



## **PUBLIC NOTICE**

### **REQUEST FOR PROPOSALS FOR HUD OPPORTUNITY ZONES AND ECONOMIC DEVELOPMENT CONSULTANT SERVICES**

**The Housing Authority of the City of Lakeland will accept proposals from qualified firms with, at least, five years' experience in providing HUD OPPORTUNITY ZONES AND ECONOMIC DEVELOPMENT CONSULTANT SERVICES. The awarded contract will be for a base period of one year with an option to extend for up to an additional one-year period.**

Responses must be submitted by **02:00 p.m., Eastern Time, on JULY 30, 2020.** The Request for Proposals for this project may be obtained by emailing a request to *Procurement@LakelandHousing.org*.

Minority Business Enterprises, Woman Business Enterprises, Small Business Enterprises, and Section 3 qualified entities are encouraged to respond to this RFP.

# LAKELAND HOUSING AUTHORITY

## REQUEST FOR PROPOSALS FOR HUD OPPORTUNITY ZONES AND ECONOMIC DEVELOPMENT CONSULTANT SERVICES

### 1.0 ADMINISTRATIVE BACKGROUND

The Housing Authority of the City of Lakeland (also known as the “Lakeland Housing Authority” or “LHA”) is a public body corporate and politic established in 1939 under the U.S. Housing Act of 1937 and Chapter 421, Florida Statutes. The LHA and its affiliate, the Lakeland-Polk Housing Corporation (“LPHC”), provide low-income housing assistance mainly to the residents of Lakeland, Florida. A seven-member Board of Commissioners appointed by the Mayor of the City of Lakeland governs it. The LHA and its affiliate currently owns and, with the assistance of *West Lake Management, LLC*, manages: federally assisted housing rental properties that include a mix of public housing; tax credit; public housing/tax credit (mixed finance); and Section 8 Project based/tax credit affordable rental units, all of which are located in Polk County, Florida, most of which are located within the city of Lakeland. A majority of the LHA's revenue is received through the U.S. Department of Housing and Urban Development, the U.S Department of Labor, and agencies of or affiliated with the State of Florida.

The mission of the LHA is to provide quality, affordable housing and self-sufficiency opportunities in an effective and professional manner.

### 2.0 SCOPE OF SERVICES

The successful respondent shall furnish all necessary labor, materials, equipment, transportation, and supervision necessary to serve as a consultant to LHA. The LHA programs currently serves approximately 2,200 families.

Definition: Opportunity Zones are economically distressed communities, defined by individual census tract, nominated by America’s governors, and certified by the U.S. Secretary of the Treasury via his delegation of that authority to the Internal Revenue Service. Under certain conditions, new investments in Opportunity Zones may be eligible for preferential tax treatment. There are 8,764 Opportunity Zones in the United States, many of which have experienced a lack of investment for decades. The LHA is primarily interested in Opportunity Zones located within the city of Lakeland and Polk County, Florida.

The Opportunity Zones initiative is not a top-down government program from Washington but an incentive to spur private and public investment in America’s underserved communities.

The Opportunity Zone tax incentive provides a tremendous way to bring investments, jobs, business expansion, and new business development to your community. In order to amplify the impact of this tax incentive, the White House Opportunity and Revitalization Council was formed to better coordinate Federal economic development resources in Opportunity Zones and other distressed communities. The Council is exploring the ways in which federal agencies can better partner with Opportunity Zone investors and provide some of the social services and other support that may be necessary for community revitalization to take place. Communities, investors, and entrepreneurs who want to effect change are not alone in this process.

The following Federal entities comprise the White House Opportunity and Revitalization Council:

Department of Housing and Urban Development  
Department of the Treasury  
Department of Justice  
Department of the Interior  
Department of Agriculture  
Department of Commerce  
Department of Labor  
Department of Health and Human Services  
Department of Transportation  
Department of Energy  
Department of Education  
Department of Veterans Affairs  
Environmental Protection Agency  
Office of Management and Budget  
Small Business Administration  
National Economic Council  
Council of Economic Advisors  
Council on Environmental Quality  
Appalachian Regional Commission  
Delta Regional Authority  
Northern Border Regional Commission

## **2.1 Specific Requirements**

Consulting services will include, but are not limited to:

- Assess the actions that LHA may take under existing guidelines and authorities to prioritize or focus federal investments and programs on urban and economically distressed communities, including qualified Opportunity Zones;
- Assess the actions of LHA and its instrumentalities may take under existing authorities to minimize all regulatory and administrative costs and burdens that discourage public and private investment in urban and economically distressed communities, including qualified Opportunity Zones;

- Consult with officials from state, local, and tribal governments and individuals from the private sector where necessary and appropriate to solicit feedback on how best to stimulate the economic development of urban and economically distressed areas, including qualified Opportunity Zones;
- Coordinate local, state and federal interagency efforts to help ensure that private and public stakeholders such as investors; business owners; institutions of higher education; K–12 education providers; early care and education providers; human services agencies; state, local, and tribal leaders; other public housing agencies; non-profit organizations; and economic development organizations may successfully help LHA to develop and implement strategies for economic growth and revitalization.
  - budget recommendations
  - inspection recommendations
- Provide detailed monthly reports of services provided;
- Evaluate the following:
  - (i) whether and how LHA may prioritize support for urban and economically distressed areas, including qualified opportunity zones, by seeking grants, financing, and other assistance;
  - (ii) appropriate methods for cooperation with and support from states, localities, and private companies that are innovatively and strategically facilitating economic growth and inclusion in urban and economically distressed communities, including qualified Opportunity Zones in Lakeland and Polk County, consistent with preserving state and local control;
  - (iii) whether and how to develop an integrated web-based tool through which entrepreneurs, investors, and other stakeholders can see the full range of applicable federal financing programs and incentives available to projects located in urban and economically distressed areas, including qualified Opportunity Zones;
  - (iv) whether and how to consider urban and economically distressed areas, including qualified Opportunity Zones, as possible locations for development;
  - (v) whether and how LHA's technical assistance, planning, financing tools, and implementation strategies may be used to assist communities in addressing economic problems, engaging in comprehensive planning, and advancing regional collaboration; and
  - (vi) what data, metrics, and methodologies may be used to measure the effectiveness of public and private investments in urban and economically distressed communities, including qualified Opportunity Zones.

## 2.2 GOALS

LHA goals are to:

- Leverage federal grants, low income housing tax credits and private loans in a more integrated way to develop dilapidated properties and provide basic infrastructure and financial tools to attract private investment.
- Leverage government lending and grants to stimulate access to private capital and promote programs that assist entrepreneurs.
- Combat drug addiction and the opioid crisis reduce crime/enhance public safety and address environmental contamination obstacles to development.
- Improve the efficacy of K-12 and community college career and technical education and workforce development programs to better prepare workers in distressed communities for jobs.
- Develop robust reporting and analytics to measure impact of Opportunity Zones.

## 3.0 PROPOSALS

Proposals should be provided in the following format securely bound. Page separators/tabs should clearly identify each section to facilitate quick reference and comparison to the material submitted by other respondents. Brevity will be appreciated.

Proposals should address all items requested in this RFP including, but not limited to, the following:

*Letter of Transmittal:*

Include a letter of transmittal bearing the signature of an authorized representative of the respondent and the name and email address of the individual authorized to negotiate services and costs with the LHA. Failure to submit this document could render the potential vendor's proposal as *non-responsive*, and therefore, it will not receive consideration

*Tab 1--Vendor Information:*

- Provide general information that best represents the respondent's company.
- Describe those factors that differentiate the respondent's service from other such vendors.

*Tab 2—Capacity to Provide Professional Services in a Timely Manner:*

- Describe the methodology that the respondent proposes to provide the services described in the *Scope of Services* (above). Include information on proposed staffing and the equipment that will be applied to provide these services.

- Describe the specific deliverables that the respondent will provide supported by a timeline for providing these deliverables.

*Tab 3--Staff Experience and Organization:*

- Show the experience of the key personnel anticipated to be assigned to this project relative to projects of similar size and nature. (Experience with public housing authorities is essential.) Specifically, show the experience that these key personnel have working with each other on previous projects.
- Provide a staffing plan of who will be responsible for the specific tasks identified the *Scope of Services* (above).

*Tab 4--Organizational Experience:*

- Demonstrate the respondent's experience in projects similar in scope and complexity as described in this solicitation within the last five years. (Experience with public housing authorities is essential.)

*Tab 5--Costs and Fees:*

- Provide a detailed fee schedule which includes information on e.g., hourly rates, travel costs, per diem, fees, and other miscellaneous cost. Reasonableness and comparison of costs offered will be considered by the evaluation team.

*(Note: All pricing and proposed services are subject to later negotiation.)*

*Tab 6--Submission of Required Documents:*

Provide:

- At least, two references for the recent projects--particularly with public housing entities--that are similar to the services requested in this RFP. Provide name of point of contact, entity, telephone number, and title of references.
- Completed HUD Form 5369-C
- Completed HUD Form 50070
- Completed Section 3 Business Form
- Completed Non-Collusion Certification
- Completed Public Entity Crime Statement

#### **4.0. COMMUNICATION**

In order to maintain a fair and impartial competitive process, the LHA shall avoid private communication concerning this procurement with prospective respondents during the entire procurement process. Please respect this policy and do not attempt to query LHA or *West Lake Management* personnel regarding this RFP.

*Ex parte* communication regarding this solicitation is prohibited between a potential or current respondent and any LHA Board of Commissioners member, LHA or *West Lake Management* staff, or any other person serving as an evaluator during this procurement process. Respondents directly contacting any LHA or LPHC Board of Commissioners member, LHA or *West Lake Management* staff, or proposal evaluator regarding this solicitation risk elimination of their proposals from consideration. Correspondence with the LHA's Senior Program Manager, **Lori Halula-Eyer**, does not constitute *ex parte* communication. Oral instructions or information concerning the specifications of this project given out by any LHA Board of Commissioners member, other LHA or *West Lake Management* employee or agent to prospective respondent shall not bind the LHA.

In the event that a potential respondent has questions that he/she would like to have addressed, the potential respondent may email its questions to [Procurement@Lakelandhousing.org](mailto:Procurement@Lakelandhousing.org), prior to **9:00 a.m., Eastern Time, on July 23, 2020**. Receipt of request will be acknowledged. A response will be sent to all potential respondent who received this RFP directly from the LHA on or before **6:00 p.m., Eastern Time, on July 23, 2020**.

## **5.0 MODIFICATION OF SOLICITATION**

The LHA reserves the right to modify this RFP as deemed necessary by the LHA. Any such modification or amendment will be sent by email on or before **6:00 p.m., Eastern Time, on July 23, 2020** to all potential respondents who received this RFP directly from the LHA.

The LHA also reserves the right to: increase or delete any scheduled items; award portions of this RFP; make no award; terminate this RFP solicitation, and make awards consistent with LHA's policies and the laws governing the U.S. Department of Housing and Urban Development (HUD) and the State of Florida.

## **6.0 SUBMITTALS ARE PUBLIC RECORD**

After the award of an agreement resulting from this RFP, all information submitted by the respondent shall be public record and subject to disclosure pursuant to the Florida Public Records law. A respondent shall not copyright or cause to be copyrighted any portion of any said document submitted to the LHA as a result of this RFP.

## **7.0 SUBMITTAL SCHEDULE**

An original—designated as the “original” and signed in blue ink--and three (3) copies of the submittal are to be delivered to the LHA on or before **02:00 p.m., Eastern Time, on July 30, 2020**. No submittal to this RFP will be accepted after this specified time.

*(Note: any response submitted with less than the above-stated number of copies may be rejected as non-responsive.)*

## 8.0 SUBMISSION OF OFFERS

- a. All submittals transmitted by mail or hand-delivered shall be in sealed packages and addressed to:

**Lori Halula-Eyer**  
**RE: HUD OPPORTUNITY ZONES AND FINANCIAL VIABILITY**  
**CONSULTANT SERVICES**  
**Lakeland Housing Authority**  
**430 Hartsell Avenue**  
**Lakeland, Florida 33815**

Submittals transmitted by facsimile or electronic mail will not be accepted.

- b. All submittals and accompanying material will become the property of the LHA and will not be returned to the respondent.

## 9.0 CLARIFICATION OF RESPONSES

The LHA reserves the right to obtain clarification of any point in a respondent's submittal or to obtain additional information necessary to properly evaluate a particular submittal. Failure of a respondent to respond to such a request for additional information or clarification could result in rejection of that respondent's response.

## 10.0 SCORING/AWARD EVALUATION CRITERIA

A committee shall evaluate and score each submittal using the method described in this RFP. A contract will be awarded to the respondent whose submittal best meets the needs and requirements of the LHA. The LHA reserves the right to reject any or all submittals or to award no contract. An interview with the finalists may or may not be required at the discretion of the LHA.

The evaluation criteria that will be used in reviewing the submittals and their respective weights are as follows:

- *Transmittal letter* as described in item **3.0 Proposals**--failure to provide this document may render the response to this RFP as *non-responsive* and, therefore, may cause the submitted response to be rejected.
- *Vendor Information* as described in "Tab 1" --up to 5 points
- *Capacity to Provide Professional Services in a Timely Manner* as described in "Tab 2" --up to 30 points



- *Staff Experience and Organization* as described in “Tab 3”--up to 25 points
- *Organizational Experience* as described in “Tab 4” – up to 20 points
- *Costs and Fees* as described in “Tab 5” --up to 20 points
- *Submission of Required Documents* as described in “Tab 6” --failure to provide these documents may render the response to this RFP as *non-responsive* and, therefore, may cause the submitted response to be rejected.

**Total Possible Points—100 points**

The LHA reserves the right to waive any minor irregularities or technicalities in the submittals received.

## **11.0 NEGOTIATIONS AND AWARD**

Negotiations may be conducted with respondents determined to have a reasonable chance of being selected for award based on evaluation of qualifications and other factors considered to be most advantageous to the LHA. Such respondents shall be accorded fair and equal treatment with respect to any opportunity for negotiations and revisions of submittals—to assure full understanding of and conformance to the services requested by the LHA. No respondent shall be assisted in bringing its submittal up to the level of another in order to be considered for award. The LHA reserves the right to request additional information concerning any/all submittals submitted. A common deadline shall be established for the receipt of submittal revisions based on negotiations.

After the evaluation of the submittal revisions, a contract, if any, will be awarded to the *responsive* and *responsible* respondent whose qualifications and other factors considered are the most advantageous to the LHA.

The LHA *anticipates* that the award of a contract resulting from this solicitation will occur by August 10, 2020.

## **12.0 SMALL BUSINESSES, MINORITY BUSINESS ENTERPRISES, WOMAN BUSINESS ENTERPRISES, AND SECTION 3 QUALIFIED BUSINESSES**

The LHA strongly encourages the participation of Small Businesses, Minority-owned businesses, Women-owned businesses (please see item 2 of the attached HUD Form 5369-C), and/or Section 3-qualified businesses (please see the attached Section 3 Business Form) in this and all LHA projects, programs, and services.

### **13.0 LHA'S RESERVATION OF RIGHTS:**

The LHA reserves its rights to:

- Terminate a contract awarded pursuant to this RFP, at any time for its convenience, upon ten (10) business-days written notice to the successful respondent.
- Retain all proposals submitted and not permit withdrawal of a proposal for a period of 60 calendar days subsequent to the deadline for receiving proposals without the written consent of the LHA's Executive Director.
- Reject and not consider any proposal that does not meet the requirements of this RFP including, but not necessarily limited to, incomplete proposals and/or proposals offering alternate or non-requested services.
- Have no obligation to compensate any respondent for any costs incurred in responding to this RFP.
- At any time during the RFP or contract process, to prohibit any further participation by a respondent or reject any proposal submitted that does not conform to any of the requirements detailed herein.

### **14.0 DISPUTES**

In case of any doubt or differences of opinions as to the items or service to be furnished hereunder or the interpretation of the provisions of the RFP, the following dispute process shall apply:

- Any protests (unless otherwise specified, the use of the term "protest" shall also include "disputes" and "appeals") shall be submitted in writing to the LHA Procurement Officer. The protest must be emailed to [Procurement@LakelandHousing.org](mailto:Procurement@LakelandHousing.org) in accordance with the time requirements listed below.
- Any protest against a solicitation must be received before the due date of the receipt of bids.
- Any protest against the award of a contract must be received within two calendar days after contract award.
- Any protest of a decision to reject a response to this RFP must be received within two calendar days after being notified in writing of LHA's decision.

By submitting its response to this RFP, the proposer agrees that the written decision of the LHA Executive Director regarding any protest shall be final and binding upon all parties.

#### **15.0 MANDATORY CONTRACT PROVISIONS AND CLAUSES**

At a minimum, a contract awarded under this RFP will require compliance with the following HUD forms: *5369-C, 50070, and Table 5.1*—copies are attached to this RFP—as well as applicable portions, *if any*, of *LHA's Section 3 and Minority and Woman Business Enterprise Policy*.

#### **16.0 ASSIGNMENT**

Neither the resultant contract nor any of the requirements, rights, or privileges demanded by it may be sold, assigned, contracted, or transferred by the selected firm without the express written consent of the LHA.

## Non-Collusion Certification

### HUD OPPORTUNITY ZONES AND FINANCIAL VIABILITY CONSULTANT SERVICES

#### RFP Proposal

The undersigned states that he/she is fully authorized by the entity indicated below to certify that:

- That this proposal or bid is made without collusion or fraud with any other person, firm, or corporation making a proposal or bid for the same purpose.
- *That no officer or employee or person whose salary is paid, in whole or in part, from the Lakeland Housing Authority or one of its various instrumentalities and affiliates, shall be, or will become interested, directly or indirectly, surety or otherwise: in this proposal or bid; in the performance of the contract; in the supplies, materials, equipment, and services or labor to which they relate; or in any portion of the profits thereof.*

By signing this form, the undersigned affirms that said proposal or bid is, in all respects, fair and without collusion or fraud.

Name of Entity: \_\_\_\_\_

Authorized Signature/Date: \_\_\_\_\_

Printed Name of Signer: \_\_\_\_\_

Title of Signer: \_\_\_\_\_

Corporate Seal, *if appropriate*

**Note:** *Failure to complete this statement as presented may result in the bid or proposal being rejected.*

## Public Entity Crimes Statement

### HUD OPPORTUNITY ZONES AND FINANCIAL VIABILITY CONSULTANT SERVICES

#### RFP Proposal

By signing this form, the *Proposer* certifies that it is not currently debarred, suspended, or excluded from or for participation in Federal assistance programs in accordance with: Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35; HUD regulations, 24 CFR 24; or by other federal agencies.

The *Proposer* also certifies that it is in compliance with Section 287.133, Florida Statutes, as it relates to Public Entity crimes. More specifically, the *Proposer* certifies that it acknowledges, and it is in compliance with the following:

A person or an affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S. for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

Name of Entity: \_\_\_\_\_

Authorized Signature/Date: \_\_\_\_\_

Printed Name of Signer: \_\_\_\_\_

Title of Signer: \_\_\_\_\_

Corporate Seal, *if appropriate*

**Note:** Failure to complete this statement as presented may result in the bid or proposal being rejected.

# Certifications and Representations of Offerors

## Non-Construction Contract

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.36, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offerors to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

### 1. Contingent Fee Representation and Agreement

(a) The bidder/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:

(1)  has,  has not employed or retained any person or company to solicit or obtain this contract; and

(2)  has,  has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) If the answer to either (a)(1) or (a) (2) above is affirmative, the bidder/offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

### 2. Small, Minority, Women-Owned Business Concern Representation

The bidder/offeror represents and certifies as part of its bid/offer that it:

(a)  is,  is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b)  is,  is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c)  is,  is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- |   |   |
|---|---|
| <input type="checkbox"/> Black Americans    | <input type="checkbox"/> Asian Pacific Americans  |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans   |
| <input type="checkbox"/> Native Americans   | <input type="checkbox"/> Hasidic Jewish Americans |

### 3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

(1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

(b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:

(1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of person(s) in the bidder/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror's organization);

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder/offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

#### 4. Organizational Conflicts of Interest Certification

(a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:

(i) Award of the contract may result in an unfair competitive advantage;

(ii) The Contractor's objectivity in performing the contract work may be impaired; or

(iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.

(b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.

(c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.

(d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

#### 5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

#### 6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

#### 7. Offeror's Signature

The offeror hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

\_\_\_\_\_  
Signature & Date:

\_\_\_\_\_  
Typed or Printed Name:

\_\_\_\_\_  
Title:  
\_\_\_\_\_

# Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

**2. Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here  if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.  
**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
 (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	Date
X	



Section 3 Clause

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 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

<b>The Housing Authority of the City of Lakeland</b>	<b>SECTION 3 BUSINESS FORM</b>	
Company Name:	Employer (IRS) No:	
Address:	Type of Business:	<input type="checkbox"/> Minority - Owned Business <input type="checkbox"/> Women - Owned Business
THE CONTRACTOR REPRESENTS AND CERTIFIES AS PART OF ITS OFFER THAT IT: IS A SECTION 3 BUSINESS CONCERN (ATTACHED FOR CERTIFICATION)		
<input type="checkbox"/> 51% or more owned by Section 3 residents <input type="checkbox"/> 30% of your permanent, full time workforce composed of current Section 3 residents <input type="checkbox"/> 30% of your permanent, full time workforce employees who, within 3 years employment with your business were Section 3 residents		
<input type="checkbox"/> IS NOT A SECTION 3 BUSINESS CONCERN BUT WHO HAS AND WILL CONTINUE TO SEEK COMPLIANCE WITH SECTION 3 BY CERTIFYING THE ATTACHED FORM, STATING EFFORTS TO AWARD SUBCONTRACTORS TO SECTION 3 CONCERNS.		

**BACKGROUND:**

Section 3 of the Housing and Community Development Act of 1968, as amended, requires that when employment or contract opportunities area generated because a project or activity undertaken by recipient of HUD financial assistance necessitated the employment of additional personnel through individual hiring or the awarding of contracts for work, the recipient must give preference in hiring low and very low-income persons. Section 3 requires that recipients not only include low and very low persons in their recruitment and solicitation efforts, but that in fact, extra or great efforts be undertaken to make these persons aware of the existence of economics opportunities, encourage their application for these opportunities, and facilitate the employment of, or award of contracts to these persons.

Section 3 covered assistance means:

Public and Indian Housing Operating Assistance

- Public and Indian Housing Modernization Assistance;
- Assistance provided under any HUD Housing or Community Development program that is expended for work arising in connection with Housing rehabilitation, Housing construction, and other public construction (including other buildings or improvements, regardless of ownership)

A Section 3 resident is defined as: who is:

(a) A Public Housing Resident

(b) An individual who resides in the Metropolitan Area and

FY 2020 Income Limit Area	Median Family Income Explanation	FY 2020 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Lakeland-Winter Haven, FL MSA	\$58,800	<b>Very Low (50%) Income Limits (\$)</b> Explanation	20,600	23,550	26,500	<b>29,400</b>	31,800	34,150	36,500	38,850
		<b>Extremely Low Income Limits (\$)*</b> Explanation	12,760	17,240	21,720	<b>26,200</b>	30,680	34,150*	36,500*	38,850*
		<b>Low (80%) Income Limits (\$)</b> Explanation	32,950	37,650	42,350	<b>47,050</b>	50,850	54,600	58,350	62,150

**NOTE:** Polk County is part of the **Lakeland-Winter Haven, FL MSA**, so all information presented here applies to all of the **Lakeland-Winter Haven, FL MSA**.  
The **Lakeland-Winter Haven, FL MSA** contains the following areas: Polk County, FL;

I hereby certify to the best of my knowledge and belief that the information provided in this document is true and correct.

\_\_\_\_\_  
Name of Authorized Official

\_\_\_\_\_  
Signature of Authorized Official and Date

## **TABLE 5.1 MANDATORY CONTRACT CLAUSES FOR SMALL PURCHASES OTHER THAN CONSTRUCTION**

The following contract clauses are required in contracts pursuant to **2 CFR 200 and Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act**. HUD is permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy. The PHA\* and contractor is also subject to other Federal laws including the U.S. Housing Act of 1937, as amended, Federal regulations, and state law and regulations.

**Examination and Retention of Contractor's Records.** The PHA, HUD, or Comptroller General of the United States, or any of their duly authorized representatives shall, until three years after final payment under this contract, have access to and the right to examine any of the Contractor's directly pertinent books, documents, papers, or other records involving transactions related to this contract for the purpose of making audit, examination, excerpts, and transcriptions.

**Right in Data and Patent Rights (Ownership and Proprietary Interest).** The PHA shall have exclusive ownership of, all proprietary interest in, and the right to full and exclusive possession of all information, materials, and documents discovered or produced by Contractor pursuant to the terms of this Contract, including, but not limited to, reports, memoranda or letters concerning the research and reporting tasks of the Contract.

**Energy Efficiency.** The Contractor shall comply with all mandatory standards and policies relating to energy efficiency which are contained in the energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub.L. 94-163) for the State in which the work under this contract is performed.

### **Procurement of Recovered Materials**

(a) In accordance with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, the Contractor shall procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition. The Contractor shall procure items designated in the EPA guidelines that contain the highest percentage of recovered materials practicable unless the Contractor determines that such items: (1) are not reasonably available in a reasonable period of time; (2) fail to meet reasonable performance standards, which shall be determined on the basis of the guidelines of the National Institute of Standards and Technology, if applicable to the item; or (3) are only available at an unreasonable price.

(b) Paragraph (a) of this clause shall apply to items purchased under this contract where: (1) the Contractor purchases in excess of \$10,000 of the item under this contract; or (2) during the preceding Federal fiscal year, the Contractor: (i) purchased any amount of the items for use under a contract that was funded with Federal appropriations and was with a Federal agency or a State agency or agency of a political subdivision of a State; and (ii) purchased a total of in excess of \$10,000 of the item both under and outside that contract.

**HOUSING AUTHORITY OF THE CITY OF LAKELAND**

**SECTION 3**

**AND**

**MINORITY AND WOMEN BUSINESS ENTERPRISES**

**POLICY**

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## **Part I: Policy, Purpose, and Definitions**

### **A. Introduction and Summary**

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701, et seq.), is a legislative directive for providing preference for low- and very low-income residents of the local community and those businesses which employ these persons, and for new employment, training and contracting opportunities with projects sponsored or funded by the U.S. Department of Housing and Urban Development. For purposes of complying with the Section 3 legislative directive, the Housing Authority of the City of Lakeland (LHA) has established a policy whereby any contractor that transacts business with LHA must meet the requirements of LHA's Section 3 and Minority and Women Business Enterprise (M/WBE) policy as outlined in this document.

This Section 3 and M/WBE policy applies to all contracts with a dollar value of \$100,000 or more. In that regard, contractors having contracts awarded by LHA shall:

- 1) offer Section 3 employment, training and employment skill building programs for eligible Section 3 residents and
- 2) provide Section 3 business concerns, minority and women business enterprises with the maximum opportunity to participate in the performance of contracts.

LHA will make a good faith effort to assist with the recruitment of as many Section 3 eligible residents and business concerns as possible for employment and/or instructional/training positions and contract opportunities, in an effort to provide economic opportunities for local residents and business concerns.

This policy also serves to fulfill two objectives of LHA:

- 1) outline the Section 3 and M/WBE policy and program compliance measures of LHA and
- 2) provide program definitions, requirements, required forms, information on program assistance provided by LHA, and other information related to LHA's employment, training and contracting policy.

This Section 3 and M/WBE policy replaces all previous policies and is effective as of the LHA Board of Commissioners approval date.

### **B. Purpose of Section 3**

The Section 3 legislation was designed to encourage recipients of funding from the U.S. Department of Housing and Urban Development to direct new employment and contracting opportunities to low- and very low-income residents, and the businesses that employ these persons, within their communities regardless of race and/or gender.

The desired result of the Section 3 legislation and this Section 3 and M/WBE policy is to have a positive impact on current unemployment and/or underemployment rates; increase economic opportunities of business concerns; and promote economic recovery in the local community.

Section 3 is a starting point to obtain job training, employment and contracting opportunities for individuals and small businesses in order to help them achieve economic advancement and self-sufficiency. Its most obvious benefit is to increase the incomes of low- and very low-income persons by making more employment and job training opportunities available to them. By helping members of low- and very low-income households improve their skills, they become more employable. When low- and very low-income persons obtain jobs through Section 3, their earnings may increase and some families may move above poverty thresholds. This method of job creation results in lower unemployment rates and less reliance on public services.

By providing job training opportunities, Section 3 can also enhance long-term employment prospects of low- and very low-income persons. Individuals that receive training about acceptable job behavior and work performance are more likely to maintain their employment.

### **C. Definitions**

**Section 3 funding thresholds:** the minimum dollar amounts that trigger Section 3 requirements. The requirements of Section 3 apply to LHA and contractors doing business with LHA in the following manner:

All contactors (or subcontractors) receiving contracts valued at \$100,000 or more to complete projects involving housing construction, rehabilitation, or other public construction are required to comply with the requirements of Section 3.

There are no thresholds for Public Housing Authorities (PHA). The requirements of Section 3 apply to all PHAs regardless of the amount of assistance received from the U.S. Department of Housing and Urban Development.

All contracts or subcontracts funded with Public and Indian Housing assistance, regardless of the dollar amount or type of contract, are subject to the requirements of Section 3.

**Section 3 project:** a project that involves the new construction or rehabilitation of affordable housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, etc.

**Section 3 Residents:** may consist of the following groups:

1. Residents of Public and Indian Housing; or
2. Individuals who reside in the metropolitan area or non-metropolitan county where Section 3 covered assistance is expended and whose total household income is within the area's median income limits for low- and very low-income households as defined by the U.S. Department of Housing and Urban Development.

In accordance with the regulation, residents seeking Section 3 preference shall certify or submit evidence to the contractor or subcontractor verifying that they meet one of the definitions provided above. Examples of documentation include: proof of residency in a public housing community, proof of federal subsidy for housing, food stamps and/or unemployment benefits.



**Note:** LHA has elected to categorize Section 3 residents into four categories. The categories are:

Category 1: Residents of the LHA housing site where the work is being performed

Category 2: Residents of any other LHA housing site

Category 3: Participants in the LHA Youthbuild Program

Category 4: Other Low and Very Low-Income Persons

**Section 3 Business Concerns** are:

- 1) Businesses that are 51% or more owned by Section 3 residents; or
- 2) Businesses whose permanent, full-time employees include persons, at least 30% of whom are currently Section 3 residents or who within three years of the date of first employment with the firm were Section 3 Residents; or
- 3) Businesses that provide evidence of a commitment to subcontract 25% or more of all subcontract amounts to businesses that meet the qualifications listed in 1 and 2 above.

In accordance with the regulation, business owners seeking Section 3 preference shall certify or submit evidence to the contractor, subcontractor, or LHA verifying that they meet the definitions provided above. Examples of appropriate documentation include payroll data or other relevant business information.

**Section 3 economic opportunities:** are new employment, training or contracting opportunities resulting from the new project that is receiving direct or indirect funding from HUD.

- 1) **New Employment** – any new position created to complete the work required by the new project.
- 2) **New Contracting** – any new contracting opportunity created to complete the work required by the new project.
- 3) **New Training** – any new training opportunity created as a result of the new project.

Any employment resulting from these expenditures, including administration, management, clerical support, and construction is subject to compliance with Section 3. Examples of employment opportunities include appliance repair, bookkeeping, printing, bricklaying, carpentry, carpet installation, cement/masonry, data processing, demolition, drywall, electrical, fencing, surveying, heating, janitorial, landscaping, machine operation, manufacturing, painting, tile work, accounting, payroll, photography, plastering, plumbing, transportation, welding, word processing, etc.

**Section 3 Priority:** For Training and Employment, the following persons receive priority under Section 3:

- 1) Persons in public and assisted housing; or

- 2) Persons residing in the area where the U.S. Department of Housing and Urban Development financial assistance is being spent; or
- 3) Participants in LHA/HUD Youthbuild programs; or
- 4) Homeless persons.

For Contracts, the following businesses receive priority under Section 3.

- 1) Businesses that meet the definition of a Section 3 business concern.

**New Hire:** a full-time employee for a new permanent, temporary, or seasonal position that is created during the expenditure of Section 3 covered financial assistance. For Section 3 projects, contractors must, to the greatest extent feasible, ensure that at least 30% of new hires are Section 3 residents.

**Contractor:** Any business or entity that contracts with LHA for the performance of work generated by the expenditure of Section 3 covered assistance or performing work in connection with a Section 3 covered project.

**Subcontractor:** Any business or entity (other than a person that is an employee of the contractor) that has a contract with a contractor to undertake a portion of the contractor's obligation for the performance of work generated by the expenditure of Section 3 covered assistance or arising in connection with a Section 3 covered project.

**Core Employee:** Any person(s) listed and verified as employed with the contractor or company prior to the execution date of the contract with LHA.

**Minority Business Enterprise (MBE):** A business enterprise that is 51% or more owned, controlled and actively operated by one or more persons who are defined as a minority or classified as part of a socially and economically disadvantaged group. Such socially disadvantaged persons include African-Americans, Hispanic Americans, Native Americans, Eskimos, Aleuts, Hasidic Jewish Americans, Asian Pacific Americans and Asian Indian Americans.

**Women Business Enterprise (WBE):** A business enterprise that is 51% or more owned, controlled and actively operated by one or more women.

**Low Income:** The term "low-income" is used in the Section 3 regulation to include both low- and very low-income individuals.

- 1) **Low Income** – total household income at 80% or below the median income of that area.
- 2) **Very Low Income** – total household income at 50% or below the median income of that area.

**Section 3 service area:** the geographical area where the persons benefiting from the Section 3 covered project resides. The Section 3 service area shall not extend beyond Polk County, Florida.

**Metropolitan Area:** a metropolitan statistical area (MSA).

**Non-metropolitan County:** any county outside of a metropolitan area.

## **Part II. Section 3 Policy Statement**

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701, et seq.), requires the LHA to ensure that employment, economic and business opportunities generated by financial assistance received from the U.S. Department of Housing and Urban Development are directed to public housing residents and other low income persons, particularly recipients of government housing assistance and small business concerns that provide economic opportunities for low and very low income persons.

By Resolution 12-1341, approved by the LHA Board of Commissioners, LHA hereby reaffirms its commitment of ensuring that all contractors and any tier subcontractors that are awarded a contract of \$100,000 or more by LHA for work generated through the expenditure of U.S. Department of Housing and Urban Development or LHA funding shall take all necessary and reasonable steps to provide meaningful, full-time employment and training opportunities for Section 3 residents. It is further reaffirmed that all contractors and any tier subcontractors that are awarded a contract of \$100,000 or more by LHA for work generated through the expenditure of U.S. Department of Housing and Urban Development funding shall take all necessary and reasonable steps to provide contracting opportunities for Section 3 business concerns.

In response to any Request for Proposals (RFP), Request for Qualifications (RFQ) or Invitation for Bids (IFB), LHA shall require the submission of a Section 3 Plan, roster of Core Employees, and certification that the respondent will comply with the requirements of the Section 3 legislation and this policy.

LHA, in accordance with applicable laws and regulations, has established employment and training requirements that contractors and subcontractors are expected to meet in order to comply with Section 3 requirements. **LHA's Section 3 requirements are:**

- 1) thirty percent (30%) of any new hires for the term of the contract shall be Section 3 eligible workers;**
- 2) ten percent (10%) of the value of the contract for construction work shall be awarded to Section 3 eligible business concerns; and**
- 3) three percent (3%) of the value of the contract for non-construction work shall be awarded to Section 3 eligible business concerns.**

It is the contractor's responsibility to implement progressive efforts to attain Section 3 compliance. Failure to attain Section 3 compliance in accordance with their contract shall subject the contractor to penalties including, but not limited to, the withholding of payments (until such time as compliance is obtained).

**Section 3 Hiring Preferences:** Contractors shall adhere to the following order of priority for employment purposes:

Category 1: Residents of the LHA housing site where the work is being performed

Category 2: Residents of any other LHA housing site

Category 3: Participants in the LHA Youthbuild Program

Category 4: Other Low and Very Low-Income Persons

**Section 3 Contracting Preferences:** Contractors and any tier subcontractors shall direct 10% of the dollar value of the contract to Section 3 business concerns for construction contracts and 3% for non-construction contracts in the following order of priority:

Category 1: Business concerns that are 51% or more owned by Section 3 residents of the LHA housing property for which the Section 3 covered assistance is expended.

Category 2: Business concerns that are 51% or more owned by Section 3 residents of another LHA housing property.

Category 3: Business concerns whose permanent full-time workforce includes persons, at least 30% of whom are currently Section 3 residents or who within three years of the date of first employment with the firm were Section 3 residents.

Category 4: Business concerns that provide evidence of a commitment to subcontract 25% or more of all subcontracts to businesses that meet the qualifications listed in 1, 2 or 3 above.

Section 3 business concerns seeking a contract or subcontract shall be responsible for submitting evidence, if requested, to demonstrate to the satisfaction of the contracting party that the business concern is responsible and has the ability to perform successfully under the terms and conditions of the proposed contract.

**Incorporating Section 3 clauses into covered solicitations and contracts**

The Housing and Urban Development Act of 1968 provides language about the Section 3 requirement that must be included in all contracts issued for HUD funded activities. This mandatory Section 3 contract clause can be found at 24 CFR Part 135.38. Covered contracts described at 24 CFR Part 135.3(a) include developments, operating and modernization assistance. A copy of the mandatory language is provided in the Appendix C.

Contractors must incorporate and enforce the provision of the Section 3 policy and numerical requirements in any and all tier subcontracts. Requirements relative to employment and contracting with Section 3 residents and business concerns shall not apply to contracts with a dollar value less than \$100,000 or contracts for the purchase of supplies and materials unless the contract for materials includes installation.

**Part III. Minority and Women Business Enterprises Policy Statement**

Consistent with Presidential Executive Orders 11625, 12138, and 12432, and as promulgated in 24 CFR Part 85 and LHA Board of Commissioners Resolution 12-1341, LHA hereby modifies the numerical requirements relative to contracting with M/WBE and reaffirms its commitment of ensuring that all contractors and any tier

subcontractors that are awarded a contract with a dollar value of \$100,000 or more for work generated through the expenditure of U.S. Department of Housing and Urban Development funding shall take all necessary and reasonable steps to provide M/WBEs with the maximum opportunity to participate in the performance of contracts awarded by LHA.

**LHA's M/WBE requirement is:**

**1) thirty percent (30%) of the dollar value of the contract will be awarded to MBEs and**

**2) five percent (5%) of the dollar value of the contract will be awarded to WBEs.**

This policy is written to comply with the legislative requirements and the LHA Board of Commissioners resolution with the intent of obtaining a reasonable level of success in the utilization of eligible businesses by contractors performing work with LHA under contracts partially or wholly funded with U.S. Department of Housing and Urban Development funds. LHA shall review and consider a contractor's potential for success in meeting these requirements prior to acting on any proposed contract award.

In response to any Request for Proposals (RFP), Request for Qualifications (RFQ) or Invitation for Bids (IFB), LHA shall require the submission of evidence and certification that the respondent will comply with the requirements of this policy.

Contractors must incorporate and enforce the provision of the M/WBE policy and numerical requirements in any and all tier subcontracts. Requirements relative to contracting with M/WBEs shall not apply to contracts with a dollar value less than \$100,000 or contracts where the contractor is not subcontracting for any work, materials, supplies, services, etc., or when the sole source or specified items are not available from M/WBEs.

#### **Part IV. Contractor Responsibilities**

##### **A. General Statement of Contractor Responsibilities**

Each contractor entering into a contractual agreement with the LHA is required to comply with the requirements of Section 3 for new employment, training or contracting opportunities resulting from the expenditure of covered funding. The responsibility includes the following:

- 1) Implementing procedures to notify Section 3 residents and business concerns about training, employment, and contracting opportunities generated by the LHA project;
- 2) Notifying potential subcontractors working on the LHA project of their respective responsibilities;
- 3) Incorporating the Section 3 clause into all subcontracts;
- 4) Facilitating the training and employment of Section 3 residents and the award of contracts to Section 3 business concerns;

- 5) Assisting and actively cooperating with LHA in making subcontractors comply;
- 6) Refraining from entering into contracts with subcontractors that are in violation of Section 3 regulations;
- 7) Documenting actions taken to comply with the Section 3 regulation; and
- 8) Submitting Section 3 reports in accordance with LHA contractual requirements.

LHA will:

- 1) Inform contractors of the requirements of the Section 3 regulation;
- 2) Assist contractors and their subcontractors with achieving compliance;
- 3) Monitor contractor's performance with respect to meeting the requirements of Section 3; and
- 4) Report to the U.S. Department of Housing and Urban Development on the cumulative Section 3 activities taking place within our jurisdiction on an annual basis.

#### **B. Notification to Section 3 Residents and Business Concerns of Opportunities**

If a contractor or subcontractor has the need to hire new persons to complete the Section 3 covered work or needs to subcontract portions of the work to another business, they are required to direct the newly created employment and/or business opportunity to Section 3 residents and business concerns. This objective can be achieved by implementing procedures to notify Section 3 residents and business concerns of the opportunities. In other words, the contractor or subcontractor must develop ways to inform and recruit Section 3 residents and business concerns.

Contractor or subcontractors may inform Section 3 residents and business concerns about available training and job opportunities by:

1. Partnering or entering into contacting agreements with public housing resident organizations (such as Lakeland Housing Authority Resident Advisory Association), local community development and employment agencies (such as Polk Works);
2. Distributing flyers in the neighborhood surrounding the project;
3. Posting signs in strategic locations in neighborhoods where Section 3 residents and business concerns reside; and
4. Placing ads in local newspapers.

All of the above options are examples of procedures contractors and subcontractors may utilize to notify Section 3 residents and business concerns of employment, training or contracting opportunities. More examples of outreach efforts are provided below and in Appendices A and B.

#### **C. Recruiting Section 3 Residents and Business Concerns**

Contractors or businesses can recruit Section 3 residents and business concerns in the following locations:

- 1) LHA public housing developments and
- 2) The neighborhoods surrounding the project site.

Contractors or businesses may inform residents and business concerns about available training and job opportunities by:

- 1) Contacting LHA resident organizations, Polk Works, and other local community development and employment agencies;
- 2) Distributing flyers;
- 3) Posting signs; and
- 4) Placing ads in local newspapers.

#### **D. Notifying Potential Subcontractors of Contractual Responsibilities**

All contractors are required to ensure their own compliance **and** the compliance of their subcontractors with the Section 3 regulations, as outlined at 24 CFR Part 135.32. Contractors can notify their subcontractors of their respective responsibilities for compliance with the requirements of the Section 3 regulation by the inclusion of the mandatory Section 3 language in each subcontract for work on a Section 3 covered project. The mandatory Section 3 language advises the subcontractor that if they have the need to hire new persons to complete the Section 3 covered contract or needs to subcontract portions of the work to another business, they are required to direct their newly created employment and/or subcontracting opportunities to Section 3 residents and business concerns, if at all possible. The same numerical goals, i.e., 30% of new hires, 10% of construction contracts, and 3% of non-construction contracts, apply to all subcontractors.

In addition, the subcontractor must notify the contractor about their efforts to comply with Section 3 and submit any required documentation. The documentation required includes details regarding the subcontractors efforts to recruit Section 3 residents and/or business concerns, if they fail to meet their contract goals for Section 3 compliance.

#### **E. Facilitation of Training for Eligible Residents**

All contractors and their respective subcontractors are required to comply with the requirements of Section 3 for training opportunities resulting from the expenditure of covered funding. The responsibility includes implementing procedures to notify Section 3 residents about training opportunities generated by Section 3 covered assistance. A list of examples of efforts to provide training opportunities for Section 3 residents is provided in Appendix A.

#### **F. Facilitation of Contract Awards to Section 3 Business Concerns**

All contractors and their respective subcontractors must comply with the requirements of Section 3 for contracting opportunities resulting from the expenditure of covered funding. The responsibility includes implementing procedures to notify Section 3 business concerns about contracting opportunities generated by Section 3 covered assistance. A list of examples of efforts to provide contracting opportunities for Section 3 business concerns is provided in Appendix B.

### **G. Cooperation with LHA**

All contractors and their respective subcontractors are strongly encouraged to cooperate with the LHA. LHA is charged with ensuring compliance with the requirements of Section 3. Cooperation with LHA enhances a contractor's chances of continuing to receive contracts for future projects. Non-compliance with the requirements of Section 3 may jeopardize future contracting opportunities with LHA and other HUD sponsored projects.

### **Contractor Violation of Section 3 Regulations**

The LHA will refrain from entering into contracts with contractors or subcontractors that have a previous history of violating the regulations of Section 3. Repeated violations of the Section 3 regulation may jeopardize future contracting opportunities with LHA and other U.S. Department of Housing and Urban Development sponsored projects.

### **Monitoring and Documentation of Compliance**

All contractors shall track the Section 3 compliance efforts of their respective subcontractors. Monitoring compliance with Section 3 regulations consists of documentation of actions taken by subcontractors to achieve the goals specified in their contracts for employment, training and contracting, and the results of actions taken and any impediments encountered.

All contractors shall maintain records of job vacancies, solicitation for bids or proposals, selection materials, and contract documents (including scope of work and contract amount), in accordance with federal or state procurement laws and regulations.

It is the contractor's responsibility to implement progressive efforts to attain Section 3 compliance. Failure to attain Section 3 compliance in accordance with their contract shall subject the contractor to penalties including, but not limited to, the withholding of payments (until such time as compliance is obtained).

### **Non-Compliance**

All contractors that fail to meet the numerical goals of the Section 3 program bear the burden of demonstrating why it was not possible. Contractors must submit documentation or justification that describes the efforts that were taken by the contractor and/or their respective subcontractors, barriers encountered, and other relevant information that supports a good faith effort to achieve the numerical goals. Contractors should maintain records of job vacancies, solicitation for bids or proposals, selection materials, and contract documents (including scope of work and contract amount), in accordance with federal or state procurement laws and regulations. The justifications will allow LHA to make a determination regarding compliance or the failure to achieve the goals of the contractor's Section 3 plan.

### **Complaints**

There is a complaint process for contractors that are suspected of Section 3 violations. Section 3 residents, businesses, or a representative for either may file a complaint with LHA if it seems a contractor or their subcontractor is violating or not in compliance with the Section 3 requirements for a HUD funded project. Contractors are encouraged to try



and resolve complaints prior to the complaint being submitted to HUD or LHA whenever possible.

Examples of violations that will generate complaints from Section 3 residents, Section 3 business concerns or members of the general public may include but are not limited to the following:

Violation: Improper documentation of certification as a Section 3 resident.

Solution: Obtain a copy of documentation as a Section 3 resident from a local housing authority or obtain a copy of certified payroll and proof of residency.

Violation: The contractor did not properly notify Section 3 residents of a new employment opportunity.

Solution: The contractor may be required to re-advertise the employment opportunity.

Violation: The contractor did not give Section 3 business concerns enough time to properly respond to a contracting opportunity (such as a Request for Proposals for construction of stairways or installation of electrical work).

Solution: The contractor may be required to extend the time period for all businesses to respond to the Request for Proposals.

Violation: The contractor has not awarded enough contracts to Section 3 business concerns in order to meet the Section 3 goals specified in its contract.

Solution: Inform the contractor of ways to find and/or recruit Section 3 business concerns and allow for additional time for the contractor to comply with Section 3.

Solution: The contractor can use creative methods to extend contracting or subcontracting opportunities to Section 3 business concerns by breaking down a trade into individual task such as installation of screens and/or windows; installation of handicap rails, etc.

The cure period for each of the above listed sample violations will be determined at the discretion of LHA. The standard cure period is usually thirty (30) days or before LHA grants approval of the next request for payment submitted by the violating party or parties. LHA may grant more time for the cure period. LHA will review violations on an individual or "case by case" basis.

## **Part V. Data Collection and Required Reporting Forms**

### **Data Collection**

All contractors or businesses procured by the LHA shall submit written reports of their compliance efforts on a monthly basis. Some examples of monthly reporting forms include the following:

**Section 3 and MWBE Contracting Compliance Summary Reporting Form** – Provides a list of all Section 3, DBE and MWBE subcontractors and suppliers utilized on the contractor's contract with the LHA to date. Contractors shall provide LHA with copies of all subcontracts with a dollar value of \$100,000 or more. A copy of this report is provided in Appendix D. This form also includes instructions for completion.

Additional reports and forms contractors and subcontractors are required to provide include the following:

**Section 3 Man Hour Report Form** – Used to track the number of Section 3 residents hired by a contractor or subcontractor. The name and address of all Section 3 employees performing work during the respective payroll period must be listed on this form. This form must be signed by an authorized representative of the contractor or subcontractor. A copy of this form is provided in Appendix E. This form also includes instructions for completion.

**Section 3 and MWBE Monthly Contracting Compliance Report** – Used to track contractor and subcontractor performance with opportunities for Section 3 business concerns and MWBEs on a monthly basis. A copy of this form is provided in Appendix F. This form also includes instructions for completion.

**Sample Payroll Form WH 347** – This form is used to track payroll activity. It may be used by contractors that do not have a standard payroll form. It can be used to track payroll activity on a weekly or bi-weekly basis. The form was created by the U.S. Department of Labor (DOL). A copy of this form is provided in Appendix G.

**Contractor Monthly Report** – This report provides a written narrative of the activities engaged in or completed by the contractor. It also includes a written explanation of the contractor's outreach efforts and any obstacles incurred while trying to reach their Section 3 goals. An outline for this report is provided in Appendix H. This form also includes instructions for completion.

**Core Employees List** - Prior to start of the delivery of any services required by a contract executed with LHA, the contractor and any respective subcontractor shall provide LHA with a list of all core employees that will be assigned to work on the project. A core employee is any person listed and verified as employed with the contractor prior to the execution of the contract with LHA or any person listed and verified as employed with the subcontractor prior to the execution of the contract with the contractor (having an executed contract with LHA).

## Appendices

APPENDIX A – EXAMPLES OF EFFORTS TO OFFER JOB AND TRAINING OPPORTUNITIES TO SECTION 3 GRANTEEES

APPENDIX B – EXAMPLES OF EFFORTS TO AWARD CONTRACTS TO SECTION 3 BUSINESS CONCERNS

APPENDIX C – MANDATORY SECTION 3 LANGUAGE FOR CONTRACTS COVERED BY SECTION 3

APPENDIX D - SECTION 3 AND MWBE CONTRACTING COMPLIANCE SUMMARY REPORTING FORM

APPENDIX E – SECTION 3 MAN HOUR REPORT

APPENDIX F – SECTION 3 AND MWBE MONTHLY CONTRACTING COMPLIANCE REPORTING FORM

APPENDIX G – FORM 347 – SAMPLE PAYROLL FORM

APPENDIX H – MONTHLY REPORT OUTLINE - CONTRACTOR

APPENDIX I – CORE EMPLOYEE LIST FORM

**APPENDIX**

**A**

## **Appendix A – Examples of Efforts to Offer Job and Training Opportunities to Section 3 Grantees**

Examples of efforts to offer job and training opportunities to Section 3 Residents include, but are not limited to the following:

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

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

Establishing training programs, which are consistent with the requirements of the Department of Labor, for public and Indian housing residents and other section 3 residents in the building trades.

Advertising the training and employment positions by distributing 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 a public housing development or the community where the new project is located.

Contacting resident councils, resident management corporations, or other resident organizations, where they exist, in a public housing development and community organizations to request the assistance of these organizations in notifying Section 3 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 contractor representative at a location in the neighborhood or service area of the section 3 covered project.

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

**APPENDIX**

**B**

## **Appendix B – Examples of Efforts to Award Contracts to Section 3 Business Concerns**

Examples of efforts to award contracts to Section 3 Business Concerns include, but are not limited to, the following:

Participation in HUD training designed to encourage participation of Section 3 business concerns.

In determining the responsibility of potential contractors, consider their record of Section 3 compliance as evidenced by past actions and their current plans for the pending contract.

Contacting business assistance agencies, minority contractor associations and community organizations to inform them of contracting opportunities and requesting their assistance in identifying Section 3 business concerns.

Advertising contracting opportunities by posting notices, which provide general information about the work to be contracted and where to obtain additional information, in the common areas within the community or with the local housing authority.

Providing written notice to all known section 3 business concerns of the contracting opportunities. This notice should be in sufficient time to allow the section 3 business concerns to respond to the bid invitations or request for proposals.

Following up with Section 3 business concerns that have expressed interest in the contracting opportunities by contacting them to provide additional information on the contracting opportunities.

Coordinating pre-bid meetings at which Section 3 business concerns can be informed of upcoming contracting and subcontracting opportunities.

Carrying out workshops on contracting procedures and specific contract opportunities in a timely manner so that Section 3 business concerns can respond to upcoming contracting opportunities, and making such information available in languages other than English where appropriate.

Advising Section 3 business concerns as to where they may seek assistance to overcome limitations such as inability to obtain bonding, lines of credit, financing, or insurance.

Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways to facilitate the participation of Section 3 business concerns.

### **Examples of Efforts to Award Contracts to Section 3 Business Concerns (cont'd)**

Where appropriate, dividing or breaking out contract work items into economically feasible units to facilitate participation by Section 3 business concerns.

Advertising the contracting opportunities through trade association papers and newsletters, and through the local media, such as community television networks, newspapers of general circulation, and radio advertising.

Developing a list of eligible Section 3 business concerns.

Establishing numerical goals (number of awards and dollar amount of contracts) for award of contracts to Section 3 business concerns.

Establishing or sponsoring programs designed to assist residents of public or Indian housing in the creation and development of resident-owned businesses.

Actively supporting joint ventures with Section 3 business concerns.



**APPENDIX**

**C**

### **Appendix C – Mandatory Section 3 Language for Contracts Covered by Section 3**

All contracts subject to the Section 3 requirements will include the following 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 grantees 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, together with any implementation requirements or regulations of HUD that apply thereto. 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 part 135 of the regulations.
- C.** The contractor agrees, and shall cause each subcontractor, to send to each labor organization or representative of workers with which the contractor or such subcontractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or worker's 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. The Housing Authority of the City of Lakeland's Section 3 employment goal is thirty percent (30%) of all new hires. The Housing Authority of the City of Lakeland's Section 3 contracting goal is ten percent (10%) of contract and subcontract value.
- D.** The contractor agrees, and shall cause each subcontractor to agree, to include this Section 3 clause in every subcontract (\$100,000 or more) 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 provision, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor and subcontractors will not subcontract with any subcontractor when 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 shall, and will cause each subcontractor to, certify that any vacant employment positions, including training positions, that are filled (a) after the contractor or such subcontractor is selected but before the contract is executed, and (b) with persons other than those to whom the regulations of 24 CFR Part 135 require employment

Mandatory Section 3 Language for Contracts Covered by Section 3 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. The contactor shall, and will require each subcontractor to, submit a monthly report to the Housing Authority of the City of Lakeland's tracking Section 3 employment and contracting goals.

**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 provision of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

**APPENDIX**

**D**

M/WBE and Section 3 Compliance Summary Reporting Form

Month of \_\_\_\_\_ 201

Contractor	Subcontractor	Locale	Project	Contract Number	Contract Amount	Racial Ethnic Code	Contract Type	Number of New Hires	Number of Section 3 Hires	Section 3 New Hires %	MBE Contract Amount	MBE %	WBE Contract Amount	WBE %	Section 3 Contract Amount	Section 3 Contract %
Development Company A		Mayberry, USA	East County Area	08-128-10-17		2	1	0	0	0%		100%	-	0%	-	0.000%
	ABC Architect	Dallas, TX	East County Area		\$373,100.00	1	9	0	0	0%			-	0%	-	0%
	CDC Contractor L&M Construction Company	Metairie, LA	East County Area		\$1,543,857.03	1	8	12	7	58%						
	A DX Multi-Service	My Town, USA	East County Area		\$230,300.00	2	4	5	4	80%	\$ 230,300.00	100%				
	The Rock Consulting Group	My Town, USA	East County Area		\$35,000.00	2	4	0	0		\$ 35,000.00				3,500.00	100%
	My Cleaning Company	My Town, USA	East County Area		\$2,401.12	2	6	0	0	0%	\$ 2,401.12	100%	-	0%	-	0%
	YOUT Trucking Company	My Town, USA	East County Area		\$15,000.00		1	2	2	100%					15,000.00	100%
	B&S Accounting	New York, NY	East County Area		\$25,000.00	3	1	1	0	0%			25,000.00			
	EZ Environmental Company	My Town, USA	East County Area		\$75,000.00	1	6	0	0	0%			-	0%	-	0%
					\$48,000.00	1	6	0	0	0%			-	0%	-	0%
			TOTALS		\$2,347,458.15			20	13	65%	\$287,701.12	11.4%	\$25,000.00	\$ 0.01	\$18,500.00	\$ 0.01

RACIAL/ETHNIC CODES

- 1 = White Americans
- 2 = Black Americans
- 3 = Native Americans
- 4 = Hispanic Americans
- 5 = Asian/Pacific Americans
- 6 = Hasidic Jews
- 7 = Women

TYPE OF CONTRACT

- 1 = New Constr.
- 2 = Subst. Rehab
- 3 = Repair
- 4 = Service
- 5 = Project Mgmt.
- 6 = Professional
- 7 = Tenant Services
- 8 = Education/Training
- 9 = Arch./Eng./Appraisal
- 0 = Other

### **Minority and Women Business Enterprises and Section 3 Contracting and Compliance Report**

**Instructions:** This form is to be used to report monthly accomplishments regarding employment and contracting opportunities provided to low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any **public and Indian housing programs** that receive: (1) development assistance pursuant to Section 5 of the U.S Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to **recipients of housing and community development assistance in excess of \$200,000** expended for: (1) housing rehabilitation (including reduction and abatement of lead-based paint hazards; (2) housing construction; or (3) other public construction projects; and to **contracts and subcontracts in excess of \$100,000** awarded in connection with the Section 3-covered activity.

Recipient Agencies, Sub-Grantees and contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and very low-income persons. A contractor working on a project that receives Section 3 covered assistance shall submit once copy of this report to the Recipient Agency or Sub-Grantee. It is recommended that the report be submitted by the contractor on a monthly basis to the Recipient Agency or Sub-Grantee as a part of any pay request submittal package. The contractor shall be responsible for obtaining the information necessary to complete the report from any and all subcontractors performing work on the Section 3-covered project.

The form shall be completed as follows:

**Report for month of:** Enter the month and year in which the report is prepared

**Contractor:** Enter the name of the contractor that has executed an agreement with the recipient agency.

**Subcontractor:** Enter the name of the subcontractor(s) that have executed an agreement with the contractor.

**Address:** Enter the business address of the contractor or subcontractor(s).

**Project:** Enter the name of the project that has been approved by the Recipient Agency or Sub-Grantee.

**Contract Number:** Enter the number or other identification code used by the recipient agency to distinguish this contract from other contracts issued by the recipient agency, if applicable.

**Contract Amount:** Enter the dollar value of the contract at the time of execution.

**Racial Ethnic Code:** Enter the race or ethnic code for the person that owns 51% of more of the company. The codes are (1) white; (2) Black or African-American; (3) Native American; (4) Hispanic; (5) Asian/Pacific Islander; (6) Hasidic Jews; or (7) woman

**Contract Type:** Enter the code for the type of contract issued to the contractor or subcontractor. The codes are (1) new construction; (2) substantial rehabilitation; (3) repair; (4) service; (5) project management; (6) professional services; (7) tenant services; (8) education/training; (9) architectural, engineering or appraisal; or (0) other.

**Number of New Hires:** Enter the total number of new employees hired by the contractor or subcontractor since starting work on the project. The number does not include employees previously hired by the contractor or subcontractor prior to starting work on the project.

**Number of Section 3 Hires:** Enter the total number of new Section 3 employees hired by the contractor or subcontractor since starting work on the project.

**Percentage of Section 3 New Hires:** Enter the percentage of new Section 3 employees hired by the contractor or subcontractor since starting work on the project. Divide the number of Section 3 hires by the number of new employees hired by the contractor or subcontractor since starting work on the project.

**MBE Contract Amount:** Enter the dollar amount to be paid to the Minority Business Enterprise by the contractor or subcontractor since starting work on the project.

**MBE Percentage:** Enter the percentage of contracts awarded to Minority Business Enterprise by the contractor or subcontractor since starting work on the project. Divide the total dollar amount of contracts awarded to the Minority Business Enterprise by the total dollar amount of all contracts awarded by the contractor since starting work on the project.

**WBE Contract Amount:** Enter the dollar amount to be paid to the Woman Business Enterprises by the contractor or subcontractor since starting work on the project.

**WBE Percentage:** Enter the percentage of contracts awarded to Woman Business Enterprise by the contractor or subcontractor since starting work on the project. Divide the total dollar amount of contracts awarded to the Woman Business Enterprise by the total dollar amount of all contracts awarded by the contractor since starting work on the project.

**Section 3 Contract Amount:** Enter the dollar amount to be paid to the Section 3 business concern by the contractor or subcontractor since starting work on the project.

**Section 3 Percentage:** Enter the percentage of contracts awarded to Minority Business Enterprise by the contractor or subcontractor since starting work on the project. Divide the total dollar amount of contracts awarded to the Section 3 business concern by the total dollar amount of all contracts awarded by the contractor since starting work on the project.

**APPENDIX**

**E**



**LAKELAND HOUSING AUTHORITY  
DEPARTMENT OF PROCUREMENT AND CONTRACTS**

**Section 3 Manhour Report**

To be submitted with each application for payment

Contractor: \_\_\_\_\_ Contract No: \_\_\_\_\_

Contract Start Date: \_\_\_\_\_ Contract Completion Date: \_\_\_\_\_

Report for month of: \_\_\_\_\_

**Identify all Section 3 residents who have performed work in connection with this project to date. All Section 3 employees must appear on the Certified Payroll Form.**

Name Address Social Security #	Indicate with an "X" if Employee was hired this period**	Referral Source	Section 3 Category Preference	Number of Manhours Worked This Period	Hire Date	Termination Date
John Doe 1 Main Street, Lakeland 123-45-6789	X	LHA	2	30	5/2/12	N/A

For the period of this report, indicate:

Total number of man hours worked by all employees: \_\_\_\_\_

Total number of man hours worked by Section 3 employees: \_\_\_\_\_

Total Percentage of man hours worked by Section 3 employees: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

\*\* Attach Section 3 Resident Certification Forms for each new hire reported.

### Section 3 Man Hour Report

**Instructions:** This report is to be used to report monthly accomplishments regarding employment opportunities provided to low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any **public and Indian housing programs** that receive: (1) development assistance pursuant to Section 5 of the U.S Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to **recipients of housing and community development assistance in excess of \$200,000** expended for: (1) housing rehabilitation (including reduction and abatement of lead-based paint hazards; (2) housing construction; or (3) other public construction projects; and to **contracts and subcontracts in excess of \$100,000** awarded in connection with the Section 3-covered activity.

Recipient agencies and contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and very low-income persons. A contractor working on a project that receives Section 3 covered assistance shall submit once copy of this report to the recipient agency. It is recommended that the report be submitted by the contractor on a monthly basis to the recipient agency as a part of any pay request submittal package. The contractor shall be responsible for obtaining the information necessary to complete the report from any and all subcontractors performing work on the Section 3-covered project.

The report shall be completed as follows:

**Contractor:** Enter the name of the contractor or subcontractor that has hired a Section 3 employee or employees.

**Contract No:** Enter the number or other identification code used by the recipient agency to distinguish this contract from other contracts issued by the recipient agency, if applicable.

**Contract Start Date:** Enter the date the contract was executed by the recipient agency and the contractor. Subcontractors should enter the date the contract executed between the contractor and the respective subcontractor.

**Contract Completion Date:** Enter the date the contact is scheduled to expire. Subcontractors should enter the date the contract executed between the contractor and the respective subcontractor is scheduled to expire.

**Report for month of:** Enter the month and year in which the report is prepared

**Name, Address, Social Security #:** Enter the name, address and social security number of any person that meets the definition of a Section 3 employee and is hired by the subcontractor(s) or supplier(s) performing work under the contract.

**Indicate with an "X" if Employee was hired this period:** If the employee was hired during the period for which the report is submitted, enter an "X" on the in this column on the same line as the name of the respective new employee.

**Referral Source:** If the recipient agency or contractor wants to track their outreach efforts to determine which method was most effective in recruiting Section 3 residents, enter the referral source in this column. Examples include such as newspaper advertisement, public service announcements, partner agencies, on-site job advertisement, etc.

**Section 3 Category Preference:** In this column indicate whether the Section 3 hire is a (1) Category One – resident of a public housing agency housing site where the work is being performed; (2) Category Two – resident of any public housing agency housing site; (3) Category Three – participants in a HUD Youthbuild Program; or (4) Category Four – other low- and very low-income persons.

**Number of Man Hours Worked This Period:** Enter the total amount hours the employee worked during the current pay period. For example, 160 hours.

**Hire Date:** Enter the date the person was hired as a full-time employee.

**Termination Date:** Enter the date the employee was terminated.

**For the period of this report, indicate:**

**Total number of man hours worked by all employees:** Enter the total amount to hours worked during current month by all employees hired by the contractor or subcontractor.

**Total number of man hours worked by Section 3 employees:** Enter the total amount to hours worked during current month by Section 3 employees hired by the contractor or subcontractor.

**Total Percentage of man hours worked by all employees:** Enter the percentage of hours worked during current month by Section 3 employees hired by the contractor or subcontractor. Divide the number of hours worked by Section 3 employees by the number of hours worked by all employees.

**Name:** Enter the first and last name of the person completing the report.

**Title:** Enter the title of the person completing the report.

**Date:** Enter the date the person completed the report.

**Attach Section 3 Resident Certification Forms for each new hire reported:** The contractor or subcontractor should provide a copy of the documentation that is being used to certify the respective employee's status as a Section 3 hire.

**Note:** The contractor may use multiple pages for this report if necessary and appropriate.

**APPENDIX**

**F**

**LAKELAND HOUSING AUTHORITY**

Contracting Compliance Report

To be submitted with request for payment

Contractor: \_\_\_\_\_ Contract No.: \_\_\_\_\_

Contract Start Date: \_\_\_\_\_ Contract Completion Date: \_\_\_\_\_

Original Contract Amount: \$ \_\_\_\_\_

Current Contract Amount (Including Change Orders): \$ \_\_\_\_\_

Report for month of: \_\_\_\_\_ 201\_\_\_\_\_

List all Section 3/DBE/WBE Subcontractors and Suppliers utilized on this contract to date. Copies of all subcontract/supplier agreements executed during this reporting period must be submitted with report. Make copies of form if additional space is needed.

Name of Subcontractor/Supplier	Indicate with an "X" if Certified by LHA	Scope of Work Performed	Total Subcontract Amount Including Change Orders	Amount Paid this Period	Amount Paid To Date	Balance Remaining
Harvey Wallbanger	X	Carpentry	50,000	10,000	10,000	40,000

**Total Amount Paid to Contractor by Subgrantee Agency:**

This Period: \$ \_\_\_\_\_ To Date: \$ \_\_\_\_\_

**Total Amount Paid by Contractor to Section 3 Business Concerns:**

This Period: \$ \_\_\_\_\_ To Date: \$ \_\_\_\_\_

**Total Amount Paid by Contractor to MBEs:**

This Period: \$ \_\_\_\_\_ To Date: \$ \_\_\_\_\_

**Total Amount Paid by Contractor to WBEs:**

This Period: \$ \_\_\_\_\_ To Date: \$ \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Contracting and Compliance Report

**Instructions:** This form is to be used to report monthly accomplishments regarding employment and contracting opportunities provided to low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any **public and Indian housing programs** that receive: (1) development assistance pursuant to Section 5 of the U.S Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to **recipients of housing and community development assistance in excess of \$200,000** expended for: (1) housing rehabilitation (including reduction and abatement of lead-based paint hazards; (2) housing construction; or (3) other public construction projects; and to **contracts and subcontracts in excess of \$100,000** awarded in connection with the Section 3-covered activity.

Recipient Agencies, Sub-Grantees and contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and very low-income persons. A contractor working on a project that receives Section 3 covered assistance shall submit once copy of this report to the Recipient Agency or Sub-Grantee. It is recommended that the report be submitted by the contractor on a monthly basis to the Recipient Agency or Sub-Grantee as a part of any pay request submittal package. The contractor shall be responsible for obtaining the information necessary to complete the report from any and all subcontractors performing work on the Section 3-covered project.

The form shall be completed as follows:

**Contractor:** Enter the name of the contractor that has executed an agreement with the Recipient Agency or Sub-Grantee.

**Contract No:** Enter the number or other identification code used by the recipient agency to distinguish this contract from other contracts issued by the Recipient Agency or Sub-Grantee, if applicable.

**Contract Start Date:** Enter the date the contract was executed by the Recipient Agency or Sub-Grantee and the contractor.

**Contract Completion Date:** Enter the date the contact is scheduled to expire.

**Original Contract Amount:** Enter the dollar value of the contract at the time of execution.

**Current Contract Amount (including Change Orders):** Enter the most recent or current dollar value of the contract if the dollar value was increased by a change order that was approved by the Recipient Agency or Sub-Grantee.

**Report for month of:** Enter the month and year in which the report is prepared

**Name of Subcontractor/Supplier:** Enter the name of each subcontractor(s) or supplier(s) performing work under the contract.

**Indicate with an "X" if Certified by Recipient Agency or Sub-Grantee:** If the Recipient Agency or Sub-Grantee requires each subcontractor or supplier to be certified as a Section 3 business concern, woman- or minority owned business enterprise and said certification has been reviewed and approved by the Recipient Agency or Sub-Grantee enter an "X" on the in this column on the same line as the name of the respective Section 3 business concern, woman- or minority-owned business enterprise.

**Scope of Work Performed:** Enter the type of work being performed under the contact in this column. Examples include carpentry, masonry, electrical, supplier, cleaning, etc.

**Total Subcontract Amount Including Change Orders:** Enter the total dollar value of the subcontract. The total should include the dollar value of any change orders or amendments that increase the dollar value of the subcontract.

**Amount Paid this Period:** Enter the total amount to be paid to the subcontractor or supplier during the current pay period.

**Amount Paid To Date:** Enter the cumulative total amount paid to the subcontractor or supplier since the beginning of the contract.

**Balance Remaining:** Subtract the Amount Paid to Date from the Total Subcontract Amount and enter the number into this column. The difference is the remaining balance to be paid to subcontractor.

**Total Amount Paid to Contractor by Recipient Agency or Sub-Grantee:**

**This Period:** Enter the dollar amount to be paid to the contractor during current month.

**To Date:** Enter the cumulative dollar amount paid to the contractor since the beginning of the contract.

**Total Amount Paid by Contractor to Section 3 Business Concerns:**

**This Period:** Enter the dollar amount to be paid to the Section 3 business concerns during the current month.

**To Date:** Enter the cumulative dollar amount paid to the Section 3 business concerns since the beginning of the contract.

**Total Amount Paid by Contractor to MBE:**

**This Period:** Enter the dollar amount to be paid to the Minority Business Enterprises during the current month.



**To Date:** Enter the cumulative dollar amount paid to the Minority Business Enterprises since the beginning of the contract.

**Total Amount Paid by Contractor to WBE:**

**This Period:** Enter the dollar amount to be paid to the Women Business Enterprises during the current month.

**To Date:** Enter the cumulative dollar amount paid to the Women Business Enterprises since the beginning of the contract.

**Name:** Enter the first and last name of the person completing the report.

**Title:** Enter the title of the person completing the report.

**Date:** Enter the date the person completed the report.

**Note:** The contractor may use multiple pages for this report if necessary and appropriate.

**APPENDIX**

**G**

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/whd/forms/wh347instr.htm](http://www.dol.gov/whd/forms/wh347instr.htm))



Rev. Dec. 2008

OMB No.: 1215-0149  
Expires: 12/31/2011

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS			OMB No.: 1215-0149 Expires: 12/31/2011	
PAYROLL NO.		FOR WEEK ENDING		PROJECT AND LOCATION		PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
			HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS			
			S	S	S	S	S	S	S										
			O																
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210



**APPENDIX**

**H**

## **LAKELAND HOUSING AUTHORITY**

### **PROJECT NAME CONTRACTOR MONTHLY REPORT OUTLINE**

- I. Current Month Activities
- II. Planned Activities - Next Month
- III. Schedule Narrative
  - a. Deadlines Achieved
  - b. Deadlines Missed (w/explanations)
  - c. Next Month deadlines
- IV. Subcontracting Narrative
  - a. Solicitations in Progress
  - b. Subcontracts Executed
  - c. MBE/WBE Outreach and Participation
  - d. Section 3 Outreach and Participation
- V. Budget Narrative
  - a. Funds Obligated and Expended to Date
  - b. Potential line item shortfalls
- VI. Pending Issues
  - a. Issues pending from prior months
  - b. Prior issues resolved this month
  - c. New issues

**APPENDIX**

**I**

