

SECTION 3 PLAN

ECONOMIC OPPORTUNITIES FOR LOW-INCOME PERSONS

RESOLUTION

A RESOLUTION TO ADOPT THE SECTION 3 PLAN TO COMPLY WITH 24 CFR, PART 135 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S. C 1701u) (Section 3) to further the goal of ensuring that federal funds, and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure the objectives of Section 3 are met; and

WHEREAS, the Jacksonville Housing Authority staff has developed a Section 3 Plan in adherence to 24 CFR, Part 135 that more comprehensively addresses the standards and procedures prescribed in the Act; and

WHEREAS, the Section 3 Plan has been reviewed by the Authority's senior staff members and their comments incorporated into the Plan, and

WHEREAS, the Section 3 plan is in compliance with 24 CFR 85.36.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners authorizes the CEO to implement the revised Section 3 Plan as approved.

APPROVED AND ADOPTED this day of , 2019

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I. INTRODUCTION TO SECTION 3

A. Section 3 Overview

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and 24 CFR Part 135 requires that, to the greatest extent feasible, employment and other economic opportunities generated by certain financial assistance from the U.S. Department of Housing and Urban Development ("HUD") be directed to low- and very low-income residents, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons, as defined in 24 CFR 135.5II.

B. Applicability

Pursuant to 24 CFR 135.5 and the Jacksonville Housing Authority (JHA) Section 3 Policy contained herein, Section 3 applies to all contracts and memoranda of understanding providing services to JHA, including cooperative purchasing agreements and contracts for professional services (such as audit and accounting, brokerage, architecture, and legal), maintenance, repairs, labor, landscaping, modernization projects, employee training, JHA resident education, and construction. It does not apply to contracts solely for materials or supplies.

II. BIDDER / PROPOSER INSTRUCTIONS

All Bidders / Proposers must review the Section 3 Policy, contained herein, and complete the Section 3 Vendor Commitment Form, located in Exhibit 1 of this section. Depending on the answers given on the Form, the Bidder / Proposer may be directed to complete additional forms for the bid / proposal, which should be included in the bid response / proposal.

III. JHA SECTION 3 POLICY

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) ("Section 3") and 24 CFR Part 135 requires that, to the greatest extent feasible, employment and other economic opportunities generated by certain financial assistance from the U.S. Department of Housing and Urban Development (HUD) be directed to low- and very low-income residents, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons, as defined in 24 CFR 135.5

A. Statement of Purpose

1. This Section 3 Policy shall provide direction to JHA for maximizing employment and other economic opportunities for low- and very low-income individuals and business concerns through certain HUD-funded contracts, pursuant to 24 CFR Part 135. JHA will establish appropriate procedures and processes to implement this Policy. This Policy does not require employing a Section 3 Resident or contracting with a Section 3 Business Concern that does not meet the qualifications of the position to be filled or cannot fulfill the contract requirements.

B. Applicability

1. This Policy shall cover all contracts, including memoranda of understanding, for the provision of services to JHA funded through Section 3 Covered Assistance, which includes cooperative purchasing agreements and contracts for professional services (such as audit and accounting, brokerage, architecture, and legal), maintenance, repairs, labor, landscaping, modernization projects, employee training, JHA resident education and services, and construction. This Policy does not apply to contractors who only furnish materials or supplies.

C. Definitions

- 1. JHA incorporates into this policy all the definitions contained in 24 CFR 135.5; definitions most applicable to JHA's Policy are listed below.
- a. Contractor: Any entity that enters into a contract or agreement to perform work generated by the expenditure of Section 3 Covered Assistance, or for work in connection with a Section 3 Covered Project.
- b. HUD Youth Build Programs: Programs that receive assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899) and provide disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low- and very low-income families.

- c. New Hires: Full- time employees for permanent, temporary, or seasonal employment opportunities.
- d. Section 3 Business Concern: A business concern is defined as a business entity formed in accordance with State law, and which is licensed to the extent required under any State, county, or municipal law to engage in the type of business activity for which it was formed:
 - i. That is 51 percent or more owned by Section 3 Residents; or
 - ii. Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 Residents, or within three years of the date of first employment with the business concern were Section 3 Residents; or,
 - iii. That provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualification set forth in either of the two preceding paragraphs in this definition.
- e. Section 3 Clause: The contract provisions set forth in 24 CFR 135.38. The Section 3 Clause is set forth in Section XVII.I of this Policy.
- f. Section 3 Covered Assistance:
 - i. Public and Indian housing development assistance provided pursuant to section 5 of the U.S. Housing Act of 1937 (1937 Act);
 - ii. Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act;
 - iii. Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act; or
 - iv. Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:
 - A. Housing rehabilitation (including reduction and abatement of leadbased paint hazards, but excluding routine maintenance, repair, and replacement);
 - B. Housing construction; or
 - C. Other public construction projects (which includes other buildings or improvements, regardless of ownership).
- g. Section 3 Covered Contract: A contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. Section 3 Covered Contracts do not include contracts

awarded under HUD's procurement program that is governed by the Federal Acquisition Regulation System (see 48 CFR, Chapter 1). Section 3 Covered Contracts also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract.

- h. Section 3 Covered Project: The construction, reconstruction, conversion, or rehabilitation of housing (including reduction and abatement of lead-based paint hazards); other public construction that includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.
- i. Section 3 Resident: 1) A public housing resident or 2) a low- or very low-income person, as defined below, who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended. JHA defines its metropolitan area as Duval County, FL. A person seeking the training and employment preference provided by Section 3 bears the responsibility of providing evidence that the person is eligible for the preference meeting the requirements residency and of i. Or II. Below:
 - i. Low-income: households whose income does not exceed 80% of the median income for the area in which they reside.
 - ii. Very low-income: households whose incomes do not exceed 50% of the median income for the area in which they reside.
- j. Subcontractor: Any entity (other than a person who is an employee of the contractor) which 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.

D. JHA Responsibilities

- 1. JHA will comply with Section 3 in its operations. This responsibility includes:
 - a. Notifying Section 3 Residents and Section 3 Business Concerns about jobs and contracts generated by Section 3 Covered Assistance so that residents may seek jobs and businesses may submit bids / proposals for available contracts;
 - b. Notifying potential contractors of the objectives of Section 3 and the ways in which each contractor can assist JHA in meeting its goal;
 - c. Facilitating the training and employment of Section 3 Residents and the award of contracts to Section 3 Business Concerns; and
 - d. Documenting the action that the JHA takes to comply with the Section 3 requirements, the results of the actions, and impediments, if any.
- 2. JHA also has a responsibility to ensure compliance of contractors. JHA will:

- a. Notify contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 Clause in contract documents;
- b. Refrain from entering into contracts with contractors that are in violation of the regulations at 24 CFR Part 135;
- c. Respond to complaints made to JHA by Section 3 Residents or Section 3 Business Concerns that JHA, a contractor, or subcontractor, is not in compliance with 24 CFR Part 135; and
- d. Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that JHA's contractors and subcontractors are not in compliance with the regulations at 24 CFR Part 135.

E. JHA Section 3 Training and Employment Policy

JHA will implement procedures designed to notify Section 3 residents about training and employment opportunities generated by Section 3 covered assistance and Section 3 business concerns about contracting opportunities generated by Section 3 covered assistance:

- 1. JHA will continually facilitate training and employment opportunities to Section 3 residents by undertaking activities such as described in Section N of the JHA Section 3 Policy "Section 3 Residents Recruitment, Training, and Employment Procedures" to reach the goals set forth by the JHA.
- 2. In accordance with the findings of the Congress, as stated in Section 3, that other economic opportunities offer an effective means of empowering low-income persons, JHA and its contractors may provide to low-income persons economic opportunities other than training, employment, and contract awards, in connection with Section 3 covered assistance.
 - a. Other economic opportunities to train and employ Section 3 residents include, but need not be limited to the user of "upward mobility," "bridge," and trainee positions to fill vacancies; hiring Section 3 residents in management and maintenance positions for other projects.
 - b. A recipient or contractor may provide economic opportunities to establish, stabilize, or expand Section 3 business concerns, including micro-enterprises. Such opportunities include, but are not limited to, the formation of Section 3 joint ventures, financial support for affiliating with franchise development, the user of labor only contracts for building trades, purchase of material and supplies from JHA resident-owned businesses.
 - c. Job Training Programs Contractors may provide paid training opportunities for JHA residents (especially on the job training). The hours of training when converted to dollars must equal or exceed the threshold requirements established by JHA.

F. JHA Section 3 Employment and Contract Goals

Employment

The Section 3 regulations provide that recipients, their contractors, and any subcontractors may demonstrate compliance, to the greatest extent feasible, by employing Section 3 residents as 30% of the aggregate number of new hires.

Contracts

Section 3 regulations provide that recipients, their contractors, and any subcontractors may demonstrate compliance by awarding contracts to Section 3 business concerns or to vendors who contract with such firms.

JHA's contracting goals require that Section 3 firms receive at least:

- 10 percent of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization, or development of public housing; or
- 2. 10 percent of the total dollar amount of all Section 3 covered contracts for building trades work in connection with housing rehabilitation, housing construction, and other public construction; and
- 3. 3 percent of the total dollar amount of all other Section 3 covered contracts.

Goals apply to the entire amount of Section 3 covered assistance awarded to JHA in any federal fiscal year (FY), currently October 1 through September 30. Correspondingly, JHA's goals shall apply to the total dollar amount of each contract or purchase order.

Note that Supply and Delivery contracts are excepted from the Section 3 Policy requirements.

G. JHA Section 3 Contractor Procurement Procedures

To meet the numerical goals as set forth by Section 3, JHA will implement the following alternative procurement procedures.

Small Purchases

For Section 3 covered contracts aggregating no more than \$25,000 for construction or maintenance and no more than \$25,000 for services, the Authority shall follow its small purchase procedures as outlined in its procurement policy.

1. In addition to JHA's selection system, all qualified Section 3 business concerns will be solicited for every small purchase contract opportunity and will be given preference in accordance with JHA's procurement policy.

Public Bids

Preference in the award of Section 3 covered contracts that are awarded under a sealed bid (IFB) process may be provided as follows:

- 1. Bids shall be solicited from all businesses (Section 3 business concerns and non-Section 3 business concerns). An award shall be made to the Qualified Section 3 business concern with the lowest responsive bid if that bid:
 - a. is within the maximum total contract price established by the JHA's budget for the specific project for which bids are being taken; and
 - b. is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:
- * The following chart is a part of JHA's adopted procurement policy,

Total Contract Amount	x = lesserof
When the lowest responsive bid is less	
than \$100,000	10% of that bid or \$9,000
When the lowest responsive bid is:	
At least \$100,000, but less than	
\$200,000	9% of that bid, or \$16,000.
At least \$200,000, but less than	
\$300,000	8% of that bid, or \$21,000.
At least \$300,000, but less than	
\$400,000	7% of that bid, or \$24,000.
At least \$400,000, but less than	
\$500,000	6% of that bid, or \$25,000.
At least \$500,000, but less than \$1	
million	5% of that bid, or \$40,000.
At least \$1 million, but less than \$2	
million	4% of that bid, or \$60,000.
At least \$2 million, but less than \$4	
million	3% of that bid, or \$80,000.
At least \$4 million, but less than \$7	
million	2% of that bid, or \$105,000.
\$7 million or more	1 1/2% of the lowest responsive
\$ / Hillion or more	bid, with no dollar limit.

2. If no responsive bid by a Section 3 business concern meets the requirements of paragraph A of this section, the contract shall be awarded to a responsible bidder with the lowest responsive bid.

3. In both paragraphs A and B above, a bidder, to be considered as responsible, must demonstrate compliance with the "greatest extent feasible" requirement of Section 3.

Competitive Proposals

Where the Section 3 covered contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total number of available rating points to be set aside for the provision of preference for Section 3 business concerns. The contract shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating systems.

JHA is responsible for notifying all potential contractors for Section 3 covered projects of the requirements of this part, and incorporating the Section 3 clause set forth in §135.38 in all solicitations and contracts.

It is the responsibility of contractors, vendors, and suppliers to implement progressive efforts to attain Section 3 compliance. Any contractor that does not meet the Section 3 numerical goals must demonstrate why meeting the goals was not feasible. All contractors submitting bids or proposals to the JHA are required to certify that they comply with the requirements of Section 3.

H. Evidence Section 3 Business Concern Certification

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with the JHA must complete the Section 3 Business Concern Application, which can be obtained from the JHA Section 3 Unit or on the JHA website. The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

The JHA Section 3 procurement will review the application and very the business meets the requirements as stated in CFR Part 135.5 (see Section III C. d.). This verification will be valid for three years.

Section 3 Business Concern Applications must be submitted to the JHA Section 3 procurement prior to the submission of bids for approval. If Section 3 previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid.

I. Contractor's Responsibilities in Employing Section 3 Participants

Section 3 regulations provide that recipients, their contractors, and any subcontractors demonstrate compliance by employing Section 3 residents as 30% of the aggregate number of new hires.

- 1. A contractor is required to hire only when a new hire is needed to perform the work. In the event that no new hires are needed, contractors must pursue other avenues of compliance as set forth in JHA's preference tier structure.
 - a. Meet the Section 3 requirements using existing Section 3 employees, subcontractors, or material suppliers.
 - b. Utilize an alternative method to provide other economic opportunities to Section 3 residents equal in value to the Section 3 requirement based on the total contract labor value, as approved by JHA.
- 2. The Section 3 Regulations, at 24 CFR Part 135, require that in public housing programs, compliance efforts shall be directed to provide training and employment opportunities to Section 3 residents in the following order or priority:
 - a. Residents of the development or developments where the covered assistance is expended.
 - b. Residents of other developments managed by JHA.
 - c. Participants in HUD Youth Build programs in the metropolitan area or nonmetropolitan county in which covered assistance is expended.
 - d. All other low- and very low-income persons within the metropolitan area.
- 3. In situations where a new hire is needed, a contractor will not be required to hire persons who are not qualified.
- 4. If a new hire is needed and a Section 3 resident is identified, that Section 3 residents will be required to submit evidence of Section 3 status to JHA, contractor, or subcontractor.
- 5. JHA requires a preference for hiring from the development where the work is being performed. However, JHA will not require a contractor to hire from the development at the work site if:
 - a. A pre-identified list of Section 3 residents from a job site contains no persons qualified to perform the work. Qualified residents from other developments shall then be considered.
 - b. The contractor's workforce is adequate to do the job and no new hiring is needed.

After the award of contracts, the contractor must, prior to beginning work, inform Section 3 Participants of the development at which the work will be performed, by providing the following:

- 1. The names of the Section 3 business concerns to be utilized,
- 2. Estimates of the number of employees to be utilized for the contract,

- 3. The projected number of available positions, to include job descriptions and wage rates (construction wages consistent with Davis Bacon),
- 4. Efforts that will be utilized to seek Section 3 Participants (see Section M).
- 5. Submit a list of core employees (including administrative, clerical, planning, and other positions pertinent to the construction trades) at the time of contract award.

Contractors must notify the JHA Section 3 procurement of their interests regarding employment of Section 3 participants prior to hiring and prior to beginning work. The Section 3 Unit will ensure that the participant is Section 3 eligibility, by assessing the Section 3 database.

Contractors must immediately notify the Section 3 Unit if a participant, hired from the database, quits, walks off, or is terminated for any reason. The contractor must provide written documentation of all such incidents that support such decisions to the Section 3 procurement to determine if an investigation is warranted.

J. Section 3 Contractor Hiring Requirements

The JHA has adopted the following scale for Participant hiring that is to be used on all construction contracts, service contracts, and professional service contracts valued over \$100,000 that contain a labor component. It is expected that an appropriate number of participants with particular qualifications or a willingness to begin unskilled labor will be able to participate in Section 3 contracted labor efforts. A prime contractor may satisfy the Section 3 Participant hiring requirements through its contractors.

TOTAL LABOR DOLLARS	RESIDENT AS A % OF
USE TOTAL CONTRACT	TOTAL LABOR
AMOUNT FOR SERVICE CONTRACTS	DOLLARS
\$100,000, but less than \$200,000	9% of the labor dollars
At least \$200,000, but less than \$300,000	8% of the labor dollars
At least \$300,000, but less than \$400,000	7% of the labor dollars
At least \$400,000, but less than \$500,000	6% of the labor dollars
At least \$500,000, but less than \$1 million	5% of the labor dollars
At least \$1 million, but less than \$2 million	4% of the labor dollars
At least \$2 million, but less than \$4 million	3% of the labor dollars
At least \$4 million, but less than \$7 million	2% of the labor dollars
\$7 million or more	1 1/2% of the labor dollars

With this sliding formula, it is expected that an appropriate number of JHA public housing residents / participants and neighborhood residents with particular qualifications or willingness to begin unskilled labor will be able to participate in contracted labor efforts. A prime contractor, through its subcontractor(s), may satisfy Section 3 participant hiring requirements set forth above.

- Subcontractor joint venture with a resident-owned business. The business must be 51% or more owned by Section 3 public housing residents, or subcontract / joint venture with a business that employs full-time, 30% or more Section 3 residents or low- and very-low income residents within the area of the JHA Development Projects, or
- 2. Direct hiring of JHA's Section 3 public housing residents and / or low- and very low-income neighborhood residents based on the Resident Hiring Scale, or
- 3. The contractor incurs the cost of providing skills training for residents in an amount commensurate with the sliding scale set forth in the Participant Hiring Scale.

K. Assisting Contractors to Achieve Section 3 Goal Hiring and Contracting Goals

JHA will assist contractors with little or no experience in achieving Section 3 hiring and contracting goals by:

- 1. Conducting contractor training and informational meetings, and will make every effort to meet with contractors prior to bid opportunities to instruct them as to Section 3 requirements and negotiate hiring opportunities for qualified candidates from the JHA database.
- 2. Requiring the contractor to present a list, to the Section 3 Unit, of the number of subcontracting and / or employment opportunities expected to be generated from the initial contract.
- 3. The JHA Section 3 Unit will provide the contractor with a list of interested and qualified Section 3 residents for construction projects, maintenance services, and development contracts.
- 4. The JHA Section 3 Unit will provide the contractor with a list of Section 3 business concerns interested in and qualified for construction projects.
- 5. The JHA Section 3 Unit or representative will review the new hire clause with contractors and subcontractors to ensure that the requirement is understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to employ Section 3 program participants before any other person, when hiring addition, employees needed to complete proposed work to be performed with HUD (Federal) funds.

L. Efforts to Award Contract Opportunities to Section 3 Business Concerns

JHA will use the following methods to notify and contract with Section 3 business concerns when contracting opportunities exist.

- 1. Advertise contracting opportunities via newspaper, mailings, and posting notices that provide general information about the work to be contracted and where to obtain additional information.
- 2. Provide written notice of contracting opportunities to all known Section 3 business concerns. The written notice will be provided insufficient to enable business concerns the opportunity to respond to the bid invitation.
- 3. Coordinate pre-bid meetings at which the Section 3 business concerns would be informed of upcoming contracting opportunities in advance.
- 4. Conduct workshops on the JHA procurement contracting procedures to include bonding, insurance, and other pertinent requirements, in a timely manner, in an effort to allow Section 3 business concerns the opportunity to take advantage of any upcoming contracting opportunities.
- 5. Contact the City of Jacksonville Business Development Department, business assistance agencies, Minority and Women's Business Enterprise (M/WBE) contractor associations, and community organizations to inform them of contracting opportunities and to request their assistance in identifying Section 3 businesses.

- 6. Establish relationships with the Small Business Administration (SBA), Minority and Women's Business Enterprise (M/WBE) associations, Community Development Corporations, and other sources as necessary to assist the JHA with educating and mentoring residents with a desire to start their own businesses.
- 7. Seek out referral sources in order to ensure job readiness for public housing residents through on-the-job-training (OJT) and mentoring to obtain necessary skills that will transfer into the external labor market.
- 8. Develop resources and seek out training to assist residents interested in starting their own businesses to learn to prepare contracts, prepare taxes, and to obtain licenses, bonding, and insurance.

M. Section 3 Program Participant Certification Procedure

Preference will be given to JHA Public Housing residents and JHA Section 8 Program participants. The JHA Resident Services Department will certify other persons who reside in the Jacksonville community and who are seeking preference in training and employment by completing and attaching adequate proof of Section 3 eligibility.

- 1. JHA Public Housing residents and JHA Section 8 participants will be solicited annually at recertification for interest in employment and training opportunities (see Exhibit III).
- 2. Persons living in the Jacksonville Metropolitan Area who meet the Section 3 eligibility guidelines can, by appointment, visit with the Section 3 Unit to provide proof of eligibility.
- 3. JHA residents, participants, and other eligible candidates will complete a job readiness assessment. Once this assessment is complete, the Section 3 Unit will determine if the individual meets the eligibility requirements and is job ready. If candidates are job ready they will be added to the JHA Section 3 database.
- 4. If the individual is deemed eligible for Section 3 participation and deemed not ready for employment, a referral will be made to other agencies that will assist them in becoming job ready.
- 5. The Section 3 job readiness component is a part of the JHA commitment to provide economic opportunities and training to residents, participants, and eligible candidates to become gainfully employed.

N. Section 3 Resident Recruitment, Training, and Employment Procedures

JHA will develop resources to provide training and employment opportunities to Section 3 program participants by implementing the following:

1. Training and employment opportunities will be advertised by mailings, posting in common areas of the housing developments as well as all Public Housing

- management offices, contacting resident councils, resident management corporations, neighborhood community organizations, and via JHA's website.
- 2. A JHA database will be maintained to identify eligible Section 3 residents seeking employment and training opportunities.
 - a. Preference will be given to JHA residents and JHA Section 8 participants.
 - b. If there are no qualified JHA residents or Section 8 participants, other eligible Section 3 residents will be selected from the database.
- 3. A Section 3 Business Registry will be maintained to identify JHA-recognized Section 3 Business Concerns.
- 4. A provision for a specific number of Public Housing residents, Section 8 participants, or other Section 3 program candidates to be trained or employed by contractors will be incorporated into the contract of any companies not recognized by JHA as a Section 3 Business Concern.

O. Compliance

- 1. HUD holds JHA accountable for compliance with Section 3 requirements. Therefore, contractor reporting requirements will be incorporated into all Section 3 Covered Contracts and contractors shall be contractually required to respond to requests for information from JHA for compliance verification throughout the life of the contract. JHA's Section 3 Unit may also conduct random compliance inspections at the site of the Section 3 Covered Project.
- 2. Achievement of Numerical Goals: In the absence of evidence to the contrary, if a contractor meets the minimum numerical goals listed in Section J of the JHA Section 3 Policy, above, the contractor is considered to have complied with its Section 3 requirements under this Policy.
- 3. The burden of Proof: Section 3 requires compliance with its minimum numerical requirements unless JHA and its contractors demonstrate that such compliance was not feasible following reasonable efforts. Contractors must demonstrate, through compliance reports and forms established by JHA, that they have met the numerical goals stated in Section J of the JHA Section 3 Policy. When a contractor is unable to meet the objectives stated in Section J of the JHA Section 3 Policy, the contractor has the burden of demonstrating why it was not feasible to meet the numerical goals. Such justification may include impediments encountered despite actions taken. In the event a contractor does not meet the numerical goal for both new hires and subcontracting, or the contractor has no need for new hires or any subcontracting, or both, JHA requires that a contractor indicate that it has provided other economic opportunities as further evidence of its attempt to comply with Section 3 requirements. See Section P. Below.

- 4. Supplemental JHA Requirements: JHA requires each contractor, pursuant to any Section 3 Covered Contract, to provide other economic opportunities in each of the following circumstances:
 - a. The subcontractor can demonstrate that it has no need to subcontract or hire to fill the Section 3 Covered Contract;
 - b. The contractor needs new hires and fails to meet the applicable numerical goal after demonstrating infeasibility;
 - c. The contractor needs to subcontract, and fails to meet the applicable numerical goal after demonstrating infeasibility.
- 5. Cooperation: JHA will cooperate fully with Section 3 compliance reviews by HUD. JHA will promptly correct, or work with contractors to correct, any deficiencies identified by HUD during such reviews.

P. Other Economic Opportunities

- 1. The following qualify as other economic opportunities:
 - a. Contractor contributes to JHA's Section 3 Education Fund to assist residents in obtaining training. The level of contribution would be commensurate with the sliding scale set forth in the resident hiring scale. (See HUD Model Plan, Resident Hiring Requirements, page 10).
 - b. Providing economic opportunities to establish, stabilize, or expand Section 3 Business Concerns, as approved by JHA, including but not limited to the following:
 - i. Formation of Section 3 Joint Ventures
 - ii. Purchase of materials and supplies from JHA resident-owned businesses; use of labor-only contracts for building trades. Such economic opportunities may be provided either directly by the contractor or by the contractor providing incentives to non-Section 3 businesses to provide such economic opportunities to low-income persons;
 - iii. Use of upwardly mobile, bridge, and trainee positions to fill vacancies;
 - iv. Hiring Section 3 Residents in management and maintenance positions regarding other housing developments;
 - v. Hiring Section 3 Residents or subcontracting to Section 3 Business Concerns in circumstances unrelated to any JHA Section 3 Covered Contract; or
 - vi. Providing mentorship, continuing education, and / or training opportunities that benefit Section 3 Residents, Section 3 Business Concerns, or both.

Q. Section 3 Complaint Procedure

In an effort to resolve complaints generated due to noncompliance through an internal process, the JHA encourages submittal of such complaints to JHA's Compliance Department as follows:

Complaints of noncompliance should be filed in writing and must contain the name of the complainant and brief description of the alleged violation of 24 CFR 135.

Complaints must be filed with thirty (30) calendar days after the complainant becomes aware of the alleged violation.

An investigation will be conducted if the complaint is found to be valid. The Compliance Department will conduct an informal but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and / or evidence pertinent to the complaint.

The Compliance Department will provide written documentation detailing the finds of the investigation of the alleged violation of 24 CFR 135. The Director of Compliance will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than thirty (30) days after the filing of the complaint.

R. Contact Information

The JHA representative responsible for administering the Section 3 Program is:

Rhonda Lattimore Resident Services 1300 Broad Street N, Jacksonville, FL 32202 904-366-6091 rlattimore@jaxha.org

IV. JHA Section 3 Forms

Exhibit 1

SECTION 3 VENDOR COMMITMENT FORM

<u>INSTRUCTIONS</u>: All vendors MUST complete this Section 3 commitment form as part of their bid/proposal, or to amend a commitment after a contract has been successfully awarded. Please answer the questions, AS PROMPTED. This form must be signed when completed. If additional forms are required, it will be noted in the appropriate section of this form.

Is this company a JHA recognized Section 3 Business Concern? (Circle one) YES NO

If YES, provided JHA Recognition letter, initial clauses and complete signature page.

If **NO**, complete the following and continue to Question 2:

1.	As a re	ecipient of Section 3 covered contract you, the company, understand the obligations
	of Sec	tion 3 covered contract and certifies to the following: (please read each clause
	carefu	lly, and initial on the line next to each 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. 170Lu (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, 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 the contract agree to comply with HUD's regulations in 24
		CFR part 135, which implement Section 3. As evidenced by their execution of the
		contract, the parties to this contract, certify that they are under no contractual or
		the impediment that would prevent them from complying with the part 135
		regulations.
	c.	The company agrees to send to each labor organization or representative or
		workers with which h the contractor has a collective bargaining agreement or
		other understanding, if any, a notice advising the labor organization or workers'
		representative of the company's commitments under this Section 3 clause, and
		will post copies of the notice in conspicuous positions can see the notice. The
		notice shall describe the Section 3 preference, shall set for the 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 persons(s) taking
		applications for each of the positions; and the anticipated date the work shall
	1	begin.
	d.	The company agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take
		subject to compliance with regulations in 24 CFK part 155, and agrees to take

	appropriate action, as provided in an applicable proves the Section 3 clause, upon a finding that the subcontainer regulations in 24 CFR part 135. The company will not subcontractor where the company has notice or known has been found in violation of the regulations in 24 Ce. The company will certify that any vacant emptraining positions, that are filled (1) after the company contract is executed, and (2) with persons other than regulations of 24 CFR part 135 require employment were not filled to circumvent the company's obligations.	ractor is in violation of the of subcontract with any vledge that the subcontractor CFR part 135. loyment positions, including y is selected but before the those to whom the opportunities to be directed, ons under 24 CFR part 135.				
	f Noncompliance with HUD's regulations in 24 sanctions, termination of the contract for default, and from future HUD assisted contracts.					
2.	2. Has the company been selected to carry out any HUD Youth	Build Programs? YES NO				
3.	3. Does your company need to subcontract? YES NO					
	If the answer is "YES," check the appropriate line in the sec Question 4.	tion below and proceed to				
	The Company will subcontract all or part of the contract with JHA to Section 3 Business in the amount of: 10% of the total contract dollar amount to Section 3 Business, if the contract is for repair, modernization, renovation, skilled trade maintenance hired for rehabilitation, contraction and development contracts. OR					
	3% of the total contract dollar amount to Section 3 Br 3 contacts OR	usinesses for all other Section				
	Vendor understands the Section 3 compliance goals f it will be able to meet those goals. This type of work vendor is:					
	Construction (includes repair, modernization, renovate maintenance hired for rehabilitation, construction and developments)					
	Non-Construction					
4.	4. Does your company or subcontractor need to hire? YES NO If the answer is "YES" check the box and enter the appropriately below and then proceed to Question 5.					
	If the answer is "NO," proceed to Question 5					

will be Section 3 Residents (minimum of 30% is required). The vendor and/or its subcontractor(s) intend to hire # new hires for the entire contract term. Out of the new hires, # will be Section 3 Residents.
*Other Economic Opportunities – This section must be completed by all bidders/ proposers who are not a section 3 business.
5. Companies who are successfully awarded a contract with JHA must provide Other Economic Opportunities if they are unable to meet Section 3 hiring and/or contracting goals. Please review and select at least one option listed below. At least one option must be selected.
Will your company provide on the job training opportunities?
If YES, provide, on company letterhead, the following detailed information:
 a. Type of training available b. List of areas of anticipated training in connection with this project. c. Number of expected training hours available by training area category. d. Include any additional information on the training being provided.
 Will your company plan to develop, stabilize or expand a Section 3 Business(es)? *Construction or Construction Related Contracts An amount of 10% of the total contract award amount expanded, plus any modifications, in cost or value, must be used toward the vendor's obligation under Other Economic Opportunities. Construction and Construction Related Contracts include work for development, repair, modernization, renovation, and skilled trade maintenance hired for rehabilitation. *Non-Construction Related Contracts An amount of 3% of the total contract award amount expended, plus any modifications, in cost or value, must be used toward the vendor's obligation under Other Economic Opportunities.
Because Section 3 employment goals apply to all new hires, for verification, your company is required to provide a list of all existing employees prior to the award of the contract.
I/we (name of company)located at
(Address of company)

By signing below, the company acknowledges and understands that it has reviewed JHA's Section 3 compliance requirements and agrees to comply with the selected commitments indicated above. Vendor attests that the proof supplied and representations made for Section 8 status are accurate, to the best of its knowledge and belief and understands that any intentional submission of false information shall be a material breach of the contract. To the extent that the completion of this form is contingent upon further information, for example price negotiations, request for specific services, etc., the undersigned hereby affirms and agrees to fully adhere in good faith to the JHA Section 3 compliance goals. The undersigned acknowledges and affirms responsibility for completion and submission of the form PRIOR T O AWARD of a contract and acknowledges that failure to submit this form may jeopardize the responsiveness of its submission.

Signature		Date
Title of Signatory	 Evhibit	. 2

Rhonda Lattimore Resident Services 1300 Broad Street N, Jacksonville, FL 32202 904-366-6091 rlattimore@jaxha.org

SECTION 3 BUSINESS CONCERN CERTIFICATION APPLICATION

Dear Business Owner:

This is your invitation to become certified as a Section 3 Business Concern. As part of our effort to promote contract, employment and training opportunities for all businesses in Duval County in compliance with federal Section 3 regulations, the Jacksonville Housing Authority (JHA) has created a simplified Section 3 certification application process. JHA is seeking to extend the benefits of and to promote compliance with Section 3 by (1) identifying Section 3 Business Concerns: (2) targeting Section 3 Business Concerns for JHA business opportunity events and education programs.

All applicants seeking this recognition must complete an submit the enclosed Section 3 Application Business Concern Application form. If your company qualifies because it is owned by one or more Section 3 residents, then complete form S3-A. "Section 3 Business Concern – Resident Business Owner(s)". If your company qualifies because 30% or more of its full-time permanent workforce are Section 3 Residents as defined in the application, then complete S3-B, "Section 3 Business Concern – 30%+ Workforce". YOU NEED ONLY SUBMIT THE BUSINESS CONCERN APPLICATION (to include supporting documentation if required) WITH EITHER FORM S3-A OR S3-B TO BE ELIGIBLE FOR SECTION 3 CERTIFICATION.

Please answer all questions and sign the forms. Please then forward the forms via mail to:

Procurement Jacksonville Housing Authority 1300 Broad Street N Jacksonville, FL 32202

If you have any questions or concerns, please feel free to contact JHA's

Rev. 02/19

JACKSONVILLE HOUSING AUTHORITY SECTION 3 BUSINESS CONCERN APPLICATION

It is the purpose of the Jacksonville Housing Authority (JHA) to provide safe, sanitary, accessible, decent, and affordable housing to the Jacksonville, FL community. A vital role of JHA is providing affordable housing is to provide and promote economic opportunities to the JHA residents and other low and very-low income residents of the duval county area we serve.

The purpose of Section 3 of the Housing and Urban Development Act of 1968 (121 U.S.C. 1701u) (Section 3) is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal State, and local laws and regulations, be directed to low and very-low income individuals, especially recipients of government assistance for housing, and to business concerns which provide economic opportunities to low and very-low income individuals. (Section 3 means section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u).

Section 3 requirements apply to JHA and our contractors and subcontractors performing work in connection with projects and activities funded by public Housing assistance covered by Section 3, regardless of the amount of the contract or subcontract. Section 3 covered contracts do not include contracts for the purchase of supplies and materials unless the contract includes the installation of the materials.

A business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence that the business concern qualifies as a Section 3-business concern. A Section 3 business must also be able to demonstrate its ability to complete the contract. The ability to perform successfully under the terms and conditions of the proposed contract are required of all contractors and subcontractors subject to the procurement standards of 24 CFR 85.36, 24 CFR 85.36B(8).

For Contractors that enter into contracts with the JHA, but do not qualify as Section 3 business concern, must agree to comply with certain general conditions of the JHA Section 3 Policy and 24 CFR part 135 (refer to Section 3 Clause). All contractors and subcontractors, including Section 3 businesses, must comply with these general conditions. Included in these conditions is the requirement that each contractor and subcontractor submit with each pay request a report of Section 3 compliance (refer to the Section 3 Compliance Report). Failure to comply with these general conditions may lead to sanctions which can include termination of the contract for default and suspension or debarment from future HUD-assisted contracts (refer to Sanctions for Contractor's Noncompliance).

Please direct any questions you may have regarding the JHA Section 3 Program and any Business concerns seeking to file for Section 3 preference shall contact:

Rhonda Lattimore Resident Services 1300 Broad Street N, Jacksonville, FL 32202 904-366-6091 rlattimore@jaxha.org

Evidence of Section 3 Business Concern Certification

Any business seeking Section 3 preferences in the awarding of contracts or purchase agreements with the JHA shall complete the Certification of Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability form, which can be obtained from the JHA Section Coordinator. The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility for preference under Section 3 Program.

Section 3 Business Certification Process

The JHA has its own program of self-certification for business concerns seeking recognition as a Section 3 Business concern as defined in the Section 3 Program.

Any business concern seeking Section 3 preferences in the awarding of contracts or purchase agreements shall complete appropriate certification forms for preference under Section 3 program.

A business concern may apply for certification as a Section 3 business concern either prior to bidding or at the time of submission of bids for the JHA. However, Section 3 preference cannot be given until Section 3 status is verified. **Any business concern that submits certification for preference after receipt of the bid will not be considered eligible for Section 3 preference in the evaluation of the specific bid award.** Businesses seeking Section 3 preferences must attach a JHA Section 3 Certification Form and required attachments to their bid submission, otherwise, the bid will not receive the Section 3 preference.

NOTE: Before a bid is awarded and if requested a Section 3 business shall submit sufficient evidence to the satisfaction of the JHA the contract that the Section 3 business is responsive and has the ability to perform successfully under the terms and conditions of the contract.

Certification Procedure Overview

Contact JHA and request Section 3 Certification Packet
Complete certification form and supply required documentation to JHA – (see form)
Work with JHA in verifying Section 3 eligibility
Receive a certificate of Section 3 business status from JHA within thirty (30) days of
receipt of eligibility verifications
Submit certificate of Section 3 business status with bid packet
Cooperate with JHA in meeting compliance requirements
Notify JHA of any changes that could affect future certifications
Certification will be reviewed on an annual basis

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

Phone Number:
nership Sole Proprietorship Joint Venture
evidence of status:
3 resident-owned enterprise:
☐ Copy of receipt of public assistance
☐ Other evidence
☐ Certificate of Good Standing
☐ Partnership Agreement
☐ Corporation Annual Report
☐ Latest Board minutes appointing officers
☐ Additional documentation
y subcontracting 25 percent of the dollars award
(es) and subcontract amount
25% of the total dollar amount awarded to a qualifi
ontract amounts shall only be submitted in the base preference prior to bid opening must exclude all journation on-responsive and their bid may be rejected.
aiming at least 30 percent of their workforce are tion 3 eligible residents within 3 years of the date
☐ List of employees claiming Section 3 status
☐ Other evidence of Section 3 status less than 3
from date of employment
perform successfully under the terms and condition
☐ Statement of ability to comply with
☐ Copy of the JHA Vendor/Contractor Application

Company Signature		Notary Public			
Authorizing Name		Signature	Date	Date	
Signature	Date	My commission expires on			

SECTION 3 BUSINESS CONCERN FORM A Resident Business Owner(s)

Name of Ov	wner:			
Home Addı	ress:			
Name of Bu	ısiness:			
Percentage	of Ownership:			
Check the ap		or your family size ar		
		ousehold Income Ma	х.	
Check Box	Household	Low (80%)		
	1	\$39,13	50	
	2	\$44,75	50	
	3	\$50,33	50	
	4	\$55,90	00	
	5	\$60,40	00	
	6	\$64,83	50	
	7	\$69,35	50	
	8	\$73,80	00	
If the busine	ess is owned by m	above for my family nore than one Section rification Form. List	a 3 resident, each should	l submit a separate
I certify that	the Section 3 res	sidents listed below	own at least 51% of the	
				Percentage of
# Name		P	osition	Ownership
1				
2				
3				
4				
I certify that	the information	provided is true and	accurate.	
Print Name			Date	

Signature		

SECTION 3 BUSINESS CONCERN – 30%+ WORKFORCE FORM B

A business can be certified as a Section 3 Business Concern if at least 30% of its permanent, full-time employees are Section 3 residents, or were Section 3 residents within three years of the date of first employment with the business. For your firm to be eligible UNDER THIS CRITERIA, you must provide the following information for <u>all permanent FT employees</u>.

Copy this form if necessary.

LIST ALL EMPLOYEES NAME & ADDRESS	DATE HIRED (MM/DD/YYYY)	CHECK IF SECTION 3 RESIDENT	JOB TITLE/TRADE
Name:			
Address:			
City/Zip:			
Name:			
Address:			
City/Zip:			
Name:			
Address:			
City/Zip:			
Name:			
Address:			
City/Zip:			
Name:			
Address:			
City/Zip:			
Name:			
Address:			
City/Zip:			
Name:			
Address:			
City/Zip:			
Name:			
Address:			
City/Zip:			
Total Number of Employees:			
Number of Section 3 Residents:			
% of Total Workforce:			

I certify that knowledge a	the above statements are true, complete, and correct to the best of my nd belief.
Print N	lame:
Title:	
Compa	any Name:
Date:	
S	lignature:

SECTION 3 RESIDENT INCOME ELIGIBILITY

	# Persons in	Household Income Max.
Check Box	Household	Low (80%)
	1	\$39,150
	2	\$44,750
	3	\$50,350
	4	\$55,900
	5	\$60,400
	6	\$64,850
	7	\$69,350
	8	\$73,800

Exhibit 3

Name					Date				
Address									
City/State/Zip									
Telephone					Alternate Phone	e			
Email Address									
JHA status (<u>Check One</u>)) [□ Sec	etion 8		cipant Publ			Resid	ent
Are you currently employ	yed	□Yes	□N	o	Interested in □ Part	time [∃Full	time	
Please circle the numbe	r wit	h indi	<u>cates</u>	<u>your</u>	level of experience in the 1	ollow	ing aı	<u>reas</u> :	
0 = No Experience 1 =	= Bas	ic	2 = I1	nterm	nediate 3 = Expert				
Asbestos	0	1	2	3	Masonry	0	1	2	3
Drywall	0	1	2	3	Asphalt	0	1	2	3
Demolition	0	1	2	3	Welder	0	1	2	3
Electrical	0	1	2	3	Fencing	0	1	2	3
Landscaping	0	1	2	3	Siding	0	1	2	3
Lead Abatement	0	1	2	3	Construction - General	0	1	2	3
Carpentry	0	1	2	3	Laborer - General	0	1	2	3
Roofing	0	1	2	3	Maintenance - General	0	1	2	3
Plumbing	0	1	2	3	Heavy Equipment Operator	0	1	2	3
Painter	0	1	2	3	Tool Machining	0	1	2	3

Forklift Operator

HVAC

Carpeting

A MANDATORY ONLY IF INT	TERESTED IN		TLL T CIL

Please indicate whic	h are	as you	woul	d like	to have Construction	traini	ng in:		
□Asbestos □Cor	- a4	4: am (7	a l	☐ Demolition			□ D	wa II
Asbestos □Col □ Janitorial		HOH-C	Jener	aı	□ Demontion			□ Dry	wan
□Heavy Equip Ope	erator		Electi	ical	☐ Laborer-General	□ Lan	dscapii	ng	
Fencing									
☐ Lead Abatement	\square N	Iainte	nance	- Gen	eral Carpentry	□Maso	onrv	□ Plur	nbing
	_						- J		
☐ Painter ☐ To	ol Ma	chinir	ıg 🗆]CDL	☐ Fork	dift Op	erator		
Driving□ Siding									
□Roofing □We	lder		HVAC	7	□Asphalt □Carp	eting/F	looring	ø	
	luci		1 1 1 1 1			cenig/1	1001111	5	
Other, specify below									
Please circle the nur	<u>mber y</u>	<u>which</u>	indic	<u>ates y</u>	our level of experienc	e in the	e follow	ving are	eas:
0 = No Experience	1 = 1	Basic	2 =	= Inte	rmediate 3 = Exper	rt.			
Microsoft Word	0	1	2	3	Copier	0	1	2	3
				ı	35 335 33		1	1	
Excel Outlook	0	1	2	3	Multi Line Phone Filing	0	1	2	3

Data Entry	0	1	2	3	Customer Service	0	1	2	3
Fax Machine	0	1	2	3	Interpersonal Skills	0	1	2	3

Do you speal	any additional	l languages? [□ Yes	□ No			
If yes, please	indicate langua	age(s)					
	ate which area						
	ffice - □Word		□Out		□Access	□PowerP	
☐Effective of	communication	ı skills 🗆 Int	terperson	al skills	☐ Diversity	y training	Typing
□ Filing □	General Office	e 🗆 Receptio	nist 🗆 T	utoring			
Other, specif	y below						
<u>Please list ar</u>	y other traini	ng you are in	terested i	in below	<u>!</u>		
	um aantifiaatia	n(s) and/or to	raining(s)):			
Please list yo	our ceruncano						
Please list yo							

Other Trainings:	
Name	Date
Have you hold a job within	in the last 10 years? If "Yes" please describe (Title, Employer,
length of employment, bas	
I hereby certify that the a	bove statements are true and correct to the best of my knowledge
I understand that a false s	statement may disqualify me from receiving Section 3 related
	it by registering the JHA's Section 3 program my information
benefits. I understand tha	
benefits. I understand tha	

 A MANDATORY ONLY IF IN	TERESTED IN		1121011