

SUPPLEMENTAL CONDITIONS / SPECIAL PROVISIONS

Habitat for Humanity of Greater Orlando, Inc.

Roof Replacement Program

Bid Due Date: 2-5-2021

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**ARTICLE 2 - NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE
EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)**

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the CONTRACTOR'S's aggregate workforce in each trade on all construction work in the covered area, are as follows:
 - A. Goals for Female Utilization, All Trades:
AREA COVERED - Goals for Women apply nationwide.
GOALS AND TIMETABLES:
(Goals %)
Apr. 1, 1978 - Mar. 31, 1979.....3.1
Apr. 1, 1979 - Mar. 31, 1980.....5.1
Apr. 1, 1980 - Mar. 31, 1981.....6.9

These goals are applicable to all the CONTRACTOR'S's construction work (whether or not it is Federal or federally assisted) performed in the covered area.

The CONTRACTOR'S's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the CONTRACTOR shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from CONTRACTOR to CONTRACTOR or from project to project for the sole purpose of meeting the CONTRACTOR'S's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The CONTRACTOR shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the Subcontractor; employer identification number; estimated dollar amount of the subcontract, estimated starting and completion dates of the subcontract; and geographical area in which the contract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is Orange County, Florida.

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60-4.3 (a) EQUAL OPPORTUNITY CLAUSE

During the performance of this contract, the CONTRACTOR agrees as follows:

1. The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The CONTRACTOR will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

2. The CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. The CONTRACTOR will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the CONTRACTOR's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The CONTRACTOR will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The CONTRACTOR will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
6. In the event of the CONTRACTOR'S non-compliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the CONTRACTOR may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, or by rules, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
7. The CONTRACTOR will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each Subcontractor or vendor. The CONTRACTOR will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance: Provided, however, that in the event a CONTRACTOR becomes involved in, or is threatened with, litigation with a Subcontractor or vendor as a result of such direction by the administering agency, the CONTRACTOR may request the United States to enter into such litigation to protect the interests of the United States.

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STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

1. As used in these specifications:
 - a. "Covered area" means the geographical area described in the solicitation from which this contract resulted.
 - b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority.
 - c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
 - d. "Minority" includes:
 - (1) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (2) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (3) Asian and Pacific Islander (all persons having origin in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
 - (4) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
2. Whenever the CONTRACTOR, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
3. If the CONTRACTOR is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. CONTRACTOR'S must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each CONTRACTOR or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other CONTRACTORS or Subcontractors toward a goal in an approved Plan does not excuse any covered CONTRACTOR'S's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.
4. The CONTRACTOR shall implement the specific affirmative action standards provided in paragraphs (7a) through (7p) of these specifications.

The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the CONTRACTOR should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The CONTRACTOR is expected to make substantially uniform progress toward its goals in each craft during the period specified.

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5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the CONTRACTOR has a collective bargaining agreement, to refer either minorities or women shall excuse the CONTRACTOR'S obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the CONTRACTOR during the training period, and the CONTRACTOR must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the United States Department of Labor.

7. The CONTRACTOR shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the CONTRACTOR'S compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The CONTRACTOR shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
 - a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the CONTRACTOR'S employees are assigned work. The CONTRACTOR, where possible, will assign two or more women to each construction project. The CONTRACTOR shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the CONTRACTOR's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

 - b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the CONTRACTOR or its unions have employment opportunities available, and maintain a record of the organizations' responses.

 - c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the CONTRACTOR by the union or, if referred, not employed by the CONTRACTOR, this shall be documented in the file with the reason therefore, along with whatever additional actions the CONTRACTOR may have taken.

 - d. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the CONTRACTOR'S employment needs, especially those programs funded or approved by the Department of Labor. The CONTRACTOR shall provide notice of these programs to the sources compiled under 7b above.

 - e. Disseminate the CONTRACTOR'S EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the CONTRACTOR in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

 - f. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff,

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termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintain identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

- g. Disseminate the CONTRACTOR'S EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the CONTRACTOR'S EEO policy with other CONTRACTORS and Subcontractors with whom the CONTRACTOR does or anticipates doing business.
 - h. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the CONTRACTOR'S recruitment area and employment needs. Not later than one month prior to the date of the acceptance of applications for apprenticeship or other training by any recruitment source, the CONTRACTOR shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
 - i. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a CONTRACTOR'S workforce.
 - j. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
 - k. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
 - l. Ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 - m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the CONTRACTOR'S obligations under these specifications are being carried out.
 - n. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction CONTRACTORS and suppliers, including circulation of solicitations to minority and female CONTRACTOR associations and other business associations.
 - o. Conduct a review, at least annually, of all supervisors' adherence to and performance under the CONTRACTOR'S EEO policies and affirmative action obligations.
8. CONTRACTORS are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a CONTRACTOR association, join contractor-union, contractor-community, or other similar group of which the CONTRACTOR is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the CONTRACTOR actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the CONTRACTOR'S minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation

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which demonstrates the effectiveness of actions taken on behalf of the CONTRACTOR. The obligation to comply, however, is the CONTRACTOR'S and failure of such a group to fulfill an obligation shall not be a defense for the CONTRACTOR'S noncompliance.

9. A single goal for minorities and separate single goal for women have been established. The CONTRACTOR, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the CONTRACTOR may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the CONTRACTOR has achieved its goals for women generally, the CONTRACTOR may be in violation of the Executive Order if a specific minority group of women is underutilized).
10. The CONTRACTOR shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
11. The CONTRACTOR shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

BY ACCEPTANCE OF THIS DOCUMENT, THE CONTRACTOR AFFIRMS THAT IT IS IN COMPLIANCE WITH THE REQUIREMENTS OF 2 C.F.R. PART 180 AND THAT NEITHER IT, ITS PRINCIPALS, NOT ITS SUBCONTRACTORS ARE PRESENTLY DEBARRED, SUSPENDED, PROPOSED FOR DEBARMENT, DECLARED INELEGIBLE, OR VOLUNTARILY EXCLUDED FROM PARTICIPATION IN THIS PROJECT BY ANY FEDERAL DEPARTMENT OR AGENCY.

12. The CONTRACTOR shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any CONTRACTOR who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.
13. The CONTRACTOR, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the CONTRACTOR fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.
14. The CONTRACTOR shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, CONTRACTORS shall not be required to maintain separate records.
15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

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FEDERAL CONSTRUCTION CONTRACT SPECIFICATIONS

1. Architectural Barriers - Uniform standards will be followed for the design, construction and alteration of buildings so that physically handicapped persons will have ready access to and use of buildings constructed in whole or part with federal funds.
2. Americans With Disabilities Act - Contractors shall comply with the provisions of the Americans With Disabilities Act Of 1990, As Amended .
3. Lead-Based Paint - Project is to be constructed without the use of lead-based paint. A written, notarized statement on company letterhead is to be submitted with the final payment request. Final payment shall be withheld until such statement is submitted. Contractor shall agree that if lead-based paint is subsequently discovered at any future time to have been included in the construction done by the Contractor or any of its Subcontractors or agents and were not specified in the design or required by the Contract document, Contractor shall be liable for all costs related to the abatement of such lead-based paint and damages or claims against the County.
4. Fair Housing Act - Contractors shall comply with the provisions of the Fair Housing Act Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended.
5. Energy Policy and Conservation Act - Contractors shall comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.
6. Contractors shall be required to provide active DUNS (Dun and Bradstreet), SUNBIZ.ORG and SAM.GOV registrations for the same business entity in compliance with State and Federal requirements prior to execution of Construction Contract.

ARTICLE 3 - AFFIRMATIVE ACTION

- A. Eligibility for employment. Nothing in this part shall be construed to require the employment of a section 3 resident who does not meet the qualifications of the position to be filled.
- B. Greatest extent possible means the efforts undertaken to obtain section 3 resident or business participation in a contract, and shall include, but not be limited to the following actions:
 - (1) Advertisement in a newspaper of general circulation to include minority owned trade, business or geographically centered publications. Proof of advertisement or publication shall be documented.
 - (2) Attempt to recruit from the service area or PHA the necessary number of section 3 residents through local advertising, posters placed at the project site, community organizations, and other public and private institutions operating within the service area.
 - (3) Forward to OCHCD a list of all Section 3 residents and /or businesses who have applied on their own or on referral from any source, and employ such persons if other wise eligible and/or qualified and if a vacancy exists. If no vacancy exists, the eligibility and/or qualifications of the applicant shall be considered and listed for the first available opening.
 - (4) The selected contractor shall provide OCHCD with the specific number of section 3 residents to be trained or employed.
- C. The Owner hereby includes in this document and further requires the CONTRACTOR to include as part of any related subcontract the following "Section 3 Clause."
 1. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject

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to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

2. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
3. The CONTRACTOR will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 Clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
4. The CONTRACTOR will include this Section 3 Clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR. The CONTRACTOR will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
5. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient of such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its CONTRACTORS and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.
- D. Prior to contract execution, the CONTRACTOR will provide a preliminary State of Work Force Needs, listing same as skilled, unskilled, semiskilled, and trainee by category indicating classifications to be employed and those currently employed. Contract and, by his specific stipulation, all subcontractors, agree to utilize lower income project area residents as trainees and employees to the greatest extent feasible; "lower income project area resident" being defined as any individual who resides in the project area and whose family income does not exceed 90% of the project area median.
- E. Prior to contract execution, the CONTRACTOR will submit an Affirmative Action Plan which will:
 1. Set forth the approximate dollar value of and identify all subcontracts to be awarded
 2. Set forth a goal or target number and dollar amount to be awarded eligible project area businesses
 3. Outline anticipated steps to be taken to achieve said goal
- F. For the purpose of this section, "project area" is defined as being coextensive with the geographic boundaries of Orange County, said area being the smallest political jurisdiction of those participating equipped to administer projects included in the County's Community Development Block Grant program. Submittals will be reviewed by the Labor Relations Specialist for adequacy and contract execution may be postponed pending necessary revision of submittals.

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ARTICLE 4 – SECTION 3 CLAUSE

SECTION 3 CLAUSE

(24 CFR 135.38)

- 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 and HUD—assisted projects covered by section 3, shall, to the greatest extent possible, 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 24 CFR 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 workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of 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 2 (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 will 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).
- H. **Section 3 business concern** means a business concern, as defined in this section—
- (1) That is 51 percent or more owned by section 3 residents;
- or
- (2) Whose permanent, full-time employees include persons, at least 30 percent of whom are currently section 3 residents, or within three years of the date of first employment with the business concern were section 3 residents;

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or

(3) 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 qualifications set forth in paragraphs (1) or (2) in this definition of “section 3 business concern.”

A Section 3 Resident, as defined in this section—

(1) Section 3 residents are:

Public housing residents

Low and very-low income persons who live in the metropolitan area or non-metropolitan county where a HUD-assisted project for housing or community development is located.

(2) A low-income person is defined in section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)). Section 3(b)(2) of the 1937 Act defines this term to mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families; or

(3) A very low-income person, as this term is defined in section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)). Section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)) defines this term to mean families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of unusually high or low family incomes.

INCOME LIMITS FY 2020: Orlando-Kissimmee-Sanford, FL MSA MFI: \$68,100

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
LOW- INCOME	40,750	46,550	52,350	58,150	62,850	67,500	72,150	76,800

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ASSURANCE OF COMPLIANCE (SECTION 3 HUD ACT OF 1968)

**TRAINING, EMPLOYMENT AND CONTRACTING OPPORTUNITIES
FOR BUSINESSES AND LOWER INCOME PERSONS**

- A. The project assisted under this agreement 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 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

- B. Notwithstanding any other provision of this agreement, the (applicant) (recipient) shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this agreement. The requirements of said regulations include but are not limited to development and implementation of a Section 3 plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the project; to the greatest extent feasible meeting the minimum numerical goals as set forth at 24 CER part 135.30; the making of a good faith effort, as defined by the regulations, to provide training, employment and business opportunities required by Section 3; and incorporation of the "Section 3 Clause" specified by Part 135 of the regulations of all contracts for work in connection with the project. The (applicant) (recipient) certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements

- C. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the (applicant)/(recipient) its successors and assigns. Failure to fulfill these requirements shall subject the (applicant)/(recipient) contractor and subcontractors, its successors and assigns to the sanctions specified by this agreement, and to such sanctions as are specified by 24 CFR Part 135.

The CONTRACTOR is encouraged to utilize Blueprint, a City of Orlando Employment office (407 -246 -3721) or Orange County Public Schools in providing job training opportunities.

Date

Contractor

Address

Authorized Signature

Print Name

Title

**SPECIAL PROVISIONS
C.D.B.G. PROJECT**

SAMPLE FORMAT FOR CONTRACTOR'S SECTION 3 PROGRAM

To: Housing and Community Development Division
525 E South St., Orlando, FL

Subject: Section 3 Program

Company _____

Project _____

Bid Number _____ Date _____

Location _____

I. Utilization Plan for Lower Income Area Residents as Trainees

For building construction occupations:

Trainees	Number
Job Title	Needed

For non-construction occupations:

Trainees	Number
Job Title	Needed

II. Utilization Plan for Lower Income Area Residents as Employees

	Employees Title	Number Needed	Number Available	Goal for Section 3 New Hires
Skilled:				
Superintendent				
Foreman				
Clerical				
Operators				
Semiskilled:				
Apprentices				
Unskilled:				
Laborers				

SPECIAL PROVISIONS C.D.B.G. PROJECT

III. Utilization Plan for Businesses Located in the Project Area

Subcontracts or Supplies	Dollar Amount	Eligible Business in Area?		Dollar Goal for Eligible Business
		Yes	No	
Clearing				
Grading				
Pipe				
Fill Material				
Concrete				

IV. Program to be followed in Accomplishing the Goals Outlined Above (use additional pages as necessary)

V. Participation in HUD Approved Programs Providing Training, Employment and/or Business Opportunities to Lower Income Persons and/or Business Concerns

_____ Yes. Please indicate program and participation.

_____ No.

CONTRACTOR

By: _____

Print Name: _____

Title: _____

**SPECIAL PROVISIONS
C.D.B.G. PROJECT**

SECTION 3 CLAUSE PROJECT CHECKLIST

A. Utilization of Lower Income Area Residents as Trainees

The contractor or subcontractor has:

1. _____ Provide indication of the number of trainees or apprentices for each occupation which can be reasonably utilized on each phase of the project:
 - _____ a. For the building construction occupations
 - _____ b. For the non-construction occupations

2. _____ Contractor/subcontractor indicated sources used in its attempt to recruit from the appropriate area, i.e.:
 - _____ a. Local advertising media
 - _____ b. Signs placed at project site
 - _____ c. Community organizations, for example:
 - _____ Urban League
 - _____ U.S. Employment Services
 - _____ Job Training Program Centers

3. _____ Maintained a list of all lower income area residents who have applied:
 - _____ a. Indicated on that list those whom contractor has employed
 - _____ b. Where no vacancies exist, listed applicants for first available vacancy

4. _____ Provided evidence, where vacant apprentice or trainee positions were filled immediately prior to undertaking work pursuant to a Section 3 covered project, that its actions were not an attempt to circumvent the regulations

B. Utilization of Lower Income Area Residents as Employees

The contractor or subcontractor has:

1. _____ Developed a list identifying the number of positions needed to, perform each phase of the Section 3 covered project, including:
 - a. Skilled labor
 - b. Semiskilled labor
 - c. Unskilled labor

**SPECIAL PROVISIONS
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2. _____ Identified the positions listed in 1. a., b. and c., above which are currently occupied by regular, permanent employees
3. _____ Identified the positions listed in 1. a., b. and c., above which are not currently occupied by regular, permanent employees
4. _____ Established, of the positions mentioned in 3. above, a goal which is consistent with this section within each occupational category of the number of positions to be filled by lower income residents of the Section 3 covered project area
5. _____ Provided evidence of having made a good faith effort to fill all of the positions identified in 4. above with lower income project area residents, such as:
 - _____ a. Indicated sources used in its attempt to recruit from the appropriate areas the necessary number of lower income residents, i.e.:
 - _____ Local advertising media
 - _____ Signs placed at the proposed site for the project
 - _____ Urban League
 - _____ U.S. Employment Service
 - _____ Citizen Advisory Boards
 - _____ Job Training Program Centers
 - _____ b. Provided evidence, where vacant employment positions were filled prior to undertaking work pursuant to a Section 3 covered contract, that its actions were not an attempt to circumvent the regulations
 - _____ c. Maintained a list of all lower income area residents who have applied
 - _____ (1) Indicated on that list those whom contractor has employed
 - _____ (2) where no vacancies exist, listed applicants for first available vacancy

**SPECIAL PROVISIONS
C.D.B.G. PROJECT**

C. Utilization of Businesses Located in or Owned in Substantial Part by Persons Residing in the Area

The contractor or subcontractor has:

1. _____ Indicated his intention to fulfill his obligations to utilized business concerns located within or owned in substantial part by persons residing in the Section 3 covered project area by developing and implementing a Section 3 plan.

2. _____ The Section 3 plan developed by the contractor/subcontractor contains the following:
 - _____ a. The approximate number and dollar value of all contracts proposed to be awarded to all businesses within each category (type or profession) over the duration of the Section 3 covered project in question

 - _____ b. A goal or target number and estimated dollar amount of contracts to be awarded to the eligible businesses and entrepreneurs within each category over the duration of the Section 3 covered project

 - _____ c. Outlines the anticipated program to be used to achieve the goals for each business and/or professional category identified. The program should include but not be limited to the following:
 - _____ (1) Insertion in the bid documents if any, of the Section 3 plan of the contractor or subcontractor letting the contract

 - _____ (2) Identification within the bid document of the applicable Section 3 project area

 - _____ d. Indicates the anticipated process/steps which have been taken and/or will be taken to secure the cooperation of contractors, subcontractors and unions in meeting the goals and carrying out the Section 3 plan developed

**SPECIAL PROVISIONS
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_____ e. Includes evidence of steps taken to insure that the appropriate business concerns (Those not on the County's, the City's or HUD's list of debarred or suspended contractors) in the project area are notified or pending contractual opportunities either personally or through locally utilized media

_____ f. Steps to insure that contracts 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

_____ g. Carefully evaluated the bidders' submission to determine whether the Section 3 plan proposed will accomplish the stated goals

_____ h. Provided evidence that a good faith effort has been made to implement its Section 3 plan, and attempted to recruit from the appropriate areas the necessary eligible business concerns through:

- _____ (1) Local advertising media
- _____ (2) Signs placed at the proposed site for the project
- _____ (3) Community organizations and public or private institutions operating within or serving the project area, such as:
 - _____ Urban League
 - _____ Concentrated Employment Program
 - _____ U.S. Employment Services
 - _____ Chamber of Commerce and any equivalent organizations in the Section 3 covered project area

D. Participation in Approved Programs

A contractor may fulfill his obligation under items A-C above by presenting evidence that he is a cooperating participant in a federally assisted or other public program approved by the Department of Housing and Urban Development which provides training, employment, and/or business opportunities to lower income person and business concerns which meet the definition in 24 CER 135.5 (b) and (c).

**SPECIAL PROVISIONS
C.D.B.G. PROJECT**

SECTION 3 RESIDENT PREFERENCE CLAIM FORM

(Contractor Name)

A Section 3 resident seeking the preference in training and employment as defined in the Section 3 regulation at 24 CFR Part 135, and inclusion on a Section 3 database of certified residents shall certify to the recipient, contractor or subcontractor, and submit evidence showing they meet the criteria of a Section 3 resident, (i.e. proof of public assistance or residency in a HUD or other federally assisted housing program).

Number of Family Members	Total Family Income*
1	\$40,750
2	\$46,550
3	\$52,350
4	\$58,150
5	\$62,850
6	\$67,500
7	\$72,150
8	\$76,800
*2020 Income Limits 80% AMI (gross income)	

CERTIFICATION FOR SECTION 3 RESIDENT

I, _____, am a legal resident of the USA
(Name)

MY SOCIAL SECURITY NUMBER is _____

MY PERMANENT ADDRESS is _____

SKILL, TRAINING, EXPERIENCE: _____

Attached is one of the following documents as proof of my status:

- Proof of residency (Lease for a HUD or other federally assisted housing program).
- Proof of public assistance (i.e. AFDC, SNAP, Medicaid, or other state/local assistance program that assist low or very low income persons).
- Proof of participation in a federally assisted job training program such as Workforce Central, Career One Stop, or Senior Community Service Employment Program (SCSEP).

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

- Section 3 Resident Household Income Self-Certification Form.

Print Name: _____

Signature: _____ **Date:** _____

Section 1010 of Title 18 U.S.C. Federal Housing Administration transactions provides:
"Whoever, for the purposes of influencing in any way the action of such administration makes, passes, or publishes any statement, knowing the same to be false...shall be fined not more than \$5,000.00 or imprisoned not more than two years, or both".

**SPECIAL PROVISIONS
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SELF-CERTIFICATION FOR SECTION 3 RESIDENT
Orange County Housing and Community Development Division

ELIGIBILITY FOR PREFERENCE

_____ (contractor name)

A Section 3 resident seeking the preference in training and employment provided by this part shall certify that the person is a Section 3 resident, as defined in Title 24 Code of Federal Regulations Section 135.5.

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

1. My current address is: _____
2. Phone Number: _____
3. Hire Date: _____ (mm/yy)
4. I am a resident of public housing. **YES () NO ()**
If yes, list the name of development: _____
5. The total number of individuals in my household (count any person living in household, not just family or those persons related to you) is: _____
6. Last year, the annual income for my household size was less than the amount listed in the table below: **YES () NO ()**

INCOME LIMITS 2020

# in Household	1	2	3	4	5	6	7	8
80% AMI (gross income)	40,750	46,550	52,350	58,150	62,850	67,500	72,150	76,800

7. I have skills, training, or experience in the following areas _____

I authorize the information above to be added to a database of Section 3 residents that will enable me to receive notice of employment and, if applicable, training opportunities for future Section 3 covered projects. I understand that this list may be accessed by Orange County Housing and Community Development Division staff, contractors, developers, and subcontractors working on Section 3 covered projects.
YES () NO ()

This certification is valid for a period of three (3) years, after which, a new form will need to be completed to continue to receive preference for employment and, if applicable, training opportunities as a Section 3 Resident.

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

Name (signature): _____ Date: _____

Name (print): _____

Section 1010 of Title 18 U.S.C. Federal Housing Administration transactions provides:
"Whoever, for the purposes of influencing in any way the action of such administration makes, passes, or publishes any statement, knowing the same to be false...shall be fined not more than \$5,000.00 or imprisoned not more than two years, or both".

**SPECIAL PROVISIONS
C.D.B.G. PROJECT**

SECTION 3 BUSINESS SELF-CERTIFICATION

Orange County Housing and Community Development Division

1. Company Name: _____

2. Company Address: _____

City _____ State _____ Zip _____ County _____

3. Phone # _____ Fax #: _____ Email address: _____

4. Contractor's License: Class A B C N/A License Number: _____

5. Business License _____ Number Federal ID Number _____

6. Type of Business: _____

TYPES OF SECTION 3 BUSINESS ENTERPRISES

Please check "Yes" or "No". If you answer "YES" to one or more of the following questions, you may designate your company as a Section 3 Business Enterprise.

1. 51% or more of your business is owned by a Section 3 residents*; or

Yes No

Attach list of Section 3 owners and income certifications

2. At least 30% of your full time employees include persons that are currently Section 3 residents*, or within three years of the date of first employment with the business concern were Section 3 residents; or

Yes No

Attach list of employees, Section 3 employees, and self-certifications

3. You can provide evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs.

Yes No

Attach list of subcontracted businesses, types and amounts

VERIFICATION - *The company hereby agrees to provide, upon request, documents verifying the information provided on this form.*

I declare and affirm under penalty of law that the statements made herein are true and accurate to the best of my knowledge. I understand that falsifying information and incomplete statements will disqualify certification status.

Signature of Business Owner or Authorized Representative: _____

Signature: Date: _____

Attested by: Date: _____

***Section 3 resident is:** 1) a public housing resident; or 2) a low- or very low-income person residing in the metropolitan area or Non-metropolitan County in which the Section 3 covered assistance is expended.

**SPECIAL PROVISIONS
C.D.B.G. PROJECT**

SECTION 3 BUSINESS SELF-CERTIFICATION

Orange County Housing and Community Development Division

1. Company Name: _____

2. Company Address: _____

City _____ State _____ Zip _____ County _____

3. Phone # _____ Fax #: _____ Email address: _____

4. Contractor's License: Class A B C N/A License Number: _____

5. Business License _____ Number Federal ID Number _____

6. Type of Business: _____

TYPES OF SECTION 3 BUSINESS ENTERPRISES

Please check "Yes" or "No". If you answer "YES" to one or more of the following questions, you may designate your company as a Section 3 Business Enterprise.

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Yes No

Attach list of Section 3 owners and income certifications

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Yes No

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