



**Housing Trust Fund Corporation
NY Rising Housing Recovery Program**

CONTRACTOR CERTIFICATION FORM

INSTRUCTIONS: The NY Rising Housing Recovery Program (“Program”) is intended to provide assistance to New York homeowners who suffered damage to their primary residences as a result of Hurricane Sandy, Hurricane Irene, or Tropical Storm Lee. The Program is administered by the Housing Trust Fund Corporation (“HTFC”).

You have been selected by a participating homeowner to act as a contractor for home repair or reconstruction projects assisted by the Program.

In order to participate in the Program, you, the Contractor, are required to certify to HTFC that you:

- meet the minimum requirements for contractors participating in the Program,
- acknowledge the jurisdiction of the Office of New York State Attorney General and law enforcement agencies to pursue violations of the New York State False Claims Act and the federal False Claims Act in connection with receipt of funds from the Program, and
- acknowledge the jurisdiction of the New York State Attorney General to enforce laws protecting homeowners against violations of law by contractors.

Note that by completing and signing this form, you are certifying that the information you are providing is true, complete and accurate. Presenting false or fraudulent information may subject you to penalties under State and Federal law, as further described below.

Contractor(s) Name(s): _____

Contractor Address: _____

City: _____ **County:** _____, New York

Zip: _____

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Owner Last Name _____ Application Number _____



MINIMUM CONTRACTOR REQUIREMENTS

Contractor certifies as follows:

1. Contractor has three years of residential construction experience, including residential construction experience in repair, remodeling, and/or elevation appropriate to the specific project.
2. Contractor or its subcontractors have appropriate licenses for the subject municipality and type of work. These include, but are not limited to, licenses to perform electrical, plumbing, or environmental work, and home improvement licenses required by the local community.

Yes _____ No _____

BONDING AND INSURANCE REQUIREMENTS

Contractor certifies that it has the following bonding capacity and will provide bonds and insurance coverage as follows:

1. Contractor has Payment and Performance bonding capacity for projects in excess of \$100,000. A currently dated letter on Surety letterhead confirming single and aggregate bonding capacity at the required level is submitted herewith. Contractor will provide 100% Payment and Performance bonds for the project before commencing work.
2. Contractor will provide insurance certificates in accordance with Program guidelines. These include:

- Commercial General Liability insurance, \$2,000,000;
- Automobile Liability insurance, \$1,000,000;
- Workers Compensation and Employer's Liability insurance as required to meet New York State requirements;
- Excess/Umbrella Liability insurance, \$2,000,000;
- Any additional insurance for specialty contractors (including elevation and environmental assessment and remediation) required by State or local law;
- The liability policies shall include the homeowner, HTFC, DASNY, HUD and any of their subcontractors as named additional insureds. The homeowner and HTFC shall be named as certificate holders and the certificates shall state their respective addresses.

Yes _____ No _____

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SCOPE OF WORK

Contractor understands that the Program has or will enter into a Grant Agreement with the homeowner and that the Program will only provide funds to pay for the Scope of Work which has been approved by HTFC or its designated agent. The amount of the grant shall not be increased except in accordance with a Change Order approved in writing by HTFC or its designated agent. In addition, any decrease in the Scope of Work requires a Change Order approved in writing by HTFC or its designated agent.

Yes _____ No _____

CONSTRUCTION CONTRACT

Contractor understands that it is to enter into a separate construction contract (“Construction Contract”) with the homeowner to perform the Scope of Work and that the terms of the Construction Contract shall be in the form of agreement promulgated by HTFC for use with the Program. Contractor understands that HTFC will not be a party to the Construction Contract.

Contractor agrees to comply with the applicable Green Building construction standards set forth at pages 14333-14334 of the March 5, 2013, Federal Register Notice published at 78 FR 14329.

Contractor agrees that it will not commence work, and that the Construction Contract will not be binding on the homeowner, before the execution of a Homeowner Grant Agreement between the homeowner and HTFC.

Contractor understands and agrees that payments for the approved Scope of Work will be made in the following manner:

- 10% of the contract amount paid by HTFC, from the CDBG-DR Grant, upon execution of the Construction Contract;
- 50% of the contract amount, paid first from Homeowner Funds, if any, upon 50% completion of the Scope of Work;
- 40% of the contract amount, paid first from any remaining Homeowner Funds, if any, upon 100% completion of the Scope of Work.

Yes _____ No _____

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FALSE CLAIMS ACT

Funding provided through the Program is subject to the New York State False Claims Act (State Finance Law §§ 187-194). Any person or conspirator who knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval; or who knowingly makes, uses, or causes to be made or used, a false record or statement material to a fraudulent claim, including making or delivering a receipt without completely knowing whether the information contained therein is true, is in violation of the New York State False Claims Act.

Persons who violate the New York False Claims Act may be liable for a civil penalty of not less than \$6,000 and not more than \$12,000, plus three times the amount of all damages resulting from the fraudulent act, including any consequential damages, which the state sustains due to the violation as well as costs incurred in prosecuting the action.

Funding provided through the Program is also subject to the provisions of the federal False Claims Act (31 U.S.C. §§ 3729-3733). Any person or conspirator who knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval; or who knowingly makes, uses, or causes to be made or used, a false record or statement material to a fraudulent claim, including making or delivering a receipt without completely knowing whether the information contained therein is true, is in violation of the federal False Claims Act.

Persons who violate the federal False Claims Act may be liable for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, plus three times the amount of damages which the Government sustains because of the act of that person.

By executing this Contractor Certification Form, Contractor acknowledges the jurisdiction of the New York Attorney General and law enforcement agencies to pursue violations of the New York State False Claims Act and the federal False Claims Act in connection with receipt of funds from the Program.

By executing this Contractor Certification Form, Contractor acknowledges that fraud or failure to complete the agreed Scope of Work will be considered to be a breach of contract and a violation of the New York State False Claims Act and that the New York Attorney General will have jurisdiction to enforce laws that protect homeowners against violations of law by contractors.

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By executing this Contractor Certification Form, Contractor certifies that it is not currently on any public exclusion list, including but not limited to, the SAM-Federal Debarment List, the U.S. Treasury-OFAC Specially Designated Nationals List, the New York State Department of Labor Debarment List and the New York State Workers Compensation Debarment List.

By executing this Contractor Certification Form, Contractor certifies that it has no outstanding New York State or Federal tax warrants or levies and/or is not in violation of any current repayment plan.

By executing this Contractor Certification Form, Contractor acknowledges and understands that Title 18 United States Code Section 1001: (1) makes it a violation of federal law for a person to knowingly and willfully (a) falsify, conceal, or cover up a material fact; (b) make any materially false, fictitious, or fraudulent statement or representation; or (c) make or use any false writing or document knowing it contains a materially false, fictitious, or fraudulent statement or entry, to any branch of the United States Government; and (2) requires a fine, imprisonment for not more than five years, or both, for any violation of such Section.

By executing this Contractor Certification Form, Contractor acknowledges and understands that Section 189 of the New York State Finance Law: (1) makes it a violation of state law to knowingly present or cause to be presented to any employee, officer or agent of the State of New York (including any division or public benefit corporation) (a) a false or fraudulent claim for payment or approval; or (b) to use or cause to be made or use a false record or statement to get a false or fraudulent claim paid or approved by the State of New York. Persons who violate this Section may be liable for a civil penalty of not less than \$6,000 and not more than \$12,000, plus three times the amount of all damages, including consequential damages, sustained because of their action as well as costs incurred to recover any such penalties or damages.

Contractor hereby certifies the truth and accuracy of the information contained herein.

CONTRACTOR: _____ **Date** _____

Print Name: _____

CONTRACTOR: _____ **Date** _____

Print Name: _____

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CORPORATE ACKNOWLEDGMENT

State of _____)

ss.:

County of _____)

On this _____ day of _____, 20____ before me personally appeared _____ to me known, who, being by me duly sworn, did depose and say that (s)he resides at _____; that (s)he is the _____ of _____ the corporation described in and which executed the foregoing instrument; that (s)he knows the seal of said corporation; that one of the seals affixed to said instrument is such seal; that it was so affixed by order of the directors of said corporation; and that (s)he signed his(her) name thereto by like order.

(Notary Public)

(If oath is taken outside of New York State, an official certificate as to the authority of the officer administering the oath must be attached.)

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