

**PIERCE COUNTY HOUSING AUTHORITY
PROCUREMENT POLICY USING NON-FEDERAL FUNDS**

Established for Pierce County Housing Authority (“Authority”) and adopted by the Board of Commissioners (“the Board”) on July, 26th, 2017.

SECTION I - GENERAL PROVISIONS

A. PURPOSE

The purpose of this Statement of Procurement Policy is to: provide for the fair and equitable treatment of all persons or firms involved in purchasing by the Authority; assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable benefit available to the Authority; promote competition in contracting; provide safeguards for maintaining a procurement system of quality and integrity; and assure that Authority purchasing actions are in full compliance with applicable State and local laws.

B. APPLICATION

This Statement applies to all contracts for the procurement of supplies, service, and construction entered into by the PCHA after the effective date of this Statement using **Non – Federal funds** including contracts which do not involve an obligation of funds (such as concession contracts); however, nothing in this Statement shall prevent the Authority from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law. The term “procurement” as used in this Statement includes both contracts and modifications, including change orders, for construction services as well as purchase, lease or rental of supplies and equipment.

C. APPLICABLE LAWS AND REGULATIONS

These Procurement Policies are in compliance with all applicable state and local laws and regulations.

D. PUBLIC ACCESS TO PROCUREMENT INFORMATION

Procurement information shall be a matter of public record to the extent provided in the Public Records Act or similar law and shall be available to the public as provided in that statute.

SECTION II - PROCUREMENT AUTHORITY AND ADMINISTRATION

A. All procurement transactions shall be administered by the Contracting Officer who shall be the Executive Director or other individual as the Executive Director has authorized in writing. The Executive Director shall issue operational procedures to implement this statement. The Executive Director shall also establish a system of sanctions for violations of ethical standards described in Section IX below, consistent with State law.

B. The Executive Director or designee shall ensure that:

1. procurement requirements are subject to an annual planning process to assure efficient and economical purchasing;
2. contract modifications are in writing, clearly specifying the desired supplies, services or construction, and are supported by sufficient documentation regarding the history of procurement, including as a minimum the method of procurement chosen, the selection of the contract type, the rationale for selecting or rejecting offers, and the basis for the contract price;

3. for procurement other than micro purchases, a minimum of 15 days is provided for preparation and submission of bids or proposals; and notice of contract awards is made available to the public;
4. solicitation procedures are conducted in full compliance with State and local laws
5. an independent cost estimate is prepared before solicitation issuance and is appropriately safeguarded for each procurement above the small purchase limitation and a cost or price analysis is conducted of the responses received for all procurements;
6. contract award is made to the responsive and responsible bidder offering the most benefit (for sealed bid contracts) or contract award is made to the offeror whose proposal offers the most benefit to the Authority considering price, technical and other factors as specified in the solicitation (for contracts awarded based on competitive proposals); unsuccessful firms are notified within ten days after contract award;
7. there are sufficient unencumbered funds available to cover the anticipated cost of each procurement before contract award or modification including change orders, work is inspected before payment is made and payment is made for contract work performed and accepted in accordance with provisions of the contract;

C. COST AND PRICE ANALYSIS

1. General. A cost or price analysis shall be performed for all procurement actions including contract modifications. The method of analysis shall be determined as follows. The degree of analysis shall depend on the facts surrounding each procurement.
2. Submission of Cost or Pricing Information. If the procurement is based on noncompetitive proposals or when only one offer is received or for other procurements as deemed necessary by the Authority, the offeror shall be required to submit:
 - a) a cost breakdown showing projected costs and profit;
 - b) commercial pricing and sales information sufficient to enable the Authority to verify the reasonableness of proposed price as a catalog or market price of a commercial product sold in substantial quantities to the general public; or
 - c) documentation showing that the offered price is set by law or regulation.
3. Cost Analysis. Cost analysis shall be performed if an offeror/contractor is required to submit a cost breakdown as part of its proposal. When a cost breakdown is submitted: a cost analysis shall be performed of the individual cost elements; the Authority shall have a right to audit the contractor's books and records pertinent to such costs; and profit shall be analyzed separately. In establishing a profit, the Authority shall consider factors such as; the complexity and risk of the work involved the contractor's investment and productivity, the amount of subcontracting, the quality of past performance, and industry profit rates in the area for similar work.
4. Price Analysis. A comparison of prices shall be used in all cases other than those described in Section III F

D. CANCELLATION OF SOLICITATIONS

1. An invitation for bids, requests for proposals, or other solicitations may be cancelled before offers are due if: the Authority no longer requires the supplies, services or construction; the Authority can no longer reasonably expect to fund the procurement; proposed amendments to the solicitation would be of such magnitude that a new solicitation would be desirable; or similar reasons.

2. A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if the supplies, services or construction are no longer required; ambiguous or otherwise inadequate specifications were part of the solicitation; the solicitation did not provide for consideration of all factors of significance to the Authority; prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds; there is no reason to believe that bids or proposals may not have been independently arrived at in open competition, may have been collusive or may have been submitted in bad faith; or for good cause of a similar nature when it is in the best interest of the Authority.
 3. The reasons for cancellation shall be documented and the reasons for cancellation and/or rejection shall be provided upon written request to any offeror solicited.
 4. A notice of cancellation shall be sent to all offerors solicited.
 5. If all otherwise acceptable bids received in response to an invitation for bids are at unreasonable prices, or if only one bid is received and the price is unreasonable, the Authority shall cancel the solicitation and either:
 - a) resolicit using a request for proposals; or
 - b) complete the procurement by using the competitive proposal method, following Section III E 3 and Section III E 4 when more than one otherwise acceptable bid has been received, or by using the noncompetitive proposals method and following Section III F when only one bid is received at an unreasonable price; provided that the Contracting Officer determines in writing that such action is appropriate, all bidders are informed of the Authority's intent to negotiate, and each responsible bidder is given a reasonable opportunity to negotiate.
- E. This Statement and any later changes shall be submitted to the Board of Commissioners for approval. The Board appoints and delegates procurement authority to the Executive Director and is responsible for ensuring that any procurement policies adopted are appropriate for the Authority.

SECTION III. - PROCUREMENT METHODS

A. SELECTION OF METHOD

If it has been decided that the PCHA will directly purchase the required items, one of the following procurement methods shall be chosen based on the nature and anticipated dollar value of the total requirement.

B. MICRO PURCHASE METHOD Any Purchase of \$2,500 or Less. Threshold A.

1. For micro purchases within the stated threshold only one quotation need be solicited if the price received is considered reasonable. If practicable, a quotation shall be solicited from other than the previous source before placing a repeat order. Solicitations and quotations may be oral, written or electronic provided the Authority staff follows the procurement procedures manual with respect to both acceptable methods for soliciting quotes, and requirements pertaining to contractors/vendors when submitting quotes. The names, addresses, and/or telephone number of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record.

C. SMALL PURCHASE METHOD Any Purchase over \$2,500 but Not Exceeding \$300,000. Threshold B.

1. For small purchases within the stated threshold all appropriate participants shall be solicited from the Vendor List (for materials and supplies) or the Small Works Roster (for

maintenance, repair and construction) established in section IV. The Authority shall make an effort to obtain at least three price quotes. Solicitations and quotations may be written or electronic provided the Authority staff follows the procurement procedures manual with respect to both acceptable methods for soliciting quotes, and requirements pertaining to contractors/vendors when submitting quotes. The names, addresses, and/or telephone number of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record.

D. SEALED BIDDING METHOD Any Purchase Exceeding \$300,000 Threshold C

1. **Conditions for Use.** Contracts shall be awarded based on competitive sealed bidding if the following conditions are present: a complete, adequate, and realistic specification of purchase description is available; two or more responsible bidders are willing and able to compete effectively for work; the procurement lends itself to a firm fixed price contract; and the selection of the successful bidder can be made principally on the basis of price. Sealed bidding is the preferred method for construction procurement. Sealed bidding shall be used for all construction and equipment contracts exceeding the small purchase limitation. For professional service contracts, sealed bidding shall not be used.
2. **Solicitation and Receipt of Bids.** An invitation for bids shall be issued including specifications and contractual terms and conditions applicable to the procurement including a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the invitation for bids. The invitation for bids shall state the date and place for both receipt of bids and the public bid opening. All bids received shall be date stamped but not opened and shall be stored in a secure place until bid opening. A bidder may withdraw its bid at any time prior to the bid opening.
3. **Bid Opening and Award.** Bids shall be opened publicly and in the presence of at least one witness. An abstract of bids shall be recorded and the bids shall be available for public inspection. Award shall be made as provided in the invitation for bids by written notice to the successful bidder. If equal low bids are received from responsible and responsive bidders, award shall be made by drawing lots or similar random method unless otherwise specified in the invitation for bids. If only one responsible and responsive bid is received, award shall not be made unless a cost or price analysis verifies the reasonableness of the price.
4. **Mistakes in Bids.**
 - a) Correction or withdrawal of inadvertently erroneous bids may be permitted where appropriate before bid opening by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only if the bidder can show clear and convincing evidence that a mistake of a judgmental character was made, the nature of the mistake and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made.
 - b) All decisions to allow correction or withdraw of bid mistakes shall be supported by written documentation signed by the Contracting Officer. After bid opening, no changes

in bid prices or other provisions of bids prejudicial to the interest of the Authority or fair competition shall be permitted.

5. Bonds. In addition to the other requirements of this Statement, the following requirements shall apply:
 - a) Bid Bonds. For construction contracts exceeding \$150,000 **or** the limit set by the State for construction contract bonding, whichever is lower, offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.
 - b) Payment Bonds. For construction contracts exceeding \$150,000 **or** the limit set by the State for construction contract bonding, whichever is lower, the successful bidder shall furnish an assurance of completion. This assurance may be any one of the following four:
 - A performance and payment bond each in a penal sum of 100% of the contract price; or
 - A 20 % cash escrow; or
 - A 25 % irrevocable letter of credit.
 - c) These bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State where the work is to be performed. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular is mandatory.

E. COMPETITIVE PROPOSALS METHOD

1. Conditions for Use. Competitive proposals may be used if there is an adequate method for evaluating technical proposals and where the PCHA determines that conditions are not appropriate for the use of sealed bids. An adequate number of qualified sources shall be solicited.
2. Solicitation. The request for proposals (RFP) shall clearly identify the relative importance of price and other evaluation factors and sub factors, including the weight given to each technical factor and sub factor. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposal.
3. Negotiations. Unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for the award, based on evaluation against the technical and price factors as specified in the RFP. Such offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarifications and /or to advise the offerors of the deficiencies in both the technical and price aspects of their proposals so as to assure full understanding of and conformance to the solicitation requirements. No offeror shall be provided information about any other offeror's proposal and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. Offerors shall not be directed to reduce their proposed prices to a specific amount in order to be considered for the award. A common revision based on negotiations.
4. Award. After evaluation of each proposal, including revisions if any, the contract shall be awarded to the responsible firm whose qualifications, price and other factors considered, are

the most advantageous to PCHA.

5. Architect and Engineering Services. Architect/Engineer services may be obtained by either the competitive proposal method or "qualification-based" selection procedures; however, sealed bidding shall **not** be used to obtain these services. Under qualifications-based selection procedures, competitors' qualifications are evaluated and the most qualified competitor is selected subject to the negotiation of fair and reasonable compensation, however, price will not be used as a selection factor under this method. Qualification-based selection procedures shall not be used to purchase other types of services even though architect/engineer firms are potential sources.

F. NONCOMPETITIVE PROPOSALS METHOD

1. Conditions for Use. Procurement shall be conducted competitively to the maximum extent possible, and the Authority may make procurements by non-competitive proposals only when the award of a contract is not feasible using small purchase procedures, sealed bids, or competitive proposals, and one of the following applies:
 - a) The item is available only from a single source, based on a good faith review of available sources;
 - b) An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to PCHA, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there shall be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any other procurement methods and the emergency procurement shall be limited to those supplies, services, or construction necessary to meet the emergency;
 - c) Or, after solicitation of a number of sources, competition is determined inadequate.
2. Justification. Each procurement based on non-competitive proposals shall be supported by a written justification for using such procedures. The justification shall be approved in writing by the Contracting Officer.
3. Price Reasonableness. The reasonableness of the price for all procurements based on non-competitive proposals shall be determined by performing a cost analysis.

G. COOPERATIVE PURCHASING METHOD

The Authority may enter into State and local intergovernmental agreements to purchase or use common goods and services. The decision to use an intergovernmental agency or conduct a direct procurement shall be based on economy and efficiency. If used, the intergovernmental agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspections, acceptance, termination, payment and other relevant terms and conditions. The Authority may use Federal or State excess and surplus property instead of purchasing new equipment and property whenever such use is feasible.

SECTION IV – SELECTION OF CONTRACTOR OR VENDOR - QUALIFICATIONS AND DUTIES

A. SMALL WORKS ROSTER

1. Interested business shall be given an opportunity to be included on bidder lists. Any lists of persons, firms, or products which are used in the procurement of services shall be kept current and shall include enough qualified sources to ensure competition. Firms shall not be precluded from qualifying during the solicitation period. In accordance with RCW 39.04.155, the Authority shall:
 - a) create and maintain a Small Works Roster (Roster) for use in section III; and
 - b) publish in a newspaper of general circulation the existence of the Roster annually; and
 - c) solicit the names of contractors for the Roster; and
 - d) add the names of responsible and responsive contractors to the Roster at any time they submit a written request and the necessary records. Furthermore,
 - e) make an effort to maintain an adequate number of participants on the Small Works Roster.
2. The Roster shall consist of all responsible and responsive contractors who have requested to be on the list; and

- a) Are properly licensed or registered to perform work in this state; and
- b) Provide on-going and current records of any applicable licenses, certifications, registrations, bonding, insurance and other appropriate matters on file with the Authority.
- c) PCHA reserves the right to utilize Small Works Rosters maintained by other agencies in lieu of maintaining a PCHA Small Works Roster through the use of Cooperative Intergovernmental Agreements.

B. CONTRACTOR and VENDOR RESPONSIBILITIES

Procurements shall be conducted only with responsible contractors or vendors i.e., those who have the technical and financial competence to perform and who have a satisfactory record of integrity. Before awarding a contract, the Authority shall review the proposed contractor's or vendor's ability to perform the contract successfully, considering factors such as the contractor's or vendor's integrity, including a review of the Debarred Contractors List published by Washington Department of Labor and Industries, compliance with public policy, record of past performance including contacting previous clients of the contractor or vendor such as other Public Housing Authorities, and financial and technical resources. If a prospective contractor or vendor is found to be irresponsible, a written determination on non-responsibility shall be prepared and included in the contract file and the prospective contractor or vendor shall be notified of the reasons for the determination. Award shall then be made to the next lowest bidding contractor or vendor determined to be responsible following the process set forth above.

C. SUSPENSION AND DEBARMENT

Contracts shall not be awarded to debarred, suspended, or ineligible contractors or vendors. Contractors may be debarred, suspended or determined ineligible for violations or infractions of prevailing wage law (chapter 39.12 RCW), contractor registration law (chapter 18.27 RCW), or industrial insurance law (chapter 51.48 RCW).

D. VENDOR LIST

1. Interested business shall be given an opportunity to be included on vendor lists. Any lists of persons, firms, or products which are used in the procurement of supplies shall be kept current and shall include enough qualified sources to ensure competition. Firms shall not be precluded from qualifying during the solicitation period. To accomplish this the Authority shall:
 - a) create and maintain a Vendor List for use in section III; and
 - b) solicit the names of vendors for the List; and
 - c) add the names of responsible and responsive vendors to the List at any time they submit a written request and the necessary records.
 - d) make an effort to maintain an adequate number of participants on the Vendor List.
2. The List shall consist of all responsible and responsive contractors who have requested to be on the list; and
 - a) Are properly licensed or registered to carry on business; and
 - b) Provide on-going and current records of any applicable licenses, certifications, registrations, bonding, insurance and other appropriate matters on file with the Authority.
 - c) PCHA reserves the right to utilize Vendor Lists maintained by other agencies in lieu of maintaining a PCHA Vendor List through the use of Cooperative Intergovernmental Agreements.

SECTION V - TYPES OF CONTRACTS, CLAUSES, AND CONTRACT ADMINISTRATION

A. CONTRACT TYPES

Any type of contract which is appropriate to the procurement and which will promote the best interests of the Authority may be used, provided that the cost-plus-a-percentage-of-cost and percentage of construction cost methods are prohibited. All procurements shall include the clauses and provisions necessary to define rights and responsibilities of the parties. A cost reimbursement contract shall not be used unless it is likely to be less costly or is impracticable to satisfy the Authority's needs otherwise, and the proposed contractor's accounting system is adequate to allocate costs in accordance with applicable cost principals. A time and material contract may be used only if written determination is made that no other contract type is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.

B. OPTIONS

Options for additional quantities or performance periods may be included in contracts, provided that:

- 1) the option is contained in the solicitation;
- 2) the option is a unilateral right of the Authority;
- 3) the contract states a limit on the additional quantities and the overall term of the contract;
- 4) the options are evaluated as part of the initial competition;
- 5) the contract states the period within which the options may be exercised;
- 6) the options may be exercised at the price specified in or reasonably determinable from the contract; and
- 7) the options may be exercised only if determined to be more advantageous to the Authority than conducting a new procurement.

C. CONTRACT CLAUSES

In addition to containing a clause identifying the contract, all contracts shall include any clauses required by State statutes and their implementing regulations, as provided in RCW 39.04, such as the following:

- 1) Prevailing Wages on Public Works RCW 39.12
- 2) Bonds RCW 39.08
- 3) Retainage RCW 60.28

D. CONTRACT ADMINISTRATION

A contract administration system designed to ensure that contractors perform in accordance with their contracts shall be maintained. The operational procedures required by Section II A above shall contain guidelines for inspection of supplies, services or construction, as well as monitoring contractor performance, status reporting on construction contracts with commercial firms and allowable costs.

SECTION VI - SPECIFICATIONS

A. GENERAL

All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying the Authority's needs. Specifications shall be reviewed prior to solicitation to ensure they are not unduly restrictive or represent unnecessary or duplicative items. Functional or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out

procurements to obtain a more economical purchase (see Section VIII A 1 c below). For equipment purchases, a lease versus purchase analysis may be performed to determine the most feasible form of procurement.

B. LIMITATIONS

The following specification limitations shall be avoided: unnecessary bonding or experience requirements; brand name specifications (unless a written determination is made that only the identified item will satisfy the Authority's needs); brand name or equal specifications (unless they list the minimum essential characteristics and standards to which the item shall conform to satisfy its intended use). Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be scrutinized to ensure that organizational conflicts of interest do not occur.

SECTION VII - APPEALS AND REMEDIES

A. GENERAL

It is the Authority's policy to resolve all contractual issues informally at the Authority's level, without litigation. When appropriate, the Authority may consider use of informal discussions between the parties by individuals who did not participate substantially in the matter in dispute to help resolve the differences.

B. BID PROTESTS

Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against a solicitation shall be received before the due date for receipt of bids or proposals, and any protest against the award of a contract shall be received within ten days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee, who shall issue a written decision on the matter. The Contracting Officer may at his or her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.

C. CONTRACT CLAIMS

All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer or designee for a written decision. The contractor may request a conference on the claim. The contracting Officer's decision shall inform the contractor of its appeal rights to a higher level in the Authority, such as the Executive Director or a designated Board member.

SECTION VIII - ASSISTANCE TO SMALL AND OTHER BUSINESSES

A. REQUIRED EFFORTS

1. Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, the Authority shall make efforts to ensure that small and minority-owned businesses, women's business enterprises, and individuals or firms located in or owned in substantial part by persons residing in the area of the Authority's project are used when possible. Such efforts shall include, but shall not be limited to:
 - a) Including such firms, when qualified, on solicitation mailing lists;
 - b) Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
 - c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;

- d) Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;
 - e) Using the services and assistance of the Small Business Administration, the Office of Minority and Women's Business Enterprise
 - f) Including in contracts a clause requiring contractors, to the greatest extent feasible, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which are located in, or owned in substantial part by persons residing in the area of the project, as described in 24 CFR 135;
 - g) Requiring prime contractors, when subcontracting is anticipated, to take positive steps listed in A1. a) Through f) above.
2. Goals may be established by the Authority periodically for participation by small businesses, minority owned businesses, women's business enterprises, and business concerns which are located in, or owned in substantial part by persons residing in the area of the project, in the Authority's prime contracts and subcontracting opportunities.

B. DEFINITIONS

- 1. Small business is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR 121 shall be used, unless the Authority determines that their use is inappropriate.
- 2. A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.
- 3. A women's business enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who also control or operate the business.
- 4. A business concern located in the area of the project, is defined as an individual or firm located within the relevant Section 3 covered project area, as determined pursuant to 24 CFR 135.15, listed on HUD's registry of eligible business concerns, and meeting the definition of small business above. A business concern owned in substantial part by persons residing in the area of the project is defined as a business concern which is 51% or more owned by persons residing within the Section 3 covered project, owned by persons considered by the U.S. Small Business Administration to be socially or economically disadvantaged, listed on HUD's registry of eligible business concerns, and meeting the definition of small business above.

SECTION IX - ETHICS IN PUBLIC CONTRACTING

A. GENERAL

The Authority shall adhere to the following code of conduct, consistent with applicable State or local law.

B. CONFLICT OF INTEREST

No employee, officer or agent of the Authority shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer, board member or agent involved in making the award;
2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister);
3. His/her partner, or
4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

C. GRATUITIES, KICKBACKS, AND USE OF CONFIDENTIAL INFORMATION

Authority employees, officers, board members or agents shall not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual or anticipated personal gain.

D. PROHIBITION AGAINST CONTINGENT FEES

Contractors shall not retain a person to solicit or secure an Authority contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees or bona fide established commercial selling agencies.