City of New Orleans Federal Funding Procurement Checklist for HUD Grantees



CITY OF NEW ORLEANS

Version 4.0 July 10, 2017

Prepared by: The City of New Orleans and GCR Inc.



CNO FEDERAL FUNDING PROCUREMENT CHECKLIST FOR HUD GRANTEES

CNO Federal Funding Procurement Checklist for HUD Grantees Updates

Version	Date	Summary of Changes
1.0	November 14, 2016	Completed Procurement Checklist
2.0	December 12, 2016	Modifications to the Change Order Section and addition of the Introduction/Purpose.
3.0	February 20, 2017	Changed the name of the checklist to CNO Federal Funding Procurement Checklist for HUD Grantees
4.0	July 10, 2017	Clarified lines of responsibility in the process; changed signatory in Section 2; addressed wage rates for requirement contracts.; added Bid#, RFQ# and RFP# requirement

CNO FEDERAL FUNDING PROCUREMENT CHECKLIST FOR HUD GRANTEES

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CNO FEDERAL FUNDING PROCUREMENT CHECKLIST FOR HUD GRANTEES

Checklist Overview and Approvals

Project Title:	
Eur ding Course(s) (single all though	4 one less.
Funding Source(s) (circle all that	t apply):
CDBG	HOME ESG HOPWA
DCDBG	CDBG-NDR OTHER
Project Number:	
Type of Solicitation (circle one):	Informal Bid
	Formal Bid (not construction) Bid#
	Formal Bid (construction) Bid#
	Request for Proposals (RFP) RFP#
	Request for Qualifications (RFQ) RFQ#
Grant Manager:	
Project Manager:	

Instructions:

This document must be utilized for all procurements that involve HUD funding and is the responsibility of the Grant Manager, Project Manager, Requesting Department Head, and Bureau of Purchasing. This checklist provides guidance on Federal procurement regulations under 2 CFR 200. It does not address all procurement issues the City of New Orleans may experience. Use of the checklist provides a tool to cover the key requirements of procurements that involve federal funding.

For each section, answer each question with the appropriate response (yes, no, not applicable) and use the comments section to provide additional information or clarifications, where needed. In instances where the response is "No," corrective actions must be taken prior to moving to the next section of the procurement checklist.

CNO FEDERAL FUNDING PROCUREMENT CHECKLIST FOR HUD GRANTEES

Introduction/Purpose

This working document serves to provide all requesting departments with a step-by-step checklist to commence, track and ensure regulatory compliance with all HUD y-funded procurements. The checklist begins with the requesting department establishing the need for procurement and outlines every step up through the formal contract execution and/or amendment. The completed checklist shall be provided to the Bureau of Purchasing for inclusion in the formal procurement file.

Any interpretations or determinations of the application or meaning of any of the provisions contained in this policy shall be made in the sole discretion of the Chief Procurement Officer (CPO) or their designee. This shall include any interpretations as to whether a particular procurement is subject to the Federal Procurement Policy.

Any changes to this document must be submitted in writing to and expressly approved by the Chief Procurement Officer.

Section 1: Pre-Solicitation

The Requesting Department is responsible for initiating the pre-solicitation process. The Grant Manager <u>MUST</u> complete all items in the section prior to submission of a solicitation to the Bureau of Purchasing. Each checklist item represents an item which must be completed prior to solicitation being sent to Purchasing. Grant Managers must utilize the appropriate forms and checklist items below to ensure that the entire solicitation package is complete.

Forms Associated with this section:

- Informal Bid Quote Form
- Micro Purchase Professional Services Form
- Small Purchase Professional Services Form
- Bid Procurement Authorization Form for Construction
- Bid Procurement Authorization Form Not for Construction
- Request for Professional Services Form
- RFP/RFQ Template
- Independent Cost Estimate Form (ICE Form)

1.1 Independent Cost Estimate (ICE)

-		` /		
Answer			Checklist Item	Comments
Yes	No	N/A	Is the ICE form completed and	
			attached to the procurement package?	
			Please indicate the cost estimate	
			mechanism used:	
			□ ICE form (for all	
			solicitations other than	
			sealed bids)	
			☐ The engineer's cost	
			estimate (sealed bids	
			only)	
			This must be a detailed cost	
			breakdown for the overall estimate	
			providing the elements, such as labor	
			and materials, of the total cost.	
Yes	No	N/A	If a cost estimate is over budget,	
			will value engineering be utilized?	

1.2 Solicitation Content					
	Answer		Checklist Item	Comments	
Yes	No □	N/A □	Does solicitation contain a clear and accurate description of the technical requirements for the material, product or services, and scope of work (SOW)?		
Yes	No □	N/A □	Does the solicitation contain features that unduly restrict competition such as unreasonable or unnecessary experience or bonding requirements? Note: Brand name or equal may be used to define a material but must not restrict to only that material. Relevant experience or required certifications necessary to perform the requested services may be required of proposers.		
Yes	No 🗆	N/A □	Did the solicitation identify all significant evaluation factors or selection criteria, including the corresponding point system to be used to rate the proposals or qualifications statements? Note: These should be part of the RFP criteria outlined in the template		
Yes	No □	N/A □	Is this a solicitation for architectural/engineering (A/E) professional services? Note: A/E professional services must be solicited with an RFQ. The method where price is not used as a selection factor can only be used in procurement of A/E professional services.		
Yes 🗆	No □	N/A	Does the solicitation contain a cost as an evaluation factor? Note: The City must have cost/price listed as a separate evaluation factor for professional services contracts.		
Yes	No	N/A □	Does the solicitation document the requirements of the City's Disadvantaged Business Enterprise Program?		
Yes	No □	N/A	Is the funding source and all applicable requirements identified and provided to the Bureau of Purchasing with the solicitation or bid packet?		

			Have the standard HUD compliance
Yes	No	N/A	provisions been provided to the
			Bureau of Purchasing?
			Davis Bacon labor requirements
			(applicable for construction
			projects greater than \$2,000).
			O Section 3 clause.
			 Nondiscrimination, affirmative
			action, and equal employment
			opportunity
			The contractor will comply with
			section 6002 of the Solid Waste
			Disposal Act, as amended by the
			Resource Conservation and
			Recovery Act regarding
			procurement of recovered
			materials and solid waste
			management services.
			Byrd Anti-Lobbying
			Certification (for contracts
			greater than \$100,000).
			Debarment certification.
	I	1	O Boommont continuation.

		o Debarment co	ertification.	
	ection is deemed complete of the checklist.	by obtaining all below signatures. A	Il signatures are required prior to	moving on to the
Project Man	ager:		Date:	<u>-</u>
Grant Mana	ger:		Date:	

CNO FEDERAL FUNDING PROCUREMENT CHECKLIST FOR HUD GRANTEES

Section 2: Pre-Award

This section is to be completed after a solicitation is evaluated, but prior to award. The Purchasing Agent is responsible for initiating this process. The Grant Manager MUST complete all items in the section prior to Purchasing sending an intent to award letter. The Grant Manager will work with Purchasing to ensure all documentation related to the procurement is included in the procurement file.

Forms Associated with this section:

■ Cost Re	easonableness Fo	rm		
2.1 Cost Analy	ysis and Cost R	Reasonablen	ess	
	Answer		Checklist Item	Comments
Yes □	No 🗆	N/A □	Has the requesting department provided the Cost Reasonableness Analysis Form for the sealed bid procurement? Note: The form should be signed by the requesting department and Purchasing and attached to the department recommendation	
Yes	No 🗆	N/A □	memo. Prior to awarding of a contract, has the cost analysis been completed?	
			Note: Cost analysis and documentation is required for an RFQ or RFP (competitive negotiations).	
2.2 Advertiser	nent of Solicita	tions		
	Answer		Checklist Item	Comments
Yes □	No □	N/A □	For Public Works, Goods, non-professional services and materials only: Were bids solicited from an adequate number of qualified sources, and was the solicitation adequately publicized to achieve sufficient competition?	
Yes □	No	N/A □	Has a copy of the newspaper advertisement for the solicitation (Advertisement for	

Bids, RFP, or RFQ) been requested from Purchasing? Include a copy of the

Has a copy of the list of

file.

N/A

Yes

No

newspaper advertisement in the

prospective bidders and suppliers

who received copies of the bid documents been requested from Purchasing (if available)?

			Include a copy of list of			
			proposed bidders in the			
			program procurement file.			
2.3 Labor Compliance (This section is only applicable if the solicitation is for construction greater than \$2,000.)						
	Answer		Checklist Item	Comments		
Yes	No	N/A	Was a wage rate included in the			
			bid documents?			
Yes	No	N/A	Has the Labor Compliance			
			Officer (LCO) provided the most			
			current applicable wage rate?			
			Note: this must be done 10 days			
			prior to bid date.			
Yes	No	N/A	Did the wage rate change since it			
			was received from the LCO?			
Yes	No	N/A	If the rate changed, was it			
			provided to Purchasing?			
			Note: Place the provided			
			addendum released by			
			Purchasing to all bidders in the			
			file.			
2.4 Responses	;					
	Answer		Checklist Item	Comments		
Yes	No	N/A	Are there more than two			
			responses documented? If yes,			
			skip the question directly			
			skip the question directly below.			
Yes	No	N/A	skip the question directly below. If only one proposal/bid was			
			skip the question directly below. If only one proposal/bid was received, has the requesting			
Yes	No	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with			
Yes	No	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued?			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the			
Yes	No	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file?			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a construction or facilities			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a construction or facilities improvement project?			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a construction or facilities improvement project? Note: Documentation of reason			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a construction or facilities improvement project? Note: Documentation of reason for rejecting any and or all bids			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a construction or facilities improvement project? Note: Documentation of reason for rejecting any and or all bids (including respondents not			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a construction or facilities improvement project? Note: Documentation of reason for rejecting any and or all bids (including respondents not responsible or not responsive)			
Yes The second representation of the second	No □	N/A	skip the question directly below. If only one proposal/bid was received, has the requesting department conferred with Purchasing and solicitation reissued? Has Purchasing provided the following items for the procurement file? Copies of all bid proposals All addenda s from Pre-Bid Conference(s) if held Did the bid response include a 5% bid bond if for a construction or facilities improvement project? Note: Documentation of reason for rejecting any and or all bids (including respondents not			

2.5 Debarm	ent			
	Answer		Checklist Item	Comments
Yes □	No	N/A □	Has the contractor's debarment review been completed?	
			Note: The printed page from the SAM.gov with the date of the review must be included in the procurement file.	
Yes □	No 🗆	N/A □	If the contractor has been found to be suspended, debarred, proposed for debarment, or declared ineligible as of the bid opening date, was the contractor's bid rejected and the next lowest eligible bidder checked for debarment?	
2.6 Disputes	5			
	Answer		Checklist Item	Comments
Yes	No	N/A	Were there any protests of the	
			selection? If no, skip the following questions.	
Yes	No	N/A	If there was a protest, did purchasing	
			resolve the protest? Note: All protests of a selection are handled with the Bureau of Purchasing. Purchasing will retain documentation related to a protest.	
Yes	No	N/A	Were any bids or offers rejected or	
			otherwise excluded from the competition?	

The above section is deemed complete by obtaining all below signal next section of the checklist.	tures. All signatures are required prior to moving on to the
Purchasing Agent:	Date:
Grant Manager:	Date:

Section 3: Contract Requirements

The Grant Manager <u>MUST</u> complete all items in the section prior to the execution of a contract. The Initiating Department is responsible for assembling all required documentation. The Grant Manager is responsible for ensuring that all of the items in the checklist are completed prior to execution of a contract.

contract.				
3.1 Notice of	f Award			
Answer			Checklist Item	Comments
Yes	No	N/A	Is there an intent to award letter	
			from purchasing included in the file?	
Yes	No	N/A	If the contract was not awarded to	
			the lowest bidder in the case of a	
			competitive sealed bid procurement,	
			was a Purchasing Bid	
			Recommendation Form included in	
			the file with the approval of the CPO	
***	> Y	27/4	and requesting department?	
Yes	No	N/A	If the procurement was a	
			competitive sealed bid	
			procurement, was a firm fixed price contract (either lump sum or	
			unit price) awarded to	
			the responsible and responsive bidder	
			whose bid is lowest in price and	
			conforms to all the material terms	
			and conditions of the advertisement	
			for bids?	
3.2 Notice of	f Award: Subc	ontractors		
	Answer		Checklist Item	Comments
Yes	No	N/A	Does the contract contain language	
			ensuring the general contractor is	
			responsible for checking debarment of	
**		27/4	their subcontractors?	
Yes	No	N/A	Has a list of subcontractors been	
			included in the procurement file?	
3.3 Contract	t Requirement	s- Bonding a	nd Insurance	
	Answer		Checklist Item	Comments
Yes	No	N/A	Has the contractor provided evidence	
			of a Performance bond for 100% of	
			the contract value?	
Yes	No	N/A	Does the contract include the	
			requirement for maintaining the	
			insurance certificates in the amount	
			required in the bid documents?	
Yes	No	N/A	Were the required insurance	
			certificates provided by the contractor	
			and placed in the procurement file?	

3.4 Contract Requirements – HUD Compliance Provisions					
	Answer		Checklist Item	Comments	
Yes	No	N/A □	Awarddoes the contract or agreement contain all required Compliance Provisions for CDBG, DCDBG and CDBG-NDR as outlined below? Is the period of performance clearly stipulated with the date of completion noted? Are there penalties for not meeting the performance standards? Breach of contract terms including administrative, contractual, or legal remedies when contractors violate or breach contract terms, and providing such sanctions and penalties as may be appropriate? Termination for cause and for convenience by the City? Compliance with Executive Order 11246, Equal Employment Opportunity (all construction contracts and subcontracts greater than \$10,000)? Compliance with Copeland "Anti-Kick-Back" Act (all construction contracts and subcontracts greater than \$10,000)? Compliance with the Davis-Bacon Act (all construction or repair contracts or subcontracts > \$2,000)? Is the correct wage rate included in the contract? Compliance with 40 U.S.C. 3701-3708 The Contract Work Hours and Safety Standards Act (all construction or repair contracts or subcontracts > \$2,000, and > \$2,500 for other contracts which involve the employment of mechanics or laborers). Does the draft contract contain a notice of the awarding agency requirements and regulations pertaining to reporting? Do the compliance provisions include the requirements and regulations pertaining to patent rights, copyrights, and rights in data? Do the compliance provisions note		

			access is required to any books, documents, papers, or records of the project by the City of New Orleans, Federal agencies, and the Comptroller General of the United States? Records must be maintained for five years after the City of New Orleans formally closes out each program. Compliance with the Clean Air Act, Clean Water Act, and EPA regulations (all contracts, subcontracts, and sub grants in amounts > \$150,000). Is the Green Building Standards clause included, if applicable (all new construction or replacement of substantially damaged residential buildings)? Does the contract contain a Byrd Anti Lobbying Clause? Does the contract contain a clause stating the contractor will comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act? Does the contract contain requirements that a contract award must not be made to parties listed on the government wide Excluded Parties List System in the System for Award Management (SAM).
Yes	No	N/A	Has a copy of the Section 3 Plan been
			provided by the prime contractor and all subs whose contract amount exceeds \$100,000?
Yes	No	N/A □	Was the plan submitted to the Labor Compliance Officer by the Grant Manager?

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3.5 Contract Requirements – Contract Structure					
	Answer		Checklist Item	Comments	
Yes	No 🗆	N/A □	Is the structure of the contract in compliance with 2 CFR 200? Indicate the structure of the contract below:		
			Fixed PriceTime and Materials		
			Note: The City does not allow agreements and/or contracts that contain "cost plus percentage of cost" and "percentage of construction costs" pricing structures.		
Yes □	No □	N/A □	If the procurement was a competitive negotiation where price is not the only factor, was a cost ceiling clearly established in the contract that may not be exceeded without a contract modification?		

The above section is deemed complete by obtaining all be next section of the checklist.	below signatures. All signatures are required prior to moving on to the
Project Manager:	Date:
Grant Manager:	Date:

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Section 4: Contract/ Agreement Execution

Grant Managers must complete this section prior to requesting the PO from Purchasing.					
4.1 Contract/	Agreement Exc	ecution			
	Answer		Checklist Item	Comments	
Yes	No	N/A	Is the contract/agreement signed by		
			both parties? Note: Only the Mayor's Office dates contracts.		
Yes	No	N/A	Is the contract/agreement a lease or		
			multi-year CEA?		
Yes	No	N/A	If yes to the question above, is the		
			approving City Council resolution provided in the file		
Yes	No	N/A	Is the effective date contained within		
			the actual contractual document?		
			Note: If there is not a clear effective		
			date listed then the effective date is		
			the date of execution		
Yes	No	N/A	Was the Notice to Proceed (NTP)		
			issued?		
			Note: A copy of the NTP should be		
			placed in the program file		

The above section is deemed complete by obtaining all below signatures. All s next section of the checklist.	ignatures are required prior to moving on to the
Project Manager:	Date:
Grant Manager:	Date:

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Section 5: Contract Modification

The Initiating Department must complete this section prior to a modification of an executed contract.

Forms associated with this section:

- ICE Form
- Cost Reasonableness Form
- Change Order Recommendation for Approval Form
- Plan Change Recommendation for Approval Form

5.1 Change Orders, Amendments, or Modifications to Agreements

	Answer		Checklist Item	Comments	
Yes	No	N/A	Is the ICE form completed and attached		
			to the change order, amendment, or		
			modification? Note: This should		
			include am explanation of how the		
			change order relates to the original		
			scope of the contract and to the		
			National Objective (if a HUD		
			project).		
Yes	No	N/A	Prior to a change order, amendment,		
			or modification, was a cost analysis		
			completed?		
Yes	No	N/A	Has contractor provided a signed		
			proposal with a cost analysis for any		
			change orders?		
Yes	No	N/A	Has the grant manager reviewed the		
			change order for accuracy and grant		
			eligibility?		
Yes	No	N/A	Is the effective date contained within		
			the actual change order, amendment,		
			or modification documents, if		
			applicable? Note: If there is not a		
			clear effective date listed then the		
			effective date is the date of execution		
Yes	No	N/A	Change Order Recommendation for		
			Approval Form or Plan Change		
			Recommendation for Approval Form		
			been completed for any Change		
			Order.		
Yes	No	N/A	For amendments which include Davis		
			Bacon provisions, is the wage rate		
			that is included current as of the date		
			of the amendment?		
Yes	No	N/A	If a new task order is being issued, is		
			the wage rate which was included in		
			contract or amendment governing the		
			task order?		
Yes	No	N/A	For Change Orders which include		
			Davis Bacon provisions, is the		
			original wage rate which was locked		
			when the bid occurred included?		

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Yes □	No □	N/A □	In the instances of a Requirement Contract, is the applicable wage rate included?	
Yes	No	N/A	After routing, is there a copy of each	
			approved change order placed in the	
			procurement file?	
Yes	No	N/A	Is there a copy of any executed	
			amendment(s) in the procurement	
			file?	
			Note: this should include City Council	
			1 . C 1. 11	i l
			approval, if applicable.	

The above section is deemed complete by obtaining all below signatures. A next section of the checklist.	All signatures are required prior to moving on to the
Project Manager:	Date:
Grant Manager:	Date:
Section 6: Final Approval The Grant Manager must obtain all approval signatures to complobtained, place a copy of the checklist in the Program Procureme	e
Procurement File.	
Project Manager:	Date:

Grant Manager: _____

Department Head: _____

Bureau of Purchasing:

Date: _____

Date: _____

Date: _____