

JHA SECTION 3 UTILIZATION AND AFFIRMATIVE ACTION PLAN

The JACKSONVILLE HOUSING AUTHORITY will implement the following affirmative action steps directed at increasing the utilization of Section 3-business concern:

- A. To provide on the attached table (Proposed Contracts: Utilization Breakdown) information related to contracts to be awarded. This will include:
 - 1. An approximate number and dollar value of contracts to be awarded over the duration of this project; and
 - 2. Based on an analysis of available eligible business concerns and the estimated contract needs, a target number and value of contracts to be awarded to Section 3 business concerns.

- B. To provide a strategy for achieving the targets established for awards to Section 3 business concerns which will include the following steps:
 - 1. To include this affirmative action plan in the bid documents.
 - 2. To identify the Section 3 covered project area as follows:
 - a. For purposes of job training and employment, the Section 3 area is the City of Jacksonville;
 - b. For purposes of contracts, the Section 3 area is the Jacksonville Metropolitan Statistical Area (MSA) which includes Clay, Duval, Nassau and St. Johns counties.
 - 3. To take steps to secure the cooperation of contractors, subcontractors and Unions in meeting goals and carrying out the affirmative action plan.
 - a. To include Section 3 notices or requirements, or both, in the advertisement for bids, the Invitation to Bidders, the General Conditions, the Special Conditions and the Contract;
 - b. To publicize this contractual opportunity and encourage contractors, subcontractors and unions to do the same through community organizations, public or private institutions and local business development centers, such as the Chamber of Commerce, Jacksonville Minority Business Center, Jacksonville Urban League and other local business and contractors' associations;
 - c. To notify the applicable office of U.S. HUD to include this project in its "registry of available contracts and of opportunities to submit bids";
 - d. **To require the submission of affirmative action plans by all bidders.**
 - e. To evaluate each bid to determine whether the affirmative action plans will accomplish the goals.
 - f. To maintain and encourage contractors, subcontractors and unions to maintain records (i.e., monitoring reports, memoranda,

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- g. correspondence) to document the level of cooperation from contractors, subcontractors and unions in meeting the goals of the affirmative action plans;
- h. To monitor the work being performed during the duration of this project to ensure that contractors, subcontractors and unions are adhering to their submitted affirmative action plans and to all applicable affirmative action regulations;
- i. To advise the U.S. HUD Secretary, or the appropriate person acting on his behalf, within 15 days of contract award of the steps taken or to be taken to comply with the requirements of 24 CFR part 135, subpart D - "Utilization of Business Located in or Owned in Part by Persons Residing in the Section 3 Area"; and
- j. To require compliance with affirmative action plans.

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AND AFFIRMATIVE ACTION PLAN**

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

- A. To list on Table A, the following information related to subcontracts to be awarded:
1. an approximate number and dollar value of contracts to be awarded over the duration of the Section 3 covered project (this estimate should be broken down by type of business or profession); and
 2. base on an analysis of the estimated contract needs, a target number and value of contracts to be awarded to Section 3 business concerns (these targets should concede the availability of Section 3 business concerns within the categories identified in the initial estimate of contract needs).
- B. To provide a program or strategy for achieving the targets established for awards to Section 3 business concerns which would include the following steps:
1. *To insert this Section 3 plan in all requests for subcontractors proposals, and to require all bidders on subcontracts to submit a Section 3 affirmative action plan to the general contractor including utilization goals and the specific steps planned to accomplish these goals;
 2. *To insure that subcontractors which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area;
 3. To formally contact unions, subcontractors and trade associations to secure their cooperation for this program; and
 4. To insure that all appropriate project area business concerns are notified of pending subcontractural opportunities.
- *Loans, Grants, contracts and subsidies for less than \$10,000 will be exempt.
- C. To list on Table B all projected trainee and employee workforce needs for all phases of this project by occupation, trade, skill level and number of positions. An estimated number of Section 3 area residents to be utilized in these areas must be included on Table B. Steps directed at meeting these goals are as follows:
1. To attempt to recruit from within the City, the necessary number of lower income residents through: Local advertising media, signs placed at the proposed site of the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Service, or the Private Industry Council; and
 2. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative actions steps have been taken.
- D. To appoint or recruit an executive official of a company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.

Project Name

Company Name

Name of Person Completing Form

Date

**VI F. CONTRACTOR SECTION 3 UTILIZATION
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TABLE A

PROPOSED SECTION 3 SUBCONTRACTS: UTILIZATION BREAKDOWN

Type of Contract (Business or Profession)	Name of Subcontractor	Total No.	Total Approx. Dollar Amt.	Estimated No. of Contracts to Section 3 Businesses	Est. Dollar Amt. To Section 3 Businesses

Company

Project Name

Project Number

Person Completing Form

Date

VI F. CONTRACTOR SECTION 3 UTILIZATION TABLE B

ESTIMATED PROJECT WORK FORCE UTILIZATION BREAKDOWN

Job Category	Total Estimated Positions needed for Project	No. Positions Occupied by Permanent Employees	Number of Positions Not Occupied	Number of Positions to be filled with Section 3 Residents
Officer/Supervisors				
Professionals				
Technical Hsg. Sales/Rental Mgmt.				
Office/Clerical				
Service Workers				
Others				
TRADE:				
Journeyman				
Helpers				
Apprentices				
Trainees				
Others				
TRADE:				
Journeyman				
Helpers				
Apprentices				
Trainees				
Others				

Section 3 Resident

Individual residing within the Section 3 area
 Whose family income does not exceed 90% of
 the median income in the Metropolitan
 Statistical Area or the county if not within a
 MSA in which the Section 3 covered projects is
 Located.

 Company

 Project

 Project Number

 Person Completing Form

 Date

SECTION 3 CLAUSE

All Section 3 covered contracts shall include the following clause (referred to as the Section 3 clause):

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

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

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor 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.

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

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

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

G. With respect to work performed in connection with section 3 covered Indian Housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (1) 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).