</b>

\*Forms shall be completed, signed, and notarized where required or marked “Not Applicable” where appropriate.

## 5.2 Principal Personnel Disclosure Statement Certification Form

VIHA requires that each Respondent submit a notarized Principal Personnel Disclosure Statement Certification Form (Exhibit F). Preparation of these documents is governed by the instructions identified on the Form. The following definitions apply when completing this Form:

- a. **Sole Proprietorships.** A sole proprietorship is a business owned by one (1) individual.
- b. **Partnerships.** A partnership exists when two (2) or more people associate to conduct a business enterprise.
- c. **Limited Liability Companies.** A limited liability company is a legal entity created by territory/state law.
- d. **Corporations.** A corporation is a legal entity created by territory/state law. *All officers and assistant officers shall be identified on the Principal Personnel Disclosure Statement Certification Form.*

## 5.3 Disclosure Statement

Before award, and while Respondent is conducting business with VIHA, Respondent is required to disclose any direct or indirect conflicts of interest and any organizational conflicts of interest as soon as such conflict becomes known or should have become known. Respondents with a conflict of interest must provide complete disclosure, in writing, to the Procurement Manager. The Disclosure Statement must be presented on Respondent’s letterhead, notarized, and signed by the individual making the disclosure. The details to be included in the Disclosure Statement may be found on the bottom of the *Principal Personnel Disclosure Statement Certification Form (Exhibit F)*.

## 5.4 Certification Regarding Debarment

Respondent certifies by submission of its proposal that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a Federal department or agency. All Respondents are required to submit a Disclosure Statement if this is not the case.

# PART 6 – RFP ADMINISTRATIVE TERMS AND CONDITIONS

## 6.1 Required VIHA Respondent Registration

To do business with VIHA, Respondent must be a registered vendor *before submitting a response*. If Respondent has already registered with VIHA, the Respondent’s (Vendor) profile must be up-to-date.

Respondent is responsible for contacting their local authorities to ensure that Respondent has complied with all laws and is authorized and licensed to do business in the Territory. All applicable fees associated in addition to that are the responsibility of Respondent now or hereafter in effect during the contract. Respondent and its

employees, agents, and subcontractors shall also comply with all Federal, State, and local laws regarding business permits and licenses that may be required to carry out the services performed under the contract.

## **6.2 Cost of Proposals**

All costs incurred, directly or indirectly, in response to this solicitation, including the preparation, submittal, or presentation of the proposal, shall be the sole responsibility of, and borne by, the Respondent. The cost for developing the proposal and participating in the procurement process (including the protest process) is the sole responsibility of the Respondent. VIHA will not provide reimbursement for such costs.

## **6.3 Ownership of Documents**

All documents and information generated, prepared, assembled, and provided to VIHA under this RFP become the property of VIHA upon receipt. Respondents shall not copyright, or cause to be copyrighted, any portion of any document submitted to VIHA as a result of this RFP.

## **6.4 Rejection of Proposals**

VIHA may reject any or all proposals. Action to reject all bids shall be taken only for unreasonably high prices, error in the solicitation, cessation of need, unavailability of funds, failure to secure adequate competition, or any other reason deemed appropriate by VIHA.

## **6.5. New Equipment**

All material, supplies, and equipment offered and furnished must be new and of current manufacturer production unless the RFP expressly permits used or reconditioned items.

## **6.6. Taxes**

VIHA is exempt from sales tax. The Contractor agrees to pay all taxes incurred in the performance of an awarded contract.

## **6.7. Contractor Status**

The Contractor shall be an independent contractor and not be an employee of VIHA.

## **6.8. Funding Limitations**

This procurement may be funded, in whole or in part, by grant funds provided by the U.S. Department of Housing and Urban Development ("HUD"). VIHA will not be bound to any contract if HUD has disallowed funding.

## **6.9. Government Restrictions**

In the event any governmental restrictions may be imposed which would necessitate alteration of the material, quality, quantity or performance of the goods or the material, quality, quantity or performance of the goods or services offered, it shall be the responsibility of the successful Respondent to immediately notify VIHA in writing specifying the regulation which requires an alteration. VIHA reserves the right to accept any such alteration, including any reasonable price adjustments occasioned, or cancel the contract at no expense to VIHA.

## **6.10 Minority-owned and Women-owned Business Enterprises**

VIHA strongly encourages minority-owned and women-owned businesses, socially and economically disadvantaged business enterprises, HUD Section 3 businesses, and small businesses to submit a proposal, to participate as partners, or to participate in other business activity in response to this RFP.

**6.11 Section 3 Requirements**

In keeping with Section 3 of the Act of 1968, and accordance with the goals of HUD, VIHA strongly encourages Section 3 participation.

**6.12 Errors – Proposal Rejection**

Each correction made by the Respondent on the Fee Proposal Form **MUST BE INITIALED IN INK** by each discipline. No modifications will be made in pencil.

**6.13 Acceptance Period**

All Respondents submitting a proposal must agree to honor the terms and conditions contained herein for ninety (90) days.

**6.14 Proposal Signature**

The person signing the Fee Proposal Form must be authorized to bind the Respondent contractually. Unsigned offers will be rejected. Unsigned requests cannot be signed after the proposal has been opened. No signatures shall be in pencil.

**6.15 Withdrawal of Proposals**

Proposals may be withdrawn by written notice received any time before contract award. Bids may be removed in person by Respondent or its authorized representative if the identity of such representative is established and VIHA gets a signed receipt of the withdrawn proposal before the contract award.

**6.16 VIHA Authorized Procurement Authority**

By VIHA's Final Amended Procurement Policy Statement, contracts over \$250,000 shall be subject to approval by VIHA's Board of Commissioners before award and contract execution.

**6.17 Amendments to Solicitation**

VIHA reserves the right to increase or delete any scheduled items, increase or reduce the quantity of any scheduled item as deemed necessary, waive informalities and technicalities, and make other changes and modifications consistent with VIHA's policies and the laws and regulations governing HUD programs.

All addenda to this solicitation will be posted on VIHA's website. **It is the responsibility of the Respondent to monitor VIHA's website for any supplements issued.** Each Respondent must acknowledge all addenda published on VIHA's website to ensure that additions are considered in their proposal response (see **Exhibit M - Addenda Acknowledge Form**). All Respondents are encouraged to check VIHA's website for additional information frequently.

**6.18 Cancellation of Solicitation**

VIHA reserves the right to cancel a solicitation when it is determined to be in the best interest of VIHA to do so.

**6.19 Contracting Officer**

VIHA's Contracting Officer is the Executive Director of VIHA.

**6.20 Due Diligence**

All procurement transactions shall be conducted only with responsible Contractors, i.e., those who have the technical and financial competence to perform and have a satisfactory record of integrity. Where warranted and

before awarding a contract, VIHA shall review the proposed Contractor's ability to perform the contract successfully, considering factors such as the Contractor's integrity, compliance with public policy, a record of past performance (including vendor performance reports and contacting previous clients of the Contractor), and financial and technical resources (an extensive financial review is usually conducted on all non-bonded procurement transactions over \$250,000 in total contract value). Contracts shall not be awarded to debarred, suspended, or ineligible Contractors. VIHA shall not contract with firms and individuals listed on the *List of Parties Excluded from Federal Procurement and Non-procurement Programs*. Suppose a prospective Contractor is found to be non-responsible. In that case, a written determination of non-responsibility shall be prepared, and the prospective Contractor shall be advised of the reasons for the decision.

#### **6.21 Proposal Evaluation Period**

When proposal evaluation is being conducted, all proposal analyses are confidential. This measure simply maintains the integrity of VIHA's procurement system. No VIHA personnel in any office can discuss information pertinent to any proposal during this period. Violation of the confidentiality of submissions pending award seriously compromises VIHA in establishing contractual agreements and may result in the disqualification of the Respondent from this procurement action.

#### **6.22 Insurance Requirements**

The following insurance requirements that will be included in the On-Call Contracts executed based on this RFP. Coverage shall be carried by the Contractor during the term of this contract and will be subject to approval by VIHA. The premium cost of all insurance purchased by the Contractor for protection against risks assumed by the contract shall be borne by the Contractor and is not reimbursable by VIHA.

##### **General Requirements:**

1. Prior to undertaking any work assigned by Work Order under this Contract, the firm/individual shall procure and maintain continuously for the duration of this Contract, at no expense to VIHA, insurance coverage as specified below, in connection with the performance of the work of this contract by the firm/individual, its agents, representatives, and/or employees.
2. The firm's/individual's insurance shall be primary as respects VIHA, and any other insurance maintained by VIHA shall be excess and not contributing insurance with the firm's/individual's insurance.
3. Except with respect to the limits of insurance and any rights or duties specifically assigned to the first named insured, the firm's/individual's Commercial Automobile Liability insurance coverage shall apply as if each named insured were the only named insured, and separately to each insured against whom claim is made or suit is brought.
4. Failure of the firm/individual to fully comply with the insurance requirements of this contract will be considered a material breach of Contract and, at the option of VIHA, will be cause for such action as may be available to VIHA under other provisions of this Contract or otherwise in law, including immediate termination of the Contract.

##### **Required Insurance Coverage**

The following are the types and amounts of insurance coverage that must be maintained by the firm/individual during the term of any Work Order to this Contract. The firm/individual must provide acceptable evidence of such coverage prior to beginning work on any Work Order under this Contract.

- A. Automotive Liability Insurance: A policy of Automobile Liability Insurance, including coverage for owned, non-owned, leased or hired vehicles written on an insurance industry standard form with the following minimum coverage: \$500,000.00 combined single limit coverage

- B. **Proof of insurance shall be provided to VIHA before execution of this Contract and at the beginning of each option term (if applicable).** VIHA expressly reserves the right to require the Contractor to provide certified copies of such policy or policies.

Each such policy will not be canceled or materially changed or altered without first giving thirty (30) days written notice thereof to Marilyn Miller, Procurement Manager, Procurement Department, 9900 Oswald Harris Court, St. Thomas, Virgin Islands 00802, sent by certified mail, return receipt requested.

#### **6.23 Contract Administration**

Akala Anthony, Director of Housing Choice Voucher Program is responsible for the administration of this contract unless otherwise stated in the agreement. The Contracting Officer for this contract will be Robert Graham, CPM, Executive Director. The Contracting Officer is responsible for the final approval and acceptance of all services rendered.

#### **6.24 Contract Period**

The Authority anticipates that it will initially award a contract for the period of one (1) year from the Execution Date of the Contract.

#### **6.25 Option to Extend**

The contract shall have up to two (2) additional one (1) year option periods. The total contract period shall not exceed three (3) years from the Effective Date of the contract, i.e., the date on which VIHA executes the original agreement.

#### **6.26 Holidays**

VIHA recognizes the following holidays as vacation days for its employees:

New Year's Day	Three King's Day
Martin Luther King, Jr.'s Birthday	President's Day
Transfer Day	Holy Thursday
Good Friday	Easter Monday
Memorial Day	Juneteenth National Independence Day
VI Emancipation Day	Independence Day
Labor Day	Columbus Day
D. Hamilton Jackson Day	Veteran's Day
Thanksgiving Day	Christmas Day
Boxing Day	

If a holiday falls on a Sunday, the following Monday will be observed. If a holiday falls on a Saturday, the preceding Friday will be honored.

#### **6.27 Termination of Convenience and Default**

VIHA reserves the right to terminate this contract without prior notification for reasons it deems in the best interest of VIHA by Clause 4 of the HUD Form 5370-C – General Contract Conditions Non-Construction. If terminated, VIHA will notify the Contractor of the termination in writing by certified mail, return receipt requested, and pay Contractor for services rendered before Contractor's receipt of notice of the contract termination.

## **6.28 Advertising**

Respondent agrees not to use the fact or the results from submitting a proposal as a part of any commercial advertising. VIHA does not permit the use of VIHA's relationship with an entity for purposes of marketing efforts unless VIHA agrees explicitly otherwise.

## **6.29 Notices**

All notices, demands, requests, and claims about the award of this contract must be addressed in writing to:

Robert Graham, CPM  
Executive Director/Contracting Officer  
The Virgin Islands Housing Authority  
9900 Oswald Harris Court  
St. Thomas, Virgin Islands 00802

Any protest against this procurement action must be received before the due date to receive proposals. Any protest against the contract award must be received within ten (10) calendar days after the contract award, or the protest will not be considered. All proposal protests shall be in writing and give complete and detailed reasons why the actual or prospective Contractor is protesting the solicitation and award. The proposal protest shall be submitted to the authorized VIHA personnel or designee, who shall review the protest and all other related information and issue a written decision on the matter. The authorized VIHA personnel or designee may, at their discretion, suspend the procurement and contract award pending resolution of the protest if warranted by the facts presented. The authorized VIHA personnel or designee will have final ruling authority.

## **6.30 Compliance with Law**

The Contractor, and its subcontractors at all tiers, shall ensure the strictest compliance with all applicable Federal, State/Territory and local laws, regulations, ordinances and requirements applicable to the work described herein including, but not limited to, those applicable laws, rules and requirements governing equal employment opportunity programs, subcontracting with small and minority firms, women's business enterprise, and labor surplus area firms, equal opportunity for businesses and unemployed and underemployed persons (as referenced in Section 3 of The Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3)), applicable Americans with Disabilities Act ("ADA") and amendments, Fair Housing Act ("FHA"), and Uniform Federal Accessibility Standards ("UFAS") standards and regulations, the Davis-Bacon Act, and those laws and regulations concerning the abatement and remediation of asbestos and lead-based paint, and shall provide for such compliance in the contract documents. To the extent the work required under this contract is related to development, the Contractor shall further comply with the applicable Annual Contributions Contract (ACC) about such action. To the extent such work is associated with a mixed-finance development, the Contractor shall comply with 24 CFR ' 941.208. At the Contractor's expense, the Contractor shall obtain such permits, certificates, and licenses as required in the performance of the work specified.

## **6.31 Indemnification**

VIHA cannot and by the agreement relating to this RFP, does not agree to indemnify, hold harmless, exonerate or assume the defense of the Contractor or any other person or entity whatsoever for any purpose whatsoever.

## **6.32 Standards of Conduct**

The Contractor shall be responsible for maintaining satisfactory standards of employees' competency, conduct, courtesy, appearance, honesty, and integrity, and shall be responsible for taking such disciplinary action concerning any employee, as may be necessary.



### **6.33 Public Records**

Respondents are advised that all submissions may be made available to the public on request upon completion of the process and award of an Agreement. Most procurement information that is not proprietary is a matter of public record and shall be available to the public to the extent provided in the United States Virgin Island's Freedom of Information Act. Accordingly, any information which the Respondent thinks benefits from an exception to disclosure shall be clearly identified as such and segregated from the rest of the proposal. VIHA, in its discretion, shall determine which information may be disclosed under the Virgin Islands Public Records Law. By responding to this RFP, Respondent agrees that any determination made regarding disclosure of information contained in the response is satisfactory.

**END OF SOLICITATION**

# **ATTACHMENTS**

# VIHA'S ADMINISTRATIVE PLAN FOR THE VIRGIN ISLANDS HOUSING AUTHORITY HOUSING CHOICE VOUCHER PROGRAM, SECTION 18 COMPLAINTS AND APPEALS

## **Chapter 18**

### **COMPLAINTS AND APPEALS**

#### **INTRODUCTION**

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

#### **A. COMPLAINTS TO THE PHA**

The PHA will respond within 35 business days to complaints from families, owners, employees, and members of the public. All complaints will be documented. The PHA may require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

The PHA hearing procedures will be provided to families in the briefing packet.

**All complaints will be referred to the related Housing Choice Voucher Program Supervisor and then to the Housing Choice Voucher Program Director or to investigations, if necessary.**

#### **Categories of Complaints**

Complaints from families: If a family disagrees with an action or inaction of the PHA or owner.

Complaints from owners: If an owner disagrees with an action or inaction of the PHA or a family.

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to **the Housing Choice Voucher Program Director**.

Complaints from the general public: Complaints or referrals from persons in the community in regard to the PHA, a family or an owner.

#### **B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54(d)(12), 982.554]**

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible,
- The procedure for requesting a review if the applicant does not agree with the decision and
- The time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision to deny was based.

The PHA must provide applicants with the opportunity for an informal review of decisions denying:

- Listing on the PHA's waiting list

- Issuance of a voucher
- Participation in the program
- Assistance under portability procedures

Informal reviews are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- A determination of the family unit size under the PHA subsidy standards
- Refusal to extend or suspend a voucher
- A PHA determination not to grant approval of the tenancy
- Determination that unit is not in compliance with HQS
- Determination that unit is not in accordance with HQS due to family size or composition

#### **Procedure for Review**

A request for an informal review must be received **in writing** by the close of the business day, no later than **10** calendar days from the date of the PHA's notification of denial of assistance. The informal review will be scheduled within **30** business days from the date the request is received.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The review may be conducted by:

- **A staff person who is at the supervisory level or above**
- **An individual from outside the PHA**

The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

A notice of the review findings will be provided in writing to the applicant within **30** business days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

#### **C. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]**

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The PHA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the PHA;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the PHA's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.
- When terminating assistance for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the tenant/participant with a copy of the criminal record upon which the decision to terminate was based.

The PHA must provide participants with the opportunity for an informal hearing for decisions related to any of the following PHA determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under PHA subsidy standards
- Determination to terminate assistance for any reason.
- Determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

The PHA must always provide the opportunity for an informal hearing before termination of assistance.

Informal hearings are not required for established policies and procedures and PHA determinations such as:

- PHA determination not to approve a unit or lease
- A PHA determination that an assisted unit is not in compliance with HQS, PHA must provide a hearing for family breach of HQS because that is a family obligation determination
- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination that the unit is not in accordance with HQS because of the family size
- A PHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract

#### **Notification of Hearing**

It is the PHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the PHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the PHA receives a request for an informal hearing, a hearing shall be scheduled within **30** business days. The notification of hearing will contain:

- The date and time of the hearing
- The location where the hearing will be held
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense
- The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. **Requests for such documents or evidence must be received no later than 7 calendar days before the hearing date.**
- A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. **Requests for such documents or evidence must be received no later than 7 calendar days before the hearing date.**

#### **The PHA's Hearing Procedures**

- After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.
- If the family does not appear and did not make arrangements in advance, the hearing will proceed.

- If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the PHA within 24 hours, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the PHA's determination. Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the Hearing Officer;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue of the hearing;
- Request that PHA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

**If the family requests copies of documents relevant to the hearing, the PHA will make the copies for the family and assess a charge of \$.05 per copy. In no case will the family be allowed to remove the file from the PHA's office.**

In addition to other rights contained in this Chapter, the PHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The PHA appoints hearing officers who:

**Are PHA management and/or professional mediators or arbitrators.**

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

The Hearing Officer will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the hearing findings shall be provided in writing to the PHA and the family within 10 business days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed **and documentation of the calculation of monies owed**;
- The date the decision goes into effect.

The PHA is not bound by hearing decisions:

- Which concern matters in which the PHA is not required to provide an opportunity for a hearing
- Which conflict with or contradict HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer's determination within **10** business days. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

**D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR Part 5, Subpart E]**

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal. Assistance to a family may not be terminated or denied while the PHA hearing is pending but assistance to an applicant may be delayed pending the PHA hearing.

**INS Determination of Ineligibility**

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA notifies the applicant or participant within ten (10) business days of their right to appeal to the INS within thirty (30) calendar days or to request an informal hearing with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within fourteen (14) calendar days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen (14) calendar days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:



- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

**E. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]**

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

**Reserved**

# PUBLIC HOUSING GREIVANCE POLICY



# Virgin Islands Housing Authority

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## GRIEVANCE POLICY PUBLIC HOUSING

### Introduction

This chapter discusses grievances and appeals pertaining to PHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

- **Part I: Informal Hearings for Public Housing Applicants.** This part outlines the requirements and procedures for informal hearings for public housing applicants.
- **Part II: Informal Hearings with Regard to Noncitizens.** This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.
- **Part III: Grievance Procedures for Public Housing Residents.** This part outlines the requirements and procedures for handling grievances for public housing residents.

### Part I: Informal Hearings for Public Housing Applicants

#### 1. Overview

When VIHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the VIHA policies necessary to respond to applicant appeals through the informal hearing process.

#### 2. Informal Hearing Process [24 CFR 960.208(a) and PH Occ GB, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants in the PHA grievance procedure [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

#### 3. Use of Informal Hearing Process

VIHA will only offer informal hearings to applicants for the purpose of disputing denials of admission.

#### 4. Notice of Denial [24 CFR 960.208(a)]

VIHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the VIHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.



Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial.

### **5. Scheduling an Informal Hearing**

A request for an informal hearing must be made in writing and delivered to VIHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of VIHA's notification of denial of admission.

VIHA will schedule and send written notice of the informal hearing within 14 business days of the family's request.

### **6. Conducting an Informal Hearing [PH Occ GB, p. 58]**

The informal hearing will be conducted by a person other than the one who made the decision under review. The applicant will be provided an opportunity to present written or oral objections to the decision of VIHA. The person conducting the informal hearing will make a recommendation to VIHA, but VIHA is responsible for making the final decision as to whether admission should be granted or denied.

### **7. Informal Hearing Decision [PH Occ GB, p. 58]**

VIHA will notify the applicant of VIHA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, VIHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice.
- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in VIHA policy, then the decision to deny assistance will be overturned.
- The validity of the evidence. VIHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, VIHA will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, VIHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

VIHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 20 business days of the informal hearing, to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

### **8. Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]**

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and VIHA must consider such accommodations. VIHA must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability.



## **Part II: Informal Hearings with Regard to Noncitizens**

### **1. Hearing and Appeal Provisions for Noncitizens [24 CFR 5.514]**

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

### **2. Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]**

The notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

### **3. United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]**

When VIHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, VIHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and proof of mailing.

VIHA will notify the family in writing of the results of the USCIS secondary verification within 14 business days of receiving the results.

The family must provide VIHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.



The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an informal hearing.

VIHA will send written notice to the family of its right to request an informal hearing within 14 business days of receiving notice of the USCIS decision regarding the family's immigration status.

#### **4. Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that VIHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the VIHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

##### ***a. Informal Hearing Officer***

VIHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

##### ***b. Evidence***

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of VIHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

The family will be allowed to copy any documents related to the hearing at a cost of \$0.25 per page. The family must request discovery of VIHA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by VIHA, and to confront and cross-examine all witnesses on whose testimony or information VIHA relies.

##### ***c. Representation and Interpretive Services***

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or VIHA, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, VIHA is still obligated to provide oral translation services in accordance with its LEP Plan.

##### ***d. Recording of the Hearing***

The family is entitled to have the hearing recorded by audiotape. VIHA will not provide a transcript of an audio taped informal hearing.

##### ***e. Hearing Decision***



VIHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

#### **5. Retention of Documents [24 CFR 5.514(h)]**

VIHA must retain for a minimum of 5 years the following documents that may have been submitted to VIHA by the family, or provided to VIHA as part of the USCIS appeal or the VIHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

#### **6. Informal Hearing Procedures for Residents [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of termination, or within 30 days of receipt of the USCIS appeal decision. The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

### **Part III: Grievance Procedures for Public Housing Residents**

#### **1. Requirements [24 CFR 966.52]**

The Virgin Islands Housing Authority' Grievance Procedure is the means through which residents of public housing are provided an opportunity to grieve any VIHA action or failure to act involving the lease or VIHA policies which adversely affect their rights, duties, welfare, or status. The VIHA grievance procedure is incorporated by reference in the tenant lease.

Residents and resident organizations will have 30 calendar days from the date they are notified by VIHA of any proposed changes in VIHA grievance procedure, to submit written comments to VIHA.

A copy of the grievance procedure is available to each tenant and to resident organizations.

#### **2. Definitions [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]**

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare or status





- **Complainant** – any tenant whose grievance is presented to the PHA or at the project management office
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
  - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
  - Right of the tenant to be represented by counsel
  - Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
  - A decision on the merits
- **Hearing Officer/Panel** – a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto
- **Tenant** – the adult person (or persons) (other than a live-in aide)
  - Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
  - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.
- **Resident Organization** – includes a resident management corporation.

### 3. Applicability [24 CFR 966.51]

Potential grievances could address most aspects of a VIHA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to VIHA. It is not applicable to disputes between tenants not involving VIHA. Class grievances are not subject to the grievance procedure, and the grievance procedure is not to be used as a forum for initiating or negotiating VIHA policy changes.

VIHA is not located in a due process state, therefore it must grant opportunity for grievance hearings for all lease terminations, regardless of cause.

### 4. Informal Settlement of Grievance [24 CFR 966.54]

VIHA will accept requests for an informal settlement of a grievance either orally or in writing, to VIHA office within 10 business days of the grievable event. Within 14 business days of receipt of the request VIHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

If a tenant fails to attend the scheduled meeting without prior notice, VIHA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.





VIHA will prepare a summary of the informal settlement within 14 business days; one copy to be given to the tenant and one copy to be retained in VIHA's tenant file.

The informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

## **5. Procedures to Obtain a Hearing [24 CFR 966.55]**

### **a. Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]**

The resident must submit a written request for a grievance hearing to VIHA within 5 business days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, VIHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest VIHA's action in disposing of the complaint in an appropriate judicial proceeding [24 CFR 966.55(c)].

### **b. Escrow Deposits [24 CFR 966.55(e)]**

Before a hearing is scheduled in any grievance involving the amount of rent that VIHA claims is due, the family must pay an escrow deposit to VIHA. When a family is required to make an escrow deposit, the amount is the amount of rent VIHA states is due and payable as of the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit the family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

VIHA must waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income [24 CFR 5.630(b)(3)].

Unless the PHA waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure. A family's failure to pay the escrow deposit does not waive the family's right to contest the PHA's disposition of the grievance in any appropriate judicial proceeding.

VIHA will not waive the escrow requirement for grievances involving rent amounts except where required to do so by regulation.

### **c. Scheduling of Hearings [24 CFR 966.55(f)]**

Within 14 business days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to both the complainant and VIHA.

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, VIHA may request documentation of the "good cause" prior to rescheduling the hearing.

### **d. Expedited Grievance Procedure [24 CFR 966.55(g)]**

VIHA will follow expedited grievance procedures for any grievance concerning a termination of tenancy or eviction that involves any criminal activity that threatens the health, safety, or right to



peaceful enjoyment of the premises by other residents or employees of VIHA, or any drug-related criminal activity on or near such premises.

Such procedures will provide for an expedited notice of hearing request, an expedited scheduling of the hearing, and for an expedited decision on the grievance. The tenant will have three (3) business days to make their hearing request. The hearing officer will have three (3) business days to schedule the hearing, and three (3) business days to render a decision. All other aspects of the expedited grievance process shall be the same as for other grievances.

## **6. Selection of Hearing Officer [24 CFR 966.55(b)]**

Grievance hearings will be conducted by a single hearing officer and not a panel. VIHA will maintain at minimum two employees as trained hearing officers. Typically the Deputy Executive Directors will serve and others as available.

VIHA will appoint a person as a Hearing Officer who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is not a friend, nor enemy, of the complainant and that they do not have a personal stake in the matter under dispute or will otherwise have an appearance of a lack of impartiality.

VIHA must consult with resident organizations before a person is appointed as a hearing officer or hearing panel member. Comments from the resident organizations must be considered before making the appointment.

## **7. Procedures Governing the Hearing [24 CFR 966.56]**

### **a. Rights of Complainant [24 CFR 966.56(b)]**

The complainant will be afforded a fair hearing. This includes:

- The opportunity to examine before the grievance hearing any VIHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If VIHA does not make the document available for examination upon request by the complainant, VIHA may not rely on such document at the grievance hearing. The tenant will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the hearing.
- The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.

Hearings may be attended by the following applicable persons:

- A VIHA representative(s) and any witnesses for VIHA;
  - The tenant and any witnesses for the tenant;
  - The tenant's counsel or other representative; and
  - Any other person approved by VIHA as a reasonable accommodation for a person with a disability.
- The right to a private hearing unless the complainant requests a public hearing.
  - The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by VIHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information VIHA or project management relies.
  - A decision based solely and exclusively upon the facts presented at the hearing.



**b. Decision without Hearing [24 CFR 966.56(c)]**

The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.

**c. Failure to Appear [24 CFR 966.56(d)]**

If the complainant or VIHA fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the PHA must be notified of the determination by the hearing officer, provided that a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest VIHA's disposition of the grievance in an appropriate judicial proceeding.

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 20 minutes. If the tenant appears within 20 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 20 minutes of the scheduled time, they will be considered to have failed to appear. If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact VIHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

**d. General Procedures [24 CFR 966.56(e), (f), and (g)]**

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence:

- **Oral evidence:** the testimony of witnesses.
- **Documentary evidence:** a writing which is relevant to the case, for example, a letter written to VIHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.
- **Demonstrative evidence:** Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.
- **Real evidence:** A tangible item relating directly to the case.

*Hearsay Evidence* is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If VIHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine VIHA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence. Other than the failure of VIHA to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The hearing officer must require VIHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].



**e. Accommodations of Persons with Disabilities [24 CFR 966.56(h)]**

VIHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

**8. Decision of the Hearing Officer [24 CFR 966.57]**

The hearing officer must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the tenant and VIHA. VIHA must retain a copy of the decision in the tenant's folder. A copy of the decision, with all names and identifying references deleted, must also be maintained on file by VIHA and made available for inspection by a prospective complainant, his/her representative, or the hearing officer/panel [24 CFR 966.57(a)].

In rendering a decision, the hearing officer will consider the following matters:

- **PHA Notice to the Family:** The hearing officer will determine if the reasons for VIHA's decision are factually stated in the notice.
- **Discovery:** The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with VIHA Policy.
- **PHA Evidence to Support VIHA Decision:** The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support VIHA's conclusion.
- **Validity of Grounds for Termination of Tenancy (when applicable):** The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of VIHA will be overturned.

The hearing officer will issue a written decision to the family and VIHA no later than 10 business days after the hearing. The report will contain the following information:

- **Hearing information:**
  - Name of the complainant
  - Date, time and place of the hearing
  - Name of the hearing officer
  - Name of VIHA representative(s)
  - Name of family representative (if any)
  - Names of witnesses (if any)
- **Background:** A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.
- **Summary of the Evidence:** The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.



- **Findings of Fact:** The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
- **Conclusions:** The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold VIHA's decision.
- **Order:** The hearing report will include a statement of whether VIHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct VIHA to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct VIHA to restore the family's status.

#### **a. Procedures for Further Hearing**

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of VIHA will take effect and another hearing will not be granted.

#### **b. Final Decision [24 CFR 966.57(b)]**

The decision of the hearing officer is binding on VIHA which must take the action, or refrain from taking the action cited in the decision unless the VIHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern VIHA action or failure to act in accordance with or involving the complainant's lease on VIHA policies which adversely affect the complainant's rights, duties, welfare, or status; or
- The decision of the hearing officer/panel is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and VIHA.

When VIHA considers the decision of the hearing officer to be invalid due to the reasons stated above, it will present the matter to VIHA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision. A decision by the hearing officer/panel, or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].



# EXHIBITS



Virgin Islands Housing Authority  
Request for Proposals # 2022-002– Hearing Officer Services Roster

## Fee Proposal Form

Hourly rates shall include all labor, equipment, materials, transportation, general administration, mileage/travel expenses, and printing necessary to perform work under the terms and conditions of this solicitation. VIHA is exempt from sales tax. **Do Not Include Sales Tax in Your Response.** The Respondent agrees to pay all taxes incurred in performance of an awarded contract. Unless otherwise specified herein, all prices shall be on a firm, fixed-price basis and are not subject to adjustment based on cost incurred.

The following statements provide Respondents with additional, useful information that should be considered when proposing its fees:

The minimum payment is for a one-hour proceeding. When hearings last longer than one hour, then the time is billed in quarter-hour increments and rounded up to the quarter hour. In the event of a No-Show by the party requesting the hearing or if the hearing is cancelled with less than a 24-hour notice, the Hearing Officer will be compensated for one hour.

These costs are being provided for purposes of evaluation bids and determining reasonable cost for these items.

**Please Note:** Any costs and expenses not identified as part of the Respondent's submission will not be considered at a later date.

If necessary, additional clarifying information consistent with that provided on VIHA's Fee Proposal Form may be attached.

The person signing the Fee Proposal Form must be authorized to bind the Respondent contractually. **An original signature must be signed in ink, preferably in color other than black, or an authentic digital signature may be used. Signature stamps are not acceptable.**

### Hourly Project Fees

\*\*" All-Inclusive Hourly Rate" for Hearing Officer Services is as follows:

Position	Hourly Rate
Hearing Officer	\$

DATE	
NAME OF PERSON PROVIDING OFFER	
TITLE OF PERSON PROVIDING OFFER	
COMPANY ADDRESS	
COMPANY PHONE NUMBER	
PERSON PROVIDING OFFER E-MAIL ADDRESS	
SIGNATURE OF PERSON PROVIDING OFFER	

\_\_\_\_ Contractor's Initials

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
	-  -
or	
Employer identification number	
	-

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign  
Here

Signature of  
U.S. person ►

Date ►

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual	Individual/sole proprietor or single-member LLC
• Sole proprietorship, or	
• Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	
• LLC treated as a partnership for U.S. federal tax purposes,	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or	
• LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

## Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

## Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

## What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual <sup>1</sup>
2. Two or more individuals (joint account) other than an account maintained by an FFI <sup>1</sup>	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

**\*Note:** The grantor also must provide a Form W-9 to trustee of trust.

**Note:** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

## Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

**VIRGIN ISLANDS HOUSING AUTHORITY  
REQUIRED REPRESENTATIONS AND CERTIFICATIONS**

- (B) (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 (1) through (3) above; (ii) As an authorized agent, does certify that the principals named in subdivision (B)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (1) through (3) above; and (iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (1) through (3) above.

If the Respondent deletes or modifies subparagraph 2 above, the Respondent must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

**IV. ORGANIZATIONAL CONFLICTS OF INTEREST CERTIFICATION**

The Respondent warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:

(i) Award of the contract may result in an unfair competitive advantage; (ii) The Respondent's objectivity in performing the contract work may be impaired; or (iii) That the Respondent has disclosed all relevant information and requested VIHA to make a determination with respect to this contract.

The Respondent agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to VIHA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. VIHA may, however, terminate the Contract for the convenience of VIHA if it would be in the best interest of VIHA.

In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to VIHA, VIHA may terminate the Contract for default.

The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to VIHA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

☐ 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.

**V. CONFLICT OF INTEREST**

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

**VI. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The Respondent does not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, disability or familial status. The Respondent has an affirmative action program to ensure that applicants are employed, and employees are treated fairly during employment without regard to race, color, religion, sex, national origin, age, disability or familial status. Such action includes, but is not limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship.

**VII. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

The Respondent certifies by submission of this offer, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a Federal department or agency.

**VIII. RESPONDENT'S SIGNATURE**

The Respondent hereby certifies that the information contained in these certifications and representations is accurate, complete and current. If Respondent needs to explain or disclose information relating to this form, an additional sheet is attached with such explanation or disclosure.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Date

# VIRGIN ISLANDS HOUSING AUTHORITY

## REQUIRED REPRESENTATIONS AND CERTIFICATIONS

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 2 CFR 200 §318 - §326, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for all contracts awarded by VIHA. The form is used by Respondents to certify to VIHA's Contracting Officer for contract compliance.

### I. CONTINGENT FEE REPRESENTATION AND AGREEMENT

The Respondent represents and certifies as part of its offer that, except for full-time bona fide employees working solely for the Respondent, the Respondent:

- (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.

If the answer to either (1) or (2) above is affirmative, the Respondent shall make an immediate and full written disclosure to VIHA's Contracting Officer.

Any misrepresentation by the Respondent shall give VIHA the right to (1) terminate the resultant contract/ (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

### II. SMALL, MINORITY, WOMEN-OWNED BUSINESS CONCERN REPRESENTATION

The Respondent represents and certifies as part of its offer that it -

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.

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.

is is not a minority business enterprise. "Minority business enterprise," as used in this provision, means a business which is at least 51% owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51% 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
Native Americans	Hasidic Jewish Americans	Asian Indian Americans

### III. CERTIFICATE OF INDEPENDENT PRICE DETERMINATION

The Respondent certifies that-

- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other Respondent or competitor relating to (i) those prices, (ii) the intention to submit a offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this offer have not been and will not be knowingly disclosed by the Respondent, directly or indirectly, to any other Respondent or contract award unless otherwise required by law; and
- (3) No attempt has been made or will be made by the Respondent to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

Each signature on the offer is considered to be a certification by the signatory that the signatory:

- (A) Is the person in the Respondent's organization responsible for determining the prices being offered in this offer, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (1) through (3) above; or

## VIRGIN ISLANDS HOUSING AUTHORITY SUBCONTRACTOR DATA FORM

Consistent with Presidential Executive Orders 11625, 12138, and 12432, Section 3 of the HUD Act of 1968 and 13 CFR 121, all feasible efforts should be made to ensure that small and minority-owned businesses, women's business enterprises, and other individuals or firms located in or owned in substantial part by persons residing in the area of a ViHA community are used when possible. Respondent proposes to subcontract with the following businesses for this project. The Respondent acknowledges that all Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs), Section 3 and Small Business entities, regardless of tier, are to be listed on this form. Respondent understands that it is responsible for ensuring that ViHA has updated information on its subcontractors and that no known conflicts of interest or personal or financial interests, as defined within the Solicitation, exist in relation to Respondent's subcontractors and the resulting Contract. Respondent must ensure that its subcontractors disclose any conflicts of interest or personal or financial interests.

Business Name								
Owner Name(s)								
Owner Title(s)								
Business Contact Info	PHONE				E-MAIL			
Service(s) Provided								
Business Type		MBE		WBE		SEC 3		SMALL

Business Name								
Owner Name(s)								
Owner Title(s)								
Business Contact Info	PHONE				E-MAIL			
Service(s) Provided								
Business Type		MBE		WBE		SEC 3		SMALL

Business Name								
Owner Name(s)								
Owner Title(s)								
Business Contact Info	PHONE				E-MAIL			
Service(s) Provided								
Business Type		MBE		WBE		SEC 3		SMALL

Business Name								
Owner Name(s)								
Owner Title(s)								
Business Contact Info	PHONE				E-MAIL			
Service(s) Provided								
Business Type		MBE		WBE		SEC 3		SMALL

For purposes of this form, the following terms shall have the following meanings:

**MBE** refers to a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

**WBE** refers to women-owned small business concerns and means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

**SECTION 3** refers to a Section 3 business concern which means a business concern (1) that is 51 percent or more owned by section 3 residents; or (2) whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three (3) years of the date of first employment with the business concern were Section 3 resident; or (3) that provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) and (2) of this definition. 24 CFR § 135.5.

**SECTION 3 RESIDENT** means (i) a public housing resident; or (2) an individual who resides in the metropolitan area or non-metropolitan county in which the section 3 covered assistance is expended, and who is: (I) a low-income person, as such term is defined in 42 USC 1437a(b)(2); or (II) a very low-income person, as this term is defined in 42 USC 1437a(b)(2). 24 CFR § 135.5.

**SMALL BUSINESS** refers to a small business concern, as the term is defined by the Small Business Administration in 13 CFR Part 121, and 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 Part 121.

Reproduce form as necessary.



VIRGIN ISLANDS HOUSING AUTHORITY  
**SECTION 3 BUSINESS SELF-CERTIFICATION FORM**

The Respondent represents and certifies that it...

is a Section 3 business as indicated below [check applicable category and subcategory]:

**Category 1 Business**

Fifty-one percent (51%) or more owned by residents of the specific community or communities for which the Section 3 covered assistance is expended; or

Full-time, permanent workforce includes thirty percent (30%) of the above residents as employees.

**Category 2 Business**

Fifty-one percent (51%) or more owned by residents of another specific community or communities managed by the Virgin Islands Housing Authority that is expending the Section 3 covered assistance; or

Full-time, permanent workforce includes thirty percent (30%) of the above residents as employees.

**Category 3 Business**

An entity selected to carry out a HUD Youthbuild Program in the metropolitan area, or non-metropolitan county, in which the Section 3 covered assistance is expended.

**Category 4 Business**

Fifty-one percent (51%) or more owned by Section 3 residents; or

Full-time, permanent workforce includes no less than thirty percent (30%) Section 3 residents; or

Will subcontract in excess of twenty-five percent (25%) of the total amount of subcontracts to business concerns identified above (see *Attached Subcontracts/Agreements*).

is **not** a Section 3 business (Form **must** be notarized only if certifying as a Section 3 business).

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary

My commission expires

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Authorized Representative Name (Print)

\_\_\_\_\_  
Authorized Representative Name (Signature)

\_\_\_\_\_  
Authorized Representative Title

\_\_\_\_\_  
Date

**VIRGIN ISLANDS HOUSING AUTHORITY**  
**PRINCIPAL PERSONNEL DISCLOSURE STATEMENT CERTIFICATION**

List the appropriate individuals related to your company.

SOLE PROPRIETORSHIP	PARTNERSHIPS <small>* Identify additional partners (if any) on a separate page</small>	CORPORATIONS <small>** Identify all other officers and assistant officers (if any) of the corporation (add separate page if required)</small>	LIMITED LIABILITY CORPORATIONS <small>*** Identify additional members (if any) on a separate page</small>
Owner (PRINT NAME)	Partner (PRINT NAME)	Officer (PRINT NAME)	Member (PRINT NAME)
Signature	Signature	Signature	Signature
Title	Title	Title	Title
	Partner (PRINT NAME)	Officer (PRINT NAME)	Member (PRINT NAME)
	Signature	Signature	Signature
	Title	Title	Title
	Partner (PRINT NAME)	Officer (PRINT NAME)	Member (PRINT NAME)
	Signature	Signature	Signature
	Title	Title	Title
	Partner (PRINT NAME)	Officer (PRINT NAME)	Member (PRINT NAME)
	Signature	Signature	Signature
	Title	Title	Title

I, \_\_\_\_\_, being an authorized representative of \_\_\_\_\_ certify that the above-identified sole proprietor, partners, or corporate officers hold the positions identified above and that I have not excluded any persons.

**Signature of Respondent:**

\_\_\_\_\_  
 Signature of Sole Proprietor  
 (If Respondent is an Individual)

\_\_\_\_\_  
 Signature of Partner  
 (If Respondent is a Partnership)

\_\_\_\_\_  
 Signature of Officer  
 (If Respondent is a Corporation)

\_\_\_\_\_  
 Signature of Member  
 (If Respondent is Limited Liability Corporation)

Subscribed and sworn before me on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. My Commission expires:

VIRGIN ISLANDS HOUSING AUTHORITY  
**PRINCIPAL PERSONNEL DISCLOSURE STATEMENT CERTIFICATION**  
*Instructions*

---

Every Offeror is required to read the below instructions and submit this *Principal Personnel Disclosure Statement Certification*. This Certification must be completed accurately and must be **notarized**. If a financial or personal interest exists, Offerors are required to make Full Disclosure in a **Disclosure Statement** (see "Disclosure Statement Instructions" below) and **should not** submit this *Principal Personnel Disclosure Statement Certification*.

**FINANCIAL OR PERSONAL INTEREST DISCLOSURE**

No VIHA employee, officer, member of its Board of Commissioners, or agent shall participate directly or indirectly in the selection, award or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict of interest occurs when one of the following persons have a financial or any other type of interest in a respondent (including its officers, members, and partners) competing for the award:

1. An employee, officer, member of the Board of Commissioners, or agent of VIHA or any public official;
2. A relative (including spouse, father, mother, child, brother and sister, including "half" or "step" relatives) of any of the above;
3. The partner (financial or otherwise) of any of the above; or
4. An organization that employs or is negotiating to employ or has an arrangement concerning prospective employment of any of the above.

**DISCLOSURE STATEMENT INSTRUCTIONS**

Offerors having a financial or personal interest in this solicitation, subsequent contract and/or the above-identified business shall make immediate, full and complete disclosure in writing to the Office of the General Counsel (a "Disclosure Statement").

All Disclosure Statements must be presented on the Offeror's letterhead, notarized and signed by the individual making the disclosure.

If applicable, provide the following information in the Disclosure Statement:

- |   |   |
|---|---|
| ■ Describe the nature of the interest(personal/financial)           | ■ Type of involvement (principal, officer, employees, etc.) |
| ■ Names of individuals involved/associated with VIHA and Respondent | ■ Value of financial interest                               |
| ■ Title of individuals named  | ■ Name and address of business                              |
| ■ Relationships (blood/marriage), (mother, father etc.)             | ■ Other pertinent information                               |
| ■ Social Security numbers or Taxpayer Identification number         |   |

I, \_\_\_\_\_, being an authorized representative of \_\_\_\_\_  
certify that all Principal Personnel identified on Page 2 of this Certification have read the above instructions and that none of the persons listed above have a financial or any other type of interest in Respondent or any Principal Personnel of Respondent.

**Signature of Respondent**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**WARNING:** All information is to be true and accurate. False, misleading statements or failure to provide all information requested will disqualify a Respondent from this solicitation process. VIHA reserves the right, based upon the information provided, to determine if a conflict of interest is real or apparent and whether or not a Respondent is qualified to participate in this solicitation process.

# VIRGIN ISLANDS HOUSING AUTHORITY

## RESPONDENT DISCLOSURE CERTIFICATION

**All Respondents responding to this Solicitation must submit a Respondent Disclosure Certification. This Certification must be completed accurately and must be notarized.** If a financial or personal interest exists (i.e., if you answer yes to any question). Respondents must make a full and separate disclosure as described in the Financial or Personal Interest Disclosure section of this Respondent Disclosure Certification.

To purposes of this Respondent Disclosure Certification, the following terms shall have the meanings ascribed below:

**VIHA Employee** means persons who work at VIHA as a full time, part time, temporary or contract employee. **Current** means as of the date that this disclosure is made. **Former** means within the last 12 months from the date of this disclosure. **Interest** means any interest that may yield monetary or other material gain or benefit. **Immediate Family Member** means spouse, mother, father, brother, sister, child (whether related as a "half" or "step" relative, e.g., half brother or stepchild) partner or a significant other living in the same household. **Public Official** means any public official, member of the local governing body or State or local legislator, members of or delegate to the Congress of the USA or resident commissioner. **Resident Commissioner** means an individual appointed to oversee a territory or possession of the U.S.

Please respond to each question by circling the applicable response. If your answer is "YES" to any question, please see the FINANCIAL OR PERSONAL INTEREST DISCLOSURE section.

### VIHA EMPLOYEE DISCLOSURES

- |     |  |     |    |
|-----|--|-----|----|
| (1) | DO YOU EMPLOY A CURRENT OR FORMER VIHA EMPLOYEE OR ANY IMMEDIATE FAMILY MEMBER OF A CURRENT OR FORMER EMPLOYEE OF VIHA?                                      | YES | NO |
| (2) | DO ANY CURRENT OR FORMER VIHA EMPLOYEES OR IMMEDIATE FAMILY MEMBERS OF CURRENT OR FORMER VIHA EMPLOYEES HAVE A DIRECT OR INDIRECT INTEREST IN YOUR BUSINESS? | YES | NO |

### VIHA BOARD OF COMMISSIONERS DISCLOSURES

- |     |  |     |    |
|-----|--|-----|----|
| (3) | DO YOU EMPLOY CURRENT OR FORMER OFFICERS OR MEMBERS OF VIHA'S BOARD OF COMMISSIONERS OR ANY IMMEDIATE FAMILY MEMBERS OF THE BOARD OF COMMISSIONERS?  | YES | NO |
| (4) | ARE YOU OR ANY PERSON EMPLOYED BY YOUR BUSINESS CURRENT OFFICERS OR MEMBERS OF VIHA'S BOARD OF COMMISSIONERS?  | YES | NO |
| (5) | DO ANY CURRENT OFFICER OR MEMBER OF VIHA'S BOARD OF COMMISSIONERS OR IMMEDIATE FAMILY MEMBERS OR CURRENT OR FORMER MEMBERS OF VIHA'S BOARD OF COMMISSIONERS HAVE A DIRECT OR INDIRECT INTEREST IN YOUR BUSINESS? | YES | NO |

### PUBLIC OFFICIALS DISCLOSURE

- |     |   |     |    |
|-----|---|-----|----|
| (6) | DO YOU EMPLOY CURRENT OR FORMER PUBLIC OFFICIALS OR ANY IMMEDIATE FAMILY MEMBERS OF PUBLIC OFFICIALS? | YES | NO |
| (7) | DO ANY CURRENT OR FORMER PUBLIC OFFICIALS HAVE A DIRECT OR INDIRECT INTEREST IN YOUR BUSINESS?        | YES | NO |

I, \_\_\_\_\_, an officer authorized to make this certification on behalf of Respondent, \_\_\_\_\_, hereby certify and swear that the information provided above regarding Respondent is true and correct as of the date that this Certification is made and that Respondent has no known conflicts of interest or personal or financial interests in this Solicitation or the subsequent Contract.

I understand that Respondent is responsible for updating this information and providing all disclosures to VIHA as soon as such information is discovered by Respondent or as soon as such information should have been discovered by Respondent. I understand that failure to provide such disclosure may lead to termination of any Contracts entered into between Respondent and VIHA. I also understand that failure to provide such disclosure may lead to a negative note on VIHA's Vendor Performance Record.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Sworn to and subscribed

Name \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Title \_\_\_\_\_

NOTARY PUBLIC

My commission expires \_\_\_\_\_

### FINANCIAL OR PERSONAL INTEREST DISCLOSURE

Respondents having a financial, contractual, organizational or personal interest in this Solicitation or subsequent Contract shall make an immediate, full and complete disclosure in writing to the Executive Director, in the form of a Disclosure Statement.

All Disclosure Statements must be presented on the Respondent's letterhead, notarized and signed by the individual making the disclosure. If applicable, provide the following information on the Disclosure Statement:

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>* Describe the nature of the interest (personal/financial)</li><li>* Names of individuals involved/associated with VIHA and Vendor</li><li>* Title of individuals named above.</li><li>* Relationships (blood/marriage), (mother, father etc.)</li><li>* Value of financial interest</li></ul> | <ul style="list-style-type: none"><li>* Type of involvement (principal, officer, employees, etc.)</li><li>* Name &amp; address of business</li><li>* Social Security numbers or Taxpayer Identification Number</li><li>* Other pertinent information*</li></ul> |
|--|---|

**VIRGIN ISLANDS HOUSING AUTHORITY  
LIABILITY QUESTIONNAIRE**

**BUSINESS NAME:** \_\_\_\_\_

Each officer or principal is required to submit this Questionnaire with your response. This form shall be filled out in its entirety and notarized. Failure to submit this form may cause your response to be deemed non-responsive.

- (1) Has your company, any partner or officer of your company ever been sued? YES NO**

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (2) Is your company, any partner or officer of your company currently involved in pending litigation? YES NO**

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (3) Has your company, any partner or officer of your company ever been involved in litigation against the Virgin Islands Housing Authority of the US Department of Housing & Urban Development? YES NO**

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (4) Has a bonding company ever denied, paid out claims or revoked a bond your company or any officers or partners of your company? YES NO**

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (5) Are you a subject to any actions that could result in a "yes" answer to any of the above questions? YES NO**

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Company Officer or Partner (Printed Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Subscribed and sworn to

before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

My commission expires

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Date

**WARNING**

All information is to be true and accurate. False, misleading statements or failure to provide information will disqualify Vendor or Contractor from VIHA 's procurement process. VIHA reserved the right, based on the information provided, to determine if a conflict of interest is real or apparent and whether or not a Vendor or Contractor is qualified to be participating in the procurement process.

# Certification of Payments to Influence Federal Transactions

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

OMB Approval No. 2577-0157 (Exp. 01/31/2017)

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress 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.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.  
**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Title

Signature

Date (mm/dd/yyyy)

**VIRGIN ISLANDS HOUSING AUTHORITY**  
**RECORD OF COMPARABLE PROJECTS COMPLETED IN PAST TWO (2) YEARS**

Please provide a minimum of three (3) and maximum of ten (10) comparable jobs completed in the past two (2) years. For purposes of this process, "comparable" is defined as projects of similar complexity, size and type of work.

<b>Project Name</b>	<b>Owner (Client's Name)</b>	<b>Owner Contact Name, Phone and E-Mail</b>	<b>Contract Amount</b>	<b>Percent Complete</b>	<b>Completion Date</b>

**VIRGIN ISLANDS HOUSING AUTHORITY  
RECORD OF COMPARABLE PROJECTS IN PROGRESS**

Please provide comparable jobs currently in progress. For purposes of this process, "comparable" is defined as projects of similar complexity, size and type of work.

Project Name	Owner (Client's Name)	Owner Contact Name, Phone and E-Mail	Contract Amount	Percent Complete	Scheduled Completion Date



# VIRGIN ISLANDS HOUSING AUTHORITY CONTRACTOR RESPONSIBILITY SURVEY

## SOLICITATION NUMBER AND TITLE:

### REFERENCE BEING PROVIDED FOR...

COMPANY NAME

COMPANY ADDRESS

CONTACT PERSON

CONTACT PHONE NUMBER / EMAIL ADDRESS

### REFERENCE CONTACT INFORMATION...

SURVEY DATE

COMPANY / OWNER'S NAME

CONTACT PERSON

CONTACT PHONE NUMBER / EMAIL ADDRESS

CONTRACT AMOUNT (\$)

% COMPLETED / COMPLETED

IF NOT COMPLETED, ESTIMATED COMPLETION DATE

### TECHNICAL PERFORMANCE

FACTORS/RATINGS	EXCELLENT	GOOD	FAIR	POOR	UNSATISFACTORY	NOT APPLICABLE
Completion of major tasks / milestones / deliverables on schedule.						
Responsiveness to changes in technical direction.						
Ability to identify risk factors and alternatives for alleviating risk.						
Ability to identify and solve problems expeditiously.						
Ability to employ standard tools / methods.						

### MANAGEMENT PERFORMANCE

FACTORS/RATINGS	EXCELLENT	GOOD	FAIR	POOR	UNSATISFACTORY	NOT APPLICABLE
Overall communication with staff.						
Effectiveness and reliability of Contractor's Key Personnel						
Ability to recruit and maintain qualified personnel.						
Ability to manage multiple tasks from planning through execution.						
Ability to effectively manage subcontractors.						
Overall performance in planning, scheduling, and monitoring.						
Use of management tools (e.g. schedule/task management tools).						

### CONTRACT ADMINISTRATION

FACTORS/RATINGS	YES	NO
Was the project completed on schedule?		
If not, how late was it: _____ < 30 days; _____ < 60 days; _____ < 90 days; _____ > 90 days		
Did the contractor submit unnecessary Change Order requests?		
Were contractor proposals for Change Orders reasonably priced?		
Were there any claims?		
Compliance with labor laws		
Compliance with safety requirements		
Given a choice, would you do business with this contractor again?		

SURVEY COMPLETED BY (PRINT):

SIGNATURE:

# VIRGIN ISLANDS HOUSING AUTHORITY CONTRACTOR RESPONSIBILITY SURVEY

## SOLICITATION NUMBER AND TITLE:

### REFERENCE BEING PROVIDED FOR...

COMPANY NAME  
COMPANY ADDRESS  
CONTACT PERSON  
CONTACT PHONE NUMBER / EMAIL ADDRESS

### REFERENCE CONTACT INFORMATION...

SURVEY DATE  
COMPANY / OWNER'S NAME  
CONTACT PERSON  
CONTACT PHONE NUMBER / EMAIL ADDRESS  
CONTRACT AMOUNT (\$)  
% COMPLETED / COMPLETED  
IF NOT COMPLETED, ESTIMATED COMPLETION DATE

### TECHNICAL PERFORMANCE

FACTORS/RATINGS	EXCELLENT	GOOD	FAIR	POOR	UNSATISFACTORY	NOT APPLICABLE
Completion of major tasks / milestones / deliverables on schedule.						
Responsiveness to changes in technical direction.						
Ability to identify risk factors and alternatives for alleviating risk.						
Ability to identify and solve problems expeditiously.						
Ability to employ standard tools / methods.						

### MANAGEMENT PERFORMANCE

FACTORS/RATINGS	EXCELLENT	GOOD	FAIR	POOR	UNSATISFACTORY	NOT APPLICABLE
Overall communication with staff.						
Effectiveness and reliability of Contractor's Key Personnel						
Ability to recruit and maintain qualified personnel.						
Ability to manage multiple tasks from planning through execution.						
Ability to effectively manage subcontractors.						
Overall performance in planning, scheduling, and monitoring.						
Use of management tools (e.g. schedule/task management tools).						

### CONTRACT ADMINISTRATION

FACTORS/RATINGS	YES	NO
Was the project completed on schedule?		
If not, how late was it: _____ < 30 days; _____ < 60 days; _____ < 90 days; _____ > 90 days		
Did the contractor submit unnecessary Change Order requests?		
Were contractor proposals for Change Orders reasonably priced?		
Were there any claims?		
Compliance with labor laws		
Compliance with safety requirements		
Given a choice, would you do business with this contractor again?		

SURVEY COMPLETED BY (PRINT):

SIGNATURE:

# VIRGIN ISLANDS HOUSING AUTHORITY CONTRACTOR RESPONSIBILITY SURVEY

## SOLICITATION NUMBER AND TITLE:

### REFERENCE BEING PROVIDED FOR...

COMPANY NAME  
COMPANY ADDRESS  
CONTACT PERSON  
CONTACT PHONE NUMBER / EMAIL ADDRESS

### REFERENCE CONTACT INFORMATION...

SURVEY DATE  
COMPANY / OWNER'S NAME  
CONTACT PERSON  
CONTACT PHONE NUMBER / EMAIL ADDRESS  
CONTRACT AMOUNT (\$)  
% COMPLETED / COMPLETED  
IF NOT COMPLETED, ESTIMATED COMPLETION DATE

### TECHNICAL PERFORMANCE

FACTORS/RATINGS	EXCELLENT	GOOD	FAIR	POOR	UNSATISFACTORY	NOT APPLICABLE
Completion of major tasks / milestones / deliverables on schedule.						
Responsiveness to changes in technical direction.						
Ability to identify risk factors and alternatives for alleviating risk.						
Ability to identify and solve problems expeditiously.						
Ability to employ standard tools / methods.						

### MANAGEMENT PERFORMANCE

FACTORS/RATINGS	EXCELLENT	GOOD	FAIR	POOR	UNSATISFACTORY	NOT APPLICABLE
Overall communication with staff.						
Effectiveness and reliability of Contractor's Key Personnel						
Ability to recruit and maintain qualified personnel.						
Ability to manage multiple tasks from planning through execution.						
Ability to effectively manage subcontractors.						
Overall performance in planning, scheduling, and monitoring.						
Use of management tools (e.g. schedule/task management tools).						

### CONTRACT ADMINISTRATION

FACTORS/RATINGS	YES	NO
Was the project completed on schedule?		
If not, how late was it: _____ < 30 days; _____ < 60 days; _____ < 90 days; _____ > 90 days		
Did the contractor submit unnecessary Change Order requests?		
Were contractor proposals for Change Orders reasonably priced?		
Were there any claims?		
Compliance with labor laws		
Compliance with safety requirements		
Given a choice, would you do business with this contractor again?		

SURVEY COMPLETED BY (PRINT):

SIGNATURE:

VIRGIN ISLANDS HOUSING AUTHORITY  
**ADDENDA ACKNOWLEDGEMENT FORM**

<b>SOLICITATION #</b>	
<b>SOLICITATION TITLE</b>	

The undersigned hereby acknowledges the following Addendum to the above noted solicitation. The undersigned hereby further acknowledges that its bid response includes allowances for all of the amended provisions and requirements of the Scope of Work/Specifications, solicitation document and Addenda associated with the above noted solicitation and each has been taken into consideration.

ADDENDUM # \_\_\_\_\_ ISSUANCE DATE \_\_\_\_\_

ADDENDUM # \_\_\_\_\_ ISSUANCE DATE \_\_\_\_\_

ADDENDUM # \_\_\_\_\_ ISSUANCE DATE \_\_\_\_\_

ADDENDUM # \_\_\_\_\_ ISSUANCE DATE \_\_\_\_\_

ADDENDUM # \_\_\_\_\_ ISSUANCE DATE \_\_\_\_\_

\_\_\_\_\_ No addenda were received for the above referenced solicitation.

**THIS FORM MUST BE SUBMITTED WITH THE FIRM'S RESPONSE TO THIS SOLICITATION. FAILURE TO INCLUDE THIS FORM IN YOUR RESPONSE MAY SUBJECT YOUR FIRM TO DISQUALIFICATION.**

<b>DATE</b>	
<b>COMPANY PROVIDING OFFER</b>	
<b>NAME/TITLE OF PERSON PROVIDING OFFER</b>	
<b>PERSON PROVIDING OFFER PHONE NUMBER</b>	
<b>PERSON PROVIDING OFFER E-MAIL ADDRESS</b>	
<b>SIGNATURE OF PERSON PROVIDING OFFER</b>	