



SECTION 3 GUIDEBOOK: POLICIES AND PROCEDURES

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City of Dayton Human Relations Council (HRC)
Policies and Procedures
Housing and Urban Development (HUD) Section 3 Compliance

WHAT IS SECTION 3?

Section 3 of the Housing and Urban Development Act of 1968, (12U.S.C.1701u)(Section3) and implementing regulations at 24 C.F.R. Part 135 states the purpose of 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 businesses which provide economic opportunities to low-and very low-income persons.

The City fully embraces this definition of Section 3 and has set forth policies and procedures to "ensure 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 persons, and to businesses which provide economic opportunities to low- and very-low income persons." To that end, the City has delegated the responsibility for enforcing the City's Section 3 program to the Human Relations Council (HRC).

WHY IS SECTION 3 IMPORTANT TO THE CITY?

The City, as grantee for federal community development funds, is required by HUD to develop and implement a Section 3 program designed to ensure contracting and subcontracting opportunities for Section 3 designated businesses, as well as hiring opportunities for residents in Section 3 designated neighborhoods. The City embraces the spirit and intent of its obligations under Section 3, and has set forth the following policies which are applicable to contractors, subcontractors, developers, and/or sub-recipients and others engaged in projects funded through the City with funds (*meeting the respective established thresholds of \$200,000 and \$100,000*) sourced from the U. S. Department of Housing and Urban Development. These policies are discussed throughout the remainder of this guide book.

THE CITY'S POLICIES REGARDING SECTION 3

The City's Section 3 policies require that new employment opportunities be extended to low- and very-low income residents of the area where the project is being implemented. In essence, Section 3 eligible residents are to be extended preference in new hiring situations which result from the infusion of HUD sourced funds.

These policies also require that designated Section 3 businesses are to be extended opportunities in contracting, sub-contracting, and servicing activities. Further, it is the policy of the City that it

will not move forward with funding any project until there is an approved Section 3 Plan in place.

Section 3 Plan

The overall Section 3 Plan is an essential component of the City's Section 3 program's success and compliance with HUD. Included in the Section 3 Plan is the Section 3 Hiring and Business Opportunity Policy, which is submitted to the HRC for approval. The HRC must review and, where necessary, assist the awardee with revising their plan in a manner that will ensure its approval by the HRC, before the Commission may award any HUD-funded contract to that contractor, subcontractor, developer, and/or sub-recipient. A contractor's refusal to fulfill contractual obligations with the City pursuant to an approved Section 3 Plan can be construed as a breach of contract.

What is the Section 3 Hiring Policy?

The City's Section 3 Hiring Policy is the essential component of any Section 3 Plan submitted to the HRC for approval by a contractor, subcontractor, developer and/or sub-recipient. The City recognizes the importance of making sure that low- and very-low income residents benefit from any and all City HUD sourced projects built in their communities, particularly those who are recipients of government assistance for housing and businesses that provide economic opportunities to low- and very low income persons to achieve these objectives. Contractors, subcontractors, developers, and/or sub-recipients are likewise expected by the City to demonstrate in their Section 3 Plans and through their subsequent implementation actions that Section 3 eligible residents are included in the hiring goals and are indeed beneficiaries of the plan's hiring policies and practices. The following low- and very-low income resident hiring goals apply to all projects for which Section 3 guidelines are applicable:

Employment: Thirty percent (30%) of the aggregate number of new hires during a one year period of the project. (Example: A construction contractor hires 10 new workers. Three of the new workers should be Section 3 eligible persons.)

Highest Priority: Low- and very-low income residents certified as Section 3 eligible residing in the neighborhood where the project is located.

Second Priority: Participants of public and social service programs funded by City HUD funding.

Third Priority: Other low- and very-low income residents throughout the City certified as Section 3 eligible.

All employment opportunities resulting from Section 3 eligible project awards must be published and posted in order to make Section 3 residents aware of the opportunities. Under the City's Section 3 Hiring Policy funded contractors, subcontractors, developers and sub-recipients must:

- Conduct aggressive employment outreach to a number of community based agencies for all new hires. See Appendix I.
- Accept and give preferential employment consideration to referred Section 3 eligible residents.
- Provide appropriate employment outreach signage at the project site and throughout the project area to inform low- and very low-income neighborhood residents of employment opportunities.
- Distribute employment outreach flyers throughout the project community and with community based organizations regarding employment opportunities.

Certification Procedures for Section 3 Residents

Individuals interested in applying to become a Section 3 resident should contact the HRC or download an application at www.daytonohio.gov/section3. A copy of the application is included in Appendix G.

Eligibility

Individuals interested in applying for Section 3 status with the City of Dayton must meet the following criteria:

- Live in the City of Dayton
- 80% or below the median income

Each application must include the following documentation:

- Section 3 Residence or Employee Household Income Verification Form
- Section 3 Residence Preference Claim Form
- Proof of residency (lease in a HUD or other federally assisted program)
- Proof of Income (one of the following is acceptable)
 - Proof of public assistance, e.g. Temporary Assistance to Needy Families (TANF) recipients, etc.
 - Proof of participation in a federally assisted program such as job training programs, etc.
 - Proof of participation in a state or local assistance program, or other program that assists low- or very-low income persons
 - Lease in a HUD or other federally assisted program

Income thresholds for Montgomery County are listed below.

Montgomery County, Ohio										
FY 2011 Income Limit Area	Median Income	FY 2011 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Montgomery County	\$62,400	Very Low (50%) Income Limits	\$21,850	\$25,000	\$28,100	\$31,200	\$33,700	\$36,200	\$38,700	\$41,200
		Extremely Low (30%) Income Limits	\$13,100	\$15,000	\$16,850	\$18,700	\$20,200	\$21,700	\$23,200	\$24,700
		Low (80%) Income Limits	\$34,950	\$39,950	\$44,950	\$49,900	\$53,900	\$57,900	\$61,900	\$65,900

Once an individual is deemed job ready, and has completed all eligibility requirements, they will receive a letter confirming the certification has been approved and will be added to a list of Section 3 certified residents. A list of all the Section 3 certified residents will be provided to contractors, subcontractors, developers and/or sub-recipients post award or as required. Residents will also be provided with a list of organizations to contact regarding available positions (Appendix J). To the extent feasible, the City will also maintain a list of upcoming apprenticeship programs held at Local Union offices.

Process for Training Entry

The City will work with a number of organizations to identify workforce development opportunities for Section 3 Residents. Section 3 Residents will be encouraged to participate in training programs offered by these organizations.

Contractors, Subcontractors, Developers, and/or Sub-recipients Employment Obligations:

Under the City’s Section 3 Hiring Policy, funded contractors, subcontractors, developers and/or sub-recipients responsibilities include, but are not limited to:

- Implementing procedures designed to notify Section 3 residents about training and employment opportunities generated by Section 3 covered assistance.
- Facilitating the training and employment of Section 3 residents by undertaking activities such as described in the Appendix H, as appropriate, to reach the goals set forth in the Section 3 plan. Recipients, at their own discretion, may establish reasonable numerical goals for the training and employment of Section 3 residents.
- Documenting actions taken to comply with meeting the Section 3 employment goals, the results of actions taken and impediments, if any.

What is the Section 3 Business Opportunity Policy?

The City’s Section 3 Business Opportunity Policy is another essential component of any Section 3 Plan. The City is committed to making sure that designated Section 3 eligible businesses

derive economic benefit from any and all City HUD sourced projects. Contractors, subcontractors, developers and/or sub-recipients are expected by the City to demonstrate in their Section 3 Plans and through their subsequent implementation actions that Section 3 certified businesses are included in their contracting goals and are indeed economic beneficiaries of the plan's business and procurement policies and practices. Under the City's Section 3 policy, Section 3 eligible businesses will be given priority in contracting for appropriate work.

Contracting and Subcontracting Opportunities:

On behalf of the City, the HRC will work to establish Section 3 subcontracting and employment goals on an annual basis, as well as on a project-by-project basis. The HRC will review and approve a contractor's Section 3 Plan and ensure compliance with the project goals before a recommendation for award of contract can be made to the City Commission. The current Section 3 contracting and subcontracting goals are as follows:

- At least 10 percent (10%) of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, construction, and other public construction with federal funds; and
- At least three percent (3%) of the total dollar amount of all other Section 3 covered contracts to eligible Section 3 businesses.

Certification Procedures for Section 3 Businesses

Businesses interested in applying for Section 3 business certification can obtain an application by contacting the HRC or downloading the application at www.daytonohio.gov/section3. A copy of the packet is included in Appendix F.

Eligibility

Businesses interested in seeking certification in the City's HUD Section 3 program must meet one of the following criteria:

- 51% Section 3 resident-owned enterprise
- 30% of permanent, full-time employees include persons who are currently Section 3 residents, or within three years of the date of first employment, were Section 3 residents
- commitment to subcontract in excess of 25 percent of the dollar award of all future HUD sourced subcontracts to be awarded to Section 3 businesses

Each applicant must attach the following documentation to their application:

For businesses claiming status as a Section 3 resident-owned enterprise, submit one of the following:

- Copy of a public or subsidized housing lease
- Proof of public assistance
- Proof of unemployment benefits or other government subsidies

**Businesses certified with other jurisdictions in Montgomery County are only required to submit proof of residency and a copy of the certification letter. Other documents may be required if there is more than one owner.*

For businesses claiming Section 3 status, claiming at least 30% of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:

- List of all current full-time employee's status
- List of employees claiming Section 3 status
- Section 3 application or proof of Section 3 certification from employees claiming status
- PHA/IHA Residential Lease less than 3 years from day of employment
- Other evidence of Section 3 status less than 3 years from date of employment

**Businesses certified with other jurisdictions must only submit a list of current full-time employee's and identify 30% of employees are eligible for Section 3 resident status within the City of Dayton.*

For businesses claiming Section 3 status by subcontracting 25% of the dollar awarded for HUD Section 3 eligible projects to qualified Section 3 business:

- List of subcontracted Section 3 business(es) and subcontract amount for the fiscal year applying for certification (Jan – Dec)
- List of all contracts received in the fiscal year applying for certification (Jan – Dec)
- If unable to provide copies of contracts, documentation of commitment to subcontract all future awards to Section 3 certified companies

**In order to maintain Section 3 status under this section, all applicants must show 25% participation on all future bid submittals for HUD Section 3 eligible projects. This requirement may be waived if a waiver request has been approved or a HUD Section 3 goal was not set on the project.*

For business entity as applicable:

- Copy of Articles of Incorporation
- Certificate of Good Standing
- Assumed Business Name Certificate
- Partnership Agreement
- List of owners/stockholders and % ownership of each
- Corporation Annual Report
- Latest Board minutes appointing officers or statement explaining the organization does not have Board minutes
- Organization chart with names and titles and brief function statement
- Affirmative Action Assurance Form
- City of Dayton Vendor Application
- Additional documentation as requested

** This section not applicable to PEP certified businesses.*

Evidence of ability to perform successfully under the terms and conditions of the proposed contract

- Current financial statement
- List of owned equipment
- List of all contracts for the past two years
- Resume or description of experience
- Schedule business site visit with Section 3 Coordinator

** This section not applicable to PEP certified businesses.*

Upon receipt of the completed application, the Section 3 Coordinator will review the application and determine eligibility as a certified business. If approved, the business will receive a letter confirming the certification has been approved. The business will be added to the Section 3 certification list distributed to prime contractors at all pre-bid meetings. The list is also available on the City's website at www.daytonohio.gov/section3.

If the application is incomplete, the Section 3 Coordinator will contact the applicant to inform them of all missing documentation that is needed to complete the certification process. The application will be held in pending status until all appropriate documentation has been secured.

Contractors, Subcontractors, Developers and/or Sub-recipients Contractual Obligations:

Under the City's Section 3 Business Opportunity Policy, funded contractors, subcontractors, developers and/or sub-recipients are obligated to:

- Conduct aggressive subcontractor outreach to Section 3 eligible businesses for sub-contracting and business opportunities.
- Accept and give priority business engagement consideration to Section 3 businesses.
- Provide appropriate subcontractor outreach signage at the project site and throughout the project area to inform Section 3 eligible businesses of business opportunities.
- Document aggressive outreach efforts related to Section 3 eligible businesses. See Appendix H.
- Maintain proper documentation of utilization of Section 3 eligible businesses. See Appendix D.

It is the City's policy that funded contractors, subcontractors, developers and/or sub-recipients adhere to approved procurement and bidding procedures, and therefore no "sole sourcing" of contracts shall be allowed directly to any Section 3 business. All Section 3 businesses shall be licensed when appropriate and have experience in the service to be provided to the City or its sub-recipients.

SECTION 3 COORDINATOR'S RESPONSIBILITIES:

The City has tasked the HRC with overall responsibility for implementation and monitoring of the City's Section 3 policies. The HRC will designate a Section 3 Coordinator to ensure businesses are in compliance with the City's Section 3 guidelines. The Section 3 Coordinator will be dedicated to ensuring certified businesses and contractors awarded HUD sourced contracts are in compliance with the City's Section 3 guidelines and that local residents are identified and provided employment opportunities on Section 3 funded projects and opportunities. In addition, the Section 3 Coordinator will manage education and outreach efforts and other activities that ensure the City meets its Section 3 obligations.

The Section 3 Coordinator leads the City's review of Section 3 Plans and provides review findings within 3 business work days. All approved Section 3 Plans will become an essential component of any commitment of funds by the City and any contractual relationship. The Section 3 Coordinator is available to provide technical assistance to the contractor, subcontractor, developer, and/or sub-recipients and others during the process of developing a Section 3 Plan. The HRC provides the contractor, subcontractor, developer, and/or sub-recipients with a current lists of Section 3 certified businesses and certified Section 3 eligible residents seeking employment opportunities. The primary objective is to connect low- and very-low income persons with economic opportunities associated with the City's Section 3 projects. The Coordinator also monitors the work site to ensure that contractors are adhering to the Section 3 guidelines.

The Section 3 Coordinator will be responsible for overseeing the implementation of all Section 3 Plans which are approved by the City and become part of the contract. Contracts will be vigorously monitored by the HRC. Failure to fulfill contractual obligations with the City pursuant to the Section 3 Plan can be construed as a breach of contract and can result in a penalty or other sanctions.

The Section 3 Coordinator will work closely with the City's Supervisor of Contract Compliance to ensure a comprehensive and seamless implementation process that compliments other City procurement diversity programs. The Coordinator will also ensure that the City's hiring processes are in compliance with Section 3. In addition, the designated staff person will be responsible for providing technical support to the awarding departments and their contractors, subcontractors, developers, and/or sub-recipients.

WHAT PROJECTS MUST FOLLOW THE CITY'S SECTION 3 POLICIES?

The City's Section 3 policies are applicable to all HUD sourced construction projects related to:

- Housing Rehabilitation
- Housing Construction
- Public Construction
- Public Facilities
- Economic Development Projects (*job creating or job sustaining*)

SECTION 3 REQUIREMENTS FOR PROSPECTIVE BIDDERS

It is important to emphasize that the infusion of any HUD sourced dollars through the City into a project at any point in a project and at any level, exceeding the federal thresholds triggers the full applicability of the City's Section 3 Policies to the entire project. Publicly bid projects that exceed \$100,000 and sub-recipient agreements that exceed \$200,000 are subject to Section 3 requirements.

Publicly Bid Projects

The City of Dayton uses a responsive bid process when accepting bid proposals. This means that contractors must submit documentation of how they will meet participation goals at the time of the bid opening. For all contracts for which Section 3 contract goals have been established, the prime bidder shall be required to submit the appropriate HUD Section 3 Plan (Appendix C) to the City of Dayton with its bid. Commitment to Section 3 utilization will be a factor in the bid selection process. The successful bidder will then have an opportunity to finalize the Section 3 Plan for approval by the HRC and the approved plan will become a part of the contract with the City. The Section 3 plan must include specific information regarding the following:

- Identification of the Project Area
- Specific information about the contractors current workforce (payroll reports, etc.)
- Specific plan for hiring Section 3 eligible residents
- Specific plan for engaging Section 3 designated businesses, which should that include the name, address, tax identification number and certification number, if applicable, of each HUD Section 3 certified business that will participate in the contract.
- A description of work each named HUD Section 3 certified business will perform with the dollar amount of participation
- Sign an Acknowledgement of Receipt of Information Regarding Section 3 Requirements and Obligations of a business awarded a project with HUD sourced City funding.
- Firm commitment to include the HUD Section 3 Clause in all sub-contracts
- Firm commitment to conduct aggressive outreach and notification to potential Section 3 residents and businesses of hiring opportunities using site signage, flyers, etc.

After the bid opening and within two (2) business days after a request from the Executive Director of the Council, or his/her designee, bidders shall submit the following:

- Written documentation of the bidder's commitment to use a HUD Section 3 sub-contractor whose participation it submits to meet a contract goal;
- Written confirmation from the HUD Section 3 certified business that it is participating in the contract as provided in the prime contractor's commitment
- Any additional edits requested by the Section 3 coordinator to ensure that the contractor has, to the greatest extent feasible, attempted to contract with HUD Section 3 contractors and/or hire Section 3 eligible residents where applicable

Waiver Request Procedure

If the HUD Section 3 participation submitted by the bidder does not meet the HUD Section 3 project goals, the bidder must submit, with its bid, a Waiver Request Form (Appendix E). The bidder shall attach documentation of efforts to subcontract with Section 3 certified businesses with the Waiver Request Form prior to the submission of its bid, to meet the HUD Section 3 goal for the project. Documentation must show that the contractor, to the greatest extent feasible, made efforts to subcontract with certified businesses. These efforts should exceed “good faith efforts”. Examples of meeting the “greatest extent feasible” requirement can be found in Appendix I.

Upon receipt of a bid, the Executive Director of the Council, or his/her designee, may request the bidder provide documentary evidence to support the greatest extent feasible efforts the bidder completed, as declared on the Waiver Request Form. No later than two (2) business days after the Executive Director of the Council, or his/her designee, requests additional evidence of the bidder’s greatest extent feasible efforts, the bidder shall submit documentary evidence demonstrating greatest extent feasible efforts were made to meet the goals. The Executive Director of the Council, or his/her designee, shall make its request for additional evidence to the bidder by facsimile, electronic mail and regular mail. The Executive Director of the Council, or his/her designee, will review the documents submitted, and make its determination of greatest extent feasible efforts based on those submitted documents.

Greatest Extent Feasible Efforts

To demonstrate sufficient “greatest extent feasible efforts” to meet the HUD Section 3 contract goals, upon request by the Executive Director of the Council, or his/her designee, a bidder shall document the steps it has taken to obtain HUD Section 3 participation. Bidders must earn at least sixty-five (65) points from the greatest extent feasible efforts listed below for their bid to be considered responsive:

1. (10 pts) Solicited, through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified HUD Section 3 certified businesses that have the capability to perform the work of the contract. The bidder must solicit this interest within ten (10) business days of the bid submission deadline, in order to permit the HUD Section 3 certified business time to respond to the solicitation. The bidder must determine with certainty if the HUD Section 3 certified business is interested by taking the appropriate steps to follow up initial on solicitations. This includes contacting the HRC when the certified company cannot be reached to ensure that their information is accurate.
2. (10 pts) Select portions of the work to be performed by HUD Section 3 certified business in order to increase the likelihood that the HUD Section 3 goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate HUD Section 3 participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. (15 pts) Provided interested HUD Section 3 certified businesses with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. (20 pts) Negotiated to the greatest extent feasible with interested HUD Section 3. It is the bidder’s responsibility to make a portion of the work available to HUD Section 3 subcontractors and suppliers and to select those portions of the work or material needs consistent with the available HUD Section 3 subcontractors and suppliers, so as to facilitate

HUD Section 3 participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of HUD Section 3 that were considered, a description of the information provided regarding the plans and specifications for the work selected for subcontracting, and evidence as to why additional agreements could not be reached for HUD Section 3 to perform the work. Documentation must be detailed and will be verified prior during the bid review.

5. (10 pts) Considered a number of factors in its negotiation with HUD Section 3 subcontractors, and took subcontractors' price and capabilities, as well as the contract goals, into consideration. However, the fact that there may be some additional costs involved in finding and using HUD Section 3 subcontractors is not itself sufficient reason for a bidder's failure to meet the contract HUD Section 3 goals, as long as such costs are reasonable. The ability or desire of a prime contractor to perform the work of a contract within its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from HUD Section 3 subcontractors if the price difference is excessive or unreasonable.
6. (10 pts) Did not reject HUD Section 3 as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
7. (15 pts) Made efforts to assist interested HUD Section 3 businesses in obtaining bonding, lines of credit, or insurance as required by the City or the contractor.
8. (25 pts) Made efforts to assist interested HUD Section 3 businesses in obtaining necessary equipment, supplies, materials, or related assistance or services.
9. (10 pts) Effectively used the services of community organizations, contractors' groups, local, state and federal business assistance offices, and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of HUD Section 3 businesses.
10. (35 pts) The bidder is actively participating in an ongoing mentor/protégé relationship with a HUD Section 3 business in the assistance of their business growth and development.

The Contractor shall pay all skilled labor not less than the minimum wage rates predetermined by the Department of Commerce for this project as listed in the bid form.

In determining whether a bidder has met greatest extent feasible efforts, the Executive Director of the Council, or his/her designee, may take into account the performance of other bidders in meeting the goal. For example, when the apparent successful lowest bidder fails to meet the contract goal, but others meet it, the Executive Director of the Council, or his/her designee, may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal.

If the apparent successful bidder fails to meet the goal, but meets or exceeds the average HUD Section 3 participation obtained by other bidders, the Executive Director of the Council, or his/her

designee, may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made efforts to the greatest extent feasible.

In the event that the Section 3 Plan submitted with the bid proposal, requires additional information prior to approval, the contractor is required to meet with the Section 3 Coordinator and/or HRC officials to discuss the City's review of the submitted Section 3 Plan and modify the plan based on feedback from the City's Section 3 Contractor. The Coordinator will review Section 3 Plans and provide review findings within 3 work days. Review comments will be made available to both the contractor, the awarding department, and others, when necessary. It is important to note that the City will not move forward with funding of any project until the Section 3 Plan receives approval by the HRC's designee, a representative from the awarding department and the City Manager.

If the City approves a Section 3 Plan and decides to move forward with an actual commitment of funds for the project, then the contractor is expected to sign a contract with the City, which incorporates the Section 3 Plan as one of the essential components which will be vigorously monitored by the City. A list of employees with each employee's name, employee number (last four digits of SSN only) and rate of pay must be submitted as of the date of the award. The information must be submitted prior to or at the project pre-construction meeting.

Once there is a contractual agreement with the City, the contractor is obligated to make available all documentation necessary to enable City staff to conduct compliance reviews, which consist of comprehensive analysis and evaluation of compliance with the approved Section 3 Plan. Where noncompliance is found, the City will issue immediate notification to the recipient of the nature of the deficiency and issue directives for corrective actions. The contractor is expected, under the contractual obligation with the City, to adhere to implementing the approved Section 3 Plan. The contractor is subject to a compliance review by HUD and the City. The contractor and their subcontractors are required to maintain records in a manner where they will be readily available to HUD and City staff.

Sub-Recipient Agreements

For all contracts for which Section 3 contract goals have been established, the prospective sub-recipient shall be required to submit the appropriate HUD Section 3 Plan (Appendix C) to the City of Dayton with the proposal response. Commitment to Section 3 utilization will be a factor in the proposal selection process. The successful sub-recipient will then have an opportunity to finalize the Section 3 plan for approval by the HRC and the approved plan will become a part of the contract with the City. The Section 3 plan must include specific information regarding the following:

- Identification of the Project Area
- Specific information about the current workforce (payroll reports, etc.)
- Specific plan for hiring Section 3 eligible residents
- Specific plan for engaging Section 3 designated businesses that includes the name, address, tax identification number and certification number, if applicable, of each HUD Section 3 certified business that will participate in the contract.

- A description of work each named HUD Section 3 certified business will perform with the dollar amount of participation
- Sign an Acknowledgement of Receipt of Information Regarding Section 3 Requirements and Obligations of a business awarded a project with HUD sourced City funding.
- Firm commitment to include as part of all bids the Section 3 Plan (once approved by the City) which identifies activities to comply with the Section 3 program and the City's Section 3 Clause provided in all sub-contracts
- Firm commitment to conduct aggressive outreach and notification to potential Section 3 residents and businesses of hiring opportunities using site signage, flyers, etc.

If the City approves a Section 3 Plan and decides to move forward with an actual commitment of funds for the project, then the sub-recipient is expected to sign a contract with the City which incorporates the Section 3 Plan as one of the essential components which will be vigorously monitored by the City. A core list of employees with each employee's name, employee number (last four digits of SSN only) and rate of pay must be submitted as of the date the contract was awarded. The information must be submitted prior to or at the post-award meeting.

Once there is a contractual agreement with the City, the sub-recipient is obligated to make available all documentation necessary to enable City staff to conduct compliance reviews, which consist of comprehensive analysis and evaluation of compliance with the approved Section 3 Plan. Where noncompliance is found, the City will issue immediate notification to the recipient of the nature of the deficiency and issue directives for corrective actions. The sub-recipient is expected, under the contractual obligation with the City, to adhere to implementing the approved Section 3 Plan. The sub-recipient and their subcontractors are subject to a compliance review by HUD and the City. The sub-recipients and their subcontractors are required to maintain records in a manner where they will be readily available to HUD and City staff.

ASSURING COMPLIANCE WITH SECTION 3 POLICIES

Assuring compliance with Section 3 policies involves affirmative measures on the part of many. Contractors, subcontractors, developers and/or sub-recipients are required to provide other economic opportunities to Section 3 residents and businesses pursuant to 24 CFR Part 135. Contractors, subcontractors, developers and/or sub-recipients who refuse to comply with the City's Section 3 policies will be subject to the penalties and sanctions identified in the Refusal to Comply section of the Guide Book.

To ensure compliance contractors, subcontractors, developers, and/or sub-recipients must:

- Submit a Section 3 Plan reflective of the City's stated Section 3 goals
- Implement an approved Section 3 Plan meeting the approved Section 3 goals (hiring and contracting)
- Document all aspects of implementation of their approved Section 3 Plan
- Records should be maintained and available for monitoring/compliance reviews
- Submit required reports in a timely manner

The City, however, recognizes that the ultimate responsibility rests with the City . The City will institute the following:

- Establish a Section 3 Implementation Fund to support various Section 3 initiatives.
- Ensure that the Section 3 implementation procedures are consistently carried out
- Issue Section 3 compliance procedures to contractors, subcontractors, developers and/or sub-recipients
- Incorporate the Section 3 program guidelines in all solicitations
- Require submission of Section 3 Plans as components of each bid for review and approval by the Section 3 Coordinator prior to the commitment by the City of any funding (HUD sourced) to projects
- Conduct meetings with contractors, subcontractors, developers and/or sub-recipients to address concerns with submitted Section 3 Plans
- Require approved Section 3 Plans to become a part of the contract which officially commits HUD sourced funding to projects
- Regularly conduct compliance monitoring of all contracts that include approved Section 3 plans
- Facilitate workshops on the Section 3 program
- Prepare and submit reports to HUD on the Section 3 program results
- Work with community organizations to identify and/or establish training programs for Section 3 eligible residents
- Annually review staffing and hiring needs of the City in connection with Section 3 covered projects including management and administrative jobs connected to Section 3 covered projects.
- Document any and all aspects of the hiring and employment policies that present barriers to complying with Section 3
- Refer businesses to organizations that provide technical assistance to small businesses in an effort to build capacity

The City's Commitment to Outreach and Training

In addition to the City's firm commitment to the above stipulated goals, the City also recognizes the need for broad outreach, education and training relative to Section 3. The cornerstone of the City's outreach and training effort is the established relationship with organizations that are involved in the regions workforce and small business development efforts. These organizations bring a wealth of training and outreach resources to the City's Section 3 outreach and education effort. A list of organizations can be found in Appendix J The City has partnered with jurisdictions throughout the region and partnering agencies to engage in ongoing outreach and educational efforts throughout the year including:

- Section 3 job fairs and networking opportunities
- Section 3 presentations and participation in local community forums
- Development and distribution of Section 3 informational and educational materials
- Media presentations
- Targeted community group mailings

- Providing Section 3 resources on the City’s website

Annual Report

The City will submit the annual Section 3 report to HUD as part of its Consolidated Annual Performance and Evaluation Report (CAPER). All reports shall be submitted on HUD Form 60002. An additional copy of the annual HUD Form 60002 for CDBG and for HOME projects will be submitted to FHEO at the time of the CAPER submission and through the online reporting system at www.hud.gov/section3.

The City will receive and maintain records to document compliance with the Section 3 program objectives. At a minimum, records will include specific information and documentation to demonstrate whether the numerical goals were met and that the recipient and contractors, subcontractors, developers and/or sub-recipients carried out their responsibilities.

City of Dayton Section 3 Committee

In order to effectively manage the Section 3 contract, the City is charged with providing expertise and developing a process for goal achievement on Section 3 designated projects. The City’s Section 3 team consists of:

- Human Relations Council Assistant Director
- Section 3 Coordinator
- Supervisor of Contract Compliance
- Planning & Community Development Designee
- Public Works Designee
- Economic Development Designee

How do we operate?

We will act as a team to ensure consistent rulings, approve all Section 3 Plans, and make technical recommendations concerning the Section 3 process.

When do we meet?

We will meet as needed, as a means of communication and to review Section 3 plans and applications.

COMPLIANCE

The Section 3 Coordinator will conduct regular compliance reviews, which consist of comprehensive analysis and evaluation of the contractor, subcontractor, developer and/or sub-recipient documentation of meeting Section 3 goals. Subcontractors are subject to the same Section 3 responsibilities as the prime contractor or City of Dayton sub-recipient. When noncompliance is found, the City will notify the recipient of the deficiency and recommendations for corrective actions. If a contractor’s or sub-recipient’s subcontractors are found to be

noncompliant, notification will be sent to the contractor or sub-recipient with recommendations. It is the contractor's or sub-recipient's responsibility to ensure their subcontractors implement recommendations for corrective actions. On complaints sent to HUD, the Fair Housing Staff will conduct an evaluation and make recommendations for corrective actions.

Contractor Section 3 Designee

Contractors, subcontractors, developers and/or sub-recipients of Section 3 eligible funds are encouraged to designate someone within the project organization as the Section 3 Coordinator. This will be the person that the City's Section 3 Coordinator will be in contact with about reports and other necessary information. This will also be the person within the recipient's organization responsible for making sure that the project adheres to the City's Section 3 requirements and the projected Section 3 Plan as set forth in the City's contract.

Outreach Requirements

All bid announcements and complete specifications, subcontracting opportunities and any other opportunities for Section 3 businesses or residents for Section 3 applicable projects and funded activities must be sent to the organizations listed in Appendix J two calendar weeks prior to the bid closing date. This is not an exhaustive list and every effort should be made to disseminate information to as many organizations as possible to ensure you are recruiting Section 3 businesses and residents to the greatest extent feasible as required by HUD and the City's Section 3 policies. Documentation of your recruitment and outreach efforts must be forwarded to the address below. This includes employment announcements, contracting opportunities, and any other marketing materials related to your outreach activities.

Human Relations Council
ATTN: Section 3 Coordinator
371 West Second Street, Ste. 100
Dayton, Ohio 45402

Monthly Reports

The City requires monthly reports to be submitted to the HRC. Reports are due by the 10th of each month until the project has ended. The following reports should be submitted regardless if the work has been completed for that month or not:

- Payroll Certification
- Worker Utilization Form
- Subcontractor Drawdown Form (must be signed by prime contractor and subcontractor)
- Job postings
- Advertisement for employment opportunities
- Copies of applications received and results
- Documentation of training provided to Section 3 employees
- Pictures of job site signage with the date the picture was taken

- Any other documentation of methods used to notify businesses and residents of opportunities

These reports shall be submitted to the Section 3 Coordinator. Copies of the worker utilization and subcontractor drawdown forms are included in Appendix D. Information may also be submitted electronically. For instructions on how to submit data electronically, contact the HRC at (937) 333-1403.

Record Maintenance and Documentation

All projects which are subject to Section 3 guidelines are required to maintain comprehensive documentation of their Section 3 outreach efforts and implementation activities. There should be clearly maintained Section 3 documentation files available to be produced to and reviewed by City and/or HUD officials.

Signage

Section 3 signage is required for construction projects (multi-family-more than one unit). The sign must be large enough to be visible from the street. The sign must: (a) identify the name of the project; (b) state “This is a HUD Section 3 Project”; and (c) provide the contractor’s contact information including name and a telephone number.

Enforcement - Complaints and Compliance Reviews (Pursuant to 24 CFR § 135.)

Compliance Monitoring and Reviews

The Section 3 Coordinator will conduct regular compliance reviews which consist of comprehensive analysis and evaluation of the recipient's or contractor's compliance with Section 3. Since the source of these funds is HUD, federal officials maintain the right and responsibility to conduct Section 3 Compliance reviews which may involve any and all Section 3 projects funded by the City. Where noncompliance is found, the City will notify the recipient or contractor of the deficiency and recommendations for corrective actions. If noncompliance is found with contractor’s or sub-recipient’s subcontractors, notification will be sent to the contractor or sub-recipient who will be responsible for ensuring compliance from their subcontractor. A finding of noncompliance by the City or HUD may result in penalties based on the program under which the Section 3 covered assistance was funded. Refer to the “penalties” section for additional information.

City’s Complaint Process

Any Section 3 resident or business may file a complaint alleging noncompliance with Section 3 by a contractor, subcontractor, developer and/or sub-recipient. Complaints must be submitted to HUD within 180 days of the action or omission upon which the complaint is based. Complaints will be investigated by the HRC. Written complaints must contain:

- Name and address of the person filing the complaint;

- Name and address of the subject of complaint (HUD Recipient or Contractor)
- Description of acts or omissions in alleged violation of Section 3
- Statement of corrective action sought

Written complaints should be filed with:

Dayton Human Relations Council
 Executive Director or Designee
 371 West Second Street, Ste. 100
 Dayton, Ohio 45402

Upon receipt of a written complaint, the Executive Director of the HRC will designate a person(s) to investigate the specific allegations of the complaint and render a finding. If it is determined that the contractor, subcontractor, developer and/or sub-recipient has functioned in such a manner as to breach the contractual obligations of the approved Section 3 Plan, the Executive Director or designee will notify the appropriate Department heads and parties of such findings and of the corrective measures that will be required. The Section 3 Coordinator will respond to the complainant.

HUD's Complaint Process

Any Section 3 resident or business may file a complaint alleging noncompliance with Section 3 by a contractor, subcontractor, developer and/or sub-recipient. Complaints will be investigated; if appropriate, voluntary resolutions will be sought. There are appeal rights to the Secretary. Section 3 residents and businesses may also seek judicial relief. Complaints are to be filed in writing to the regional FHEO office:

CHICAGO REGIONAL OFFICE FHEO

Intake Branch Officer or Designee
 U.S. Department of Housing and Urban Development Midwest Office
 77 W. Jackson Boulevard, Suite 2101
 Chicago, IL 60604 General

or: The Assistant Secretary for Fair Housing and Equal Opportunity
 U.S. Department of Housing and Urban Development
 451 Seventh Street, SW, Room 5100
 Washington, DC 20410-2000

A written complaint must contain:

Name and address of the person filing the complaint;
 Name and address of the subject of complaint (HUD Recipient or Contractor)
 Description of acts or omissions in alleged violation of Section 3
 Statement of corrective actions sought.

Findings

A finding of noncompliance by the City or HUD may result in sanctions or penalties. In the event of the contractor, subcontractor, developer or sub-recipient refuses to comply with the

Section 3 provisions of the contract, including employment and contracting goals, or with any of the rules, regulations, or orders referred to, it is agreed that the city, at its option, may apply any or all of the penalties or sanctions listed in the Refusal to Comply section of the Guide Book.

Refusal to Comply

In the event of the contractor, subcontractor, developer or sub-recipient refuses to comply with the Section 3 provisions of the contract, including employment and contracting goals, or with any of the rules, regulations, or orders referred to, it is agreed that the city, at its option, may apply any or all of the penalties or sanctions listed in this section:

- A. Cancel, terminate, or suspend this contract, in whole or in part.
- B. Declare the contractor or vendor ineligible for further City contracts.
- C. Recover from the contractor or vendor by set-off against the unpaid portion of the contract price, or otherwise pursuant to this contract, the sum of \$50.00 per day, as liquidated damages and not as a penalty, for each day that the contractor, subcontractor, developer and/or sub-recipients shall fail to comply with these provisions of the contract, as determined by the HRC in accordance with its rules and regulations, the said sum being fixed and agreed upon by and between the contractor and the City because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages which the City would sustain in the event of such a breach of contract, and that amount is agreed to be the amount of damages which the City would sustain.
- D. Impose such other penalties as may be imposed by the Human Relations Council or seek such other remedies as may be provided by law. Penalties include, but are not limited to, the following:
 1. Once a Section 3 Plan is approved, contractors, subcontractors, developers and/or sub-recipients will be required to contribute the difference between the approved goal amounts and the achieved goal amounts to the City's Section 3 Implementation Fund if the contractor, subcontractor, developer or sub-recipient refuses to meet the goal in the approved plan. The penalty will be recovered by the contractors, subcontractors, developers and/or sub-recipients by set off against the unpaid portion of the contract price.
 2. Penalty for failure to meet employment goals will be based on the amount paid to the employees hired to fill eligible Section 3 positions. The penalty will be recovered by the contractors, subcontractors, developers and/or sub-recipients by set off against the unpaid portion of the contract price.
 3. A penalty will also be assessed for entering into a contract with contractors that fail to comply with 24 CFR § 135.32(d). The penalty assessed will be a minimum of 10% of the total contract to the noncompliant contractor not to exceed the total contract amount paid to the contractor. The penalty assessed will be based on whether or not the prime contractor has repeatedly contracted with contractors that have violated 24 CFR § 135.32(d). The penalty will be recovered by the

contractors, subcontractors, developers and/or sub-recipients by set off against the unpaid portion of the contract price.

In instances where there is a change in the scope of work or other unforeseen circumstances beyond the control of the contractor, subcontractor, developer and/or sub-recipient, the HRC may not impose a penalty for failure to meet the Section 3 goal. Penalties cannot be paid from HUD funding sources. Unpaid penalties may result in decertification from the Section 3 program and/or ineligibility to bid on future City projects.

APPENDIX A - SECTION 3 CLAUSE

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 or representative or 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 and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and 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.

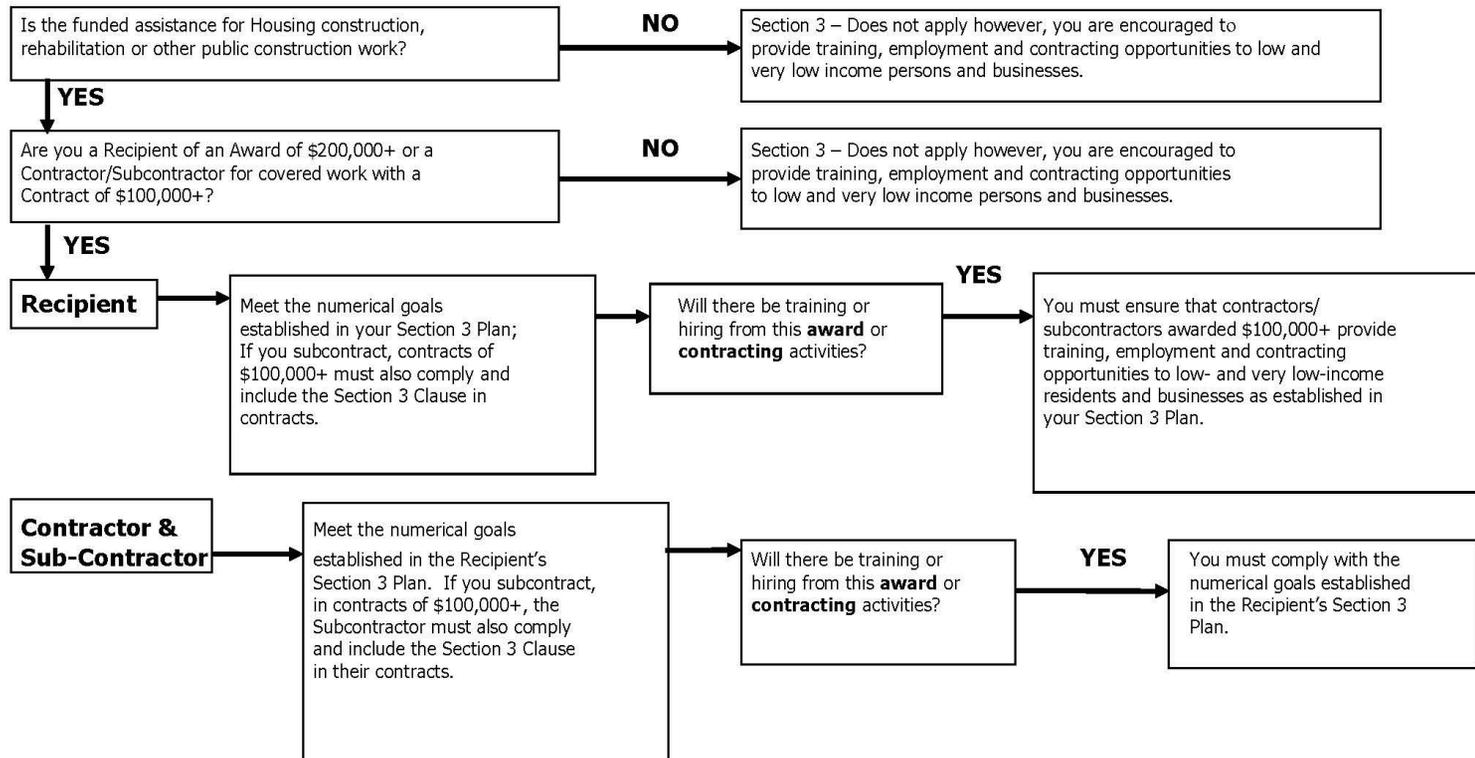
F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

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).

APPENDIX B - SECTION 3 FLOW CHART

Section 3 Flow Chart

Use the following chart to determine if your project is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended.



If state or private funds are combined with federal funds to finance an eligible Section 3 project, the combined amount (Total Development Cost) is subject to the Section 3 requirements.

APPENDIX C - SECTION 3 PLAN TEMPLATE

C.1 - HUD SECTION 3 TRAINING AND EMPLOYMENT GOALS FORM

C.2 - HUD SECTION 3 WORKER UTILIZATION REPORT FORM

C.3 - HUD SECTION 3 PARTICIPATION FORM

C.4 - HUD SECTION 3 STATEMENT OF COMMITMENT FORM

C.5 - HUD SECTION 3 PLAN APPROVAL PAGE

General Contractor Name:
Business Contact Information:
(Address, Phone, Email, Website)
Business Section 3 Coordinator:
Name of Authorized Representative:

Project Name:
Project Location:
Bid Amount:

SECTION 3 PLAN

This document serves as the Section 3 Plan for **PROJECT NAME** in compliance with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended.

The purpose of Section 3 of the Housing and Urban Development Act of 1968, as amended (12. U.S.C. 1701u) (Section 3), is to ensure that training, 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 businesses, which provide economic opportunities to low- and very low-income persons.

NUMERICAL GOALS FOR TRAINING AND EMPLOYMENT OPPORTUNITIES

The City will, to the greatest extent feasible, when awarding contracts or providing training and/or employment opportunities for activities or projects subject to the requirements of Section 3, strive to comply with the goals established in this section.

The numerical goals established in this section represent minimum numerical targets.

Training and employment opportunities will be made available to Section 3 residents as follows:

30 percent of the aggregate number of new hires/training opportunities resulting from funds awarded for FY and continuing thereafter. Number of Section 3 jobs/training opportunities anticipated _____.

PREFERENCE FOR SECTION 3 RESIDENTS IN TRAINING AND EMPLOYMENT OPPORTUNITIES

In providing training and employment opportunities, generated from the expenditure of Section 3 activities to Section 3 residents, the following order of preference will be followed:

- *First priority* will be given to Section 3 residents from the service area or neighborhood in which the Section 3 covered project is located;
- *Second priority* will be given to participants of public and social service programs funded by City HUD funding.
- *Third priority* will be given to all other residents of the City;
- Other Section 3 residents.

LIST OF STRATEGIES TO BE ADOPTED FOR COMPLIANCE WITH THE STATED EMPLOYMENT, TRAINING AND CONTRACTING GOALS

In compliance with the Section 3 Plan requirements, the applicant must submit a current list of employees as of the date the Section 3 Plan is submitted for approval along with anticipated new hires. A list of employees may be submitted on the Worker Utilization Form included in the appendices or an official business form that includes the same information requested on the Worker Utilization Form. The applicant must also develop a list of strategies to be adopted for compliance with the stated employment, training and contracting goals. When preparing the list, please refer to Examples of Efforts to Offer Training Employment Opportunities to Section 3 Residents.

HUD SECTION 3 TRAINING AND EMPLOYMENT GOALS

Name of Project: _____

Name of (Sub)Contractor: _____

Amount of Award: _____

	Number of Anticipated Hires	Number of Filled Positions	Number of HUD Section 3 Hires
Skilled			
Semi-Skilled			
Skilled Trainees			
Unskilled Trainees			
Semi-Skilled Trainees			
Professional & Admin			
Clerical			
Apprentices			
Other			

CITY OF DAYTON WORKER UTILIZATION REPORT FORM

NAME OF PROJECT: _____

To: Section 3 Coordinator
 Human Relations Council
 371 West Second Street
 Suite 100
 Dayton, OH 45402

COMPLETE THE INFORMATION FOR ALL EMPLOYEES				Ethnic Group						Sex		Trade	Classification				No. of Hours Worked				
Name of Employee	Employee ID (If SSN, last four digits.)	Address (street address and zip code)	Date of Hire	HUD Section 3	White (Not of Hispanic Origin)	Black (Not of Hispanic Origin)	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	Sex			Journeyman	Helper	Apprentice	Trainee	1st Week	2nd Week	3rd Week	4th Week	
										Male	Female										
WORKFORCE GOALS: MINORITY - 11.5%				FEMALE - 6.9%						SECTION 3 - 30% OF NEW HIRES											

NUMERICAL GOALS FOR CONTRACTING ACTIVITIES:

These goals apply to contract awards in excess of \$100,000 in connection with a Section 3 eligible project, and it applies to contractors, subcontractors, developers, and/or sub-recipients.

(Business Name) commits to award to Section 3 businesses:

- At least 10 percent of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction and other public construction; and
- At least 3 percent of the total dollar amount of all other Section 3 covered contracts.

PREFERENCE FOR SECTION 3 BUSINESSES:

The following order of preference will be followed when providing contracting opportunities to Section 3 businesses:

- ***First priority*** will be given to Section 3 businesses that provide economic opportunities for Section 3 residents in the service area or neighborhood in which the Section 3 covered project is located.
- ***Second priority*** will be given to Section 3 businesses selected to carry out HUD funded Programs.
- ***Third priority*** will be given to Section 3 businesses that provide economic opportunities for Other Section 3 Residents located outside the service area or neighborhood in which the Section 3 covered project is located.

HUD SECTION 3 (HUD3) PARTICIPATION FORM

Project Name: _____

The City of Dayton is committed to meeting HUD-established subcontracting and employment opportunities for HUD Section 3 eligible projects. This commitment applies to all projects funded with HUD Section 3 eligible funding sources. Questions about the City of Dayton HUD Section 3 Program should be directed to the Human Relations Council (HRC). (937) 333-1403.

	Please Check One							
Firm Name, Tax I.D. Number and Mailing Address	Prime Contract Bid <input type="checkbox"/>	Joint Venture Bid <input type="checkbox"/>	Supply or Service Subcontract <input type="checkbox"/>	Construction Subcontract <input checked="" type="checkbox"/>	Type of Service or Supply to be Provided	Type of Construction Work to be Performed	HUD3 \$ Amount of Total Base Bid	HUD3 % of Total Base Bid
HUD Section 3 Business Firm Name								
Tax I.D. Number								
Street Address								
City/State/ Zip Code								
Phone								
Total \$ Amount of PRIME CONTRACTOR'S Base Bid _____		Total \$ to HUD3 Firm _____			Total % to HUD 3 Firm _____			
PRIME CONTRACTOR'S PRINTED NAME AND SIGNATURE								
				Street Address				
				City/State/Zip				

STATEMENT OF COMMITMENT

By signature below, I am hereby acknowledging to the City that I have been duly provided with information regarding the City’s Section 3 Program, which explains the obligations and requirements of any construction project, which is funded in part or whole by HUD sourced funds. I certify that I am fully empowered to enter into this Statement of Section 3 Utilization Commitment on behalf of this business and I am certifying that the information contained within this Section 3 Plan is accurate and correct and that I understand that the City may impose penalties and sanctions for the submission of any false and inaccurate statements within this document.

NAME OF BUSINESS AUTHORIZED REPRESENTATIVE

SIGNATURE OF AUTHORIZED REPRESENTATIVE

TITLE

BUSINESS SECTION 3 COORDINATOR
(Leave blank if the same as authorized representative)

EMAIL ADDRESS	PHONE
---------------	-------

BUSINESS NAME

BUSINESS COMPLETE ADDRESS

BUSINESS WEBSITE (if applicable)

APPENDIX D - SECTION 3 MONTHLY REPORTING FORMS

D.1 - WORKER UTILIZATION FORM

D.2 - SUBCONTRACTOR DRAWDOWN INSTRUCTIONS AND FORM

Contractors must submit the following forms on a monthly basis until the project is complete. The forms must be submitted regardless if work is completed during that month or not. The forms must be submitted for both the prime and subcontractor.

CITY OF DAYTON WORKER UTILIZATION REPORT FORM

NAME OF PROJECT: _____

To: Section 3 Coordinator
Human Relations Council
371 West Second Street
Suite 100
Dayton, OH 45402

COMPLETE THE INFORMATION FOR ALL EMPLOYEES				Ethnic Group						Sex		Trade	Classification				No. of Hours Worked				
Name of Employee	Employee ID (If SSN, last four digits.)	Address (street address and zip code)	Date of Hire	HUD Section 3	White (Not of Hispanic Origin)	Black (Not of Hispanic Origin)	Hispanic Asian or Pacific Islander	American Indian or Alaskan Native	Male	Female		Journeyman	Helper	Apprentice	Trainee	1st Week	2nd Week	3rd Week	4th Week		
WORKFORCE GOALS: MINORITY - 11.5%				FEMALE - 6.9%						SECTION 3 - 30% OF NEW HIRES											

SUBCONTRACTOR DRAW-DOWN FORM Instructions to Prime Contractors

Please find attached a copy of the Subcontractor Draw-down Form. This form is to be used by Prime Contractors to report the monthly payments and draw-downs made to Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE), Dayton Local Small Business (DLSB), HUD Section 3 (Section 3) or Disadvantaged Business Enterprise (DBE) subcontractors approved by the Human Relations Council (HRC) to perform on specified projects.

When applicable, this form must be submitted on a monthly basis and is required on all projects utilizing declared MBE, WBE, SBE, HUD SECTION 3, DLSB or DBE subcontractors. Failure to submit this form and provide timely payments to MBE, WBE, SBE, DLSB, HUD SECTION 3, or DBE subcontractors may jeopardize your participation on City projects.

Enter the payment made to the subcontractor for work performed, the total payments made to the subcontractor(s) to date, and the balance due per the contract award.

Review the report with the subcontractor; secure the subcontractor's signature; and, return it to our office.

SUBCONTRACTOR DRAWDOWN FORM

PROJECT NAME _____

PRIME CONTRACTOR'S NAME _____

TOTAL PRIME CONTRACT AWARDED (\$) \$0.00

SUBCONTRACTOR'S NAME _____

AMOUNT OF THIS SUBCONTRACT (\$) _____

SUBCONTRACTOR TRADE AREA: _____

PAYMENT TO SUBCONTRACTOR THIS MONTH \$0.00

TOTAL PAYMENTS TO SUBCONTRACTOR TO DATE (\$) \$0.00

BALANCE DUE TO SUBCONTRACTOR (\$) \$0.00

I hereby certify that the above payments are correct and that the work has been performed in accordance with the subcontract agreement.

For _____

For _____

Prime Contractor Signature

Subcontractor Signature

Printed Name for Prime

Printed Name for Sub

Date Signed by Prime

Date Signed by Sub

REPORT _____ OF _____

MONTH _____, 2011

**RETURN TO: Human Relations Council, Supervisor of Compliance
371 West Second Street, Suite 100, Dayton OH 45402
Telephone: (937) 333-1403**

APPENDIX E - SECTION 3 PARTICIPATION WAIVER REQUEST

APPENDIX F - SECTION 3 BUSINESS APPLICATION FORM

F.1 – APPLICATION

F.2. – SECTION 3 EMPLOYEE LIST FORM

F.3 – AFFIRMATIVE ACTION ASSURANCE FORM

F. 4 – CITY OF DAYTON VENDOR APPLICATION

F.1 - APPLICATION

City of Dayton, Ohio



CERTIFICATION FOR BUSINESSES SEEKING SECTION 3 PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY

Name of Business:

Address of Business:

Type of Business: City: State OH Zip
 Corporation Partnership
 Sole Proprietorship Joint Venture

Attached is the following documentation as evidence of status:

For a business claiming status as a Section 3 resident-owned enterprise:

- Copy of resident lease
 - Copy of receipt of public assistance
 - Copy of evidence of participation in a public assistance program
 - Other evidence (Specify)
-

For a business entity as applicable:

- Copy of Articles of Incorporation
- Certificate of Good Standing
- Assumed Business Name Certificate
- Partnership Agreement
- List of owners/stockholders and % ownership of each
- Corporation Annual Report
- Latest Board minutes appointing officers
- Organization chart with names, titles and brief function statement
- Additional documentation

For a business claiming Section 3 status by subcontracting 25% of the dollar awarded to qualified Section 3 business:

- List of subcontracted Section 3 business(es) and subcontract amount

For a business claiming Section 3 status, claiming at least 30% of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:

- List of all current full-time employees
- List of employees claiming Section 3 status
- PHA/IHA Residential Lease less than 3 years from day of employment
- Other evidence of Section 3 status less than 3 years from date of employment

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

- Current financial statement
- List of owned equipment
- State of ability to comply with public policy
- List of all contracts for the past 2 years

Authorizing Name (Please Print)

Signature

Date

F.3 – CITY OF DAYTON VENDOR APPLICATION

CITY OF DAYTON, OHIO
DIVISION OF PURCHASING



**CITY HALL • 101 WEST THIRD STREET
P.O. BOX 22 • DAYTON, OHIO 45401
(937) 333-4030 • FAX (937) 234-1600
www.daytonohio.gov**

INSTRUCTIONS FOR COMPLETION

Parties interested in doing business with the City of Dayton are encouraged to complete the following registration forms to register that interest with the City.

This process allows potential bidders and suppliers to be registered and entered into our system along with the Commodities and/or Services they can provide. This information is used to develop and maintain current and accurate lists of potential Suppliers to the City. To accomplish this task, we request that you complete the Vendor Application Form and the Commodity/Service List and return to the address or fax number provided below.

Send to:

City of Dayton
Division of Purchasing
PO Box 22
Dayton OH 45401

-or-

Fax (937) 234-1600

Reminder: Remittances should include both the Vendor Application and the Commodity/Service List forms.

If you have any questions concerning this form, you may contact the Division of Purchasing at (937) 333-4030.

Copies of the Vendor Application form may be found on the City's web site at <http://www.daytonohio.gov/departments/cs/purchasing>.



Valerie Stueland
Purchasing Agent

VENDOR APPLICATION

DATE	PHONE NUMBER	FEDERAL ID # OR SOCIAL SECURITY
E-MAIL ADDRESS: _____		FAX NUMBER: _____
1. APPLICANT'S NAME AND MAILING ADDRESS (for Bid Forms and Purchase Orders) _____ _____ _____		2. MAILING ADDRESS FOR PAYMENTS <input type="checkbox"/> Check here if same as Bid Address _____ _____ _____
3. TYPE OF ORGANIZATION (check one) <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETOR		
4. HOW LONG IN PRESENT BUSINESS? _____		ANNUAL SALES: \$ _____ NET WORTH: \$ _____
5. TYPE OF BUSINESS <input type="checkbox"/> MANUFACTURER <input type="checkbox"/> DISTRIBUTOR <input type="checkbox"/> MANUFACTURER'S REPRESENTATIVE <input type="checkbox"/> OTHER (indicate type) _____		
6. IF OTHER THAN MANUFACTURER: MAIN LINES HANDLED _____		
7. PERSONS AUTHORIZED TO SIGN BIDS, QUOTATIONS, PROPOSALS (indicate if Agent)		
NAME	OFFICIAL CAPACITY	TELEPHONE NO.
_____	_____	_____
_____	_____	_____
_____	_____	_____
8. YOUR SIGNED EQUAL OPPORTUNITY "AFFIRMATIVE ACTION ASSURANCE" (AAA) FORM MUST BE APPROVED AND ON FILE WITH THE CITY OF DAYTON'S HUMAN RELATIONS COUNCIL, 371 W. SECOND STREET, SUITE 100, DAYTON, OHIO 45402, BEFORE A PURCHASE ORDER IN EXCESS OF \$5,000.00 CAN BE AWARDED. IF YOU NEED ANY INFORMATION ON THIS, OR THE SECTION BELOW, PLEASE CONTACT THE HUMAN RELATIONS COUNCIL AT (937) 333-1403.		
9. IF YOU HAVE BEEN CERTIFIED BY THE HUMAN RELATIONS COUNCIL OR THE OHIO UCP, PLEASE CHECK BELOW:		
<input type="checkbox"/> MINORITY BUSINESS ENTERPRISE (MBE) <input type="checkbox"/> WOMEN BUSINESS ENTERPRISE (WBE) <input type="checkbox"/> SMALL BUSINESS ENTERPRISE (SBE)		
<input type="checkbox"/> DAYTON LOCAL SMALL BUSINESS ENTERPRISE (DLSB) <input type="checkbox"/> HUD SECTION 3 BUSINESS INTERPRISE (HUD) <input type="checkbox"/> DISADVANTAGED BUSINESS ENTERPRISE (DBE)		
PURCHASING DIVISION USE ONLY		
<input type="checkbox"/> ADD <input type="checkbox"/> REMOVE <input type="checkbox"/> CHANGE DATE: _____		
CLASSIFICATION: _____		
PLEASE MAKE SURE YOU HAVE SELECTED A COMMODITY CODE!		

F.4 – AFFIRMATIVE ACTION ASSURANCE FORM

F.3 - AFFIRMATIVE ACTION ASSURANCE FORM

**CITY OF DAYTON
HUMAN RELATIONS COUNCIL
AFFIRMATIVE ACTION ASSURANCE**

Introduction: A compliance review will be conducted on a yearly basis for all firms having an approved Affirmative Action Assurance form. Only those firms approved by the Human Relations Council may be awarded contracts involving expenditures of \$500 or more.

Please type or print legibly. FEDERAL ID # _____

Firm Name _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____ Fax Number _____ E-Mail _____

- Type of Business - Check One
- | | | | | |
|--|---|--|---|--|
| <input type="checkbox"/> Agriculture, Forestry and Fishing | <input type="checkbox"/> Consulting | <input type="checkbox"/> Retail | <input type="checkbox"/> Research and Development | <input type="checkbox"/> Manufacturing |
| <input type="checkbox"/> Mining | <input type="checkbox"/> Finance, Insurance and Real Estate | <input type="checkbox"/> Service and Repair Business | <input type="checkbox"/> Transportation, Communication and other Public Utilities | <input type="checkbox"/> Wholesale Trade |
| <input type="checkbox"/> Construction | | | | |

List Specific Product(s) _____

- Does your firm have a written equal employment opportunity policy? If so, attach copy.
Yes No
- If not, would you accept the enclosed sample as your policy? (see sample)
Yes No
- Is your firm 51% or more owned by minority persons? Yes No
- Is your firm 51% or more owned by female persons? Yes No

In accord with the Revised Code of General Ordinances 35.14, 35.15 and 35.16, this company hereby agrees that a program of affirmative action will be maintained to implement its nondiscrimination policy in doing business with the City of Dayton:

SIGNATURE (PLEASE PRINT NAME NEXT TO SIGNATURE) TITLE (Authorized Person Only)

DATE

This form must be completed on both sides in order for your firm to be added to the City of Dayton's approved list of bidders.

DO NOT WRITE BELOW THIS LINE

APPROVED _____

SIC

DISAPPROVED _____

COMMENTS:

DATE

HUMAN RELATION COUNCIL

PLEASE RETURN TO:
CITY OF DAYTON
Human Relations Council
371 W. Second St., Ste. 100
Dayton, OH 45402
(937) 333-1413
(937) 222-4589 Fax

CITY OF DAYTON
HUMAN RELATIONS COUNCIL
AFFIRMATIVE ACTION GUIDELINES

I. Policy

That the company will have an equal employment opportunity policy. This policy should initiate or reaffirm a clear, explicit merit employment policy on hiring, upgrading, recruiting, etc.

II. Dissemination of Policy Within Company

That the company will maintain or initiate appropriate steps to ensure that all employees understand the company's obligation under this policy and specifically instruct supervisory personnel in their responsibilities for carrying out this policy.

III. Affirmative Action Program

That the company will maintain or initiate an Affirmative Action Program designed to ensure that there will be no discrimination on the basis of race, color, religion, sex, national origin, marital status, age or disability, etc.

IV. Responsibility for Program

That the company will designate one of its officials as equal opportunity compliance officer for executing this agreement, including liaison with the staff of the Human Relations Council.

V. Hiring Practices

That the company will maintain or initiate hiring practices designated to achieve a reasonable representation of minority and female employees at every job level.

VI. Testing

That the company will review its testing procedures to see that they are kept up to date and reflect standard and acceptable testing practices.

VII. Recruitment Sources

That the company will specifically notify all sources of recruitment, employment agencies, placement bureaus, colleges, universities, labor unions, etc., that it does not discriminate on the basis of race, religion, color, sex, national origin, marital status, age or disability, etc.; that the company actively solicits minority group applicants and that it will discontinue the use of sources where it appears that direct or indirect discriminatory practices exist. (Please include copies of such notifications.)

VIII. Changes in Employee Status

That the company will review all procedures relating to transfer, upgrading, downgrading and lay-off, to ensure that all such actions are taken without regard to race, religion, color, sex, national origin, marital status, age or disability, etc.

IX. Training

That the company will cooperate with available resources in utilizing training programs designed to admit minority group members and females to regular employment with the company.

X. Suppliers and Subcontractors

That the company shall obtain written assurance that these requirements have been read and they fully agree to this Affirmative Action Program, from all suppliers and/or subcontractors involving the expenditure of \$500.00 or more. Further, those suppliers and/or subcontractors agree to become a part of the full implementation of said program.

Each approved firm must have a written policy statement regarding equal employment opportunity. A sample policy statement is as follows—

“This company, its subsidiaries, and its divisions shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, marital status, age or disability, and shall take such affirmative action as necessary to ensure that applicants are employed and employees are treated equally during employment without regard to race, color, religion, sex, national origin, marital status, age or disability.”

Implementation of Equal Employment Opportunity Policy. The equal employment opportunity policy is implemented through an Affirmative Action Program. The program should be designed to hire qualified minorities and females in all of the various job categories when needed, and the firm should establish specific goals to increase the number of minorities and females in the various job categories through hiring or promotion.

The City of Dayton has approved some goals and timetables to serve as guidelines for firms with whom they do business. All firms doing business with the City should employ a representative number of minorities and females in all job classifications. These firms should also establish specific goals and timetables for achieving their goals. Such goals and timetables shall be a part of a firm’s Affirmative Action Program and shall be maintained on a year-by-year basis. If a firm cannot meet the established goals and timetables, it will be evaluated on its “good faith” effort; that is, whether the Affirmative Action Program is being followed in fact and whether every attempt is being made to attain the goals according to the timetables.

Another factor supporting the “good faith” effort is whether the firm has conducted an analysis of all major job categories at the facility to determine if minorities and females are currently being underutilized in any one or more job categories (“Underutilization” means having fewer minorities and females in a particular job category than would reasonably be expected by their availability.) Consideration of “good faith” effort shall also be given to the following factors—

1. The minority and female population of the labor area.
2. The size of the minority and female unemployment force in the labor area.
3. The percentage of the minority and female work force as compared with the total work force in the immediate labor area.

4. The general availability of minorities and females having requisite skills in the immediate labor area.
5. The availability of minorities and females having requisite skills in an area in which the facility can reasonably recruit.
6. The availability of promotable minority and female employees within the facility's organization.
7. The anticipated expansion, contraction and turnover of and in the work force.
8. The existence of training institutions capable of training minorities and females in the requisite skills.
9. The degree of training which the firm is reasonably able to undertake as a means of making all job classifications available to minorities and females.
10. The use of recruitment sources where minorities and females can be secured.

Every effort should be directed to increase materially the number of minorities and females at all levels and in all segments of the work force of the company with particular emphasis on segments of the work force where few, if any, minority and female persons are employed. Special attention should be given to the categories of officials and managers, professionals, technicians, sales workers, office and clerical, and skilled craftsmen.

APPENDIX G - SECTION 3 RESIDENT APPLICATION FORM

G.1 – SECTION 3 RESIDENT APPLICATION

**G.2 – SECTION 3 RESIDENT OR EMPLOYEE OR HOUSEHOLD INCOME
CERTIFICATION**

G.3 – SECTION 3 RESIDENT PREFERENCE FORM

CITY OF DAYTON
SECTION 3 RESIDENT APPLICATION
c/o DMHA

400 Wayne Avenue
P.O. Box 8750

Dayton, Ohio 45401-8750

Telephone: (937) 910-7500

TDD (937) 910-5440

FAX (937) 910-7689



Assessment of Experience and Skills for Participation in the Section 3 Program

- NO**, there is no one in my household interested in participating in training and employment under the City of Dayton's Section 3 Program
- YES**, I am interested in participating in a training and employment program under the City of Dayton's Section 3 Program

Section 1: Contact Information

Name: _____

Address: _____

Phone: (937) _____ Email Address: _____

Signature: _____

Section 2: Personal and Family Information

Age (check one): 18-24 25-44 45-59 60+

Please list the name and ages of all children and dependents in the household. If no dependents, check here.

Name	Age	Name	Age
1. _____	_____	6. _____	_____
2. _____	_____	7. _____	_____
3. _____	_____	8. _____	_____
4. _____	_____	9. _____	_____
5. _____	_____	10. _____	_____

Section 3: Education

Please list all schools you have attended and if you have received a diploma, degree or some other certificate of completion.

	Completed		Program/Degree Received
High School	<input type="checkbox"/> Y	<input type="checkbox"/> N	
Trade School	<input type="checkbox"/> Y	<input type="checkbox"/> N	
College	<input type="checkbox"/> Y	<input type="checkbox"/> N	
Other	<input type="checkbox"/> Y	<input type="checkbox"/> N	

Have you participated in any employment/training program (federal, state, local or private) during the last twelve (12) months? Y N

If your answer is yes, please check the ones that apply:

- Employment training (JTPA, etc.)
- Vocational education or rehabilitation
- Adult basic education (Grades 0-8)
- English as a Second Language (ESL)
- Other (specify)

Section 4: Family Income

What is the major source of family income? (check one)

- Salaries or wages earned from a job by persons in the home
- Alimony, child support or other support from family outside the home
- Other (specify)

Please check all public assistance programs that applies to anyone in your household.

- AFDC
- Food Stamps
- Medicaid
- Assisted Housing
- WIC

What is your household annual income (all income from anyone in the household over 18 years of age)? \$_____

Section 4: Employment History

Are you employed? Y N

If so, please provide the name of your employer. _____

How long have you been employed by this employer? _____

If you are not employed, how long has it been since you have had a full-time job?

- 0-12 months
- 1-3 years
- 4-6 years
- over 6 years
- never had a job

If you are not employed, what are the barriers to preventing you from getting employment?

- | | |
|--|---|
| <input type="checkbox"/> Lack of work experience and job skills | <input type="checkbox"/> Lack of childcare (i.e. diploma, GED, other) |
| <input type="checkbox"/> Poor employment record with job firings | <input type="checkbox"/> Lack of transportation |
| <input type="checkbox"/> Lack of educational requirements | <input type="checkbox"/> Drugs/alcohol addiction |
| | <input type="checkbox"/> Criminal conviction record |

Work History: Please list all (full and part-time) work experience beginning with the most recent position. If you need additional space, please continue on the back page. This information **MUST** be included in order for us to evaluate your qualifications for certain jobs.

1. Title: _____

Place of Employment: _____

Dates of Employment: _____

Primary Duties: _____

2. Title: _____

Place of Employment: _____

Dates of Employment: _____

Primary Duties: _____

3. Title: _____

Place of Employment: _____

Dates of Employment: _____

Primary Duties: _____

4. Title: _____

Place of Employment: _____

Dates of Employment: _____

Primary Duties: _____

Section 5: Employment of Interest

What type of work are you interested in?

What experience and/or skills do you have that will qualify you for choice of work?

What additional experience and/or skills do you think you need for the areas of work you are interested in?



Dayton Metropolitan Housing Authority
 400 Wayne Ave.
 P.O. Box 8750
 Dayton, Ohio 45401-8750
 Telephone (937) 910-7500
 Fax (937) 910-7689



Section 3 Resident or Employee Household Income Certification

Any individual who is seeking to be certified as a Section 3 resident, and who is **not a public housing resident, or not in a federally assisted housing program, or not a recipient public assistance program** shall attest to their total current gross annual household income, and provide the name and date of birth of each household member. All additional household income earned by household members, excluding children under 18, and/or provided through public or private assistance, child support, bank or investment earnings must be included, where indicated below.

I, _____, (Individual's Full Name) **DO SOLEMNLY SWEAR THAT THE INFORMATION I HAVE PROVIDED BELOW IS TRUE.**

Number of family members who live in my household: _____.

My total current gross annual household income is: _____.

The source(s) of my total **annual** household income is/are:

	Head of Household	Spouse (if applicable)	Other Adult Members age 18 & over (if applicable)	Other Adult Members age 18 & over (if applicable)	Other Adult Members age 18 & over (if applicable)	Other Adult Members age 18 & over (if applicable)
Gross Earnings						
TANF						
Child Support						
Bank Income						
Other Income (list)						
1.						
2.						
3.						
4.						

PRINT NAME: _____

SIGNATURE: _____ **DATE:** _____



Dayton Metropolitan Housing Authority
 400 Wayne Ave.
 P.O. Box 8750
 Dayton, Ohio 45401-8750
 Telephone (937) 910-7500
 Fax (937) 910-7689



SECTION 3 RESIDENT PREFERENCE CLAIM FORM

A Section 3 resident seeking the preference in training and employment as defined in the Section 3 regulation at 24 CFR Part 135, shall certify to the recipient, contractor or subcontractor, and submit evidence showing they meet the criteria of a Section 3 resident, (i.e. proof of receipt of public assistance or residency in a United States Department of Housing and Urban Development (HUD) or other federally-assisted housing program, e.g., Public Housing, Section 8, etc.)

Number of Family Members	Total Family Income*
1	\$33,700
2	\$38,550
3	\$43,350
4	\$48,150
5	\$52,000
6	\$55,850
7	\$59,700
8	\$63,550
*2004 Income Limits	

CERTIFICATION FOR SECTION 3 RESIDENT

I, _____, am a legal resident of the U.S.A.
 (Your Name)

MY SOCIAL SECURITY NUMBER is _____.

MY RACE/ETHNICITY is _____
 (Optional: For statistical purposes only)

MY PERMANENT ADDRESS is _____
 (Include City, Street, Zip Code)

I have attached one of the following documents as proof of my status:

- Proof of residency (lease in a HUD or other federally assisted program).
- Proof of public assistance, e.g., Temporary Assistance to Needy Families (TANF) recipients, etc.
- Proof of participation in a HUD YOUTHBUILD program.
- Proof of participation in a federally assisted program such as job training programs, etc.
- Proof of participation in a state or local assistance program, or other program that assists low- or very-low income persons.

ONLY PROVIDE THE FOLLOWING IF ONE OF THE ABOVE IS NOT APPLICABLE:

- Use form sec3-002b, Section 3 Resident or Employee Household Income Certification to show employee household income if no other documents are attached.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

TITLE: _____

APPENDIX H – EXAMPLES OF EFFORTS TO OFFER TRAINING AND EMPLOYMENT OPPORTUNITIES TO SECTION 3 RESIDENTS

Entering into "first source" hiring agreements with organizations representing Section 3 residents.

Sponsoring and/or recruiting from a HUD-certified "Step-Up" employment and training program for Section 3 residents.

Establish training programs, which are consistent with the requirements of the Department of Labor for hired Section 3 residents in the building trades.

Advertising the training and employment positions by posting flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) in the common areas or other prominent areas of the housing development or developments.

Contacting resident councils, resident management corporations, or other resident organizations, where they exist, in the housing development or developments and community organizations in HUD-assisted neighborhoods, to request the assistance of these organizations in notifying residents of the training and employment positions to be filled.

Sponsoring (scheduling, advertising, financing or providing in-kind services) a job informational meeting to be conducted by a housing authority or contractor representative or representatives at a location in the housing development.

Arranging assistance in conducting job interviews and completing job applications for residents of the housing developments or developments and in the neighborhood or service area in which a Section 3 project is located.

Arranging for a location in the housing development or developments where category 1 persons reside, or the neighborhood or service area of the project where job applications may be delivered to and collected by a recipient or contractor representative or representatives.

Consulting with state and local agencies administering training programs, probation and parole agencies, unemployment compensation programs, community organizations and other officials or organizations to assist with recruiting Section 3 residents for housing authorities or contractor's training and employment positions.

Advertising the jobs to be filled through the local media, such as community television networks, newspapers of general circulation, and radio advertising.

Undertaking such continued job training efforts as may be necessary to ensure the continued employment of Section 3 residents previously hired for employment opportunities.

Incorporating into the Section 3 Plan a negotiated provision for a specific number of public housing or other Section 3 residents to be trained or employed on the Section 3 covered project.

APPENDIX I - EFFORTS TO MEET GREATEST EXTENT FEASIBLE

At a minimum, the following tasks must be completed to demonstrate a good faith effort with the requirements of Section 3. The contracting party and each contractor or subcontractor seeking to establish a good faith effort as required should be filling all training positions with persons residing in the target area.

Send notices of job availability subcontracting opportunities subject to these requirements to recruitment sources, trade organizations and other community groups capable of referring eligible Section 3 applicants, including the Department of Labor.

Include in all solicitations and advertisements a statement to encourage eligible Section 3 residents to apply.

When using a newspaper of major circulation to request bids/quotes or to advertise employment opportunities to also advertise in minority-owned newspapers.

Maintain a list of all residents from the target area who have applied either on their own or by referral from any service, and employ such persons, if otherwise eligible and if a trainee position exists. (If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy). A list of eligible applicants will be maintained for future vacancies.

THE CONTRACTOR MUST 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 OBLIGATION UNDER 24 CFR PART 135.

APPENDIX J – LIST OF POTENTIAL PARTNER ORGANIZATIONS AND NOTIFICATION LIST

Catherine Crosby
Dayton Human Relations Council
371 West Second Street, Ste. 100
Dayton, Ohio 45402
www.daytonohio.gov/deparments/hrc
(937) 333-1403

Toni Brame
East End Community Center
624 Xenia Avenue
Dayton, Ohio 45410
www.east-end.org
(937) 259-1898 x28

Roosevelt Burrell
NAACP – Dayton Unit
1526 West Third Street
Dayton, Ohio 45402
www.naacpdayton.org
(937) 222-2172

David Lyttle
Minority Business Assistance Center
371 West Second Street
Dayton, Ohio 45402
www.daytonmbac.com
(937) 333-4961

Eleanor Stocks
African American Chamber of Commerce
P.O. Box 289
Dayton, Ohio 45409
(937) 222-8406

Stephen Offord
Job Bank Supervisor
The Job Center
1111 Edwin C. Moses Boulevard
Dayton, Ohio 45422
www.thejobcenter.org
(937) 496-7303

Jackie Lee
PowerNet of Dayton
402 Salem Avenue
Dayton, Ohio 45406
www.powernetofdayton.org
(937) 225-3120

Curtis Anderson
Wesley Community Center
3730 Delphos Avenue
Dayton, Ohio 45417

City of Dayton
Division of Citizen Participation
*Request to be sent Priority Boards and
Neighborhood and Business Associations*
101 W. Third Street
Dayton, Ohio 45402
(937) 333-3670
(937) 333-4281 (fax)

APPENDIX K - SECTION 3 DEFINITIONS

SECTION 3 DEFINITIONS

Applicant means 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, Indian housing authority, Indian tribe, 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 (CHDO), resident management corporation, resident council, or cooperative association.

Business concern means a business entity formed in accordance with State law, and which is licensed under State, county or municipal law engages in the type of business activity for which it was formed.

Business concern that provides economic opportunities for low-and very low-income persons. See definition of “Section 3 business concern” in this section.

Contract. See definition of “Section 3 covered contract” in this section.

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

Department or HUD means the Department of Housing and Urban Development, including its Field Offices to which authority has been delegated to perform functions under this part.

Employment opportunities generated by 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 135.3(a)(2), including management and administrative jobs connected with the Section 3 covered project. 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 specialists, payroll clerk, etc.

Housing and community development assistance means any financial assistance provided or otherwise made available through a HUD housing or community development program through any grant, loan, loan guarantee, cooperative agreement, or contract, and includes community development funds in the form of community development block grants, and loans guaranteed under Section 108 of the Housing and Community Development Act of 1974, as amended. Housing and community development assistance does not include financial assistance provided through a contract of insurance or guaranty.

JTPA means the job Training Partnership Act (29 U.S.C. 1579(a).

Low-income person. See the definition of “Section 3 resident” in this section.

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

Neighborhood area means:

(1) For HUD housing programs, a geographical location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designed in ordinances, or other local documents as a neighborhood, village, or similar geographical designation.

(2) For HUD community development programs, see the definition, if provided, in the regulations for the applicable community development program, or the definition for this term in 24 CFR 570.204(c)(1).

New hires mean full-time employees for permanent, temporary or seasonal employment opportunities.

Other HUD programs means HUD programs, other than HUD public and Indian housing programs, that provide housing and community development assistance for “Section 3 covered projects,” as defined in this section.

Recipient means 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, IHA, Indian Tribe, 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.

Secretary means the Secretary of Housing Urban Development (HUD).

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

Section 3 business concern means a business concern, as defined in this section. (1) That is 51 percent or more owned by Section 3 residents; or (2) 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 (3) That provides evidence of a commitment to by contract in excess of 25 percent of the dollar award of all subcontracts to be awarded to businesses that meet the qualifications set forth in paragraphs (1) or (2) in this definition of “Section 3 business concern.”

Section 3 clause means the contract provisions set forth in 24 CFR 135.38. (1) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with: (i) Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement); (ii) Housing construction; or (iii) Other public construction projects (which includes other buildings or improvements, regardless of ownership).

Section 3 covered contract means 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 System (see 48 CFR, Chapter 1). "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. For example, a contract for the purchase and installation of a furnace would be a section 3 covered contract because the contract is for work (i.e., the installation of a furnace) and thus is covered by section 3.

Section 3 covered project means 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 means: (1) A public housing resident; or (2) An individual who resides in the metropolitan area or non-metropolitan county in which the section 3 covered assistance is expended, and who is: (i) *A low-income person*, as this term is defined in section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)). Section 3(b)(2) of the 1937 Act defines this term to mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum 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; or (ii) *A very low-income person*, as this term is defined in section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)). Section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)) defines this term to mean families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the 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.

APPENDIX L – STAFF LISTING

Thomas J. Wahlrab
Executive Director
City of Dayton
Human Relations Council
371 W. 2nd Street, Suite 100
Dayton, Ohio 45402
tom.wahlrab@daytonohio.gov
(937) 333-1407

Catherine Crosby
Assistant Director
City of Dayton
Human Relations Council
371 W. 2nd Street, Suite 100
Dayton, Ohio 45402
catherine.crosby@daytonohio.gov
(937) 333-1395

Catherine Crosby
Interim Section 3 Coordinator
City of Dayton
Human Relations Council
371 W. 2nd Street, Suite 100
Dayton, Ohio 45402
(937) 333-1395

Kimberly Nevels
HUD FHEO Region V
Intake Branch Officer or Designee
U.S. Department of Housing and Urban Development Midwest Office
77 W. Jackson Boulevard, Suite 2101
Chicago, IL 60604-3507