

City of Jacksonville

Section 3 Plan

2011-2016

Community Development Block Grant & HOME Investment Partnerships Programs & Neighborhood Stabilization Program



Wight Greger, Director
Housing and Neighborhoods Department
Revised 8/15/11

LaCree Carswell, Chief
Community Development Division

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CERTIFICATION

TO ADOPT THE SECTION 3 PLAN
TO COMPLY WITH 24 CFR, PART 135, SECTION 3
OF THE UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT ACT OF 1968, AS AMENDED

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds; and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the City of Jacksonville, Housing and Neighborhoods Department staff has developed a revised Section 3 Plan in adherence to 24 CFR, Part 135 that comprehensively addresses the standards and procedures prescribed in the Act; and

WHEREAS, the Section 3 Plan has been reviewed and approved by the City of Jacksonville, Housing and Neighborhoods Department management and staff and their comments incorporated into the Plan.

NOW, THEREFORE, BE IT CERTIFIED THAT the Housing and Neighborhoods Department authorizes the adoption and implementation of this Section 3 Plan to ensure compliance with Federal Law.

APPROVED AND ADOPTED this _____ day of _____, _____

Wight Greger, Director

Introduction

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3) ensures that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be directed to low- and very-low income individuals, especially recipients of government assistance for housing and to business concerns which provide economic opportunities to low- and very-low income individuals.

Section 3 requirements apply to all Recipients of HUD financial assistance in excess of \$200,000 and to contractors and subcontractors performing work in connection with Section 3 covered projects for which the amount of the contract exceeds \$100,000.

A business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence that the business concern qualifies as a Section 3 business concern. The Section 3 business must also be able to demonstrate its ability to complete the contract. The ability to perform successfully under the terms and conditions of the proposed contract is required of all contractors and subcontractors subject to the procurement standards of 24 CFR 85.36, 24 CFR 85.36b(8).

Contractors who do not qualify as Section 3 business concerns, but who enter into a contract with the assisted agency, must agree to comply with certain general conditions. All contractors and subcontractors, including Section 3 businesses, must comply with these general conditions. Included in these conditions is the requirement that each contractor and subcontractor submit with each pay request a report of Section 3 compliance (Appendix A). Failure to comply with these general conditions may lead to sanctions, which can include termination of the contract for default and suspension or debarment from future HUD-assisted contracts or denial of participation in future City of Jacksonville, Housing and Neighborhoods Department projects.

Please direct any questions you may have regarding this information to:

City of Jacksonville
Housing and Neighborhoods Department
Community Development Division
214 North Hogan Street, Suite 800
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Purpose

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u)(Section 3) requires the City of Jacksonville to ensure that employment and other economic opportunities generated by the Department of Housing and Urban Development (HUD) financial assistance, to the greatest extent feasible, be directed to public housing residents and other low-income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low- and very low-income persons.

General Policy Statement

It is the policy of the City of Jacksonville, Housing and Neighborhoods Department (HAND) to require its contractors to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The Housing and Neighborhoods Department (HAND) Section 3 policy shall, to the greatest extent feasible, result in the recruitment, employment, and utilization of Section 3 residents and business concerns for Section 3 covered contracts partially or wholly funded by the Community Development Block Grant (CDBG), the Housing Investment Partnership Program (HOME), and the Neighborhood Stabilization Program (NSP). HAND shall examine and consider a contractor's or vendor's potential for success in providing employment and business opportunities to Section 3 residents prior to acting on any proposed contract award.

SECTION 3 ACTION PLAN IMPLEMENTATION HOUSING AND NEIGHBORHOODS DEPARTMENT

The Section 3 provision of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3) requires the City of Jacksonville to ensure that employment and other economic opportunities generated by the department of Housing and Urban Development (HUD) financial assistance or H.U.D. assisted projects and other federally funded projects covered by Section 3, shall to the greatest extent feasible, be directed to low, and very low income persons, particularly persons who are recipients of H.U.D. assistance for housing. These provisions also require that contracting opportunities, to the greatest extent feasible, be directed to business concerns that provide economic opportunities to low and very low income persons.

Section 3 regulations, as outlined in 24 CFR, stipulate that wherever certain HUD financial assistance is given for housing and community development, economic opportunities should be provided, to the greatest extent feasible, to low and very low-income residents and businesses in that area. Specifically, these opportunities include training, employment and contracting. Section 3 regulations are enforced when any HUD funded project in excess of \$200,000.00 for the recipient (COJ) and \$100,000.00 for any contractor or subcontractor that involves housing construction, rehabilitation or other public construction.

In January of 2009, HUD issued an Imposed Resolution to the City for the purpose of addressing these requirements. The City agreed to make every effort to ensure that all

of the terms of the resolution were met. The Imposed Resolution will expire in January 2012. The City has since revised its Section 3 Plan to include strategies for notifications, monitoring, reporting, and record keeping. These strategies will be implemented to ensure effective monitoring of sub-recipients.

To accomplish these goals the Housing and Neighborhoods Department (HAND) will continue to improve efforts to strengthen collaborations with partnering agencies and non-profit agencies within the City of Jacksonville to promote greater accessibility and education of Section 3 priorities. These priorities will facilitate job creation and increase opportunities for sustainable business concerns by:

- i. Promoting education of Section 3 priorities to construction entities, sub-recipients and others regarding the importance of community strength building through effective Section 3 compliance. Section 3 is not an “entitlement” it is an opportunity.
- ii. Providing direction in building inclusive and sustainable business relationships to improve Section 3 participation.
- iii. Maintaining a comprehensive Section 3 program that facilitates meeting Section 3 numeric goals for the budget year 2010-2011 - \$5.69 million
 - a. 30-percent of new hires annually per project
 - b. 10-percent of the total dollar amount of all Section 3 covered contracts for building trades work - \$569,000.00
 - c. 3-percent of the total dollar amount of non-construction projects - \$170,700.00
 - d. 25-percent of the total dollar amount for Section 3 Business concerns - \$1,422,500.00

- iv. Development of a Section 3 resident database profile that identifies Section 3 Eligibility, federally funded construction training and other training program certifications.
- v. Ongoing monitoring of each federally funded project to insure full compliance.
- vi. Strategic planning to increase the numeric goals of each individual project to establish a model for Section 3 compliance.
- vii. Enhancement and monitoring ongoing enhancements a user-friendly website for increased accessibility and education.
- viii. Foster relationships with employment opportunity agencies and other entities to improve and sustain employment opportunities for Section 3 residents and business concerns.

These efforts will facilitate employment opportunities for federally funded projects, in addition to other employment opportunities created by private and public sector partnering. The Housing and Neighborhoods Department (HAND) will monitor and enforce Section 3 policy to the greatest extent feasible, resulting in the recruitment, employment and utilization of Section 3 residents and business concerns for Section 3 covered contracts partially or wholly funded by the Community Development Block Grant (CDBG), the Housing Investment Partnership Program (HOME), Neighborhood Stabilization Program (NSP) and all other federal funds. HAND will provide education and promotion of Section 3 residents and business concerns to monitor and achieve the goals and priorities of HUD's objective of sustainability in funded communities.

HAND will maintain a consistent and effective enforcement of policy and procedures that identify the specific requirements of CDBG funding and all other federal funding.

1. Enforce the policy and procedures of Section 3 participation as outlined in the Code of Federal Regulations Title 24, Volume 1, Part 135 and Appendix to Part 135.
2. Incorporate the Section 3 clause, Title 24, Volume 1, Part 135.38 verbatim into all contractual agreements with recipients, subrecipients, contractor, subcontractors and others receiving partially or wholly funding from CDBG funding. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
3. Encourage collaboration with all agencies to assist in monitoring and enforcement.
4. Maintain consistency in educating, bid review, bid recommendation, monitoring and enforcement of Section 3 regulations.
5. Provide review, approve and enforce Section 3 enforce guidelines for RFQ submittals to include specific language and provisions to achieve the numeric goals for each project.
6. Impose penalties to contractors failing to comply with Section 3 regulations with sanctions, debarment, suspension and denial of future participation in all City and federally funded projects.

The City of Jacksonville will require that all sub-recipients of federal funds follow the Section 3 Plan, to the greatest extent feasible, by providing contracting opportunities to Section 3 business concerns and improving access to employment opportunities for Section 3 residents. Sub-recipients will be required to attend a mandatory workshop on Section 3 procurement for purposes of revising their procurement policies and procedures to maximize opportunities for Section 3 residents and business concerns. In the evaluation of bids, sub-recipients will be informed of the process of evaluation in determining the lowest responsive bid based on criteria contained in the Invitation to Bid documents. HAND staff and Section 3 Program Coordinator will monitor and enforce compliance with all Section 3 funded projects track all Section 3 covered projects from inception to completion and assist agencies with Section 3 business and resident notifications, contract procurement, construction hiring process, contract compliance and enforcement of Section 3 regulations. Sub-recipients will be educated in the process when negotiating contracts with contractors to ensure compliance and the enforcement of HUD's regulations in 24 CFR part 135 which may result in sanctions, termination of the contract by default, and debarment or suspension from future HUD assisted contracts.

SECTION 3 IMPLEMENTATION

The previous year's activities will continue in to FY 2011-2012. Seven main goals are outlined below:

- i. Identify Section 3 residents and business concerns on HAND website and database.
- ii. Develop and implement new marketing strategies to include informational flyers, handouts and updates on the website to inform residents of training and employment opportunities

- iii. Establish a referral program with private sector partners and contractors;
- iv. Support the transition of low-income residents currently receiving federal or state assistance into stable self-sufficiency;
- v. Certify Section 3 residents and business concerns;
- vi. Train Section 3 sub-recipients on regulatory requirements;
- vii. Ensure that sub-recipients develop procurement practices to include the Section 3 provision for contracting preference and provide an evaluation of a bidder's ability to comply.
- viii. Development of a group of stakeholders; HAND, The Mayor's Office, Central Operations, Office of General Counsel, GAO, JHA, Procurement, EBO, Office of the Ombudsman and Public Works to facilitate Section 3 awareness and compliance.

To identify and certify Section 3 businesses, HAND will continue to collaborate with other City Departments to create a web-based Section 3 database as a direct source for contractors, Section 3 residents, business concerns and the general public to sort Section 3 business concerns by trade. EBO Contract Compliance Division will be the initial point of contact and site for Section 3 business concerns to complete the application for certification and receive technical assistance and notification of bidding opportunities through HUD assisted programs and all other federal programs.

To inform residents of employment and training opportunities, the Housing and Neighborhoods Department (HAND) will continue to partner and strengthen relationships

with the Jacksonville Housing Authority, Youth Build, Work Source, Florida State City of Jacksonville (FSCJ), Urban League, Goodwill – Job Junction, Project New Ground, Clara White Mission, CRC, Chamber of Commerce, Operation New Hope and others to establish a marketing and referral strategy to connect Section 3 residents with new job opportunities and training. Partnering agencies will utilize websites, public service announcements, job fairs, radio, television, community newspaper ads and citywide newspapers to advertise services and training. Flyers will be distributed in public housing Section 8 communities, job fairs and workshops.

HAND will conduct on-site training and quarterly training for contractors' projects to ensure that contractors, sub-contractors, and residents are informed of Section 3 regulations and compliance. All parties will develop a training session with our partnering agencies and registration of their business etc.

To ensure a comprehensive approach, a group of stakeholders HAND, Central Operations, the Office of General Counsel, GAO, JHA, Procurement, EBO, Office of the Ombudsman, the Mayor's Office and Public Works representing varied interests have been developed to implement Section 3 program requirements. By taking a comprehensive approach to implementation, we will be able to successfully ensure that all HUD programs and other federal funding requirements are met. The Section 3 Compliance Team will encourage coordination between city departments to ensure support and compliance with Section 3 city-wide by developing the Section 3 compliance team.

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Several goals for the 2011-2012 year are outlined below:

1. **Goal** - Identify Section 3 residents and business concerns:

Action Steps

- Promote an environment of qualified Section 3 residents and businesses through workshops with partnering agencies and bi-quarterly workshops for existing and new Section 3 concerns.
- Establish an accessible database for Section 3 eligible residents and potential employers to identify Section 3 eligibility as a referral system to be used by all partners, contractors and subcontractors.
- Establish an accessible Section 3 database to all sub-recipients, contractors, Section 3 businesses, residents and partnering agencies on HAND's website.
- Identify Section 3 resident certified training in the Section 3 resident database that list certifications to identify specific construction training and other qualifying experience to maximize resident visibility for increasing employment opportunities.

2. **Goal**- Develop and implement new marketing strategies to inform residents and business concerns of employment and training opportunities

Action Steps

- Provide ongoing employment and contracting opportunities information via e-mail, web-links and other to Section 3 residents and business concerns from the network of Partnerships (Jacksonville Housing Authority, Youth Build, Work Source, Florida State City of Jacksonville (FSCJ), Clara White Mission, CRC, Project New Ground
- Develop a network of information providers to announce up-coming job opportunities (i.e., JHA, Procurement Division, EBO Office, Contractors and HAND).
- Create a Section 3 link on the HAND and EBO website.
- Distribute information to local media (i.e., newspaper, public service announcements, etc.).
- Promote job fairs at the project site of awarded contracts with the General Contractor at public housing communities, and or community facilities to recruit Section 3 residents with local partners.

3. **Goal** – Establish a collaboration with experienced private sector partners and Section 3 business concerns.

Action Steps

- Develop partnerships between experienced and less experienced Section 3 business concerns through bi- annual workshops.
- Introduce residents and business concerns during the certification workshops and training meetings.

- Provide notices to all Certified Construction Training Programs to attend bi-annual workshops.
4. **Goal** – Support the transition of Section 3 residents currently receiving federal or state assistance into stable self-sufficiency.

Action Steps

- Provide resources to programs offering Section 3 residents training in self-sufficiency.
 - Maintain assistance to agencies that assist Section 3 businesses with the development of a business profile and other administrative activities.
 - Actively monitor sub-recipient programs to assure full Section 3 compliance and maximum employment opportunities.
 - Refer Section 3 residents and business concerns to small business incubator programs and encourage joint ventures.
 - Assist Section 3 residents with samples of Letters of Introduction to potential employment opportunities.
 - Facilitate partnerships with other agencies to maximize visibility to all employment opportunities.
5. **Goal** – Certify Section 3 residents and business concerns:

Action Steps

- Facilitate bi-annual workshops to certify Section 3 residents and business concerns.

6. **Goal** – Train Section 3 sub-recipients on regulatory requirements

Action Steps

- Provide mandatory sub-recipient training during the annual grant technical assistance workshops. Potential sub-recipients will be trained on Section 3 program requirements.
- Establish an on-going communication system through workshops and training.

7. **Goal** – Ensure that sub-recipients develop procurement practices that include the provision for contracting preference and provide an evaluation of a bidder's ability to comply.

Action Steps

- Review all sub-recipient procurement procedures for Section 3 policy statement.
- Monitor sub-recipient procurement policies and make revisions to include the Section 3 bid evaluation process.
- Work with the Procurement Division to advertise Section 3 bidding opportunities on their website, but separate from City bid advertisements.
- Instruct sub-recipients on the process of evaluating bids based on the criteria for the lowest and responsive bid.

Section 3 Clause

The Section 3 Contract Clause specifies the requirements for contractors hired for Section 3 covered projects. It must be included in all Section 3 covered contracts. All Section 3 covered contracts shall include the following clause (referred to as the Section 3 Clause):

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization representative, workers with which the contractor has a collective bargaining agreement, or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number of job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian Housing Assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

Contracting Policy and Procedure

The Housing and Neighborhoods Department will incorporate the Section 3 Plan into contracts and subcontracts over \$100,000 generated for use with federal funding. Policies and procedures will contain goal requirements for awarding contracts to Section 3 business concerns.

All business concerns seeking Section 3 preference must be certified, as appropriate. Certifications shall be adequately supported with appropriate documentation as referenced in the bid and application forms.

Resident Preference

Provide employment opportunities to Section 3 residents in the priority order listed below:

- A) Category 1 – Section 3 Resident**
Section 3 residents residing in the service area or neighborhood in which the Section 3 covered project is located
- B) Category 2 – Section 3 Resident**
Participants in HUD Youthbuild programs
- C) Homeless** Where the Section 3 project is assisted under the Stewart B. McKinney Homeless Assistance Act (2 U.S.C. 11301 et seq.), homeless persons residing in the service area or neighborhood in which the Section 3 covered project is located shall be given highest priority;
- D) Other Section 3 Residents**

Business Concern Preference

In compliance with Section 3, HAND requires contractors to direct their efforts, to the greatest extent feasible, towards Section 3 business concerns in the following order of priority:

- A) Category 1 Businesses**-Section 3 business concerns that provide economic opportunities for section 3 residents in the service area or neighborhood in which the Section 3 covered project is located.
- B) Category 2 Applicants** (as this term is defined in 42 U.S.C. 12899) selected to carry out HUD Youth build programs
- C) Other Section 3 business concerns**

Reporting and Record Keeping

The Housing and Neighborhoods Department will keep all records necessary to substantiate Section 3 accomplishments. The Section 3 Summary Report is submitted annually with the City of Jacksonville's Consolidated Annual Performance Report (CAPER), no later than December 31st.

Prime Contractors who award contracts to Section 3 sub-contractors must complete Part A of the Section 3 Contractor's Monthly Report, Appendix A. Contractors who provide training and employment opportunities must complete Part B of the Section 3 Contractor's Monthly Report. The Housing and Neighborhoods Department will submit form HUD-60002 annually to the Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity explaining efforts to achieve Section 3 compliance. Contractor records and reports will be kept on file as support documentation.

Monitoring Strategy

Every covered grant project exceeding the Section 3 threshold shall be monitored for compliance with Section 3. In addition, all contracts in excess of \$100,000 will be identified and monitored for compliance with Section 3.

The Housing and Neighborhoods Department, Community Development Division will conduct at least two compliance reviews each year. The first compliance review will take place prior to processing the sub-recipient's first payment reimbursement request. This review will include an analysis of the extent to which Section 3 Residents have been hired to fill new positions and Section 3 business concerns have been awarded contracts.

During this initial compliance review, the Community Development Division will consider the contractor's progress toward achieving the project goals for hiring and contracting as outlined in Title 24 Volume 1 Part 135.30. If the compliance review reveals that the contractor has not complied, the Community Development Division shall notify the contractor and sub-recipient, in writing of the deficiencies and provide a timeline for corrective action.

A follow-up mid-term compliance review will then be conducted to evaluate the contractor's hiring and contracting efforts. Contractors who have not met the numerical goals of Title 24 Volume 1 Part 135.30, at the mid-term review, must demonstrate why it was not feasible to meet these goals. A written justification must be provided explaining any impediments encountered despite actions taken to comply. The contractor may also describe other efforts to provide economic opportunities as listed in Section 135.40 if the numerical goals cannot be met. Continued non-compliance or refusal to comply will result in further penalty.

Results of Section 3 compliance and applicable records and information will be maintained in the Community Development Division's respective contract files. We will maintain a listing of all contracts and activities that were covered by Section 3 requirements and categorize them by program year.

Penalty for Non-compliance

Continued failure or refusal by the contractor to comply with Section 3 regulations shall result in sanctions, debarment, suspension and denial of participation in all Housing and Neighborhood Department programs. Specifically, the penalty for non-compliance will be:

1. First instance of non-compliance- warning
2. Second instance of non-compliance- monetary penalty
3. Third instance of non-compliance- debarment
4. Egregious action of non-compliance- immediate monetary penalty or debarment.

Certification Procedures

Resident Certification

HAND will utilize the Jacksonville Housing Authority's list of Section 3 residents who are seeking preference in training and employment.

- In order to qualify for employment, public housing residents must have their name(s) on a public housing lease, be current on rent, be at least eighteen years of age, and not be involved in any legal action with any law enforcement agency (ie. current documented eviction, criminal drug activity or trespassing).

Business Certification

Any business concern seeking Section 3 preference in the award of contracts or purchase agreements shall complete the Section 3 Business Application for Certification form, which can be obtained from the Equal Business Opportunity Division. The business concern seeking Section 3 preference must also be able to provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

Certifications for Section 3 preference can be submitted at the time of bid for approval. If EBO has previously approved the business concern to be Section 3 certified, then the certification letter can be submitted along with the bid. Certifications will expire after 1 year and must be renewed.

Efforts To Achieve Section 3 Hiring and Contracting Goals

Assisting Contractors to Achieve Goals

The City of Jacksonville will assist contractors with little or no experience in achieving Section 3 hiring and contracting goals by:

Requiring the contractor to present a list of the number of subcontracting and/or employment opportunities expected to be generated from the initial contract.

The City will provide contractors with a list of interested and qualified Section 3 residents for construction projects.

The City will provide contractors with a list of Section 3 business concerns interested and qualified for construction projects.

The City will review the new hire clause with contractors and subcontractors to ensure that the requirement is understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to employ Section 3 program participants before any other person, when hiring additional employees needed to complete proposed work to be performed with federal funds.

Awarding Contract Opportunities to Section 3 Business Concerns

The City of Jacksonville will ensure that sub-recipients and contractors use the following methods to notify and contact Section 3 business concerns when contracting opportunities exist.

- Advertise contracting opportunities via newspaper, mailings, posting notices that provide general information about the work to be contracted and where to obtain additional information.
- Provide written notice of contracting opportunities to all known Section 3 business concerns. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to the bid invitation.
- Coordinate pre-bid meetings at which the Section 3 business concerns would be informed of upcoming contracting opportunities in advance.
- Contact the City of Jacksonville Procurement Division, business assistance agencies, Minority and Women's Business Enterprise (M/WBE) contractor associations and community organizations to inform them of contracting opportunities and to request their assistance in identifying Section 3 businesses.

The City will conduct workshops on contracting procedures to include bonding, insurance, and other pertinent requirements, in a timely manner to allow Section 3 business concerns the opportunity to take advantage of any upcoming contracting opportunities.

The City will establish relationships with the Small Business Administration (SBA), Minority and Women's Business Enterprise M/WBE association, Community Development Corporations, and other sources as necessary to assist the City with educating and mentoring residents with a desire to start their own businesses.

Resident Recruitment, Training and Employment Goals

The City will develop resources to provide training and employment opportunities to Section 3 program participants by implementing the following:

- Training opportunities will be advertised by distributing flyers via mass mailings and posting in common areas of the housing developments as well as all public housing management offices.
- The resident councils, resident management corporations, as well as neighborhood community organizations will be contacted to request their assistance in notifying residents of the available training and employment opportunities.
- Ensuring that employment opportunities will be advertised by posting job vacancies in common areas of all of the housing developments as well as contacting resident councils, resident management corporations, and neighborhood community organizations.
- A database will be developed of certified Section residents of public housing and other Section 3 residents.
- A database will be developed of eligible qualified Section 3 Business concerns to contact with respect to the availability of contract opportunities.

Section 3 Compliance Strategy/Preference:

Bidders may comply with Section 3 by providing employment and/or training opportunities to residents of City public housing and/or other low-income persons for the performance of this contract, subcontracting with resident-owned businesses and/or subcontracting as described above. This requirement applies to Section 3 and non-Section 3 businesses. Any bidder not submitting a Section 3 Compliance Strategy will be deemed non-responsive. Some examples of efforts to achieve Section 3 compliance may be found in Attachment A.

If the Bidder plans to comply with Section 3 by providing employment and/or training opportunities to residents of City public housing and/or other Section 3 persons, the proposal must provide all information regarding any hiring/training duties, work, hours, and salaries. Bidders are required to submit, with their proposals on the form provided, their workforce requirements for performing the proposed contract regardless of whether additional hiring will be conducted. If additional hiring will not be conducted, the Bidder must, to the greatest extent feasible and consistent with all applicable laws, provide training to Section 3 persons.

SELECTION PROCESS

Award of any contract resulting from the solicitation will be made in accordance with Bid Specifications and HUD regulations. The committee will evaluate all responsive proposals received within the deadline specified in the Bid and will use the following procedure to award bid:

- a) The responsive proposals received within the established deadline, which meet the submission requirements of the Bid shall be evaluated by a Committee on the basis of the criteria set forth in the Bid. The Committee will evaluate each proposal in a fair and impartial manner, on its own merit.

The successful bidder shall be required to comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations issued pursuant thereto, as set forth in 24 CFR Part 135 Section 3, and all applicable rules, directives and orders issued by HUD there under. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment generated by a Section 3 covered contract be given to public housing residents and other low income persons residing in the metropolitan area, and subcontracts in connection with such contract be awarded to Section 3 covered business concerns that provide economic opportunities for Section 3 Residents in the service area or neighborhood in which the Section 3 covered project is located (category 1 businesses) and applicants selected to carry out HUD Youthbuild programs (category 2 businesses). A business concern seek to qualify for preference shall certify or submit evidence that the business concern is a Section 3 Business Concern as defined in Section 135.5.

Requirement of Resident-Owner Business and Section 3 Business Concern Representation:

A resident-owned business is defined as any business concern which is owned and controlled by public housing residents. (The term "Resident-Owned Business" includes sole proprietorships). For these purposes, "owned and controlled," means a business:

1. Which is at least fifty-one percent (51%) owned by one or more public housing residents; and
2. The management and daily business operations of which are controlled by one or more such individuals.

All securities that constitute ownership or control of a corporation for purposes of establishing the business as a resident-owned business and shall be held directly by the public housing residents. No securities held in trust, or by a guardian for a minor, shall be considered as held by the public housing resident in determining the ownership or control of a corporation.

Evaluation of Section 3 Proposals by Priority Ranking

Section 3 proposals will be evaluated by a committee consisting of a representative or designee of the following: the Housing and Development Department, the Architect/Engineer and the Sub-recipient/Department. Each Section 3 proposal will be separately evaluated. Grading of any criterion will be done in whole numbers with decimals exceeding 0.5 given the next higher score. If no responsive bid by a Section 3 Business Concern meets the requirements of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid. The evaluation criteria and points available are as follows:

1. Section 3 Economic Opportunities Plan (Appendix H) for Low and Very Low residents of the Project area:

10 available points

Ten points will be awarded to the Bidder who has an existing Section 3 Plan or who commits to start and use such a plan on the project (See Contractor Section 3 Economic Opportunities Plan Appendix H).

2. Section 3 Contracting and Employment Opportunities for Contractors and Residents of the Project area:

20 available points

Eligible Section 3 Bidders who hire subcontractors and residents from the service area to participate in the project may receive up to twenty (20) points based on the Federal requirements of 30% of new hires. Residents and contractors must submit evidence that they are a Section 3 resident or business concern in the project area or Section 3 Business Concerns as defined in Part 135.5. Tables A & B must be completed and returned with the bid package.

3. Training and Apprenticeship Programs

10 available points

Eight (8) points will be awarded to any Bidder who has an existing training or apprenticeship program for the designated Section 3 residents and Business Concerns that will be used on this project, or who commits to start and use such a program on the project (provide program description on company letterhead).

Two (2) additional points will be awarded for an apprenticeship or training program for Section 3 residents, which is directed toward training craftsmen or qualifying agents in trades that are required by state or local regulations to be certified, such as electricians, plumbers, HVAC mechanics, etc.

4. Jacksonville Small and Emerging Business (JSEB) Program

10 available points

Bidders who meet the requirements for the Jacksonville Small and Emerging Business Program (JSEB) will receive 10 Points. Provide JSEB certification letter(s).

5. Pricing

50 available points

50 points	First Lowest Bid
40 points	Second Lowest Bid
30 points	Third Lowest Bid
20 points	Fourth Lowest Bid
10 points	Fifth Lowest Bid

INSURANCE GENERAL

The amounts and types of insurance required should be reasonably commensurate with the hazards and magnitude of the undertaking, but in no event of lesser amount more restrictive than the limits of liability and schedule of hazard described below. Insurance should be tailored to the type of construction contemplated.

Without limiting its liability under the Contract Agreement, the CONTRACTOR shall procure and maintain at its expense during the life of the Contract, insurance of the types and in the minimum amounts stated below.

SCHEDULE	LIMITS
<u>Commercial General Liability, Occurrence Basis Only</u>	
Premises – Operations	\$2,000,000.00 Aggregate
Blanket X, C, U Hazards	\$1,000,000.00 per Occurrence
Products/Completion Operations	
Contractual Liability	
Independent Contractors	
Watercraft, if applicable	
<u>Auto Liability</u>	
All Autos Owned, Non Owned or Hired	\$1,000,000.00 Aggregate
Hired	\$1,000,000.00 per Occurrence
<u>Worker’s Compensation</u>	
Florida Statutory Coverage & Employer’s	
Liability (Including appropriate Federal Acts)	Statutory/ \$100,000.00

SECTION 3 PROPOSAL FORM

BID NUMBER: _____

BID DATE: _____

TO: _____

FROM: _____

In accordance with the advertisement inviting Proposals for the _____, subject to the specifications, standard specifications and details, and Addenda thereto, if any, all of the which are made a part of this Proposal, the undersigned proposes to construct the specified schedule resulting in a total Bid as follows:

TOTAL BASE BID

\$ _____ (Numerals)

_____ (Written)

The above said figures are understood to be the basis for establishing the amount of Bid Security and for comparison of Bids only.

A. PROPOSED SCHEDULE

All entries in the entire Proposal must be made clearly in ink. Proposals in which the prices are obviously unbalanced will be rejected.

B. BASIS OF AWARD

(2) Procurement by sealed bids (invitation for bids)- Preference in the award of Section 3 covered contracts that are awarded under a sealed bid (IFB) process may be provided as follows:

(i) Bids shall be solicited from all businesses (section 3 business concern and non-section 3 business concern). An award shall be made to qualified section 3 business concern with the highest priority ranking and with the lowest responsive bid, if that bid:

(a) is within the maximum total contract price established in the contracting party's budget for the specific project for which bids are being taken and

(b) is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:

x=lesser of:

When the lowest responsive bid is less than \$100,000.	10% of that bid or \$9,000.
When the lowest responsive bid is: At least \$100,000, but less than \$200,000.	9% of that bid, or \$16,000.
At least \$200,000, but less than \$300,000.	8% of that bid, or \$21,000.
At least \$300,000, but less than \$400,000.	7% of that bid, or \$24,000.
At least \$400,000, but less than \$500,000.	6% of that bid, or \$25,000.
At least \$500,000, but less than \$1million.	5% of that bid, or \$40,000.
At least \$1 million, but less than \$2 million.	4% of that bid, or \$60,000.
At least \$2 million, but less than \$4 million.	3% of that bid, or \$80,000.
At least \$4 million, but less than \$7 million.	2% of that bid, or \$105,000.
\$7 million or more.....	1 1/2% of the lowest responsive bid, with no dollar limit.

If no responsive bid by a Section 3 business concern meets the requirements of paragraph (2)(i) of this section, then contract shall be awarded to a responsible bidder with the lowest responsive bid.

C. REVISIONS OF BID PROPOSAL FORM

Request for revision of the Bid Proposal Form must be made to the ARCHITECT at least ten (10) days prior to date of opening Bids. Revisions of the Bid Proposal by the Bidder will void the Bid.

D. CONTRACT EXPIRATION DATE

The Contract expiration date shall be established as follows:
The notice to proceed date plus ten (10) calendar days for mobilization, plus the construction time established in the Proposal, plus time extensions pursuant to valid change orders (which shall establish the construction completion date), plus _____ days to assure a contract exists beyond the schedule construction completion date.

E. BID CHANGES

No changes in the amount of Bids appearing on the outside of Bids will be considered. Only the amounts shown on bidding documents inside the envelope will be considered. All changes, corrections and erasures must be initialed by the person signing the bid.

F. FEDERAL REQUIREMENTS FOR BIDDERS

Bidders must submit the following forms with their sealed bids:

- Section 3 Proposal Form,
- Tables A and B,
- Section 3 Business Application Certification Form (To Be completed by both the Contractor and Sub-contractors),
- Conflict of Interest,
- Letters of Intent,
- Section 3 Economic Opportunities Plan, Appendix "H", , in accordance with 24 CFR, Part 135.

All Bidders must comply with Title VI of the Civil Rights Act of 1964 (24 CFR, parts 1 and 2); Title VIII of the Civil Rights Act of 1968 (24 CFR, part 115); Federal Labor Standards Provisions (HUD-4010); the Davis-Bacon Act; the Anti-Kickback Act; and the Contract Work Hours Standard Act.

G. CONSTRUCTION COMPLETION

The Contractor shall begin work within _____ calendar days after issuance of the Notice to Proceed from the Owner to begin work. All work shall be completed within _____ days of Notice to Proceed.

H. SUBMITTAL STATEMENT

The undersigned Bidder certifies that this proposal is made in good faith, without collusion or connection with any other entity bidding on this work. The undersigned Bidder has examined and read (cover to cover) all Drawings, Specifications, General and Special Conditions, other Contract Documents, and all Addenda thereto; and is acquainted with and fully understands the extent and character of the work covered by this Proposal and the specified requirements, for the proposed work.

The undersigned Bidder certifies that no officer or agent of _____ (Agency or City Official) will directly or indirectly benefit from this Bid.

The undersigned Bidder states that this Proposal is made in conformity with the Contract Documents, and agrees that in case of any discrepancies or differences between its Proposal and the Contract Documents, the provisions of the latter shall prevail.

The undersigned Bidder certifies that it has carefully examined the foregoing Proposal after the same was completed and has verified every item placed thereon; and agrees to

indemnify, defend and save harmless _____, (Owner or City), against any cost, damage or expense which may be incurred or caused by any error in the Bidder's preparation of same.

The undersigned Bidder agrees to keep its bid in effect for 120 calendar days after the Bid Opening date to allow _____, (Owner), time to award the bid, should it be awarded, and time to prepare and execute the contract. This time period begins at the time bids are opened and ends upon the issuance of Notice to Proceed (NTP) by _____, (Owner). The bid prices shall remain in effect throughout the life of the Contract. Failure of _____, (Agency) to issue NP within the specified time period shall allow Bidder to withdraw its Bid and terminate its contract without penalty or forfeiture of Bid Bond. Failure of _____, (Owner) to issue NTP within the specified time period shall not entitle Bidder to an adjustment of its Bid prices, unless mutually agreeable by _____, (Bidder and Owner).

A Certified Check on _____ (or) Cashier's Check on _____ (or) Bid Bond properly executed by the undersigned and by qualified surety in the sum of _____ representing not less than five percent (5%) of the total amount of Bid, made payable to _____, Jacksonville, Florida, which the undersigned Bidder hereby deposits as guarantee of good faith and which it agrees to forfeit to _____, (Owner), not as a penalty, but as fixed and liquidated damages in the event it fails to enter into Contract, or fails to furnish the contract bond required in accordance with the Special Conditions within ten (10) days after receipt of the contract.

PRESIDENT

NAME OF BIDDER

SECRETARY

SIGNATURE AND TITLE

TREASURER

BUSINESS PHONE/EMERGENCY PHONE

BUSINESS ADDRESS

CITY, STATE & ZIP

(CORPORATE SEAL)

CONTRACTOR

SECTION 3 ECONOMIC OPPORTUNITIES PLAN

_____ (Contractor) agrees to utilize, and implement the following specific steps directed at increasing the utilization of lower income residents and businesses within the Section 3 covered area for this project as specified in these bid documents.

A. To list on Table A, the following information related to subcontracts to be awarded.

1. An approximate number and dollar value of contracts to be awarded over the duration of the Section 3 covered project (this estimate should be broken down by type of business or profession); and
2. Based on an analysis of the estimated contract needs, a target number and value of contracts to be awarded to Section 3 Business Concerns (these targets should consider the availability of Section 3 Business Concerns within the categories identified in the initial estimate of contract needs).

B. To provide a program or strategy for achieving the targets established for awards to Section 3 Business Concerns which would include the following steps:

1. To insert this Section 3 plan in all requests for subcontractor proposals, and to require all bidders on subcontracts to submit a Section 3 plan to the general contractor including utilization goals and the specific steps planned to accomplish these goals;
2. To insure that subcontractors, which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area;
3. To formally contact unions, subcontractors, and trade association to secure their cooperation for this program; and
4. To insure that all appropriate project area business concerns are notified of pending sub-contractual opportunities.
 - Loans, Grants, contracts and subsidies for less than \$10,000 will be exempt

- C. To list on Table B all projected trainee and employee workforce needs for all phases of this project by occupation, trade, skill level and number of positions. An estimated number of Section 3 area residents to be utilized in these areas must be included on Table B. Steps directed at meeting these goals are as follows:
1. To attempt to recruit from within the City the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
 2. To maintain a list of all lower income residents who have applied whether on their own or on referral from any source, and to employ such person, if otherwise eligible and if a vacancy exists.
- D. To maintain records, including copies of correspondence, memoranda, etc., as evidence that all of the above steps have been taken.
- E. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.

COMPANY NAME

PROJECT NAME

PROJECT NUMBER

SIGNATURE OF PERSON COMPLETING
FORM

PRINT NAME

DATE

FORM 4.2

CONFLICT OF INTEREST CERTIFICATE

Bidder must execute either Section I or Section II hereunder relative to Florida Statute 112.313. Failure to execute either Section may result in rejection of this bid proposal.

SECTION I

I hereby certify that no official or employee of the City or independent agency, requiring the goods or services described in these specifications has a material financial interest in this company.

SIGNATURE

COMPANY NAME

NAME OF OFFICIAL (Type or Print)

BUSINESS ADDRESS

CITY, STATE, ZIP CODE

SECTION II

I hereby certify that the following named City official(s) and employee(s) having material financial interest(s) in excess of 5% in this company have filed Conflict of Interest Statements with the Supervisor of Elections, 105 East Monroe Street, Jacksonville, Duval County, Florida prior to bid opening.

Name	Title or Position	Date of Filing

SIGNATURE

COMPANY NAME

NAME OF OFFICIAL (Type or Print)

BUSINESS ADDRESS

CITY, STATE, ZIP CODE

PUBLIC OFFICIAL DISCLOSURE

The Owner requires that a public official who has a financial interest in a bid or contract make a disclosure at the time that the bid or contract is submitted or at the time that the public official acquires a financial interest in the bid or contract. Please provide disclosure, if applicable, with bid.

Public Official _____

Position Held _____

Position or Relationship with Bidder _____

LETTER OF INTENT

TO PERFORM AS A SUBCONTRACTOR OR A SUPPLIER

(Name of Minority Subcontractor or a Supplier)

NAME OF PROJECT: _____ BID NO.: _____

MINORITY GROUP STATUS:

_____ African-American _____ Hispanic, Asian or Native American
_____ Woman Business Owner _____ JSEB
_____ Section 3

I, the undersigned, understand that the price below is representative of my intent to perform the scope of work stated below. I further understand that this price is subject to increase or decrease due to the City of Jacksonville Construction requirements. All work must meet the Architect's Specifications.

Scope of Work	Total Price
_____	_____

Signature: _____ Title: _____ Date: _____

Scope of Work and Price are covered under Base Bid only. Where alternate bid items are involved an attachment will be necessary.

Total price must be filled in on this form in order for participation to be considered valid. This form must be used for Letter of Intent.

TABLE A

PROPOSED SECTION 3 SUBCONTRACTOR: UTILIZATION BREAKDOWN

Type of Contract (Business or Profession)	Name of Subcontractor	Total No. Of Contracts	Total Approximate Dollar Amount	Estimated No. of Contracts to Section 3 Businesses	Estimated Dollar Amount to Section 3 Businesses

COMPANY NAME

PROJECT NAME

PROJECT NUMBER

SIGNATURE OF PERSON COMPLETING
FORM

PRINT NAME

DATE

TABLE B

ESTIMATED PROJECT WORK FORCE UTILIZATION BREAKDOWN

Job Category	Total Estimated Positions Needed for Project	No. Positions Occupied by Permanent Employees	Number of Positions Not Occupied	Number of Positions to be Filled with Section 3 Resident
Officer/Supervisors				
Professionals				
Technical				
Req. Sales/Rental Management				
Office/Clerical				
Service Workers				
Other				
TRADE:				
Journeyman				
Helpers				
Apprentices				
Trainees				
Others				
TRADE:				
Journeyman				
Helpers				
Apprentices				
Trainees				
Others				

<p>Section 3 Resident Individual residing within the Section 3 area whose family income does not exceed 50% of the median income in the Metropolitan Statistical Area (MSA) or in the county if not within a MSA in which the Section 3 covered project is located.</p>

SECTION 3 RESIDENT PREFERENCE CLAIM FORM

Eligibility for Preference

A Section 3 Resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient contractor or subcontractor, if requested, that the person is a Section 3 Resident, as define in Section 135.5.

I, _____, am a legal resident of Duval
(NAME)

County and qualify as a Section 3 Resident because I am a public housing resident OR meet the income guidelines as published at the bottom of this form. I have attached the following documentation as evidence of my status. (Check One):

- | | |
|--|--|
| <input type="checkbox"/> Drivers License or State ID
with current address | <input type="checkbox"/> Proof of public residency |
| <input type="checkbox"/> Copy of Evidence of participation
in a public assistance program | <input type="checkbox"/> Other Evidence |

Name _____ Telephone _____
 Title/Classification _____
 Address _____
 Company Name _____
 Project Name _____

**FY 2011
FAMILY INCOME GUIDELINES
\$66,400 Median Family Income**

Family Size	Extremely Low Income (30%)	Very Low Income (50%)	Moderate (80%)
1	\$13,950	\$23,250	\$37,200
2	\$15,950	\$26,600	\$42,500
3	\$17,950	\$29,900	\$47,800
4	\$19,900	\$33,200	\$53,100
5	\$21,500	\$35,900	\$57,350
6	\$23,100	\$38,550	\$61,600
7	\$24,700	\$41,200	\$65,850
8	\$26,300	\$43,850	\$70,100

Signature

Date

Print Name

**SECTION 3 CONTRACTOR'S
MONTHLY REPORT**

NOTES: THIS MONTHLY REPORT FORM MUST BE COMPLETED AND SUBMITTED WITH ALL REQUESTS FOR PAYMENT AND FINAL PAYMENT.

Prime Contractor Name: _____ Project Title: _____

Total Prime Contract \$ _____ Total Subcontracts _____

INVOICE INFORMATION				
Invoice No.		Current Invoice Amount \$:		
Report Period:				
A. SECTION 3 SUBCONTRACTING GOALS				
*This section is to be completed by Section 3 business concerns who have proposed to subcontract 25% of the dollar award to qualified Section 3 business concerns.				
1. Total dollar amount of ALL Subcontracts \$ _____	3. Section 3 Goals Accomplished% _____ (=Section 3 Subcontracts ÷ Total ALL Subcontracts)			
2. Total dollar amount of Section 3 Subcontracts \$ _____				
B. SECTION 3 EMPLOYMENT AND TRAINING GOAL TRACKING				
*This section is to be completed by Section 3 business concerns who have proposed to provide employment and training of Section 3 residents.				
a. Total Number of Re-hires# _____				
b. Total Number of Re-hires that are Section 3 Residents _____				
SUBCONTRACTOR COMPANY NAME	TRADE	AMOUNT OF SUBCONTRACT \$	TOTAL # NEW HIRES	TOTAL # SECTION 3 NEW HIRES
<i>Ex: BGC Contracting</i>	<i>Plumbers</i>	<i>\$12,000</i>	<i>5</i>	<i>3</i>
*Attach a sheet if additional lines are needed				

Definitions

Applicant – Any entity which makes an application for Section 3 covered assistance, and includes, but is not limited to, any State, unit of local government, public housing agency or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association.

Assistant – the Assistant Secretary for Fair Housing and Equal Opportunity.

Business Concern – a business entity formed in accordance with State law, and which is licensed under State, county or municipal law to engage in the type of business activity for which it was formed.

Contractor - any entity which contracts to perform work generated the expenditure of Section 3 covered assistance, or for work in connection with a Section 3 covered project.

Employment Opportunities Generated by Section 3 Covered Assistance – all employment opportunities generated by the expenditure of Section 3 covered public assistance (i.e. operating assistance, development assistance and modernization assistance, as described in Section 135.3 (a) (1)). With respect to Section 3 covered housing and community development assistance, this term means all employment opportunities arising in connection with Section 3 covered projects (as described in Section 135.3 (a) (2)), including management and administrative jobs. Management and administrative jobs include architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities, (e.g. construction manager, relocation specialist, payroll clerk, etc.)

Housing Authority (HA) – Public Housing Agency.

Housing Development – low-income housing owned, developed, or operated by public housing agencies in accordance with HUD's public housing program regulations codified in 24 CFR Chapter IX.

HUD Youthbuild Programs – programs that receive assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899), and provide disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low- and very low-income families.

JTPA – The Job Training Partnership Act (29 U.S.C. 1579 (a)).

Low-income person – families (including single persons) whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary of the U.S. Housing and Urban Development, with adjustments for smaller and larger families. However, the Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families.

Metropolitan Area – a metropolitan statistical area (MSA), as established by the Office of Management and Budget.

New Hires – full-time employees for permanent, temporary or seasonal employment opportunities.

Recipient – any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State unit of local government, PHA, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

Section 3 – Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

Section 3 Business Concern – a business concern, defined as follows:

- 2) That is 51 percent or more owned by Section 3 resident: or
- 3) Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or
- 4) That provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontractors to be awarded to business concerns that meet the qualifications set forth in paragraphs 1 or 2 above.

Section 3 Covered Assistance –

- 1) public housing development assistance provided pursuant to Section 5 of the 1937 Act;
- 2) public housing operating assistance provided pursuant to Section 9 of the 1937 Act;
- 3) public housing modernization assistance provided pursuant to Section 14 of the 1937 Act;
- 4) assistance provided under any HUD housing or community development program that is expended for work arising in connection with housing rehabilitation, construction, or other public construction project (which includes other buildings or improvements, regardless of ownership).

Section 3 Clause – the contract provisions set forth in Section 135.38.

Section 3 Covered Contracts – a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project.

Section 3 covered contracts do not include contracts awarded under HUD’s procurement program, which are governed by the Federal Acquisition Regulation (FAR). Section 3 covered contracts also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Section 3 Covered Project - the construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

Section 3 Resident – a public housing resident or an individual who resides in the metropolitan area or non-metropolitan county in which the Section 3 covered assistance is expended and who is considered to be a low-to very low-income person.

Subcontractor – any entity (other than a person who is an employee of the contractor) which has a contract with a contractor to undertake a portion of the contractor’s obligation for the performance of work generated by the expenditure of Section 3 covered assistance, or arising in connection with a Section 3 covered project.

Very low-income person – families (including single persons) whose income do not exceed 50 percent of the median family income for the area, as determined by the Secretary of HUD with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of median for the area on the basis of the Secretary’s findings that such variations are necessary because of unusually high or low family incomes.