



SECTION 3 Template 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 has developed 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 guidebook.

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 when HUD sourced funds are being used.

These policies also require that designated Section 3 businesses are extended opportunities in contracting, sub-contracting, and servicing activities. Additionally, it is City policy to not fund 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 will

provide assistance to 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 may be considered 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.

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 eligible residents are included in the hiring goals and are indeed beneficiaries of the plan's hiring policies and practices.

Included in the Section 3 Plan is a list of strategies to find residents for hire.

Here are the minimum steps contractors must include as part of their Section 3 Plan to meet the definition of *greatest extent feasible*:

- Contractor will work with the Section 3 Program Coordinator to identify eligible Section 3 Residents;
- Contractor will contact individuals on the Certified Section 3 Residents lists maintained by the City of Dayton and Greater Dayton Premier Management;
- Contractor will post job opportunities at the job site;
- Contractor will post job opportunities in local newspapers;
- Contractor will post job opportunities on our website;
- Contractor will notify the Section 3 Employment Opportunities Notification List of job openings.

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 total number of new hires during a one-year period of the project must be Certified Section 3 Residents. (Example: A construction contractor hires ten new workers. Three of the new workers must be Certified Section 3 Residents.)

- **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 who reside in the City of Dayton
- **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 <http://daytonhrc.org/business-technical-assistance/certification/hud-section-3/>. 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 (per the income table below)

Household Size	YEAR 2016	YEAR 2015	YEAR 2014
1 Person	<input type="checkbox"/> \$35,050	<input type="checkbox"/> \$34,550	<input type="checkbox"/> \$33,750
2 People	<input type="checkbox"/> \$40,050	<input type="checkbox"/> \$39,500	<input type="checkbox"/> \$38,550
3 People	<input type="checkbox"/> \$45,050	<input type="checkbox"/> \$44,450	<input type="checkbox"/> \$43,350
4 People	<input type="checkbox"/> \$50,100	<input type="checkbox"/> \$49,350	<input type="checkbox"/> \$48,150
5 People	<input type="checkbox"/> \$54,100	<input type="checkbox"/> \$53,300	<input type="checkbox"/> \$52,050
6 People	<input type="checkbox"/> \$58,100	<input type="checkbox"/> \$57,250	<input type="checkbox"/> \$55,900
7 People	<input type="checkbox"/> \$62,100	<input type="checkbox"/> \$61,200	<input type="checkbox"/> \$59,750
8 People	<input type="checkbox"/> \$66,100	<input type="checkbox"/> \$65,150	<input type="checkbox"/> \$63,600
More than 8 people	# of People _____ Income \$ _____	# of People _____ Income \$ _____	# of People _____ Income \$ _____

Each application must include the following documentation:

- Section 3 Residence Affidavit
- Section 3 Residence Resident Questionnaire
- Supporting Documentation, which may include:
 - Proof of residency (lease in a HUD or other federally assisted program)
 - Proof of Income (one of the following is acceptable)

- Proof of participation in a local, state or federal public assistance program (e.g. Temporary Assistance to Needy Families (TANF) recipients, Medicaid, etc)

Once an individual has completed all eligibility requirements, they will receive a letter confirming the certification has been approved and will be added to a list of Certified Section 3 Residents. A list of all the Certified Section 3 Residents will be provided to contractors, subcontractors, developers and/or sub-recipients at the pre-construction meeting and as requested. Residents will also be provided with a list of organizations to contact regarding available positions. (Appendix J)

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 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 <http://daytonhrc.org/business-technical-assistance/certification/hud-section-3/>. 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
- Proof of income eligibility requirements

**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 with supporting documentation or Section 3 Resident Certification Letter from employees claiming certification

**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

**Certification in this category is project by project .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.*

Each business entity must also submit, as applicable:

	CORPORATIONS must submit:		PARTNERSHIPS and JOINT VENTURES must submit:
<input type="checkbox"/>	Letter of Good Standing from Secretary of State	<input type="checkbox"/>	Letter of Good Standing from Secretary of State
<input type="checkbox"/>	Articles of Incorporation showing all owners/stockholders and ownership percentages	<input type="checkbox"/>	Partnership or Joint Venture Agreement showing all owners and ownership percentages
<input type="checkbox"/>	Corporate Tax Return for previous year OR Corporate Financial Statements	<input type="checkbox"/>	Business Tax Return for previous year OR Business Financial Statements
	LLCs must submit:		SOLE PROPRIETORSHIPS must submit:
<input type="checkbox"/>	Letter of Good Standing from Secretary of State	<input type="checkbox"/>	Letter of Good Standing from Secretary of State (if available)
<input type="checkbox"/>	Articles of Organization showing all members and ownership percentages	<input type="checkbox"/>	Proof of business filing with the State of Ohio
<input type="checkbox"/>	Personal/Business Tax Return for previous year <u>for each owner</u> OR Business Financial Statements	<input type="checkbox"/>	Personal/Business Tax Return for previous year OR Personal/Business Financial Statements
<p>Certificates of Good Standing may be obtained from the Secretary of State or by visiting: http://www.sos.state.oh.us/Businesses/BusinessInformation/cogs.aspx</p>			

Evidence of ability to perform successfully on City contracts:

- List of owned equipment
- List of all contracts for the past two years
- Resume or description of experience

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 <http://daytonhrc.org/business-technical-assistance/certification/>.

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 for 30 days 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's duty is to ensure certified businesses 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 findings within 3 business workdays. 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 that 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 Business and Technical Assistance Administrator to ensure a 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 addition 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 is 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 contractor's current workforce (payroll reports, etc.)
- Specific plan for hiring Section 3 eligible residents
- Specific plan for engaging Section 3 designated businesses, which should 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 (5) 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 submit once requested as part of the HRC's participation verification process.

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 (5) 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. These efforts should exceed "good faith efforts". Examples of meeting the "greatest extent feasible" requirement can be found in Appendix I.

Greatest Extent Feasible Efforts

An acceptable strategy for finding Certified Section 3 Residents must show that you have gone to the *greatest extent feasible*. Please note this is more rigorous than a *good faith effort*. Going to the *greatest extent feasible* must include, at a minimum: working with the Section 3 Program Coordinator, contacting the individuals on the Certified Section 3 Residents lists maintained by the City of Dayton and Greater Dayton Premier Management, posting job opportunities at the job site, posting job and contracting opportunities in local newspapers, posting job and contracting opportunities on your website, notifying the local unemployment office of job openings, and notifying The Job Center of job openings. Your strategies may also include other steps specific to your areas of expertise. For example, you may want to notify a local union hall, business assistance program, or certifying agency if you are looking for a particular skill or trade.

WAIVER REQUEST FORM

A bidder requesting a total or partial waiver of the HUD Section 3 Participation Goal must maintain supporting documentation and will be required to provide such documentation within two days of its request. The bidder must provide a written explanation of the greatest extent feasible effort for all activities listed on the waiver form at the time the bid is submitted. If no explanation is provided, the waiver form will not be accepted. The City of Dayton Human Relations Council (HRC) shall review and evaluate the bidder's efforts to meet and comply with the project participation goal. A bidder will be granted a waiver for the HUD Section 3 goal based on your greatest extent feasible efforts; and only where the HRC determines that the bidder has completed all items in the following list of activities. In determining whether a bidder has made 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 contract. For example, when the apparent successful lowest and best 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. The waiver request form must be submitted with your bid if you are requesting a waiver of any goal.

Check if completed	Activity Description
	Solicited the interest of all certified HUD3 firms having the capability to perform the work of the contract. The bidder must solicit this interest at least ten (10) business days before bid submittal deadline in order to allow the HUD3 firms sufficient time to respond to the solicitation. Electronic communication will not be deemed as sufficient greatest extent feasible effort, if it is the sole method of communication used.
	Divided contract work items into economically feasible units to facilitate HUD3 participation, even when the bidder might otherwise prefer to perform these work items with its own forces.
	Negotiated with HUD3 subcontractors, and has taken the subcontractors' price and capabilities, as well as the contract goals, into consideration. Rejected HUD3 firms as being unqualified only with reasons based on a diligent investigation of their capabilities. The bidder'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 bidder's efforts to meet the project goal.
	Provided interested HUD3 firms with plans and specifications at no cost, or directed firms to the Minority Business Assistance Center (MBAC) for information about the plans, specifications, and requirements of the contract at least ten (10) business days of the bid submittal deadline in order to assist them in responding to a solicitation.
	Sought the assistance of the Minority Business Assistance Center (MBAC) or used the services of community organizations, contractors' groups, local, state or federal business assistance offices, or similar organizations to find subcontractors certified as HUD3 . Contacting HRC for the certified list will not be deemed as sufficient greatest extent feasible efforts.
Bidding Company Name:	

The Contractor shall pay all skilled labor at minimum the 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 5 workdays. Review comments will be made available to 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 an essential component. A list of employees with each employee's name, employee number (last four digits of SSN only) and rate of pay must be submitted by the date of the award. This 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. The contractor is subject to a compliance review by HUD and the City and, along with the subcontractor, are required to maintain records in a manner where they will be readily available to HUD and City staff. Where noncompliance is found, the City will issue immediate notification to the recipient of the nature of the deficiency and issue directions for corrective actions. The contractor is expected, under the contractual obligation with the City, to adhere to implementing the approved Section 3 Plan.

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 monthly reports by the 10th day of each month
- Submit required reports within 30 days of completion of the project.

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 and will continue to

partner 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 Human Relation Councils 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.

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)

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.

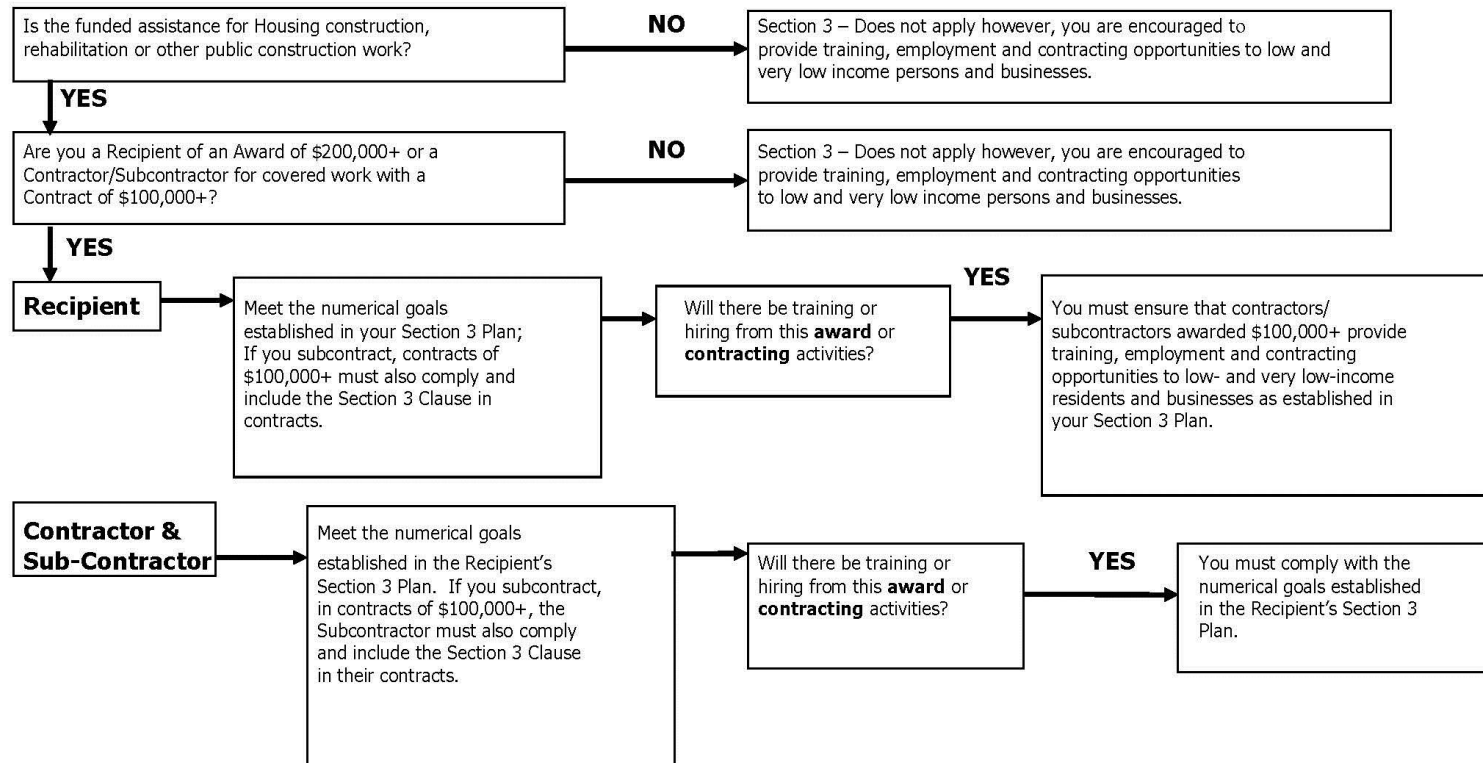
F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

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

SECTION 3 Template

Section 3 Plan

Company Contact Information
(Address, Phone, Email, Website)
Company 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 the greatest extent possible to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns, which provide economic opportunities to low- and very low-income persons.

NUMERICAL GOALS FOR TRAINING AND EMPLOYMENT OPPORTUNITIES

The City of Dayton 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:

- (i) 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:

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 of Dayton HUD funding.

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

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 can be submitted on the Worker Utilization Form included in the appendices or an official company form that includes the same information requested on the Worker Utilization Form.

The applicant must develop a list of strategies to be adopted for compliance with the stated employment, training and contracting goals. These strategies must show to reach the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, a method to reach low- and very low-income persons, particularly those who are recipients of government assistance for housing. When preparing the list, please refer to Examples of Efforts to Offer Training Employment Opportunities to Section 3 Residents.

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

Please check all that apply and add any additional strategies you will employ on the lines provided below. Mandatory actions have already been checked.

- ☒ We will work with the Section 3 Program Coordinator to identify eligible Section 3 subcontractors;
- ☒ We will contact individuals on the Certified Section 3 Residents lists maintained by the City of Dayton and Greater Dayton Premier Management;
- ☒ We will post job opportunities at the job site;
- ☒ We will post job opportunities in local newspapers;
- ☒ We will post job opportunities on our website;
- ☒ We will notify the Section 3 Employment Opportunities Notification List of job openings;
- ☐ We will notify the local unemployment office of job openings;
- ☐ We will notify local union halls of job openings for specific trades or skills;
- ☐ We will notify certifying agencies of job openings for specific trades or skills;
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____
- ☐ We will _____

SECTION 3 TRAINING AND EMPLOYMENT GOALS

Name of Project: _____
Name of Contractor: _____
Amount of Award: \$ _____

	# of Anticipated Hires	# of Anticipated Section 3 Hires (MUST be at least 30% of Anticipated Hires)	# of Current Employees	# of Current Section 3 Employees
Skilled				
Semi-Skilled				
Skilled Trainees				
Unskilled Trainees				
Semi-Skilled Trainees				
Professional & Admin				
Clerical				
Apprentices				
Other				

CITY OF DAYTON WORKER UTILIZATION REPORT FORM

Contract Number & NAME OF PROJECT: _____

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

COMPLETE THE INFORMATION FOR <u>ALL</u> 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 We ek	2nd We ek	3rd We ek	4th We ek	
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.

Company Name _____ commits to award to Section 3 business concerns:

1. 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
2. At least 3 percent of the total dollar amount of all other Section 3 covered contracts.
3. In the event that the contractor, subcontractor, developer and/or sub-recipient is unable to reach the goals stated above, they will be required to contribute the difference between 10% of the covered contract amount (3% for non-construction related covered contracts) and the amount provided to Section 3 business concerns and/or in the employment of Section 3 residents in to the City's Section 3 Implementation Fund.

PREFERENCE FOR SECTION 3 BUSINESS CONCERNS:

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

- (i) First priority will be given to Section 3 business concerns that provide economic opportunities for Section 3 residents in the service area or neighborhood in which the Section 3 covered project is located.
- (ii) Second priority will be given to Section 3 business concerns selected to carry out HUD funded Programs.
- (iii) Third priority will be given to Section 3 business concerns 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 Minority-owned Business Enterprises (MBE), Women-owned Business Enterprises (WBE) companies, as well as HUD Section 3 companies certified with the Human Relations Council. This commitment applies to all projects funded through NSP/CDBG/HOME. 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 the greatest extent possible to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns, which provide economic opportunities to low- and very low-income persons. 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 of Dayton Ohio 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 company I am certifying that the information contained within this Section 3 Utilization 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.

COMPANY AUTHORIZED REPRESENTATIVE

SIGNATURE OF AUTHORIZED REPRESENTATIVE

TITLE

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

EMAIL ADDRESS

PHONE

COMPANY NAME

COMPANY COMPLETE ADDRESS

COMPANY WEBSITE (if applicable)

SECTION 3 PLAN APPROVAL

In compliance with the Section 3 Plan requirements, the applicant must develop a list of strategies to be adopted for compliance with the stated employment, training and contracting goals. Contracts in excess of \$100,000 must include the Section 3 Clause.

If federal and state funds are combined to fund an eligible Section 3 project, the combined amount is submitted to the Section 3 requirements.

In compliance with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, we the undersigned have read and have received a copy of the Section 3 Plan for this project. We acknowledge being a party to this Plan and further pledge our commitment to adhere to the objectives set forth. The signatures below acknowledge receipt and approval of this Section 3 Plan.

Chrisondra Goodwine

HRC SECTION 3 COORDINATOR

SIGNATURE OF SECTION 3 COORDINATOR

DATE

Erica Fields

HRC INTERIM EXECUTIVE DIRECTOR

SIGNATURE OF INTERIM EXECUTIVE DIRECTOR

DATE

REPRESENTATIVE OF AWARDED DEPARTMENT

SIGNATURE OF DEPARTMENT REPRESENTATIVE

DATE

Shelley Dickstein

CITY MANAGER

SIGNATURE OF CITY MANAGER

DATE

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 (no later than the 10th day of each month) 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

CONTRACT # & NAME OF PROJECT: _____

To: Section 3 Coordinator
Human Relations Council
371 West Second Street
Suite 100
Dayton, OH 45402
bta@daytonohio.gov

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

CONTRACT NUMBER & 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 _____, 20____

RETURN TO: Human Relations Council, HUD Section 3 Coordinator

371 West Second Street, Suite 100, Dayton OH 45402

Telephone: (937) 333-1403

bta@daytonohio.gov

APPENDIX E - SECTION 3 PARTICIPATION WAIVER REQUEST

WAIVER REQUEST DOCUMENTED ACTIVITY FORM

Date _____

Project: _____ Participation Goal (list only one): _____

A bidder requesting a total or partial waiver of the **HUD Section 3** Participation Goal must maintain supporting documentation and will be required to provide such documentation within two days of its request. The bidder must provide a written explanation of the greatest extent feasible effort for all activities listed on the waiver form at the time the bid is submitted. If no explanation is provided, the waiver form will not be accepted. The City of Dayton Human Relations Council (HRC) shall review and evaluate the bidder's efforts to meet and comply with the project participation goal. A bidder will be granted a waiver for the **HUD Section 3 goal based on your greatest extent feasible efforts**; and only where the HRC determines that the bidder has completed all items in the following list of activities. In determining whether a bidder has made 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 contract. For example, when the apparent successful lowest and best 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. **The waiver request form must be submitted with your bid if you are requesting a waiver of any goal.**

Check if completed	Activity Description
	Solicited the interest of all certified HUD3 firms having the capability to perform the work of the contract. The bidder must solicit this interest at least ten (10) business days before bid submittal deadline in order to allow the HUD3 firms sufficient time to respond to the solicitation. Electronic communication will not be deemed as sufficient greatest extent feasible effort, if it is the sole method of communication used.
	Divided contract work items into economically feasible units to facilitate HUD3 participation, even when the bidder might otherwise prefer to perform these work items with its own forces.
	Negotiated with HUD3 subcontractors, and has taken the subcontractors' price and capabilities, as well as the contract goals, into consideration. Rejected HUD3 firms as being unqualified only with reasons based on a diligent investigation of their capabilities. The bidder'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 bidder's efforts to meet the project goal.
	Provided interested HUD3 firms with plans and specifications at no cost, or directed firms to the Minority Business Assistance Center (MBAC) for information about the plans, specifications, and requirements of the contract at least ten (10) business days of the bid submittal deadline in order to assist them in responding to a solicitation.
	Sought the assistance of the Minority Business Assistance Center (MBAC) or used the services of community organizations, contractors' groups, local, state or federal business assistance offices, or similar organizations to find subcontractors certified as HUD3 . Contacting HRC for the certified list will not be deemed as sufficient greatest extent feasible efforts.

Bidding Company Name:	
--------------------------------------	--

APPENDIX F - SECTION 3 BUSINESS APPLICATION FORM

F.1 – APPLICATION

F.2. – SECTION 3 EMPLOYEE LIST FORM

F.1 – APPLICATION



CITY OF DAYTON
Human Relations Council
371 W. Second St, Suite 100
Dayton, OH 45402-1417
Telephone (937) 333-1403
Fax (937) 222-4589

FOR OFFICE USE ONLY:

Date Received: _____
 Reviewer: _____
 ___ Approved, Date: ___/___/___
 ___ Denied, Date: ___/___/___

Section 3 Business Concern NEW Application

This Section 3 application is optional and not required to do business with The City of Dayton.

LEGAL NAME OF BUSINESS: _____

TRADESTYLE NAME (d.b.a.): _____

ADDRESS OF BUSINESS: _____ CITY: _____ STATE: _____ ZIP: _____

COUNTY: _____

BUSINESS NUMBER: _____ FAX NUMBER: _____ MOBILE NUMBER: _____

EMAIL ADDRESS: _____

CONTACT PERSON: _____ CONTACT PERSONS TITLE: _____

1. BUSINESS STRUCTURE:

- ☐ Corporation
- ☐ Partnership
- ☐ Sole Proprietorship
- ☐ Joint Venture
- ☐ LLC

2. OWNERSHIP / CERTIFICATIONS:

- ☐ Minority-owned
- ☐ Woman-owned
- ☐ PEP Certified
- ☐ PEP Application Pending
- ☐ Other (please indicate): _____

3. AREA(S) OF EXPERTISE (NAICS CODES & DESCRIPTION):

4. ATTACH THE FOLLOWING TO YOUR RENEWAL REQUEST:

	CORPORATIONS must submit:		PARTNERSHIPS and JOINT VENTURES must submit:
<input type="checkbox"/>	Letter of Good Standing from Secretary of State	<input type="checkbox"/>	Letter of Good Standing from Secretary of State
<input type="checkbox"/>	Proof of owners/stockholders and ownership percentages IF CHANGED	<input type="checkbox"/>	Proof of owners and ownership percentages IF CHANGED
<input type="checkbox"/>	Proof of business name change, IF APPLICABLE	<input type="checkbox"/>	Proof of business name change, IF APPLICABLE
	LLCs must submit:		SOLE PROPRIETORSHIPS must submit:
<input type="checkbox"/>	Letter of Good Standing from Secretary of State	<input type="checkbox"/>	Letter of Good Standing from Secretary of State
<input type="checkbox"/>	Proof of members and/or ownership percentages IF CHANGED	<input type="checkbox"/>	Proof of members and/or ownership percentages IF CHANGED

<input type="checkbox"/> Proof of business name change, IF APPLICABLE	<input type="checkbox"/> Proof of business name change, IF APPLICABLE
<p align="center">Certificates of Good Standing may be obtained from the Secretary of State or by visiting: http://www.sos.state.oh.us/Businesses/BusinessInformation/cogs.aspx</p>	

5. ATTACH DOCUMENTATION OF ELIGIBILITY: (Check All That Apply)

51% Owned by a Section 3 Resident, submit ONE (1) of the following:	30% Employees are/were Section 3 Residents within last 3 years, submit all that apply:	Commitment to subcontract 25% to Section 3 Businesses, submit:
<input type="checkbox"/> Tax Return from any of last 3 years showing income below threshold & <ul style="list-style-type: none"> List of owners of the business Section 3 Resident Affidavit(s) of the owner(s) comprising the 51 percent ; OR	<input type="checkbox"/> Section 3 Business Employee List <ul style="list-style-type: none"> List of employees Section 3 Resident Affidavit(s) of the employees comprising the 30 percent 	<input type="checkbox"/> Letter of commitment on company letterhead <ul style="list-style-type: none"> Project name and address and type of contract List of expected subcontracting opportunities
<input type="checkbox"/> Proof of federal assistance within last 3 years (e.g. WIC, Food Stamps, Medicaid or HUD Lease) & <ul style="list-style-type: none"> List of owners of the business Section 3 Resident Affidavit(s) of the owner(s) comprising the 51 percent OR	<input type="checkbox"/> Section 3 Resident Applications for eligible residents not currently certified (include proof of eligibility) <ul style="list-style-type: none"> Section 3 Resident Affidavit(s) of the employees comprising the 30 percent 	
<input type="checkbox"/> Unemployment letter from any of last 3 years & <ul style="list-style-type: none"> List of owners of the business Section 3 Resident Affidavit(s) of the owner(s) comprising the 51 percent 		

6. PROOF OF CAPABILITY TO COMPLETE WORK:

- List of owned equipment
- List of all contracts for the past two years
- Resume or description of experience

The Company hereby agrees to provide upon request the applicable documents above and any additional documents requested verifying the information provided above.

I authorize the information above to be added to a database of Section 3 Business Concerns that will enable me to receive notice of employment and training opportunities for future Section 3 covered projects. I understand that this list may be accessed by Human Relations Councils staff, City of Dayton staff, Greater Dayton Premier Management staff, contractors, developers, and subcontractor working on Section 3 covered projects.

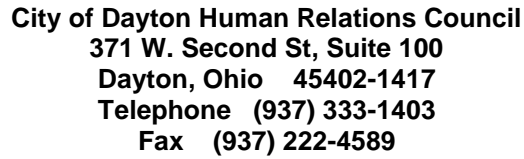
Under penalty of perjury, I certify that I have personal knowledge of the certifications made in this affidavit and that the same are true.

COMPANY NAME: _____

PRINT NAME: _____ **TITLE OF SIGNOR:** _____

SIGNATURE: _____ **DATE:** _____

Notary Date **SEAL:**F.2 – SECTION 3 EMPLOYEE LIST FORM



COMPANY NAME:

[illegible]

TOTAL NUMBER OF EMPLOYEES:

SIGNATURE: _____ **DATE:** _____

TITLE: _____

|

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
Human Relations Council
371 W. Second St., Suite 100
Dayton, OH 45402
937-333-1403; fax: 937-222-4589
www.daytonohio.gov/Section3

FOR OFFICE USE ONLY:

Date Received: _____
Reviewer: _____
___ Approved, Date: ___/___/___
___ Denied, Date: ___/___/___

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 that he/she meets 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.)

RESIDENT AFFIDAVIT

The undersigned represents and says under penalty of law, as follows:

The undersigned represents and says under penalty of law, as follows:

1. Name of Applicant: _____
2. My current address is: _____

Street Address _____ City _____ State _____ Zip _____

Phone Number: _____ Email _____

3. I am a resident of public housing: ☐ Yes ☐ No
4. I reside in one of the following counties in Dayton Metropolitan Area: (Check one)

Greene ____ Miami ____ Montgomery ____ Clark County ____

5. Please list job skills training or certifications received:

Job Training

Certifications

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

INCOME CERTIFICATION

Please find your household size below and check the box corresponding to your qualifying annual household gross income level. The resident may count towards a firm's Section 3 hiring goal if the individual's income meets the income thresholds below within 3 years of hire with the current firm.

Household Size	YEAR 2016	YEAR 2015	YEAR 2014
1 Person	<input type="checkbox"/> \$35,050	<input type="checkbox"/> \$34,550	<input type="checkbox"/> \$33,750
2 People	<input type="checkbox"/> \$40,050	<input type="checkbox"/> \$39,500	<input type="checkbox"/> \$38,550
3 People	<input type="checkbox"/> \$45,050	<input type="checkbox"/> \$44,450	<input type="checkbox"/> \$43,350
4 People	<input type="checkbox"/> \$50,100	<input type="checkbox"/> \$49,350	<input type="checkbox"/> \$48,150

5 People	<input type="checkbox"/> \$54,100	<input type="checkbox"/> \$53,300	<input type="checkbox"/> \$52,050
6 People	<input type="checkbox"/> \$58,100	<input type="checkbox"/> \$57,250	<input type="checkbox"/> \$55,900
7 People	<input type="checkbox"/> \$62,100	<input type="checkbox"/> \$61,200	<input type="checkbox"/> \$59,750
8 People	<input type="checkbox"/> \$66,100	<input type="checkbox"/> \$65,150	<input type="checkbox"/> \$63,600
More than 8 people	# of People _____ Income \$ _____	# of People _____ Income \$ _____	# of People _____ Income \$ _____

Please Provide One of the Following Document(s)

- ☐ 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, food stamps, etc.
- ☐ Proof of participation in a HUD YOUTHBUILD program.
- ☐ Proof of participation in a federally assisted program such as job training programs, Medicaid, etc.
- ☐ Proof of participation in a state or local assistance program, or other program that assists low- or very-low income persons.
- ☐ Proof of income eligibility in the form of last 3 paystubs or copy of tax return from 1 of last 3 years.

☐ Yes, I authorize the information from this affidavit to be added to a database of Section 3 residents that will enable me to receive notice of employment and training opportunities for future Section 3 covered projects. I understand that this list may be accessed by the Human Relation Council, Greater Dayton Premier Management Staff, contractors, developers, and subcontractors working on a Section 3 covered projects.

☐ No, I do not authorize information from this affidavit to be added to a database of Section 3 residents.

PRINT NAME: _____

SIGNATURE: _____ **DATE:** _____

This certification is valid from the City of Dayton certification date until three years from the qualifying year, after which, this certification must be renewed with valid paperwork.

Under penalty of perjury, I certify that am a legal resident of the U.S.A. I certify that I have personal knowledge of the certifications made in this affidavit and that the same is true.

Signature of Applicant _____ Date _____

Printed Name of Applicant _____

Notary _____ Date _____ SEAL:

City of Dayton
Human Relations Council
371 W. Second St., Suite 100
Dayton, OH 45402
937-333-1403; fax: 937-222-4589

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 participant of a 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)	Child Member age 17 & under (if applicable)	Child Member age 17 & under (if applicable)	Child Member age 17 & under (if applicable)
Name						
Date of Birth						
Social Security						
Gross Earnings				N/A	N/A	N/A
TANF				N/A	N/A	N/A
Child Support				N/A	N/A	N/A
Bank Income				N/A	N/A	N/A
Other Income (list)				N/A	N/A	N/A
1.				N/A	N/A	N/A
2.				N/A	N/A	N/A
3.				N/A	N/A	N/A
4.				N/A	N/A	N/A

I hereby certify that the information provided on this form is true and complete to the best of my knowledge. I also authorize the City of Dayton to verify the income figures I have provided. This may include providing additional information for verification purposes.

PRINT NAME: _____

SIGNATURE: _____ **DATE:** _____

City of Dayton
Human Relations Council
371 W. Second St., Suite 100
Dayton, OH 45402
937-333-1403; fax: 937-222-4589

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

1. Contact Information

First Name _____ M.I. _____ Last Name _____

Street Address _____

City _____ State _____ Zip _____

Housing Complex _____

Cell Phone _____ Home Phone _____

Do you have an email address?

☐ Yes _____

☐ No _____

2. Education and Training

What is the highest level of education that you completed? _____

High school: _____ College Attended: _____

Have you participated in work readiness training? Yes ☐ No ☐

Have you attended a trade school? Yes ☐ No ☐ If Yes, what trade school _____

Do you have any licenses or certifications Yes ☐ No ☐

List certifications here:

1. Skills Assessment

A. Construction Trades- Indicate the number of years of experience you have in any of the following trades

Carpentry ☐ Janitorial Services ☐ Concrete/Masonry ☐ Landscaping ☐

Demolition ☐ Machine Operation ☐ Door/Window Installation ☐ Painting ☐

Drywall ☐ Plumbing/HVAC ☐ Electrical ☐ Roofing ☐

Fencing ☐ Seal Coating ☐ Flooring ☐ Security ☐

General Labor ☐ Welding ☐ Hauling ☐

Other _____ ☐

A. Other Occupations. Indicate the number of years of experience you have in any of the following skill areas:

Administrative/Clerical ☐ Healthcare/Health Aide ☐

Bookkeeping/Accounting ☐ Housing Inspection ☐

Child Care ☐ Intake Worker/Case Manager ☐

Cleaning/Housekeeping ☐ Receptionist ☐

Computers/Keyboarding

☐

Resident Outreach/Organizing

☐

Customer Service

☐

Retail

☐

Food Service

☐

Other _____

4. Training Needs

Please identify the training topics below that would be of interest to you

☐ Job search (job fit assessment, web tools, resume writing, interviewing)

☐ Workplace Skills (teamwork, communication, problem solving)

☐ Computers/Keyboarding

☐ Construction

Specific trade(s): _____

☐ Other Occupations

Specific occupation(s): _____

This certification is valid from the City of Dayton certification date until three years from the qualifying year, after which, this certification must be renewed with valid paperwork. Under penalty of perjury, I certify that am a legal resident of the U.S.A. I certify that I have personal knowledge of the statements made in this application and that the same is true.

By signing below, I agree that the City of Dayton HRC may share the information on this form with contractors, employers, or training organizations. I understand that I am not guaranteed an interview, job, or admission to training and that these decisions are made by the employer or training institution using their screening procedures.

Printed Name of Applicant _____

Signature of Applicant _____ Date _____

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.

A simple email will not be sufficient. You must contact the **Human Relations Council** and use the services of other organizations to find qualified Section 3 businesses.

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 PARTNER ORGANIZATIONS & JOB NOTIFICATION LIST

RoShawn Winburn
Dayton Human Relations Council
371 West Second St, Ste. 100
Dayton, Ohio 45402
RoShawn.Winburn@daytonohio.gov
www.daytonohio.gov/departments/hrc
(937) 333-1439

Jan Lepore-Jentleson
East End Community Center
624 Xenia Avenue
Dayton, Ohio 45410
Jlepore-jentleson@east-end.org
www.east-end.org
(937) 259-1898

Marie Davis
Employer Services Coordinator
The Job Center
1111 Edwin C. Moses Boulevard
Dayton, Ohio 45422
Davism15@odjfs.state.oh.us
www.thejobcenter.org
(937) 496-7340
(937) 225-4183 (fax)

Roosevelt Burrell
NAACP – Dayton Unit
1526 West Third Street
Dayton, Ohio 45402
naacpdayton3181@sbcglobal.net
www.naacpdayton.org
(937) 222-2172

Vacant
Minority Business Assistance Center
371 West Second St, Ste. 100
Dayton, Ohio 45402
Roshawn.Winburn@DaytonOhio.gov
http://development.ohio.gov/bs/bs_mbac.htm
(937) 333-1002

Bill Cox
Procurement Technical Assistance Center
(PTAC)
907 W. Fifth St.
Dayton, OH 45402
Bill.Cox@DaytonOhio.gov
(937) 333-7822

Eleanor Stocks
African American Chamber of Commerce
P.O. Box 289
Dayton, Ohio 45409
Eleanor.l.stocks.ih6e@statefarm.com
www.Daytonafricanamericanchamber.org
(937) 222-8406

Emma Jackson
Deputy Executive Coordinator
PowerNet of Dayton
402 Salem Avenue
Dayton, Ohio 45406
reentry@powernetofdayton.org
www.powernetofdayton.org
(937) 225-3120

Curtis Anderson
Wesley Community Center
3730 Delphos Avenue
Dayton, Ohio 45417
Curtis.Anderson@wesleycenterdayton.org
www.wesleycenterdayton.org
(937) 329-4128
(937) 263-9582 (fax)

City of Dayton
Division of Citizen Participation
*Request to be sent to Priority Boards,
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

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