

SECTION 3 ACCOMPLISHMENTS 2012-2013

Title 24 CFR, Part 135, (a) *Section 3*. The purpose of section 3 of the Housing Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons of Metropolitan Statistical Areas (MSA) expended for housing and community development activities. Section 3 also ensures that contracts are awarded to businesses that commit to hire residents in low-income neighborhoods. Pursuant to Title 24 CFR, Part 135, the City of Jacksonville, Neighborhoods Department, Housing and Community Development Division adopted the current 2011-2016 Section 3 Action Plan on August 15, 2011. The plan was later revised in February 2012 to include a monitoring and compliance strategy. The Department has made continued progress in implementing and sustaining the eight main goals outlined in our plan. Our 2012-2013 accomplishments are as follows:

Goal #1 - Identify Section 3 Residents and Business Concerns on HCDD website and database.

The Neighborhoods Department continues to identify qualified Section 3 residents and Business concerns through partnerships as the City's EBO office, Work Source, Youthbuild, Jacksonville Housing Authority (JHA), Florida State City of Jacksonville (FSCJ), Community Rehabilitation Center (CRC), Clara White Mission, Operation New Hope/Ready4Work, I.M. Sulzbacher, EmployFlorida and Job Corps of Jacksonville.

HCDD has developed these partnerships to assist in maintaining a perpetual Section 3 central database for Section 3 resident's profiles and Business concerns. Resident profiles to include Section 3 eligibility, construction experience and other qualifying certifications. Section 3 businesses are included in the database upon receipt of qualifications, review, approval and formal certification by the EBO office. The database provides contractors seeking Section 3 eligible residents and business concerns a direct source of qualified resources.

HCDD's outreach and partnerships with WorkSource, EmflyFlorida and other agencies has increased Section 3 database profiles that are providing construction and non-construction related training. Individuals meeting the residency and or income requirements are included in the EmflyFlorida database as Section 3 eligible. The database provides a central location for employers seeking eligible employees that qualify for Section 3 and other federally funded projects. The HCDD Section 3 webpage provides specific information on the Section 3 program, directory access and links to partnering agencies. Additionally, partnering agencies employee resources are identified in all CDBG covered project RFP's Training and Apprenticeship Program Referrals.

<http://www.coj.net/departments/neighborhoods/housing-and-community-development/section-3.aspx>

Goal #2 - Develop and implement marketing strategies to inform residents and businesses concerns of employment and training opportunities.

The Labor Standards/Section 3 Compliance Coordinator continues to facilitate strategic recruitment to ensure responsible and effective outreach on the opportunities generated by CDBG covered projects. The Department has effectively continued marketing Section 3 employment and training opportunities by notifying public and private agencies, community organizations and partnering agencies to provide

notification of employment and contracting opportunities. Notifications of Section 3 contracting opportunities and other federally funded projects are forwarded via e-mail to all certified Section 3 contractors from the City of Jacksonville EBO's Section 3 database. Notices are also posted in the City's permitting office to provide general information regarding project specifications and where to obtain additional information.

The Neighborhood Department, HCDD provides ongoing updates to the existing webpage that offers specific information for those seeking employment eligibility requirements, agencies offering training and certification programs and links to provide direct access to Section 3 business concerns. The 2012/13 fiscal year included quarterly technical assistance workshops for Section 3 Vendors and ongoing technical assistance to increase opportunities with the program. Contractors were also provided technical assistance with the process of submitting responsive responsible bid submittals. Pre-qualified contractors are responsible for attending a mandatory Section 3 Technical Assistance meeting to maintain their ability to bid on Limited Repair Projects (LRP); Emergency Repair Projects (ERP) and Utility Tap In Program (UTIP). The department is in the process of facilitating meet and greets events for established businesses to meet the current (151) qualified and certified Section 3 Business Concerns. HCDD has encouraged smaller Section 3 business concerns to partner to increase participation and success in the bidding process.

Goal #3 - Establish a referral program with experienced private sector partners and contractors.

The City of Jacksonville is facilitating a referral program of new and established private sector partners to promote the benefits of Section 3 and the accessibility of the Section 3 resident database and certified Section 3 vendor database. Private sector partnerships will create a network of opportunity for those providing training and others soliciting qualified Section 3 residents and vendors.

The Section 3 database was established through a network of partnerships as WorkSource and EmplifyFlorida to identify an available pool of resources to assist in meeting the objectives of increasing opportunities for Section 3 Vendors and residents. These partnerships have generated opportunities for Section 3 residents by increasing the number of training and hiring opportunities and strengthening Section 3 business concerns by strategically building their capacity to bid on all Public Facility Improvement (PFI), NSP, HOME, Limited Repair Projects (LRP), Utility Tap In Program (UTIP), Clearance and Demolition and other federally funded and privately funded projects.

Goal #4 - Support the transition of Section 3 residents currently receiving federal or State assistance through funded programs as Ready4Work and Clara White Mission.

HCDD has demonstrated a commitment to the transition of Section 3 residents receiving federal or state assistance into self-sufficiency by providing an effective referral base of partnering agencies creating employment opportunities through numerous housing construction, housing rehab, and other public and private construction projects.

Partnerships with WorkSource and EmplifyFlorida has ensured residents of accessibility to employment opportunities by identifying qualified individuals as Section 3 eligible in a database profiling employment history, training and certifications. The database allows Section 3 residents to be included in an environment that highlights their profile to both public and private sector businesses which increases their opportunity for employment and towards self-sufficiency.

Goal #5 - Certify Section 3 residents and businesses.

The City of Jacksonville EBO's office is central to receiving applications and certifying qualified business applicants to be included in the Section 3 database which is available to anyone seeking qualified Section 3 eligible residents and business concerns. The HCDD partnership with Work Source and EmployFlorida continues to lead in assisting to increase the database of Section 3 eligible resident's profiles and certifications and they all assist with on-site application processing during the (3) job fairs of Section 3 covered project sites. There are approximately (151) Certified Section 3 Businesses in the City of Jacksonville's vendor database and (674) Section 3 Eligible residents identified in the resident database.

Goal #6 -Train Section 3 sub-recipients and businesses concerns on regulatory requirements.

The Department requires that all sub-recipients attend a bi-annual scheduled orientation on all regulatory requirements of the Section 3 program. Sub-recipients will be trained on responsibility and implementation of Section 3 Regulations, 24 CFR, and Part 135 prior to accepting Section 3 covered assistance from the Neighborhood Department, HCDD. All subrecipients are required to review and sign the HCDD Section 3 Post Award Acknowledgement (reference Attachment A) document for their understanding as it relates to their project specific compliance responsibilities. Technical assistance will be provided at pre-bid meetings to assist sub-recipients and contractors with specific Section 3 and federal funding project requirements as related to the Request for Proposals (reference Attachment B).

Further assistance is provided to awarded contractors and sub-recipients at pre-construction meetings emphasizing compliance, monitoring and documentation. Sub-recipients will be informed of the responsibilities of the required documentation to execute pay requests. Contractors submitting pay requests and fail to provide the required supporting documentation are issued Notices of Non-Compliance. Failure to provide this documentation may result in delays in processing pay requests. Contractors continued failure to meet the specific commitments of their award can result in non-payment, suspension or being prohibited from bidding or proposing on, being awarded and/or performing work on future contracts.

The Department's training efforts has increased Section 3 certifications and increased efforts of contractors meeting the numeric goals for each covered project. The Section 3 webpage is updated to include FAQ's, Title 24 Part 135, HUD brochure, Section 3 Clause, Section 3 Directory, Section 3 Action Plan, Section 3 Accomplishments, Complaint Process and Section 3 definitions to further assist in understanding regulatory requirements.

The Labor Standards Coordinator (LSC) is responsible for the proper administration and enforcement of the Federal Labor Standards provisions on projects covered by Davis-Bacon requirements. The LSC conducts a minimum of (4) routine site interviews per project to ensure compliance with Davis-Bacon regulations. The Labor Standards Spreadsheet (reference Attachment C) provides a basis of accurately computing wages and fringe benefits to determine the appropriate wages for each employee according to their respective job classifications. Wages and fringe benefits that are determined to be deficient will be noted as *Exception* prompting a notice to the contractor responsible for compliance for the project. The affected employee(s) that are determined to be underpaid will be paid a wage restitution according to the appropriate wages and fringe benefits for the project. Contractors responsible for providing wage restitutions must be paid promptly and are responsible for providing corrected certified payrolls.

Goal #7 Ensure that sub-recipients develop procurement practices that include the Section 3 provision for contracting preference and provide an evaluation of a bidder's ability to comply.

All Neighborhood Department, HCCD sub-recipients are required to submit revised procurement procedures to include a Section 3 policy statement. (a) *Section 3*. The purpose of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (section 3) is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons. (b) *Part 135*. The purpose of this part is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met. Subrecipients are required to include the Section 3 Clause in all agency/contractor contractual agreements; contractor/subcontractor agreements and subcontractor/subcontractor agreements.

Subrecipients are instructed on the processes required for CDBG; PFI/NSP/Limited Repair, Rental Rehabilitation and UTIP RFP solicitations, review, notifications and evaluation for the lowest responsive-responsible bid submittals. Evaluations of Section 3 Proposals by Priority Ranking are evaluated by an Evaluation Committee consisting of the sub-recipient, the City of Jacksonville Section 3 Compliance/Labor Standards Coordinator, Project Manager and other HCDD program staff.

All bids are evaluated and selected in a fair and impartial manner, on their own merit. They are ranked and rated according to the lowest Guaranteed Maximum Price (GMP) and Section 3 compliance to determine the lowest responsive-responsible bidder. The department will provide ongoing technical assistance to ensure that all subrecipients effectively monitor for compliance, submission of proper documentation and responsiveness to all issues related to non-compliance.

The Section 3/Labor Standards Coordinator is responsible for providing ongoing monitoring for compliance for each pay request submittal and Section 3 Reporting through the Section 3 Compliance Review-Pay Request, Section 3 Monthly Report, Subcontractors List (Table A) and Section 3 Preference Claim Form(s) (reference Attachment D, Exhibits 1,2,3 and 4) to verify project specific compliance requirements. Failure to provide this documentation may result in delays in processing pay requests. Contractors continued failure to meet the specific commitments of their award can result in non-payment, suspension or being prohibited from bidding or proposing on, being awarded and/or performing work on future contracts. The department is currently in the process of creating a Construction Compliance Evaluation (reference DRAFT Attachment E) for the purpose of identifying infractions and imposing penalties to contractors who fail to maintain their responsibility to the commitments presented in their Section 3 Economic Opportunities Plan (reference Attachment F) and RFP submittal.

Goal #8 – Development of a group of stakeholders to facilitate Section 3 awareness and monitoring.

HCDD has facilitated the structuring of the Section 3 Compliance Team that includes Neighborhood Department, Housing and Community Development Division, Office of the Ombudsman, Central Operations Office, Office of General Counsel, JHA, Public Works, Youthbuild and EBO. The group has also included partnering agencies such as WorkSource, EmployFlorida, Florida State City of Jacksonville (FSCJ), Community Rehabilitation Center (CRC), Clara White Mission, Operation New Hope and the Job Corps. Our goal is for the group to meet quarterly to discuss issues that will further the development of the Section 3 program to create self-sufficiency and sustainability. Increase awareness and monitoring continues to identify areas requiring improvement to meet and exceed the numeric goals of the Section 3 program. Each partner is provided with the annual goals and

objectives of the Section 3 program annually. The group discusses processes of achieving these goals throughout the fiscal year. Successes are acknowledged and adjustments are made to the Rating and Ranking process to meet the numeric goals of the program and create sustainable opportunities for Section 3 Residents and Business concerns.

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EMPLOY FLORIDA

Employ Florida links all of Florida's state and local workforce services and resources. The partners are [Workforce Florida](#), the state policy and oversight board, and the [Department of Economic Opportunity](#), the state agency which administers workforce funds. At the local level, there are [24 regional workforce boards](#) that administer more than 80 "[one-stop centers](#)." The **Employ Florida** toll free number is 1-866-FLA-2345.

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CDBG Construction Contracts Public Facilities and Improvements (PFI)

In FY 2012-2013, the Neighborhoods Department, HCDD awarded eight (8) prime construction contracts with CDBG funds totaling \$1,243,059.75. Seven (7) of the (8) contracts awarded were to Section 3 Prime Contractors in the amount of \$1,222,869.00. There were (8) contracts that were awarded to Section 3 subcontractors in the amount of \$370,497.00. The City of Jacksonville has demonstrated their commitment to meeting and exceeding the minimum numeric goals of 10 percent of the total dollar amount of all section 3 covered contracts as outlined in Title 24 Part 135.30(iii)(c). Ninety-nine percent (99%) of the funded CDBG Construction Contracts Public Facilities and Improvements projects were awarded to Section 3 Prime contractors. Thirty-one percent (31%) of the funded CDBG projects were awarded to Section 3 subcontractors.

*The Public Facilities and Improvements Projects (PFI) **exceeded** its minimum goals by eighty-nine percent (89%).*

- Acon Construction Company, a Section 3 Prime Contractor was awarded a prime contract for \$703,800.00 for Clara White Mission-Beaver Street Villas. There were (2) Section 3 Subcontracts awarded in the amount of \$208,558.00. 30-percent of the awarded subcontracts were contracted to Section 3 subcontractors.
- Onyx Construction Inc., a Section 3 Prime Contractor was awarded a prime contract for \$49,340.00 for Daniel Memorial-Woodcove Cottage Renovations. There were (3) Section 3 Subcontracts awarded in the amount of \$28,679.00. 59-percent of the awarded subcontracts were contracted to Section 3 subcontractors.
- Acon Construction Company a Section 3 Prime Contractor was awarded a prime contract for \$132,439.00 for Grace and Truth CDC-Norwood Auditorium Renovations. There was (1) Section 3 Subcontract awarded in the amount of \$38,500.00. 29-percent of awarded subcontracts were contracted to Section 3 subcontractors.
- Security 101, a non-Section 3 Prime Contractor was awarded a prime contract for \$19,740.75 for Jacksonville Public Library-Project Safe Places/West Regional Security Cameras. (There were no Section 3 contractors awarded bids on the contract due to the specialty equipment and installations for the project).
- Acon Construction Company, a Section 3 Prime Contractor was awarded a prime contract for \$299,900.00 for Northwest Jacksonville CDC-Northpoint Phase II/NorthPoint Town Center Commercial Retail Build-Out of (5) commercial spaces. There were (2) Section 3 Subcontracts awarded in the amount of \$94,760.00. 32-percent of awarded subcontracts were contracted to Section 3 subcontractors.
- Adrian Hayes Construction, a Section 3 Prime Contractor was awarded a prime contract for \$14,250.00 for Women's Center of Jacksonville – Insulation Project.

- Express Concrete, a Section 3 Prime Contractor was awarded a prime contract for \$14,650.00 for the City of Atlantic Beach – Sidewalk and drainage project.
- A Plus Construction Services, a Section 3 Prime Contractor was awarded a prime contract for \$8,490.00 for the City of Atlantic Beach – Sidewalk and drainage project.

CDBG Construction Contracts Public Facilities and Improvements (PFI) projects created 29 new-hires. Of the 29 new-hire(s) 27 were Section 3 new-hires. *The CDBG/PFI projects **exceeded** its minimum hiring goals by sixty-four percent (64%).*

CDBG Construction Contracts –Housing Repair Programs

The Limited Repair Program (LRP) funded (23) properties with CDBG funds in the amount of \$1,000,000.00 (**\$765,341.18 expended**). There were (3) Section 3 Prime contracts awarded in the amount of \$319,256.00 which represented forty-two percent of awarded contracts were contracted to Section 3 Prime contractors. *The Limited Repair Program (LRP) **exceeded** its minimum goals of ten-percent by thirty two-percent (32%).*

The Utility Tap In Program (UTIP) funded (35) properties with CDBG funds in the amount of \$300,000.00 (**\$300,000.00 expended**). There were (5) Section 3 Prime contracts awarded in the amount of \$143,890.00. 48-percent of awarded contracts were contracted to Section 3 Prime contractors. *The Utility Tap In Program (UTIP) **exceeded** its minimum goals of ten-percent by thirty eight-percent (38%).*

NSP Construction Contracts Housing Rehab and New Construction for Ownership

In FY 2012-2013, the Neighborhoods Department, HCDD awarded two (2) prime construction contracts with NSP funds totaling \$1,813,175.00. One prime contractor was Section 3 and was awarded \$75,975.00. Four percent of the funded NSP projects were awarded to Section 3 prime contractors. Thirteen (13) Section 3 sub-contractors were awarded \$1,145,520.00 in subcontracting opportunities. Sixty three percent (63%) of the funded NSP projects were awarded to Section 3 subcontractors. *The NSP Construction Contracts Housing Rehab and New Construction for Ownership **exceeded** its minimum goals by thirty fifty three-percent (53%).*

CDBG NON-CONSTRUCTION PROJECTS:

NSP Non-Construction Contracts

The total amounts for the non-construction: NSP 3 = \$114,480

HOME Projects for Ownership

\$56,006

Clearance and Demolition

In FY 2012-2013, Municipal Code and Compliance was funded with CDBG funds for tree site clearances for (220) multiple sites with CDBG funds in the amount of \$270,233.00.

Economic Development

In FY 2012-2013, Economic Development was funded with CDBG funds in the amount of \$893,225.00. Intra- Governmental Grant Management was funded \$200,000 for downtown Jacksonville Façade Program. Intra Governmental Mayor’s Office was funded \$650,000.00 for the Northbank Economic Fund.

The Jacksonville Chamber Foundation

The Jacksonville Chamber Foundation was awarded \$43,225.00 to pay salaries, wages and employee benefits for 14% of (1) Senior Director of the Entrepreneurial Growth Division and 82% of (1) Small Business Center Manager to provide (10) low and moderate income small business owners developing micro-enterprises with technical assistance.

City of Jacksonville Inter-Local Beach Communities Agreement

In FY 2012-2013, City of Atlantic Beach-PFI Infrastructure Sidewalk Improvements was funded with CDBG funds in the amount of \$80,497.00. C.A.P.E was funded \$63,982.00. Carver Center Recreation was funded \$62,833.00. The Utility ill Assistance Program was funded \$10,295.89. The total amount funded for the City of Jacksonville Beach was \$137,110.89.

City of Neptune Beach – Senior Activity Program was funded with CDBG funds in the amount of \$43,969.00.

Public Service Funding: \$641,463.00 – 17 Projects

City of Jacksonville-Foster Grandparent Program	\$ 30,210.00
City of Jacksonville-Independent Living Program	\$121,220.00
City of Jacksonville-Special Programs for Older Adults	\$ 48,239.00
Catholic Charities Bureau	\$ 52,551.00
Clara White Mission	\$ 59,003.00
Community Connections	\$ 25,873.00
Edwards Waters College	\$ 26,752.00
Intra-Government/Jax Children's Commission	\$ 37,500.00
Jacksonville Area Legal Aide	\$ 30,258.00
Jacksonville Sheriff's Office	\$ 21,613.00
JHA-Brentwood Computer Literacy Program	\$ 21,613.00
JHA-Family-Self Sufficiency	\$ 21,613.00
Northwest Jacksonville CDC	\$ 21,613.00
Parks and Recreation/YouthBuild	\$ 25,873.00
Pine Castle	\$ 29,868.00
The Arc Jacksonville	\$ 27,644.00
The Bridge of NE Florida	\$ 40,000.00

V.C.A. HISTORY

In August of 1995 a Voluntary Compliance Agreement (V.C.A.) was enacted between the United States of America Department of Housing and Urban Development and Alfair Development Company (Grievant) and the City of Jacksonville (Respondent) based on a verified grievance and alleged non-compliance by the City of Jacksonville. (See Attachment G).

SECTION 3 IMPOSED RESOLUTION

On June 13, 2013 the City of Jacksonville provided updates with supporting documentation to the U.S. Department of Housing and Urban Development (HUD) in response to the Voluntary Compliance Agreement requests and in accordance with the specific requirements identified by HUD. The following information was provided for their review and approval. The City of Jacksonville is currently awaiting a response and final determination on the status of the Imposed Resolution and Voluntary Compliance Agreement.

- 27- Funded Projects identifying notification to all Section 3 Vendors and Alfair Development.
 1. Fiscal Year 2009-2010 (11) projects highlighted) - (6) Formal RFP's/(5) Request for Quotations
 2. Fiscal Year 2010-2011 (7) projects highlighted) - (5) Formal RFP's/(2) Request for Quotations
 3. Fiscal Year 2011-2012 (9) projects highlighted) - (5) Formal RFP's/(4) Request for Quotations
- Posted Notice of Section 3 Action Plan for Fiscal Year 2012-2013 on City of Jacksonville Section 3 Website.
<http://www.coj.net/departments/neighborhoods/housing-and-community-development/section-3.aspx>
- Posted Notice of Section 3 Accomplishments for Fiscal year 2011-2012 on City of Jacksonville Section 3 Website.
- Section 3 Action Plan Narrative Fiscal Year 2012-2013.
- Section 3 Accomplishments Fiscal Year 2011-2012.

In January of 2009, HUD issued an Imposed Resolution to the City for the purpose of addressing the requirements of Section 3. The City did not wish to appeal the terms of the resolution and agreed to make every effort to ensure that all of the terms of the resolution were met for the duration of the agreement.

Since the initiation of the Imposed Resolution, the City has submitted a revised Section 3 Action Plan to include strategies for monitoring, reporting, and record keeping. Three new goals were added 1) Goal #6 Train Section 3 sub-recipients on regulatory requirements 2) Goal #7 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 and goal # 8 Development of a group of stakeholders to facilitate Section 3 awareness and monitoring.

To address these three new goals, all sub-recipients were asked to revise their current procurement policies and procedures to include provisions for contracting preference and evaluation of Section 3 covered bids. The revised policies and procedures can be obtained from the HCDD program files.

The Neighborhoods Department has also established a working group to determine the number of Section 3 projects in the City requiring compliance monitoring and to establish a process for notification and tracking of Section 3 projects throughout the City. The working group consists of the Neighborhoods, HCDD, the City's Central Operations Department, Grants Management Office, Procurement Division, Equal Business Opportunity Office, Public Works and the Jacksonville Housing Authority. They are tasked with developing the necessary processes to ensure efficiency and effectiveness of the Section 3 program. Effective May 2011, HCDD hired a Labor Standards/Section 3 Compliance Coordinator to assist with promotion, monitoring, technical assistance, record keeping, compliance and meeting the numeric goals of the projects.

Reporting and Record Keeping

The Department is responsible for the collection and maintaining of data for the purposes of reporting contracting, subcontracting and hiring activity for the annual HUD 60002 Report Section 3 Summary Report, HUD 4710 Semi-Annual Labor Standards Report and the HUD 2516 – Contractor/Subcontractor MBE Report for all CDBG covered projects.

Contractors are responsible for providing a Section 3 Contractor's Monthly Report to identify Section 3 Business Concerns percentage participation and Section 3 resident hiring with each pay request. Contractor's failure to provide the required documentation may result in delays in payments, non-payment, suspension or being prohibited from bidding or proposing on, being awarded and/or performing work on future contracts.

Additionally, subcontractors who agreed to provide training and employment opportunities are required to report their hiring activity to the prime contractor to be included in their monthly report.

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

Monitoring Strategy

The monitoring compliance strategy for all Section 3 covered projects will initialize at all mandatory Pre-Construction meetings. The Section 3 Coordinator and Evaluation Team will verify contractor responsibility as represented in their RFP submittal. Contractors selected as the lowest –responsive responsible bidder as determined by the Basis of Award must validate their commitments for Section 3 prior to engaging in any contractual agreement for any Section 3 covered project.

All contractors will be required to submit a Section 3 Monthly Report with each pay request to verify contractor commitments of hiring Section 3 Residents and hiring of Section 3 sub contractors providing hiring opportunities for Section 3 Residents. Contractors are responsible for providing the supporting documentation i.e., Section 3 Preference Claim Forms and Table A verifying eligibility of all new-hires and verification of all subcontractors performing services on the projects identified in the RFP. These documents provide a monthly accountability of Section 3 commitments.

Compliance reviews by the Housing and 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 HCDD shall notify the contractor and sub-recipient, in writing of the deficiencies and provide a timeline for corrective action.

Ongoing compliance review for the duration of the project will 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, 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, failure or refusal to comply to meet their specific commitments of their award may result in penalties for non-compliance i.e., delays in processing future pay requests non-payment, suspension or being prohibited from bidding or proposing on, being awarded and/or performing work on future contracts.

Penalty for Non-Compliance

Penalties will be imposed on contractors who consistently demonstrate failure or refusal to comply with Section 3 regulations. These actions shall result in sanctions, debarment, suspension and denial of participation in all Neighborhoods Department, Housing and Community Development Division programs. Specifically, the penalty for non-compliance will be: The department is currently in the process of creating a Construction Compliance Evaluation (reference DRAFT Attachment E) for the purpose of identifying infractions and imposing penalties to contractors who fail to maintain their responsibility to the commitments presented in their Section 3 Economic Opportunities Plan (reference Attachment F) and RFP submittal.

SECTION 3 CONTRACTOR OF THE YEAR

Contractors are selected based on their qualifications as a certified Section 3 contractor and demonstrates a commitment to the objectives of the section 3 program, providing the greatest amount of opportunity for Section 3 new-hires and creating subcontracting opportunities for Section 3 business concerns.

ACON Construction Co., Inc. is a proven Section 3 Prime contractor and licensed general contracting firm established in 1995 that performs new construction, renovations, project management, and design-build projects in Florida and Southeast Georgia. ACON's employees, design professionals and subcontractors have a vast experience in the construction industry with credibility in management, design, costing, construction technology, on-site supervision and quality control. ACON has demonstrated abilities in the design, construction and renovation of public buildings.

- Section 3 Certified Prime Contractor
- Completed over 10 million dollars in CDBG Funded Projects for fiscal year 2011/2012
- Provided over \$2,500,000.00 in Section 3 Subcontractor Opportunities
- Created over 300 job opportunities through ACON Construction and their subcontractors
- ACON understands the process of Section 3 and has provided the best example of execution of the purpose of the Section 3 Program.

Acon Construction continues to improve access to job opportunities by demonstrating their ability to bid successfully on CDBG covered projects by strategically targeting resources to meet their commitments for Section 3 new-hires and subcontracting opportunities. The total amount of projects completed totaled \$1,236,239.00:

- NWJCDC-Northpoint (5) Commercial Build-outs in the amount of \$400,000.00 of which 25% of the total contract amount was awarded to (2) Section 3 subcontractors in the amount of \$94,760.00. Twenty-four (24%) of the awarded subcontracts were Section 3 subcontractors.

- Clara White Mission Transitional Housing Renovation/Roofing and Stabilization Project in the amount of \$703,800.00 of which 25% of the total contract amount was awarded to (3) Section 3 subcontractors in the amount of \$208,558.00. Thirty percent (30%) of the awarded subcontracts were Section 3 subcontractors.
- Grace and Truth CDC Norwood Community Center Auditorium Renovations in the amount of \$132,439.00 of which 25% of the total contract amount was awarded to (1) Section 3 subcontractor in the amount of \$38,500.00. Twenty-nine percent (29%) of the awarded subcontracts were Section 3 subcontractors.



LIST OF ATTACHMENTS

Attachment A	Section 3 Post Award Acknowledgement
Attachment B	Request for Proposals Document
Attachment C	Labor Standards Spreadsheet
Attachment D	Pay Request Review Documentation
Exhibit 1	Section 3 Compliance Review-Pay Request
Exhibit 2	Section 3 Monthly Report-
Exhibit 3	Subcontractors List (Table A)
Exhibit 4	Section 3 Preference Claim Form
Attachment E	Construction Compliance Evaluation (<i>DRAFT</i>)
Attachment F	Section 3 Opportunities Plan
Attachment G	Voluntary Compliance Agreement (V.C.A.)

Attachment A

Section 3 Post Award Acknowledgement

HOUSING AND COMMUNITY DEVELOPMENT DIVISION-NEIGHBORHOODS DEPARTMENT
SECTION 3 POST AWARD ACKNOWLEDGEMENT

Contractor Responsibilities Overview:

The Contractor shall perform the following to ensure Section 3 compliance as it relates to the Project:

- Responsible for understanding and implementing the Section 3 Regulations, 24 CFR, Part 135 and Appendix to Part 135 (i)(ii), prior to accepting Section 3 Covered Assistance identified for all NSP; UTIP and LRP funded projects through the CDBG Housing and Community Development Division.
- Responsible for inclusion of the Section 3 Clause in all contractual agreements associated with the covered project. Owner/General Contractor Contracts; General Contractor/Subcontractor Contracts and Subcontractor/Subcontractor Contracts.
- Coordinate Notification of Opportunity to Bid to Section 3 Business Concerns and notices of hiring opportunities to Section 3 residents within the Metropolitan Statistical Area (MSA) and project vicinity.
- Attend required Mandatory Pre-Bid Meeting for all participating contractors, subcontractors and potential hires for the project.
- Responsible for execution and completion of the Scope of work as represented in the RFP.
- Responsible for providing opportunities and implementation of the commitments for Section 3 hiring, training and subcontracting based on an established priority ranking methods.
- Understanding the specific requirements of the commitments to Section 3 Resident new hires and Section 3 subcontractors prior to accepting the Notice of Award and Notice to Proceed.
- Attend Pre-Construction Meeting to include lowest responsive – responsible contractor, homeowner, inspector and subcontractors for the project.
- Provide all required documentation for project monitoring for Section 3 compliance. (Sample letters, Certificate of Receipt of Labor Standards package, certified payrolls, contractual agreements, Section 3 Monthly Reports and responses to Notice of Discrepancies to Neighborhoods Department, Section 3 Coordinator/Labor Standards Compliance for review and filing to determine full compliance with applicable Section 3 and Davis-Bacon requirements. (Davis-Bacon documentation is required only if applicable to the project).
- Provide closing documentation and final lien releases) upon project completion.

The City shall perform the following efforts to ensure Section 3 compliance as it relates to the Project:

- Provide technical assistance to the contractor/subcontractors in the compilation of required documents, (Invitation To Bid Package to include supporting Section 3 documents for evaluation and priority ranking for Invitation To Bid solicitation.
- Review RFP Bid package for specifications and procurement policies and approve prior to solicitation.
- Recommend cost effective local newspapers source for general circulation and provide e-mail notifications to Section 3 business concerns and partnering agencies.
- Attend scheduled pre-bid meetings to provide training on Section 3 and Davis-Bacon requirements.
- Receive Request For Proposals (RFP's) submittals for review and selection based on the lowest responsive-responsible bidder.
- Schedule Section 3 Bid Evaluation Committee comprised of the using agency, Housing and Community Development Division, Architect/Engineer, Procurement and Equal Business Opportunity Office with rating and ranking according to selection by priority ranking.
- Attend Pre-Construction Meeting for selected contractor, subcontractors and hires for the project.

- Provide monitoring for Section 3 compliance and Davis-Bacon requirements for the contractor, subcontractor, employees and Section 3 hires for the project.
- Provide Notice of Discrepancies for non-compliance issues to all concerns and request timely responses to the issues identified for correction.
- Create files to support Section 3 and Davis-Bacon requirements of all contractual agreements. (Davis-Bacon documentation is required only if applicable to the project).

_____ Date _____

Contractor Signature

_____ Date _____

Homeowner Signature

_____ Date _____

Inspector Signature

Attachment B

Request for Proposals Document

Attachment C

Labor Standards Spreadsheet

Attachment D

Pay Request Review Documentation Exhibits

Exhibit 1	Section 3 Compliance Review-Pay Request
Exhibit 2	Section 3 Monthly Report
Exhibit 3	Subcontractors List (Table A)
Exhibit 4	Section 3 Preference Claim Form



**HOUSING AND COMMUNITY DEVELOPMENT DIVISION
SECTION 3 COMPLIANCE REVIEW – PAY REQUEST**

PROJECT REQUIREMENTS:	PROJECT INFORMATION:
Project Name	
Project Address	
Project City, State and Zip Code	
Pay Request #(1, 2...Final)	
Date Submitted	
Amount Requested	
Contract #	
General Contractor Name	
Contractor Address	
Contractor City, State and Zip Code	
Contractor Telephone Number	
Contractor Point of Contact Name	
Contractor Federal Tax I.D. #	

Documents required for Disbursement:

- o Monthly Report Submittal (Required for all Pay Requests)
- o Sample Letter (Required for projects with Davis-Bacon Applicability)
- o Certification-Receipt of Labor Standards Package (Required for Projects with Davis-Bacon Applicability General Contractor and Subcontractors)
- o Weekly Certified Payrolls (Required for Projects with Davis-Bacon Applicability - Current with date of Pay Request)
- o Debarment Clearance (Articles of Incorporation; SunBiz Report)
- o Authorization to Make Other Deductions (Required for Projects with Davis-Bacon Applicability)
- o List of all Subcontractors and Shop Fabricators Submittal (Table A)
- o General Contractor/Subcontractor File Review Approval (File Reporting Requirements in Compliance)
- o Section 3 Preference Claim Forms for Residents identified as new hires for project

I/We hereby agree that the work stated by the contractor has been completed and approve payment to the contractor in accordance with the contract and contingent upon inspection and concurrence by our designated inspector (architect, engineer), for the project. It is understood that the actual amount disbursed will be based on the findings of that inspection and other cost expended by the contractor in accordance with the contract. HCDD Staff: The project file has been reviewed and in accordance with the Section 3 and Davis-Bacon requirements for the project.

Signature: _____ Date: _____
Inspector

Signature: _____ Date: _____
Reginald Walker – Section 3/Labor Standards Coordinator

Signature: _____ Date: _____
Project Manager

Section 3 Contractor's Monthly Reporting is required and must be completed and submitted with all monthly pay requests and final payments.

Prime Contractor Name: _____ Request # _____
 Project Name: _____ Report Period: _____
 Total Prime Contract: _____ Date Submitted: _____
 Total All Subcontracts: _____ Total Section 3 Subcontracts: _____

Section 3 Percentage (%) Goals Accomplished – Total Section 3 Contracts/Total Prime Contract _____

SECTION 3 EMPLOYMENT AND HIRING MONITORING: Please identify all subcontractors for this project below for purposes of monitoring Section 3 Business Concerns and Businesses who have proposed employment or training of Section 3 residents.

Subcontractor/Contractor Company Name	Section 3/ Yes or No	Trade	Subcontractor/Contractor Amount	Amount Requested	Balance Remaining	Total New Hires	Total Section 3 New Hires
General Contractor Name	Y or N	GC					
Subcontractor Name	Y or N	Hauler					
Extended Totals							

*Please attach an additional sheet if required.

**TABLE A
LIST OF ALL SUBCONTRACTORS AND SHOP FABRICATORS**

General Contractor

Name: _____ Project: _____ Date: _____
 Address: _____ Amount of Prime Contract \$ _____ Section 3 Business Concern: ___ Yes ___ No
 Tax ID# _____ Amount of Section 3 Contract(s) \$ _____ Minority Owned: ___ Yes ___ No
 Woman Owned: ___ Yes ___ No

Complete the following schedule of subcontractors by providing the name, ethnic, code/WBE, tax ID#, address and phone number of subcontractors you intend to utilize to perform the scopes of work listed below. **General contractors must obtain a Letter of Certification from all identified Section 3 subcontractors and must provide a Letter of Intent for all subcontractors listed.** Attach additional sheets if necessary.

	Type of Company	Subcontractor	Ethnic Code*	Woman Owned Yes/No	Tax ID #	Address/City/State/Zip	Section 3 Yes/No	Contact Amount
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								

Ethnic Code 1= White 2= Black American 3= Native American 4= Hispanic America 5= Asian American 6= Hasidic Jew

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 defined in Section 135.5.

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

and qualify as a Section 3 Resident because I am a public housing resident or I 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):

- Drivers License or State ID
- Proof of public housing residency with current address
- Copy of Evidence of participation
- Other Evidence in a public assistance program

Name Telephone _____
 Address _____
 Company Name _____
 Project Name _____
 Applicant Signature _____ Date _____

Counts by Household or Persons? (H/P) _____

FY 2013 FAMILY INCOME GUIDELINES \$63,200 Median Family Income

Family Size	Extremely Low Income (30% of Median)	Very Low Income (50% of Median)	Low Income (80% of Median)
1	\$13,450	\$22,400	\$35,850
2	\$15,400	\$25,600	\$41,000
3	\$17,300	\$28,800	\$46,100
4	\$19,200	\$32,000	\$51,200
5	\$20,750	\$34,600	\$55,300
6	\$22,300	\$37,150	\$59,400
7	\$23,850	\$39,700	\$63,500
8	\$25,350	\$42,250	\$67,600

Attachment E

Construction Compliance Evaluation Draft

Construction Compliance Evaluation Sheet City of Jacksonville

Neighborhoods Department-Housing and Community Development Division

Project Name	
Project Address	
Project Number	
Project Start Date	
Project Funding Source	
Subrecipient/Homeowner/Developer Name	
Construction Award Amount	
Labor Standards/Section 3 Compliance Coord.	
Project Manager Name	
General Contractor Name	
General Contractor License #	
General Contractor Tax I.D. #	
General Contractor Contact Name	
General Contractor Address	
General Contractor Telephone Number	
General Contractor Section 3 Certified Y/N	

Instructions: This evaluation sheet, Statements A1 through A21 pertain to any deficient construction performance, Section 3 non-compliance or Labor Standards issues during any and all phases of CDBG covered project(s) construction. These deficiencies can result in imposing monetary penalties, non-payment, suspension or being prohibited from bidding or proposing on, being awarded and/or performing work on future contracts as a direct result of cumulative demerits for each project. Please indicate deficiencies by placing a mark in the area provided. Demerit points for each type of deficiency are included. Provide the total sum of all deficiencies as indicated. Deficiencies shall be explained in detail on the **Summary Report** (attached). **If there were no noticeable deficiencies noted during the project, please initial the statement below:**

The construction project noted above was completed in a satisfactory manner. _____(initial)

	Statement of Demerits	Demerits	Demerits Received
A1	The project schedule was not adhered to/past due by fault of contractor.	3	
A2	Contractor failed to correct material/workmanship defects promptly.	1	
A3	Contractor failed to notify the Contracting Officer of differing site conditions prior to disturbing the site	1	
A4	Contractor was noticed for failing to maintain a clean project site.	1	
A5	Complaints about contractor performance were received from the subrecipient/homeowner or general public.	1	
A6	Contractor failed to apply for and record applicable permits and file Notice of Commencement. Contractor violated applicable codes or correction notices.	3	
A7	Contractor failed to provide quality workmanship directly or through subcontractors.	3	
A8	Liquidated damages were assessed.	3	
A9	Change orders were not submitted and approved prior to commencement of work.	3	
A10	Subcontractor/supplier stop notices were received/non-payment of subcontractors or suppliers	3	
A11	Contract was terminated due to poor or non-performance, nonpayment of subcontractors and or suppliers	3	
	Note: Review statements A17 through A21 with the Compliance Officer.		

A12	Required submittals i.e., insurance, bid bond, performance bond, GC/Sub Contractual Agreements, labor Standards Package, Section 3 Monthly Reporting, were not submitted	3	
A13	Unauthorized subcontractor substitutions were made.	3	
A14	Letter/notices/e-mails was issued regarding contract violations.	1	
A15	Pay requests were rejected as non-compliant on a consistent basis.	2	
A16	Contractor was non-responsive to corrections/Labor Standards requirements/Section 3 provisions.	3	
A17	Repeated Letters/notices/e-mails was issued regarding non-compliance issues by General Contractor or subcontractors.	2	
A18	Certified payrolls/labor compliance documents were late/deficient.	3	
A19	Contractor/employees did not cooperate during project site interviews.	3	
A20	Failure to provide corrections to Wage violations, i.e., certified payrolls by GC and/or subcontractor and providing applicable wage restitution.	2	
A21	Closeout documents i.e., certified payrolls, Section 3 Monthly Reports, Table A, Section 3 preference Claim Forms, Non-Compliance Responses were incomplete/late.	3	
	TOTAL	50	

TOTAL DEMERITS _____

Penalty for Non-Compliance: Penalties will be imposed on contractors who consistently demonstrate failure or refusal to comply with Section 3 regulations and construction related issues. These actions shall result in monetary penalties, sanctions, debarment, suspension and denial of participation in all Neighborhoods Department, Housing and Community Development Division programs. Specifically, the penalty for non-compliance will be:

DEMERITS	PENTALITIES
1-5	Non-compliance- Warning
5-10	Non-compliance- Monetary penalty
10-15	Three month suspension-Monetary penalty
15-25	6-month suspension and monetary penalty
35-40	1 year suspension and monetary penalty
35-40	3 Year Suspension
50 or more	Egregious action(s) of non-compliance- immediate monetary penalty or debarment.

Post Job Evaluation – Report Summary

Project Name/No.:

Date:

Contracting Firm:

Please provide statement number and complete explanation of problem(s) relating to the project. (example: A3 – The contractor did not correct the wall texture which caused a project delay). Attach additional sheet(s) if necessary.

Attachment F

Section 3 Opportunities Plan

May 13, 2013
 City of Jacksonville
 Housing and Community Development Division
 Neighborhoods Department
 214 North Hogan Street, 8th Floor
 Jacksonville, Florida 32202

City of Jacksonville:

Please accept "[Click & Insert Company Name]" , **Section 3 Economic Opportunities Plan** for the project known as, "[Insert Project Name and address]" "[Click & Insert Company Name]" agrees to utilize, and to implement the following specific steps directed at increasing the utilization of lower income residents and businesses within the Section 3 covered project area(s) for this project as specified in these bid documents.

"[Click & Insert Company Name]" , will demonstrate according to Title 24, part 135 compliance with the “greatest extent feasible” requirement of section 3 by meeting the numerical goals set forth in this section for providing training, employment, and contracting opportunities to section 3 residents and section 3 business concerns. "[Click & Insert Company Name]" , will make every effort to meet the numeric goals as set forth in these bid documents; 30- percent hiring goals of section 3 residents, 25-Percent of the dollar award to qualified Section 3 Business Concerns and or a combination of a and b.

EFFORTS TO MEET SECTION 3 REQUIREMENTS:	CONTRACTOR PROJECT INFORMATION:
Identify Contractor designation as a Certified Resident Owner, Resident Employer or Resident Prime.	
Identify Number of Positions Required for the Project(s).	
Identify Number of Section 3 Resident hire(s) in the Service Area or Neighborhood Vicinity. (Hires identified within a five-mile radius of the project.	
Identify Number of Section 3 Resident hire(s) outside of the project vicinity.	
Identify number of hire(s) for Homeless persons in the service area	
Identify Number of Section 3 businesses identified in Table A as subcontractors providing jobs and training for local residents.	
Identify number of Section 3 hire(s) from identified partnering agencies or other approved apprenticeship or training programs. Ready 4Work; CRC Institute, Clara White Mission, FSCJ or YouthBuild.	
Identify Jacksonville Small and Emerging Business(s) (JSEB) Program - providing hiring opportunities for residents in the project service area.	
Identify Efforts and number of Training Opportunities provided for Section 3 Residents.	

Priority consideration shall be given, where feasible, to:

- (i) Section 3 residents residing in the service area or neighborhood in which the section 3 covered project is located (collectively, referred to as category 1 residents); and (ii) Participants in HUD Youthbuild programs (category 2 residents).(iii) Where the section 3 project is assisted under the Stewart B. McKinney Homeless Assistance Act (42 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 the highest priority; (iv) other section 3 residents.

Contractor will recruit from within City of Jacksonville Metropolitan Statistical Area, (Duval County), lower income residents and Section 3 Business Concerns through: Local advertising media, job fairs, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area. Contractor will make use of available databases and resources such as the City of Jacksonville and Partnering Agencies,

(WorkSource, YouthBuild, EmployFlorida, Florida State City of Jacksonville, Operation New Hope, Community Rehabilitation Center, Clara White Mission and Urban League.

The contractor agrees to include the 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 the 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. Contractor to include in this document as referenced in Appendix, Title 24 Part 135 I. Examples of Efforts To Offer Training and Employment Opportunities to Section 3 Residents and II. Examples of Efforts to Award Contracts to Section 3 Business Concerns.

The City of Jacksonville will have access to all records, reports, and other documents or items of the contractor and subcontractor that are maintained to demonstrate compliance with the requirements of this project, or that are maintained in accordance with the regulations governing the specific HUD program under which section 3 covered assistance is provided or otherwise made available to the contractor or subcontractor.

COMPANY NAME

PROJECT NAME

PROJECT NUMBER

SIGNATURE OF PERSON COMPLETING FORM

PRINT NAME

DATE

Attachment G

Voluntary Compliance Agreement (V.C.A.)