

RFP BID DOCUMENTS

FOR

Prepared By:

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_____ is undertaking a project and seeking a qualified General Contractor to perform the following scope of work:

The bids shall include detailed budgets and a schedule for the project. Provide a minimum of () references for projects with similar scope and size. All bids must be submitted no later than:

Location of Project:

Contact Person:

Contact Phone Number:

Bid Packages must be emailed to _____ at _____

A **MANDATORY** Pre / Bid meeting, via _____, will be held on _____ starting at _____
. If you plan to attend, please provide your email to _____ at _____
so we may send you an invitation or join the virtual meeting at:

Meeting ID: _____ Passcode: _____

Attendees shall sign in to meeting with their full name and company name when logging in or arriving on site. Only companies joining the meeting shall be eligible to turn in bid. Failure to arrive at the meeting within the first half hour of meeting may disqualify the potential bidder from participating in the bidding process. The meeting will include a project overview, presentation of federal funding requirements, and virtual / in-person (circle selected option) tour of building. Project RFP Packet will be provided via _____ to those who viewed the published advertisement.

NOTICE TO BIDDERS

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A **MANDATORY** second meeting may be held at the project site for parties interested in the project(s). This may be held on _____ starting _____ A request for the second meeting shall be made by _____ by _____. Depending on the number of interested parties, another site visit date may be added to keep the group small.

All questions regarding the project must be submitted in writing to _____ at _____. The question period will be closed on _____. Responses to the questions will be issued as addenda to the construction documents and will be sent via email to all registered bidders by _____ at _____.
by _____.

Sealed general bids for this project will be accepted from eligible bidders at the email address of _____ with _____ at: _____ until _____.

The successful bidder shall be notified individually.

NOTICE TO BIDDERS / PROSPECTIVE CONTRACTOR(S)

This project, will be federally funded, in part or whole through the Hillsborough County, Affordable Housing Services, with Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) and as such, bidder must comply with Presidential Executive Order 11246, as amended by Executive Order 11375; Title VII of the Civil Rights Act of 1964 as amended; the Davis-Bacon Act of 1968, as amended; the Copeland Anti-Kickback Act; the Contract Work Hours and Safety Standards Act and all other applicable federal, state and local laws, regulations, and ordinances. All bidders must adhere to 2 CFR 200.317 - 2 CFR 200.326.

Note that the successful bidder is required to pay workers on these projects the minimum wages as determined in the Wage Determination Decision included in the Bidder's package; and that the contractor must ensure that employees are not discriminated because of race, color, religion, sex, or national origin.

These projects are also a Section 3 covered activities. Section 3 requires that job training, employment and contracting opportunities be directed to very-low and low income persons or business owners who live in the project's area.

The Awarding Authority reserves the right to reject any or all general bids, if it be in the public interest to do so, and to reject any bid if it determines that such bid does not represent the bid of a person competent to perform the work as specified or that less than three such bids were received and that the prices are not reasonable for acceptance. The Awarded Contractor shall abide by Equal Opportunity of Employment and non-discrimination in the workplace.

INSTRUCTION TO BIDDERS

1.01 SCHEDULE OF DATES

- A. Advertisement appears in _____.
- B. Pre / Bid Meeting: _____, via irtual / In-Person.
- C. Pre/Bid site visit walk-thru is available upon request to interested parties. This will be held on _____ starting at _____ at _____. A request for the second meeting shall be made by _____ by _____.
- D. All questions and requests for interpretations must be submitted in writing up by _____ at _____ to _____ at _____.
- E. Addenda, if needed, will be issued by _____ at _____ via email to all registered bidders by _____ by _____.
- F. General Bids Deadline: until _____, at the email address of _____ of _____ at _____. Sealed hard copies must be submitted by end of day _____.

1.02 BIDDING PROCEDURE

- A. Bids for the work are subject to provisions of applicable local, state & federal laws and regulations. All regulations governing the bidding must be followed.
- B. In the event of any inconsistencies between any of the provisions of these Contract Documents and of the applicable laws, anything herein to the contrary notwithstanding, the provisions of the said law shall control.
- C. No General Bid received by the Awarding Authority after the time respectively established herein for the opening of General Bids will be considered, regardless of the cause for the delay in the receipt of any such bid.

1.03 WITHDRAWAL OF BIDS

- A. Bids may be withdrawn prior to the time respectively established for the opening of General Bids only upon written request to the Awarding Authority.

1.04 INTERPRETATION OF CONTRACT DOCUMENTS

- A. No oral interpretation will be made to any bidder. All questions or requests for interpretations must be made in writing to _____ at _____.
- B. Every interpretation made to a bidder will be in the form of an Addendum which will be made available to all persons to whom Contract Documents have been issued.
- C. Failure of the Awarding Authority to send, or of any bidder to receive any such addendum shall not relieve any bidder from obligation under his bid as submitted.
- D. All such addenda shall become a part of the Contract Documents.

1.05 EXAMINATION OF SITE AND CONTRACT DOCUMENTS

- A. Each bidder shall visit the site of the proposed work and fully acquaint himself/herself with conditions as they exist, and shall also thoroughly examine the Contract Documents. Failure of any bidder to visit the site and acquaint himself with the Contract Documents shall not relieve any bidder from any obligation with respect to his bid.
- B. By submitting a bid, the bidder agrees that the Contract Documents are adequate and that the required result can be produced. The successful bidder shall furnish any and all labor, materials, insurance, permits and all other items needed to produce the required result to the satisfaction of the Awarding Authority.

1.06 BID FORM

- A. General Bids shall be submitted on the "FORM FOR GENERAL BID" enclosed. Erasures or other changes must be explained or noted over the signature of the bidder.
- B. Bid forms must be completely filled in. Bids which are incomplete, conditional, or obscure, or which contain additions not called for will be rejected.
- C. General Bidders shall submit one set of executed bid forms to the Awarding Authority.

1.07 SUBMISSION OF BIDS AND BID SECURITIES

A. SUBMISSION OF BIDS

Each bid submitted by a General Contractor shall be emailed to
at _____ with the subject line: "General Bid for
_____".

Hard copies shall be delivered to:

General Bid for:

Attn: _____,

B. BID SECURITY

1. The General Contractor's bid must be accompanied by bid security in the amount of Five percent (5%) of the bid. Submit original bid bond along with hard copy by end of day _____.
2. At the option of the bidder, the security may be bid bond, cash, certified, treasurer's or cashier's check issued by a responsible bank or trust company. No other type of bid security is acceptable.
Bid Bonds shall be issued by a Surety Company qualified to do business under the laws of the State of Florida.
- 3 Certified, Treasurer's or Cashier's check shall be made payable to: _____.
4. The bid security shall secure the execution of the Contract and the furnishing of a Performance and Payment Bond by the successful General Bidder.
5. Should any General Bidder to whom an award is made fail to enter into a contract therefore within five (5) days, Saturdays, Sundays and Legal Holidays, excluded, after notice of award has been mailed to him or fail within such time to furnish a Performance Bond and also a Labor and Materials or Payment Bond as required, the amount so received from such General Bidder through his Bid Bond, Cash, Certified, Treasurer's or Cashier's check as bid deposit shall become the property of _____.

INSTRUCTION TO BIDDERS

as liquidated damages; provided that, the amount of the bid deposit which becomes the property of _____ shall not in any event exceed the difference between his bid price and the bid price of the next lowest responsible and eligible bidder; and provided further that, in case of death, disability, bona fide clerical error or mechanical error of a substantial nature, or other unforeseen circumstances affecting the General Bidder, his deposit shall be returned to him.

1.08 AWARD OF CONTRACT

- A. Successful bidders will be notified by email of award by _____
- B. The Contract shall be awarded to the lowest responsible, qualified and eligible General Bidder on the basis of competitive bids in accordance with the procedure set forth.
- C. If the bidder selected fails to perform his/her agreement to execute a contract in accordance with the terms, as stated in his/her General Bid, an award shall be made to the next lowest responsible and eligible bidder.
- D. The words "lowest responsible and eligible bidder" shall be the bidder whose price is the lowest of those bidders possessing the skill, ability and integrity necessary to the faithful performance of the work and who shall certify that he is able to furnish labor that can work in harmony with all other elements of labor employed, or to be employed, on the work. Essential information in regard to such qualifications shall be submitted in such form as the Awarding Authority may require.

1.09 PRE / BID WALK THRU

- A. Pre / Bid Meeting _____ ,
- B. Pre / Bid Site Walk-Thru _____ , at _____

1.10 EQUALITY

- A. Except where otherwise specifically provided to the contrary, the words "or equal" are hereby inserted immediately following the name or description of each article, assembly, system, or any component part thereof, in the Contract Documents. It is the contractor's responsibility to provide all the research and

INSTRUCTION TO BIDDERS

documentation that would prove a product or assembly is "equal". Failure to provide research or documentation does not alleviate the contractor's responsibility to meet the schedule. Substitutions shall be submitted for Architect's review during the bid process at outlined in the specifications.

1.11 ARBITRATION

- A. _____ does / does not use Arbitration.
Any and all references to arbitration shall be stricken from the contract.

1.12 SCHEDULE

- A. All work shall be completed by _____ provided we begin project by beginning of _____ (earlier start is desired).
- B. The Contractor shall confirm that there is more than enough time to order all the material in advance of the work so that all the construction work can be completed by _____.

1.13 AWARD

- A. The awarding authority reserves the right to reject any or all bids, if it be in the Authority's interest to do so, and to act upon the bids and make its award in any lawful manner.

1.14 CONFLICT OF INTEREST

- A. A bidder filing a proposal thereby certifies that the proposal is made in good faith, without fraud, collusion, or connection of any kind with any other bidder for the same work, and that the bidder is completing solely on its own behalf without connection with, or obligation to, any undisclosed person or firm.

1.15 NOTICE TO PROCEED

- A. No bidder is to proceed without a **Notice to Proceed** as set out in the contract.

1.16 CONSTRUCTION BARRICADES

- A. The General Contractor shall provide all barricades to enclose the work area to prevent unauthorized access to the site.
1. Any temporary closures shall be planned ahead with the consent of the adjacent property owner.

2. The barricades shall provide enough room for all construction activities to be performed while separated from pedestrians, and authorized personnel on site.
3. Safety including PPE is the sole responsibility of the Contractor and any barricades necessary to protect the work and the public shall be provided.

1.17 INSURANCE

- A. The contractor shall purchase and maintain, at his expense, all insurance required by the Contract. Documents and all insurance required by the applicable laws of Florida.
- B. The Contractor shall purchase and maintain such insurance as will protect him from claims under workmen's compensation acts and from claims for damages because of bodily injury, including death and all property damage including, without limitation, damage to buildings and adjoining the site of construction which might arise from and during operations under this contract, whether such operations be by himself or by any subcontractor or anyone directly or indirectly employed by either of them including:
 1. Worker's Compensation and Employer's Liability
The contractor shall provide insurance for the payment of compensation and the furnishing of other benefits, under applicable laws, to all persons to be employed under this contract and shall continue in force such insurance as aforesaid. Non-compliance shall be deemed a material breach of this Contract and shall operate as an immediate termination thereof.
 2. Comprehensive General Liability Insurance
Minimum bodily injury limits of \$1,000,000 per person and \$1,000,000 per occurrence. Property damage limits of \$1,000,000 per accident and \$3,000,000 aggregate during any 12-month period, shall include the following:
 - a. Public liability (bodily injury and property damage)
 - b. X.C.U. (explosion, collapse, and underground utilities)
 - c. Independent contractor's protective liability.
 - d. Products and completed operations.

3. Comprehensive All Risk Motor Vehicle Liability Insurance
Bodily injury limits of \$1,000,000 per person, combined single limit of \$1,000,000 per accident.
4. All Risk Insurance
Covering all Contractor's equipment with a provision for Waiver of Subrogation against the Owner.
5. Excess Liability Insurance in Umbrella Form with combined Bodily Injury and Property Damage Limit of . If determined applicable.
6. shall be listed as
Additional Insured with a Waiver of Subrogation on the insurance policy for this project.

1.18 SITE ACCESS

- A. The successful bidder shall gain access to the site via routes approved by the Owner.
 1. The successful bidder, as part of the bid price, will restore all roads, curbs, driveways, walks and grassed or landscaped areas damaged during construction.
 2. Any damage to the interior or exterior of the building and/or any part of the property caused by the successful bidder or their sub-contractors, will be restored fully by the successful bidder who will be fully responsible for its cost.

1.19 BUILDING PERMIT AND FEES

- A. Building permit fees will not be waived for this project, as required by Hillsborough County and City of Tampa (AH s - Authorities Having jurisdiction)
- D0' Cm'cr r decdng'Rgto ku'Uj cm'dg'qdvckpgf "and designated responsible party shall:
 1. Determine required permits / trade permit(s)
 2. Apply for applicable permits
 3. Provide applicable documents to obtain approval
 4. Pay applicable fees
 5. Properly schedule inspections and closeout All applicable permits

1.20 BID FORMS

- A. Please Note: Each bidder must fill in all the blanks on all the bid forms, even if the information is "zero dollars" or "not applicable". Also, please acknowledge all Addenda.

INSTRUCTION TO BIDDERS

1.21 SYSTEM FOR AWARD MANAGEMENT (SAM)

- A. All vendors, contractors, subcontractors, and agencies that wish to obtain Federally-funded contracts must register in the System for Award Management (SAM). Instructions on registering in and using SAM can be found using the "Help" tab at www.sam.gov. Please notify and/or remind all current and prospective entities with which you may contract of the need to register in SAM.
- B. Additionally, 2 CFR § 200.212 requires that Federal grantees and subgrantees must not make any award...to "certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities." In order to comply with this requirement, before awarding a CD-funded contract to a business or other organization, your agency must search for the entity in SAM, print the page documenting that the entity is not excluded from receiving a Federally-funded contract, and maintain this documentation in your procurement files.

FORMS FOR GENERAL BID

_____, 2021

A. Basic Price

The undersigned, having visited the site of the above project and having familiarized myself with the local conditions affecting the cost of the work and with the contract documents, including Amendments and Addenda Nos. _____, hereby proposes to furnish all labor, materials, tools, equipment, insurance, permits, taxes, and to do and lawfully perform all things as provided in the specifications, all in accordance with the contract documents, for the sum of:

_____ Dollars, \$ _____

- B. The undersigned agrees that, if he/she is selected as the successful bidder, he/she will within **five days**, Saturdays, Sundays and legal holidays excluded, after presentation thereof by the Awarding Authority, execute a contract in accordance with the terms of this bid.
- C. The undersigned certifies that s/he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work and that he/she will comply fully with all laws, regulations and terms of these bid documents
- D. The undersigned as Bidder certifies that if this proposal is accepted, he/she will furnish to _____ two copies of any and all Material Safety Data Sheets for all materials used in this project, as required by M.G.L. Chapter 111F, so called "Right to Know Law".

E. The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As under in this section, the work "person" shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.

F. Completion

Completion to be by _____.

Sincerely,

(Bidder)

(Address of Bidder)

By:

(Title - Owner*, Partner*)

(Seal, if Corporation)

By:

(If Corporation - Name and Office)

** If the business owned by the individual or partnership is conducted under a trade or assumed name, a certified copy of doing business under an assumed name should be annexed.*

Acknowledgment of Principal, if a Corporation

State of _____)

:SS:

County of _____)

On this _____ day of _____ 20____

before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he/she resides

at _____, that he/she is the _____ of _____ the corporation described herein and which executed the foregoing instrument; that he/she knows the seal of said corporation; that one of the seals affixed to said instrument is such seal; that it was so affixed by order of the directors of said corporation, and that he/she signed his/her name thereto by like order.

(Notary Public)

Acknowledgment of Principal, if a Partnership

State of _____)

:SS:

County of _____)

On this _____ day of _____ 20____

before me personally came _____ to me known, and known to me to be one of the members of the firm of

_____ who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same as and for the act of said firm.

(Notary Public)

Acknowledgment of Principal, if an Individual

State of _____)

:SS:

County of _____)

On this _____ day of _____ 20____

before me personally came _____ to me known, and known to me to be the person described herein and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.

(Notary Public)

(If bidder is a partnership, state here the name and residence of each member thereof)

Name of Partners

Residence Address

_____	_____
_____	_____
_____	_____

(If bidder is a corporation, state here the title, name, and residence of each member thereof)

Title

Name

Residence Address

_____	_____	_____
_____	_____	_____
_____	_____	_____

Organized under the laws of the state of _____

Date: _____

Wage Decision # FL20220065 MOD# 01 PUBLICATION Date: 02/25/2022

ACKNOWLEDGEMENT OF DAVIS BACON & SECTION 3 REQUIREMENTS

The Contractor agrees to comply with Federal Labor Standards provisions (Form HUD-4010) and General Decision Number Hillsborough County _____ (Wage Determination), and Section 3 requirements (24 CFR Part 75).

Davis Bacon:

If applicable, The undersigned hereby warrants and represents that all laborers and mechanics employed by the undersigned shall be paid not less than the wages prevailing in the locality of the development as predetermined by the Secretary of Labor pursuant to the Davis Bacon Act (40 USC 276a-276a5) and shall be paid overtime wages in accordance with the Contract Work Hours and Safety Standards Act (40 USC 327-332) as applicable.

Section 3:

The undersigned hereby warrants and represents that to the greatest extent feasible, when awarding contracts or providing training and/or employment opportunities for activities or projects subject to the requirements of Section 3, will strive to comply with the minimum numerical goals established and attempt to reach the Section 3, will strive to comply with the minimum numerical goals established and attempt to reach the Section 3 minimum numerical goals found at 24 CFR Part 75.21. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and 24 CFR Part 75 is HUD's legislative directive for providing preference to low and very low-income residents of the local community, and the businesses that substantially employ these persons for new employment, training, and contracting opportunities resulting from government funded projects. The undersigned also hereby warrants and represents to provide all records, forms or reports to evidence compliance with the Federal Labor Standards Provisions and with Section 3 Requirements.

The undersigned also hereby warrants and represents to provide all records, forms or reports to evidence compliance with the Federal Labor Standards Provisions and with Section 3 Requirements.

General Contractor

Sub-Contractor*

Signature

Signature

Printed Name and Title

Printed Name and Title

Date

Date

**Signed Acknowledgment for all sub-contractors shall be provided by General Contractor once bid has been awarded.*

FEDERAL DEBARMENT CERTIFICATION FORM

DGS PD 2 (Rev. 12/19)

**Certification Regarding Debarment, Suspension, Ineligibility
and Voluntary Exclusion Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participant's responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ THE INSTRUCTIONS ON THE NEXT PAGE
WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)**

1. The prospective recipient of Federal assistance funds certifies, by submission of this IFB/RFP Response, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this IFB/RFP Response.

Name and Title of Authorized Representative	
Signature	Date

FEDERAL DEBARMENT CERTIFICATION FORM (CONTINUED)

Instructions for Certification

1. By signing and submitting this IFB Response, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this class is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to which this RFP Response is submitted if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "RFP Response," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this RFP Response is submitted for assistance in obtaining a copy of those regulations.
5. The prospective recipient of Federal assistance funds agrees by submitting this RFP Response that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
6. The prospective recipient of Federal assistance funds further agrees by submitting this RFP Response that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Non-Procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may pursue available remedies, including suspension and/or debarment.

BID ACCEPTANCE FORM - ORDER TO PROCEED

A. Acceptance

1. The foregoing proposal of _____ dated _____ in the amount of _____ Dollars (\$_____) is hereby accepted as of _____.

2. This Proposal contains the following Alternates:

(Describe the Alternates)

B. Notice to Proceed

1. The Proceed date is established as _____.

By: _____

Attest:

BID DOCUMENTS

The following attachments must be used to provide a complete bid and to comply with the requirements of Hillsborough County Affordable Housing Grant:

- 01 Wage Decision - FL20220065 MOD# 01 PUBLICATION Date: 02/25/2022
- 02 Development Services Pre-Submittal Plan Review Checklist
- 03 Expedited Permit Letter - To be completed once on boarded
- 04 Sample AIA Payment Form
- 05 Guidance on MBE/WBE Outreach
- 06 Federal Labor Standards - HUD Form 4010
- 07 WH-347 fillable form - to be completed for Certified Payrolls
prior to submitting Payment Request
- 08 Section 3 Requirements Plan and FAQs
- 09 Section 3 Man Hour Report
- 10 Section 3 Self Certification

BID SUBMITTAL REQUIREMENTS

- Completed form for General Bid (Included in Invitation to Bid)
- Acknowledgment of Davis Bacon & Section 3 Requirements (Included in Invitation to Bid)
- Debarment form (Included in Invitation to Bid)
- A detailed Summary of Work
- A detailed Project Budget
(See example exhibit - Detailed Schedule of Values. Submit in PDF and Excel)
- A detailed timeline for Project completion
- A list of permits required to complete project
- A list of sub-contractors required to complete project
- General contractor project team
- A list of references as indicated for projects of similar scope
- Firm portfolio

"General Decision Number: FL20220065 02/25/2022

Superseded General Decision Number: FL20210065

State: Florida

Construction Type: Residential

County: Hillsborough County in Florida.

RESIDENTIAL CONSTRUCTION PROJECTS (consisting of single family homes and apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	<ul style="list-style-type: none"> . Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least \$15.00 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2022.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	<ul style="list-style-type: none"> . Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least \$11.25 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2022.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Modification Number	Publication Date
0	01/07/2022
1	02/25/2022

ENGI0925-008 06/01/2013

	Rates	Fringes
POWER EQUIPMENT OPERATOR:		
Crawler Cranes; Truck Cranes; Pile Driver Cranes; Rough Terrain Cranes; and Any Crane not otherwise described below...	\$ 29.61	11.50
Hydraulic Cranes Rated 100 Tons or Above but Less Than 250 Tons; and Lattice Boom Cranes Less Than 150 Tons if not described below.	\$ 30.61	11.50
Lattice Boom Cranes Rated at 150 Tons or Above; Friction Cranes of Any Size; Mobile Tower Cranes or Luffing Boom Cranes of Any Size; Electric Tower Cranes; Hydraulic Cranes Rated at 250 Tons or Above; and Any Crane Equipped with 300 Foot or More of Any Boom Combination.....	\$ 31.61	11.50
Oiler.....	\$ 22.91	11.50

IRON0397-004 07/01/2021

	Rates	Fringes
IRONWORKER, REINFORCING.....	\$ 31.35	16.47

* SUFL2009-104 06/08/2009

	Rates	Fringes
BRICKLAYER.....	\$ 20.00	0.00
CARPENTER, Includes Drywall Hanging, and Form Work.....	\$ 15.00	0.00
CEMENT MASON/CONCRETE FINISHER...	\$ 15.93	0.00
DRYWALL FINISHER/TAPER.....	\$ 18.27	0.00
ELECTRICIAN.....	\$ 12.54 **	0.00
FENCE ERECTOR.....	\$ 14.00 **	0.75
GLAZIER.....	\$ 15.88	0.00
INSULATOR: Batt and Blown.....	\$ 12.41 **	0.00
IRONWORKER, ORNAMENTAL.....	\$ 15.25	0.00
IRONWORKER, STRUCTURAL.....	\$ 14.53 **	0.00
LABORER: Common or General.....	\$ 9.21 **	0.00
LABORER: Mason Tender - Brick...	\$ 11.51 **	0.00

LABORER: Mason Tender - Cement/Concrete.....	\$ 11.29 **	0.00
LABORER: Pipelayer.....	\$ 15.14	0.00
LABORER: Roof Tearoff.....	\$ 9.00 **	0.00
LABORER: Landscape and Irrigation.....	\$ 10.41 **	0.00
OPERATOR: Asphalt Paver.....	\$ 12.40 **	0.00
OPERATOR: Backhoe Loader Combo.....	\$ 17.04	0.00
OPERATOR: Backhoe/Excavator.....	\$ 15.25	0.00
OPERATOR: Bulldozer.....	\$ 12.67 **	0.00
OPERATOR: Distributor.....	\$ 11.41 **	0.00
OPERATOR: Forklift.....	\$ 17.50	0.00
OPERATOR: Grader/Blade.....	\$ 14.00 **	0.00
OPERATOR: Loader.....	\$ 11.50 **	0.00
OPERATOR: Roller.....	\$ 10.62 **	0.00
OPERATOR: Screed.....	\$ 10.93 **	0.00
OPERATOR: Trackhoe.....	\$ 14.81 **	0.00
OPERATOR: Tractor.....	\$ 10.20 **	0.00
PAINTER, Includes Brush, Roller and Spray (Excludes Drywall Finishing/Taping).....	\$ 13.59 **	0.00
PLASTERER.....	\$ 13.91 **	0.00
PLUMBER.....	\$ 12.37 **	0.00
ROOFER, Includes Built Up, Modified Bitumen, and Shake & Shingle Roofs (Excludes Metal Roofs).....	\$ 15.97	0.00
ROOFER: Metal Roof.....	\$ 16.99	0.00
SHEET METAL WORKER, Includes HVAC Duct Installation (Excludes Metal Roof Installation).....	\$ 14.82 **	0.00
TILE SETTER.....	\$ 16.00	0.00
TRUCK DRIVER, Includes Dump Truck.....	\$ 10.22 **	0.00
TRUCK DRIVER: Lowboy Truck.....	\$ 12.10 **	0.00

WELDERS - Receive rate prescribed for craft performing
operation to which welding is incidental.

** Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 (\$15.00) or 13658 (\$11.25). Please see the Note at the top of the wage determination for more information.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division

U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

=====

END OF GENERAL DECISION"



PRELIMINARY PLAN REVIEW MEETING CHECKLIST

As an added benefit to our customers, Hillsborough County Building and Construction Services is now offering preliminary plan review services. This allows the project design team time to meet with the plan examination staff to present design documents, discuss code items, and inquire about the processes prior to submitting for a permit.

1. To arrange a meeting, call: 813-272-5600, option 1.
2. An application number will be provided for payment.
3. Payment can be made on line through our online Permitting system at Velocity Hall.
4. Please email applicant information, including phone number, design documents, list of questions, special requests, etc. to: tankh@hillsboroughcounty.org
5. Please allow 10 days from when documents and payment are received for meeting to be scheduled.
6. At meeting, plan examiners will review the documents and address written questions.
7. Minutes from meeting will be compiled by applicant and distributed.



HillsGovHub

User Guide

Create a Preliminary Building Plan Review Record



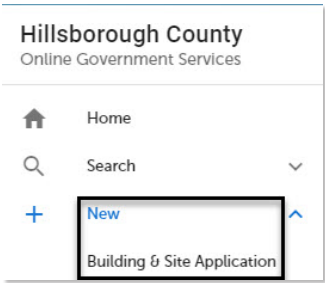
**Hillsborough
County** Florida

SM

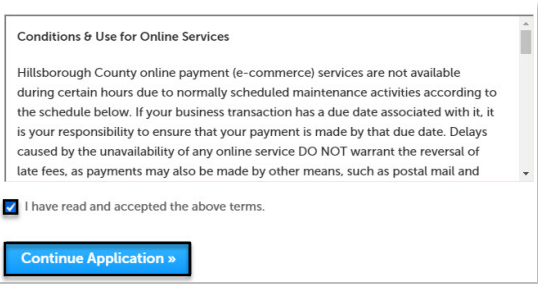
Create a Preliminary Building Plan Review Record

The Preliminary Plan Review process allows the project design team time to meet with the building plan examination staff to present design documents, discuss code items, and inquire about the process prior to submitting for a permit. The submitted plan set should be at 75% construction documents to allow staff to provide feedback

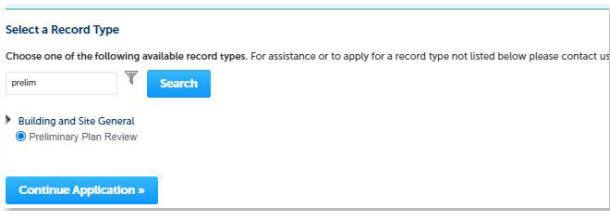
- 1) Log in to the [portal](#).
- 2) Select **New** and **Building and Site Application** from the left-hand menu.



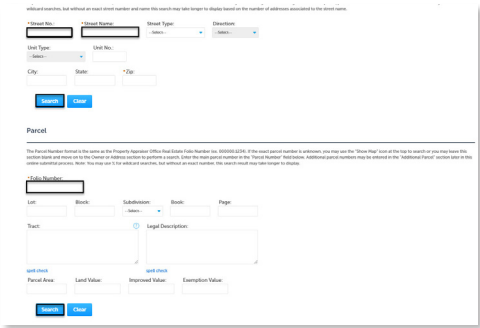
- 3) Review the **Conditions & Use for Online Services** and select the box next to 'I have read and accepted the above terms' to accept.



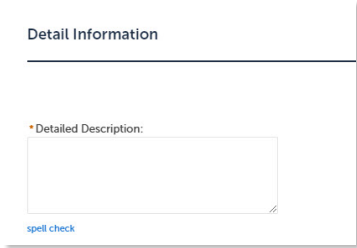
- 4) Select **Continue Application** to proceed to the **Select a Record Type** page.
- 5) Enter 'Prelim' in the search box and select **Search** or select **Preliminary Plan Review** from the **Building and Site General** menu. Select the circle next to the application type and select **Continue Application** to proceed to **Application Information** page.



- 6) Enter the **Street No.** and **Street Name** for the property in the address section and select **Search**, or enter the **Folio Number** and select **Search**.



- 7) Select **Continue Application** to proceed to the **Application Detail** page.
- 8) Enter the detailed description of the application in the **Detailed Information** section. In this space, please enter detailed information about the request.



- 9) Complete the **Application Information** fields. Required fields are marked with a red asterisk.
- 10) Complete the custom lists, if applicable.
 - Select **Add a Row** for the **Meeting Attendees** custom list if there are additional meeting attendees.



- Select **Add a Row** for the **Related Records** custom list if there are related records. A Related Record is any other record that may be associated with your current project.



- 11) Select **Continue Application** to proceed to the **Contact Information** page.

12) Select the contact information for the **Applicant** by selecting from the account or adding a new contact.

Step 1: Required Information > Contact Information

License Applicant

Select "Select from Account" to select the contact associated to the login account or select "Add New" if you are entering the application for someone else. An applicant is required to submit the application.

[Select from Account](#) [Add New](#)

- Select from Account** - select a contact associated to the account.
 - Add New** - add a new contact not associated to the account.
- 13) Add additional contacts to the application, if applicable, by selecting **Select from Account**, **Add New**, or **Look Up**. Multiple contacts can be added. Contacts on the record will have access to the record and will receive correspondence regarding the record. The **Look Up** should be selected first.
- Select from Account** - select a contact associated to the account.
 - Add New** - add a new contact not associated to the account.
 - Look Up** - select an existing contact in the system.

Contact List

TO ADD MULTIPLE CONTACTS:

- Select "Select from Account" to select the contact list to the login account.
- Select the Contact Type.
- Click on the "Continue" button.

Select "Look Up" to select a contact not associated to the login account.

- Enter search criteria such as the email address.
- Click on the "Look Up" button.
- Select the Contact.
- Click on the "Continue" button.
- Select the Contact Type.
- Click on the "Continue" button.

[Select from Account](#) [Add New](#) [Look Up](#)

Showing 0 of 0

Full Name	Business Name	Contact Type	Work Phone	Fax	E-mail	Action
No records found.						

[Save and resume later](#) [Continue Application >](#)

14) Select **Look Up** to search and add Licensed Professional(s) to the application. A License Professional is not required to submit the application.

Licensed Professional

TO ADD MULTIPLE LICENSED PROFESSIONALS:

- Click on the "Look Up" button.
- Enter search criteria such as the license number.
- Click on the "Look Up" button.
- Select one or more Licensed Professionals by placing a checkmark in the box next to Licensed Professional of interest.
- Click on the "Continue" button.
- Click on the "Look Up" button to add additional Licensed Professionals of a different License Type OR click on the "Continue Application" button to continue with the application.

[Look Up](#)

15) Select **Continue Application** to proceed to the **Review** page. Review the application. If changes are needed, select **Edit** to edit the applicable section of the application.

Step 2: Review

Please review all information below. Click the "Edit" buttons to make changes to sections or "Continue Application" to move on.

Record Type

[Save and resume later](#) [Continue Application >](#)

16) Select **Continue Application** to proceed to the **Pay Fees** page. Review the fees and select **Check Out**.

Step 4: Pay Fees

Listed below are preliminary fees based upon the information you've entered. Some fees are based on the quantity of work items installed or repaired. Enter quantities where applicable. The following screen will display your total fees.

Application Fees

Fees	Qty.	Amount
Commercial Low Voltage (Burglar Alarm)	3	\$195.00

TOTAL FEES: \$195.00

Note: This does not include additional inspection fees which may be assessed later.


[Check Out >](#) [Continue Shopping >](#)

Please note: Credit cards are the only payment method currently accepted online.

17) Select **Check Out** to proceed to **Payment Information** page. Complete the payment information fields and select **Submit Payment** to submit the application and payment. The system will display confirmation the application was received successfully and will send an email confirmation to the contacts on the application. Select **View Receipt** to open the Receipt.

Step 3: Receipt/Record Issuance

Receipt

 Your application(s) has been successfully submitted. Please print your record(s) and retain a copy for your records.


[Print/View Receipt](#)

[View Receipt](#)

18) Select **Upload Plans and Documents** to submit the project plans.

Step 3: Receipt/Record Issuance

Receipt

 Your application(s) has been successfully submitted. Please print your record(s) and retain a copy for your records.

[Print/View Receipt](#)

[View Receipt](#)

[Upload Plans and Documents](#) [View Receipt](#)

19) Enter a summary of the plans and documents to be uploaded in the **Description** field and select **Continue**.

1 Information 2 File Processing 3 Sheet Versioning 4 Review

Step 1: Information

Review packages are a set of plans and documents submitted for a review cycle.

General

Plan/Document Submittal # 1

Description 

[Continue](#)

- 20) Drag and drop files(s). Please remember to include a table of contents using appropriate sheet numbers in your files to significantly streamline the upload process.

IMPORTANT: Ensure you upload a document containing a list of questions and special requests for your preliminary plan review request.

- 21) Select the document type of each document and select **Upload and Validate**.

Step 2: Add & Process Files

Browse or drag and drop the desired files to upload. Once all files are added, the Upload and Validate button is displayed. Click on it to validate the files and add them to your review package. When all of the desired files are uploaded and validated, click the Process Files button to prepare your files for review.

Note: Please do not combine plans and documents of various types into a single PDF document.

Drag and drop files here or

Upload

File Name	Description	Type	Status	Uploaded By	Upload Date	Signatures
Supporting Documentation.pdf	Supporting Documents	Supporting Documents	PROCESSED	Melissa Cheung	12/17/2020	
NOC.pdf	Notice of Commencement	Notice of Commencement	PROCESSED	Melissa Cheung	12/17/2020	
Plans.pdf	Building Plans - Digitally Signed and Sealed	Building Plans - Digitally Signed and Sealed	PROCESSED	Melissa Cheung	12/17/2020	

Upload and Validate

- 22) Select **Process Files** after the file validation is complete. The document status will update to 'VALIDATED' once complete. The processing step may take some time depending on the size of the files. It is ok to close the window as an email will be sent once the processing is complete.

Drag and drop files here or

Upload

File Name	Description	Type	Status	Uploaded By	Upload Date	Signatures
Supporting Documentation.pdf	Supporting Documents	Supporting Documents	VALIDATED	Melissa Cheung	12/17/2020	
NOC.pdf	Notice of Commencement	Notice of Commencement	VALIDATED	Melissa Cheung	12/17/2020	
Plans.pdf	Building Plans - Digitally Signed and Sealed	Building Plans - Digitally Signed and Sealed	VALIDATED	Melissa Cheung	12/17/2020	

Process Files

- 23) Select **Continue** once the processing is complete.

Drag and drop files here or

Upload

File Name	Description	Type	Status	Uploaded By	Upload Date	Signatures
Supporting Documentation.pdf	Supporting Documents	Supporting Documents	VALIDATED	Melissa Cheung	12/17/2020	
NOC.pdf	Notice of Commencement	Notice of Commencement	VALIDATED	Melissa Cheung	12/17/2020	
Plans.pdf	Building Plans - Digitally Signed and Sealed	Building Plans - Digitally Signed and Sealed	VALIDATED	Melissa Cheung	12/17/2020	

Your files have been processed, you can proceed now to verify your items.

Continue

- 24) Enter the sheet numbers for any pages missing a sheet number. It is important to create a table of contents when creating the plans to avoid this step. Title blocks must follow the County's placement and naming standards.

PLAN
SHEET
GE LEFT

1

Sheet number

Sheet number is required

Sheet title (optional)

Plans.pdf (Page: 2)

- 25) Select **Continue** to proceed to the **Review** page. Select **Edit** if changes are needed. If no changes are needed select **Finish**. The system will display a message and send an email confirmation that the review package was received.

Step 4: Review

Please review the information below and ensure you have uploaded all of the plans and documents for this review cycle. Click the Edit buttons to make any needed changes or to upload any remaining documents. Once you click Finish, your review cycle will begin and additional documents cannot be uploaded until after the review cycle has been completed.

Finish

General

Plan/Document Submittal # 1

Files

These are all the files that will be submitted with this package.

File Name	Description	Type	Status	Uploaded By	Upload Date	Signatures
Supporting Documentation.pdf	Supporting Documents	Supporting Documents	PROCESSED	Melissa Cheung	12/17/2020	
NOC.pdf	Notice of Commencement	Notice of Commencement	PROCESSED	Melissa Cheung	12/17/2020	
Plans.pdf	Building Plans - Digitally Signed and Sealed	Building Plans - Digitally Signed and Sealed	PROCESSED	Melissa Cheung	12/17/2020	

Finish

- 26) After plan review is complete, staff will contact the applicant to schedule the preliminary plan review meeting.



**Hillsborough
County Florida**
Development Services

Site & Subdivision Pre-Submittal Conference Application

The Hillsborough County Development Services Department is pleased to offer a Pre-Submittal Conference to anyone seeking help in determining the scope and feasibility of their development proposal. This service is offered free of charge and we highly encourage all applicants to take advantage of it.

While this is a voluntary step in the review process, it still requires a substantial investment of time on the part of various county review personnel. For this reason, we have developed specific minimal submission requirements to ensure that the information submitted by you to the county is sufficient for an adequate review. By providing the information as outlined in the submission requirements, county staff will be able to provide you with quality information in a timely fashion that you can use to move your project forward.

The Goal of Development Services is to provide you with courteous and professional service in a timely manner. Thank you for investing your time in a presubmittal conference.

Important Contact Information

Zoning Counselors	ZoningHelp@HCFLGov.net
Pre-Submittal Line	(813) 272-5600 option 2, then 2
Fax	(813) 307-4443
Email	siteplanadmintasks@hillsboroughcounty.org

Instructions

1. Complete the Pre-Submittal Conference Application and Project Information Form. If you need assistance completing the bottom portion of the form please seek assistance from a Zoning Counselor by submitting a [Zoning Information Request](#).
2. To schedule a pre-submittal date please submit your completed package by e-mail to: siteplanadmintasks@hillsboroughcounty.org. Please be advised that incomplete submittals will be rejected.
3. Submit your application and completed submittal package to the Site Intake Section of Development Services via email. At that time you will be given the date of your Pre-Submittal Conference and any additional instructions. Please note that the conference will be conducted virtually.

This section is provided for your use:

Appointment Date and Time: _____



Site Pre-Submittal Conference Package Requirements

All Site Pre-Submittal Conference Packages shall, at a minimum, contain the following items. INCOMPLETE packages WILL NOT be accepted for processing. Pre-application Submittal Packages shall be submitted to the Site Intake Coordinator in the Department of Development Services via e-mail to siteplanadmtasks@hillsboroughcounty.org There are no fees associated with a pre-submittal conference.

REQUIREMENTS: The Site Intake Coordinator shall check for the following items in the submittal package:

- ☐ 1) **Presubmittal Conference Application & Project Information Form** completely filled out prior to submittal.
- ☐ 2) Digital set of preliminary development plans. (See below for items to be included on drawing). These preliminary plans do not need the signature and seal of the engineer.
- ☐ 3) A narrative explaining the proposed development. Include information on of size of property, # of lots, zoning district, future land use category, water and sewer services, wetland impacts, density transfers, access, storm water management, phasing, etc.

The development plan must be drawn to scale, labeled and include the following items:

1. Draw or sketch the property boundaries to scale or, to the extent possible, proportionally to its dimensions. Include the actual dimensions (length) of each side of the property. Using a dotted line, show the required building setback lines.
2. Draw to scale and label all structures that are located on the property, both existing and proposed. List the current and proposed use of the structures.
3. Show the total square footage (length x width) of each existing or proposed structure.
4. (a) Show the total square footage (length x width) of existing and proposed impervious areas (areas that cannot absorb water; e.g., concrete, asphalt buildings, other structures). (b) Show these dimensions on the site plan (distances of length and width). (c) Include distances of impervious areas to the property line.
5. Show the driveways and parking area dimensions, label as existing or proposed, and indicate the type of material that they are constructed or will be constructed of (concrete, asphalt, dirt, gravel, grass, etc.). Include the number of parking spaces existing and proposed.
6. Show all existing streets and existing or proposed driveway connections to the site.
7. Show the approximate locations of any existing or proposed fire hydrants, signs, sidewalks, power poles, etc.
8. Show distances of all structures to the property line.
9. Show, with arrows, the direction that water flows across the property. If the site is flat, state this on the plan.
10. Show all existing drainage systems on the site (retention ponds, swales, culverts, pipes). Include any existing drainage systems in the right-of-way (roadside ditches, curbs, drainage inlets). If there are no drainage systems adjacent to the site, indicate to the extent possible where the storm water from the property flows.
11. Show all outside waste facilities. These would include dumpsters, solid waste storage areas, proposed or existing septic tank areas or indication of sanitary sewer availability.
12. Label all existing or proposed landscaping areas. Grassed areas are considered landscaped areas. Show the location of all trees on the property and indicate if these trees are proposed to be preserved or removed.
13. North arrow.



Subdivision Pre-Submittal Conference Package Requirements

All Subdivision Pre-Submittal Conference Packages shall, at a minimum, contain the following items. INCOMPLETE packages WILL NOT be accepted for processing. Pre-application Submittal Packages shall be submitted to the Site Intake Coordinator in the Department of Development Services or e-mailed to siteplanadmintasks@hillsboroughcounty.org There are no fees associated with a pre-submittal conference.

REQUIREMENTS: The Site Intake Coordinator shall check for the following items in the submittal package:

- ☐ 1) **Presubmittal Conference Application & Project Information Form** completely filled out prior to submittal.
- ☐ 2) Digital set of preliminary development plans. (See below for items to be included on drawing). These preliminary plans do not need the signature and seal of the engineer.
- ☐ 3) A narrative explaining the proposed development. Include information on of size of property, # of lots, zoning district, future land use category, water and sewer services, wetland impacts, density transfers, access, storm water management, phasing, etc.

The development plan must be drawn to scale, labeled and include the following items:

1. Folio number(s).
2. Total acreage of the parent parcel (pre-subdivision parcel) being divided.
3. The area (acreage) of each lot being created.
4. Total number of lots.
5. Dimensions of the parent parcel.
6. Dimensions of each new lot including dimensions along roadways.
7. North arrow.
8. Name(s) of all roadways adjacent to the parent parcel.
9. Existing right(s)-of-way widths and widths of any proposed right(s)-of-way.
10. Show, with arrows, the direction that water flows across the property. If the site is flat, state this on the plan. Show all existing drainage systems on the site (retention ponds, swales, culverts, pipes). Include any existing drainage systems in the right-of-way (roadside ditches, curbs, drainage inlets). If there are no drainage systems adjacent to the site, indicate to the extent possible where the storm water from the property flows.
11. A note indicating whether streets are to be dedicated to the public or remain private.
12. A note detailing the availability of public water and sewer and the proposed method for proving services to each lot.
13. A note detailing the locations of fire hydrants located within 500 feet of the parent parcel property boundary.
14. Any significant natural feature(s) of the land including but not limited to trees, waterways, slopes, ditches, wetlands, water bodies, etc.
15. Any known easements including but not limited to access easements, utility easements, conservation easements, etc.
16. Any other information deemed by you to be important to the site including disclosure of any knowledge of endangered species, significant historical or archeological features, past waste disposal, etc.



Pre-Submittal Conference Application & Project Information

Section A: Applicant/Land Use Information

1. Applicant/Owner/Agent: _____ 1a. Email: _____ @ _____
2. Mailing Address: _____ State: _____ Zip: _____
3. Company: _____ 3a. Phone: () _____ 3b. Fax: () _____
4. Project Name: **friendship village** +
5. Address/Location of Site: _____ 5a. Acreage _____
6. Parcel(s) Folio Number (required): _____
7. Section/Township/Range: _____
8. Proposed Land use: _____
9. Is the site currently developed? ☐ yes ☐ no If yes, describe improvements: _____
10. Select Type of Submittal: ☐ Subdivision ☐ Site ☐ Straight to Construction ☐ Minor Site
11. Potable Water: ☐ existing ☐ proposed Provider: _____
12. Wastewater: ☐ existing ☐ proposed Provider: _____
13. Reclaimed Water: ☐ existing ☐ proposed Provided: _____

Site Plan Project Submittal data

Sq. Ft. of Bldg. Footprint: _____

Gross Floor Area of Bldg: _____

Total site impervious area: _____

Any trees (5" DBH or larger): ☐ yes ☐ no

Parking Spaces: _____ existing _____ new

Subdivision Project Submittal Data

Total # Phases: _____ Total # Lots: _____

Phase 1 Lots: _____ # Phase 2 Lots: _____

Phase 3 Lots: _____ # Phase 4 Lots: _____

Section B: Regulatory Information (Please submit a [Zoning Information Request](#) if you need assistance)

FLU(s): _____ Zoning: _____ Urban Service Area: ☐ yes ☐ no

Overlay: _____ Flood Zone(s): _____ Lot of Record: ☐ yes ☐ no

Proposed use allowed in district: ☐ yes ☐ no Proposed use allowed in FLU: ☐ yes ☐ no

Is a conditional use, variance, rezoning or FLU amendment required? ☐ yes ☐ no

If yes, indicate type and case # (if applicable): _____



Hillsborough
County Florida

AFFORDABLE HOUSING

PO Box 1110 Tampa, FL 33601-1110
(813) 612-5397 | Fax: (813) 635-8134

This letter is to certify that the project below is an Affordable Housing project. This project is afforded an expedited review as outlined in the Development Review Procedures Manual of the Land Development Code

Organization:

Project Name or Activity:

Folio Number(s):

List:

**BOARD OF COUNTY
COMMISSIONERS**

Ken Hagan
Pat Kemp
Lesley "Les" Miller, Jr.
Sandra L. Murman
Kimberly Overman
Mariella Smith
Stacy R. White

COUNTY ADMINISTRATOR

Bonnie M. Wise

COUNTY ATTORNEY

Christine M. Beck

INTERNAL AUDITOR

Peggy Caskey

DEPUTY COUNTY

**ADMINISTRATOR/CHIEF
FINANCIAL ADMINISTRATOR**

Tom Fesler

APPROVED BY: _____

Director

Director, Affordable Housing Services

Date

Application and Certificate for Payment

TO OWNER:	PROJECT:	APPLICATION NO:	<u>Distribution to:</u>
		PERIOD TO:	OWNER <input type="checkbox"/>
		CONTRACT FOR:	ARCHITECT <input type="checkbox"/>
FROM CONTRACTOR:	VIA ARCHITECT:	CONTRACT DATE:	CONTRACTOR <input type="checkbox"/>
		PROJECT NOS: / /	FIELD <input type="checkbox"/>
			OTHER <input type="checkbox"/>

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. AIA Document G703®, Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM	\$ _____
2. NET CHANGE BY CHANGE ORDERS	\$ _____
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$ _____
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ _____
5. RETAINAGE:	
a. _____% of Completed Work (Columns D + E on G703)	\$ _____
b. _____% of Stored Material (Column F on G703)	\$ _____
Total Retainage (Lines 5a + 5b, or Total in Column I of G703)..... \$ _____	
6. TOTAL EARNED LESS RETAINAGE	\$ _____ (Line 4 minus Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ _____ (Line 6 from prior Certificate)
8. CURRENT PAYMENT DUE	\$
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 minus Line 6)	\$ _____

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ _____	\$ _____
Total approved this month	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____
NET CHANGES by Change Order	\$ _____	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: _____ Date: _____

State of: _____

County of: _____

Subscribed and sworn to before
me this _____ day of _____

Notary Public:

My commission expires: _____

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ _____

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



Continuation Sheet

AIA Document G702®, Application and Certificate for Payment, or G732™, Application and Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached. Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO:

APPLICATION DATE:

PERIOD TO:

ARCHITECT'S PROJECT NO:

[illegible]

Instructions: G702®–1992, Application and Certificate for Payment

Synopsis.

AIA Document G702® –1992, Application and Certificate for Payment, and [G703®–1992, Continuation Sheet](#), provide convenient and complete forms on which the contractor can apply for payment and the architect can certify that payment is due.

The forms require the contractor to show the status of the contract sum to date, including the total dollar amount of the work completed and stored to date, the amount of retainage (if any), the total of previous payments, a summary of change orders, and the amount of current payment requested.

AIA Document G703–1992 breaks the contract sum into portions of the work in accordance with a schedule of values prepared by the contractor as required by the general conditions. [For all document details and a record of changes, see the summary »](#)

Using G702®–1992.

After the Contractor has completed AIA Document G703, Continuation Sheet, summary information should be transferred to AIA Document G702®, Application and Certificate for Payment.

The Contractor should sign G702®, have it notarized, and submit it, together with G703, to the Architect.

The Architect should review G702® and G703 and, if they are acceptable, complete the Architect's Certificate for Payment on G702®.

The Architect may certify a different amount than that applied for, pursuant to Sections 9.5 and 9.6 of AIA Document A201®. The Architect should then initial all figures on G702® and G703 that have been changed to conform to the amount certified and attach an explanation. The completed G702® and G703 should be forwarded to the Owner.

Making Payment

The Owner should make payment directly to the Contractor based on the amount certified by the Architect on AIA Document G702®, Application and Certificate for Payment. The completed form contains the name and address of the Contractor. Payment should not be made to any other party unless specifically indicated on G702®.

Executing the document.

Persons executing AIA Document G702®–1992 should indicate the capacity in which they are acting (i.e., president, secretary, partner, etc.) and the authority under which they are executing the document. Where appropriate, a copy of the resolution authorizing the individual to act on behalf of the firm or entity should be attached.

Important.

Modifications. Particularly with respect to professional or contractor licensing laws, building codes, taxes, monetary and interest charges, arbitration, indemnification, format and font size, AIA Contract Documents may require modification to comply with state or local laws. Users are encouraged to consult an attorney before completing or modifying a document.

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Instructions: G703®–1992, Continuation Sheet

Synopsis.

AIA Document G702®–1992, Application and Certificate for Payment, and G703–1992, Continuation Sheet, provide convenient and complete forms on which the contractor can apply for payment and the architect can certify that payment is due. The forms require the contractor to show the status of the contract sum to date, including the total dollar amount of the work completed and stored to date, the amount of retainage (if any), the total of previous payments, a summary of change orders, and the amount of current payment requested. AIA Document G703–1992 breaks the contract sum into portions of the work in accordance with a schedule of values prepared by the contractor as required by the general conditions. [For all document details and a record of changes, see the summary »](#)

Using G703–1992.

Heading. This information should be completed in a manner consistent with similar information on AIA Document G702, Application and Certificate for Payment, or G732™, Application and Certificate for Payment, Construction Manager as Adviser Edition, whichever is applicable.

Columns A, B and C. These columns should be completed by identifying the various portions of the Project and their scheduled values consistent with the schedule of values submitted to the Architect at the commencement of the Project or as subsequently adjusted. The breakdown may be by sections of the Work or by Subcontractors and should remain consistent throughout the Project. Multiple pages should be used when required. Column C should be subtotaled at the bottom when more than one page is used and totaled on the last page. Initially, this total should equal the original Contract Sum. The total of column C may be adjusted by Change Orders during the Project.

Column D. Enter in this column the amount of completed Work covered by the previous application (columns D & E from the previous application). Values from column F (Materials Presently Stored) from the previous application should not be entered in this column.

Column E. Enter here the value of Work completed at the time of this application, including the value of materials incorporated in the project that were listed on the previous application under Materials Presently Stored (column F).

Column F. Enter here the value of Materials Presently Stored for which payment is sought. The total of the column must be recalculated at the end of each pay period. This value covers both materials newly stored for which payment is sought and materials previously stored which are not yet incorporated into the Project. Mere payment by the Owner for stored materials does not result in a deduction from this column. Only as materials are incorporated into the Project is their value deducted from this column and incorporated into column E (Work Completed—This Period.)

Column G. Enter here the total of columns D, E and F. Calculate the percentage completed by dividing column G by column C.

Column H. Enter here the difference between column C (Scheduled Value) and column G (Total Completed and Stored to Date).

Column I. This column is normally used only for contracts where variable retainage is permitted on a line-item basis. It need not be completed on projects where a constant retainage is withheld from the overall contract amount.

Change Orders. Although Change Orders could be incorporated by changing the schedule of values each time a Change Order is added to the Project, this is not normally done. Usually, Change Orders are listed separately, either on their own G703 form or at the end of the basic schedule. The amount of the original contract adjusted by Change Orders is to be entered in the appropriate location on the G702 or G732 form, whichever is applicable.

Construction Change Directives. Amounts not in dispute that have been included in Construction Change Directives should be incorporated into one or more Change Orders. Amounts remaining in dispute should be dealt with according to Section 7.3 of AIA Document A201 or Section 7.3 of AIA Document A232.

The following is an example of a Continuation Sheet for work in progress. Please note that dollar amounts shown below are for illustrative purposes only, and are not intended to reflect actual construction costs.

A	B	C	E		F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (Non in D - E)	TOTAL COMPLETED AND STORED TO DATE (D - E - F)	% (C - G)	BALANCE TO FINISH (C - G)	RETAINAGE (if variable value)
			FROM PREVIOUS APPLICATIONS (D - E)	THIS PERIOD					
1	MOBILIZATION	5,000	5,000	0	0	5,000	100	0	
2	STUMP REMOVAL	5,000	5,000	0	0	5,000	100	0	
3	EARTH WORK	15,000	10,000	5,000	0	15,000	100	0	
4	LOWER RETAINING WALL	10,000	0	5,000	0	5,000	50	5,000	
5	CURBS & MISC. CONC.	5,000	0	0	0	0	0	5,000	
6	PAVING, UPPER DRIVE	20,000	0	0	0	0	0	20,000	
7	PAVING, LOWER DRIVE	20,000	0	0	0	0	0	20,000	
8	PAVERS	20,000	0	0	10,000	10,000	50	10,000	
9	BRICK WORK	5,000	0	0	0	0	0	5,000	
10									
11	GRAND TOTAL	105,000	20,000	10,000	10,000	40,000		65,000	

[On-demand video on completing payment applications and change orders »](#)

Important.

Modifications. Particularly with respect to professional or contractor licensing laws, building codes, taxes, monetary and interest charges, arbitration, indemnification, format and font size, AIA Contract Documents may require modification to comply with state or local laws. Users are encouraged to consult an attorney before completing or modifying a document.

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SUBCONTRACTOR'S APPLICATION FOR PAYMENT and SWORN STATEMENT

JOB TITLE: _____ COMM _____ DATE: _____
 REQUISITION NO: _____ FROM: _____ TO: _____
 SUBCONTRACTOR: _____

STATEMENT OF CONTRACT ACCOUNT:

1. PRESENT STATUS OR CONTRACT % COMPLETE	_____ %	6. LESS 10% RETAINAGE	\$ _____ -
2. ORIGINAL CONTRACT AMOUNT	\$ _____ -	7. NET AMOUNT EARNED	\$ _____ -
3. APPROVED CHG ORDER ADD/DEDUCT	\$ _____ -	8. NET PREVIOUSLY SUBMITTED	\$ _____ -
4. TOTAL CONTRACT & APPROVED CHG ORDER	\$ _____ -	9. NET AMOUNT THIS REQUISITION	\$ _____ -
5. VALUE OF WORK PERFORMED TO DATE	\$ _____ -	10. BALANCE TO COMPLETE CONTRACT	\$ _____ -

CERTIFICATE OF THE SUBCONTRACTOR:

The following persons have been contracted with, and have furnished, or are furnishing and preparing material for, and have done or are doing labor on said improvement. That there is due and to become due them, respectively, the amounts set opposite their names for materials or labor as stated. This statement is a full, true and complete statement of all such person, the amounts paid and the amounts due or to become due to each.

Name	Contract For	Amount of Contract	Total Previous Requests	Amount of Request	Balance to Complete
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -

I hereby certify that the work performed and the materials supplied to date, as shown on the above, represent the actual value of accomplishment under the terms of the contract (and all authorized changed thereto) between the undersigned and _____ relating to the referenced project. I further certify I have complied with all Federal, State and local tax laws, including Social Security, Unemployment Compensation, and Workers' Compensation laws insofar as applicable to the performance of this contract.

Furthermore, in consideration of the payment received and upon receipt of the amount of this request, the undersigned does hereby waive, release and relinquish any and all claims under any applicable surety bond, rights of lien upon the above premises and causes of action which the undersigned may now have or hereafter acquire, including, but not limited to those rights as contemplated by Chapter 255 and 713, Florida Statutes, except for rights to the extent that payment is retained pursuant to written agreement or payment to become due for work performed subsequent to the date hereof.

Subcontractor: _____
 By _____
 Title: _____

Notary Affidavit:	
Sworn to and Subscribed before me this	_____
day of _____	, 2021
NOTARY PUBLIC signature	
(stamp)	

Exhibit ()- Schedule of Values

[illegible]

GUIDANCE ON MBE/WBE OUTREACH

I. Minimum Acceptable Outreach Standards

Section 281 of the National Affordable Housing Act requires each participating jurisdiction to prescribe procedures acceptable to the Secretary to establish and oversee a minority outreach program. The program shall include minority and woman-owned businesses in all contracting activities entered into by the participating jurisdiction to facilitate the provision of affordable housing authorized under this Act or any other federal housing law applicable to such jurisdiction. Therefore, minimum HUD standards require that each participating jurisdiction's outreach effort to minority and women-owned businesses be:

- ☐ A good faith, comprehensive and continuing endeavor;
- ☐ Supported by a statement of public policy and commitment published in the print media of widest local circulation;
- ☐ Supported by an office and/or a key, ranking staff person with oversight responsibilities and access to the chief elected official; and
- ☐ Designed to utilize all available and appropriate public and private sector local resources.

II. Guidelines for a Minority/Women Business Outreach Program

Under the minimum HUD standards cited above, the following guidelines are provided for use by participating jurisdictions in implementing outreach programs to ensure the inclusion, to the maximum extent possible, of entities owned by minorities and women. Each participating jurisdiction should:

- ☐ Develop a systematic method for identifying and maintaining an inventory of certified minority and women's business enterprises (MBEs and WBEs), their capabilities, services, supplies and/or products;
- ☐ Utilize the local media, electronic and print, to market and promote contract and business opportunities for MBEs and WBEs;
- ☐ Develop informational and documentary materials (fact sheets, program guides, procurement forecasts, etc.) on contract/subcontract opportunities for MBEs and WBEs;
- ☐ Develop procurement procedures that facilitate opportunities for MBEs and WBEs to participate as vendors and suppliers of goods and services;
- ☐ Sponsor business opportunity-related meetings, conferences, seminars, etc., with minority and women business organizations; and
- ☐ Maintain centralized records with statistical data on the utilization and participation of MBEs and WBEs as contractors/subcontractors in all HUD-assisted program contracting activities.

Each participating jurisdiction, utilizing the standards and guidelines listed above, shall prescribe procedures and actions it will undertake in implementing a minority and women's business enterprise outreach program. The above items represent basic outreach-related activities and are not all-inclusive actions a participating jurisdiction may undertake.

Applicability

The Project or Program to which the construction work covered by this contract pertains is being assisted by the United States of America and the following Federal Labor Standards Provisions are included in this Contract pursuant to the provisions applicable to such Federal assistance.

A. 1. (i) Minimum Wages. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv); also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under 29 CFR 5.5(a)(1)(ii) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible, place where it can be easily seen by the workers.

(ii) (a) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(b) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB control number 1215-0140.)

(c) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

(d) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (1)(ii)(b) or (c) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part

of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program. (Approved by the Office of Management and Budget under OMB Control Number 1215-0140.)

2. Withholding. HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work, all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor, disburse such amounts withheld for and on account of the contractor or subcontractor to the respective employees to whom they are due. The Comptroller General shall make such disbursements in the case of direct Davis-Bacon Act contracts.

3. (i) Payrolls and basic records. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in Section 1(b)(2)(B) of the Davis-bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5 (a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been

communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs. (Approved by the Office of Management and Budget under OMB Control Numbers 1215-0140 and 1215-0017.)

(ii) (a) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i) except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant sponsor, or owner, as the case may be, for transmission to HUD or its designee, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this subparagraph for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to HUD or its designee. (Approved by the Office of Management and Budget under OMB Control Number 1215-0149.)

(b) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5 (a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR Part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(c) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by subparagraph A.3.(ii)(b).

(d) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under subparagraph A.3.(i) available for inspection, copying, or transcription by authorized representatives of HUD or its designee or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, HUD or its designee may, after written notice to the contractor, sponsor, applicant or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and Trainees.

(i) **Apprentices.** Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who

is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) **Trainees.** Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by

the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under 29 CFR Part 5 shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR Part 3 which are incorporated by reference in this contract

6. Subcontracts. The contractor or subcontractor will insert in any subcontracts the clauses contained in subparagraphs 1 through 11 in this paragraph A and such other clauses as HUD or its designee may by appropriate instructions require, and a copy of the applicable prevailing wage decision, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this paragraph.

7. Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act Requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and HUD or its designee, the U.S. Department of Labor, or the employees or their representatives.

10. (i) Certification of Eligibility. By entering into this contract the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be

awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR Part 24.

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001. Additionally, U.S. Criminal Code, Section 1 01 0, Title 18, U.S.C., "Federal Housing Administration transactions", provides in part: "Whoever, for the purpose of . . . influencing in any way the action of such Administration..... makes, utters or publishes any statement knowing the same to be false..... shall be fined not more than \$5,000 or imprisoned not more than two years, or both."

11. Complaints, Proceedings, or Testimony by Employees. No laborer or mechanic to whom the wage, salary, or other labor standards provisions of this Contract are applicable shall be discharged or in any other manner discriminated against by the Contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Contract to his employer.

B. Contract Work Hours and Safety Standards Act. The provisions of this paragraph B are applicable where the amount of the prime contract exceeds \$100,000. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which the individual is employed on such work to work in excess of 40 hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of 40 hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

(3) Withholding for unpaid wages and liquidated damages. HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contract, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act which is held by the same prime contractor such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2) of this paragraph.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraph (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

C. Health and Safety. The provisions of this paragraph C are applicable where the amount of the prime contract exceeds \$100,000.

(1) No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

(2) The Contractor shall comply with all regulations issued by the Secretary of Labor pursuant to Title 29 Part 1926 and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act, (Public Law 91-54, 83 Stat 96). 40 USC 3701 et seq.

(3) The contractor shall include the provisions of this paragraph in every subcontract so that such provisions will be binding on each subcontractor. The contractor shall take such action with respect to any subcontractor as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.

NAME OF CONTRACTOR		OR SUBCONTRACTOR		ADDRESS				OMB No.:1235-0008 Expires: 04/30/2021			
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PAYROLL NO.		FOR WEEK ENDING				PROJECT AND LOCATION				PROJECT OR CONTRACT NO.			
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(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK		
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX			OTHER	TOTAL DEDUCTIONS			
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Date _____

I, _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____ on the _____
(Contractor or Subcontractor)
_____ ; that during the payroll period commencing on the _____
(Building or Work)
_____ day of _____, _____, and ending the _____ day of _____, _____,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said
_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- in addition to the basic hourly wage rates paid to each laborer or mechanic listed in
the above referenced payroll, payments of fringe benefits as listed in the contract
have been or will be made to appropriate programs for the benefit of such employees,
except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE
31 OF THE UNITED STATES CODE.



**Hillsborough
County Florida**

Section 3 Requirements Plan

Prepared For
U.S. Department of Housing and Urban Development
CDBG and HOME Programs
June 1, 2021

Affordable Housing Services Department
601 E. Kennedy Blvd, 24th Floor
Tampa, FL 33602



SUBJECT: AHS Section 3 Requirements Plan

EFFECTIVE DATE: 8/4/21

PURPOSE: To assure compliance with Section 3 of the Housing and Urban Development Act of 1968 and its associated regulations 24 C.F.R. Part 75 (Economic Opportunities for Low- and Very Low-income Persons), “The Act.” The purpose of The Act is to ensure that employment and other economic opportunities generated by HUD financial assistance or HUD-assisted projects covered by Section 3 for Housing and Community Development Programs (e.g. HOME, CDBG, ESG, etc.) shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

PLAN: Affordable Housing Services (AHS) is responsible for the implementation of “The Act” and its associated regulations. The AHS Director and staff responsible for the activity whereby federal funds are invested, will ensure plan implementation.

PROCEDURE: The County shall ensure compliance with the statutory and regulatory requirements of Section 3 in its own operations, and those of covered contractors/subcontractors. These responsibilities include:

- Designing and implementing procedures to comply with the requirements of Section 3
- The engagement in outreach efforts to generate job applications from targeted Section 3 workers
- Facilitating the training or apprenticeship opportunities and employment of Section 3 workers
- Facilitating the award of contracts to Section 3 business concerns
- Ensuring Contractor and Subcontractor Awareness of and Compliance with Section 3 Benchmarks and responsibilities
- Ensuring Contractor and Subcontractor engage in outreach efforts to create opportunities for Section 3 businesses and/or workers
- Provide the Section 3 Business Registry listing for the Tampa-St. Petersburg-Clearwater, FL MSA Metropolitan area for Contractors
- Maintain the Section 3 Business Registry listing through no less than annual assessment and increase the number of Section 3 businesses registered
- Ensure Contractor and Subcontractor complete hours report with each payment request
- Monitor contractor compliance and provide incentives to contractors for meeting benchmark goals
- Maintain documentation to demonstrate compliance with Section 3 as required per 24 CFR 75.31

- **Reporting Requirements:** Submitting Annual Summary reports at a minimum including, but not limited to:
 - (a) The total number of labor hours worked;
 - (b) The total number of labor hours worked by Section 3 workers;
 - (c) The total number of labor hours worked by Targeted Section 3 workers; and
 - (d) Nature of the efforts made to hire Section 3 businesses and/or workers.

DEFINITIONS (24 CFR Part 75.5):

- *Benchmarks for Section 3 Workers:* ≥25% total number labor hours worked by all workers on a Section 3 project.
- *Benchmarks for Targeted Section 3 workers:* ≥5% total number of labor hours worked by all workers on a Section 3 project.
- *Income Determination:* HUD income limits (80% [low] and 50% [very low] of area median income)
- *Recipient:* Any entity that receives directly from HUD public housing financial assistance or housing and community development assistance that funds Section 3 projects, including, but not limited to, any State, local government, instrumentality, PHA, or other public agency, public or private nonprofit organization.
- *Section 3 Project:* Housing rehabilitation, housing construction, and other public construction projects assisted under HUD program, when the total amount of assistance to the project exceeds \$200,000
- *Section 3 Worker:*
 - (1) Any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:
 - (i) The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
 - (ii) The worker is employed by a Section 3 business concern.
 - (iii) The worker is a Youth Build participant.
 - (2) The status of a Section 3 worker shall not be negatively affected by a prior arrest or conviction.
 - (3) Nothing in this part shall be construed to require the employment of someone who meets this definition of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of the position to be filled.
- *Targeted Section 3 Worker:* A Targeted Section 3 worker for housing and community development financial assistance means a Section 3 worker who is:

- (1) A worker employed by a Section 3 business concern; or
- (2) A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - (i) Living within the service area or the neighborhood of the project, as defined in § 75.5; or
 - (ii) A Youth Build participant.
- *Section 3 Business Concern:*
 - (1) A business concern meeting at least one of the following criteria, documented within the last six-month period:
 - (i) It is at least 51% owned and controlled by low- or very low-income persons;
 - (ii) Over 75% of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
 - (iii) It is a business at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.
- *Youth Build:* Community-based pre-apprenticeship program
- *Safe Harbor (Part 75.23):* When a Recipient has met or exceeded the applicable Section 3 benchmarks

REQUIREMENTS (24 CFR PART 75.19):*(a) Employment and training:*

- (1) To the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, recipients covered by this subpart shall ensure that employment and training opportunities arising in connection with Section 3 projects are provided to Section 3 workers within the metropolitan area (or nonmetropolitan county) in which the project is located.
- (2) Where feasible, priority for opportunities and training described in paragraph (a)(1) of this section should be given to:
 - (i) Section 3 workers residing within the service area or the neighborhood of the project, and
 - (ii) Participants in Youth Build programs.

(b) Contracting:

(1) To the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, recipients covered by this subpart shall ensure contracts for work awarded in connection with Section 3 projects are provided to business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the project is located.

(2) Where feasible, priority for contracting opportunities described in paragraph (b)(1) of this section should be given to:

- (i) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project, and

- (ii) Youth Build programs.

FREQUENTLY ASKED QUESTIONS

for

SECTION 3

Published: March 25, 2021

The following is a guidance document published by the Department of Housing and Urban Development Office of Field Policy and Management for the purpose of providing answers to frequently asked questions about Section 3 of the HUD Act of 1968 (12 U.S.C § 1701u) and its associated regulations (24 C.F.R. Part 75). This document is intended to provide guidance for Section 3 funding recipients, subrecipients, contractors, subcontractors, workers, and other stakeholders.

This guidance document covers questions in several topic areas and is divided into parts that contain questions on that part's topic.

I. GENERAL QUESTIONS REGARDING SECTION 3:

1. What is Section 3?
2. What Do “Best Efforts” and “to the Greatest Extent Feasible” Mean?
3. What Does “Section 3 Worker” Mean?
4. What Does “Targeted Section 3 Worker” Mean?
5. What Does “Section 3 Business Concern” mean?
6. How are low-income and very low-income determined?
7. What is YouthBuild?
8. As a funding recipient, what are my Section 3 reporting goals?
9. How does Section 3 differ from the Minority Business Enterprise/Women Business Enterprise programs?
10. What is a Section 3 project?
11. Who is considered a recipient of Section 3 funding?
12. What are funding thresholds and how do they apply to Section 3 covered financial assistance?
13. Which recipient agencies (or sources of HUD financial assistance) are required to comply with Section 3?
14. Can a non-profit organization be considered a business concern for the purposes of Section 3?
15. What is a “Service Area” or “Neighborhood of the project”?
16. What if my agency does not meet all benchmark goals for employment or contracting?
17. My agency has met all benchmark goals for employment and contracting, does this mean that we are considered in compliance with Section 3?

II. APPLICABILITY:

1. What HUD assistance does Section 3 apply to?
2. Do the requirements of Section 3 apply to grantees on a per project basis?
3. If a project is funded with non-HUD assistance, do the requirements of Section 3 still apply?
4. What recordkeeping responsibilities do contractors/subcontractors have if they receive Section 3 covered contracts?
5. Do the Section 3 requirements apply to material only contracts?
6. Do the Section 3 requirements apply to Section 8 project-based rental assistance contracts?
7. Are maintenance projects covered by Section 3?

Section 3 Frequently Asked Questions

8. Does the reduction and abatement of lead-based paint hazards constitute housing rehabilitation?
9. Are demolition projects covered by the requirements of Section 3?
10. Are professional service contracts required to be reported under Section 3?
11. Does Section 3 apply to labor hours by a CDBG-Entitlement recipient?
12. Does Section 3 apply to labor hours by a Public Housing Authority?

III. CONSISTENCY WITH OTHER LAWS:

1. Are recipients required to comply with Federal/state/local laws in addition to Section 3
2. What is the relationship between Section 3 and Davis Bacon requirements?
3. What does the new rule mean for Tribes and Tribally Designated Housing Entities?

IV. RECIPIENT RESPONSIBILITIES:

1. What are the responsibilities of recipient agencies under Section 3?
2. What are the reporting requirements for legacy contracts entered into under the old Part 135 rule?
3. What are the reporting requirements for Section 3 projects for which assistance or funds are committed during the transition period?
4. What is the reporting timeline for Public Housing Authorities and other recipients of public housing financial assistance?
5. What are the reporting requirements for Public Housing Authorities and other recipients of public housing financial assistance during the transition period?
6. What are good strategies for targeting Section 3 workers and businesses?
7. Are funds provided to recipients so that they can comply with the requirements of Section 3?
8. Are Section 3 workers or business concerns guaranteed employment or contracting opportunities under Section 3?
9. Are recipients, developers, and contractors required to provide long- term employment opportunities, and not simply seasonal or temporary employment?
10. When might a recipient agency be exempt from the quantitative reporting requirements of Section 3?
11. Are recipients required to request developers or contractors to make payments into Section 3 training or implementation funds?

V. SECTION 3 CERTIFICATION:

1. How can a prospective Section 3 worker or business concern certify that they meet the eligibility requirements?
2. What documentation must be maintained by HUD recipients, contractors and subcontractors certifying that low- and very-low individuals and business concerns meet the regulatory definitions under Section 3?
3. What are examples of acceptable evidence to determine eligibility as a Section 3 worker?
4. What are examples of acceptable evidence for determining eligibility as a Section 3 business concern?
5. Are all public housing residents considered Section 3 workers regardless of their income?
6. Does qualifying as a Section 3 businesses mean that the business will be selected if it meets the technical requirements of the bid, regardless of bid price?
7. Can contracting with MBE/WBE businesses count towards Section 3 benchmarks?
8. Does a business have to be incorporated to be considered a Section 3 eligible business?

VI. ECONOMIC OPPORTUNITIES NUMERICAL BENCHMARKS:

1. How can low- and very low-income persons and businesses locate recipient agencies that are required to comply with Section 3 in their area?
2. How can I find Section 3 business concerns in my area?
3. Do the benchmark requirements only count toward new hires?
4. Should PHA's report on staff hours?
5. What category of PHA Staff should be included?
6. Are recipient agencies required to meet the Section 3 benchmarks, or are they optional?
7. Will there be changes to the benchmark requirements?
8. What is considered "other" public construction?
9. What is the meaning of the safe harbor determination?

VII. SECTION 3 COMPLAINTS:

1. How should complaints be made?
2. Where else can I file complaints alleging denied employment and contracting opportunities?

I. GENERAL QUESTIONS REGARDING SECTION 3:

1. What is Section 3?

Section 3 is a provision of the Housing and Urban Development Act of 1968. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

2. What Do “Best Efforts” and “to the Greatest Extent Feasible” Mean?

“Best efforts” and “greatest extent feasible” are statutory terms, used in the statute in different contexts. As such, HUD uses both terms to track compliance, and there are many ways to interpret the language. Traditionally, HUD has used the terms interchangeably, as referenced in the statute, and will continue to be consistent with the statutory language. *See* 12 U.S.C. 1701u(b)-(d). These terms are integral to the statutory intent and provide flexibility, rather than administrative burden, to grantees or recipients of HUD funding.

HUD acknowledges that some perceive “best efforts” to be the more rigorous standard, while others perceive “greatest extent feasible” to be the more rigorous standard. HUD has determined not to define the difference between these two terms but rather to increase the emphasis on outcomes as a result of these efforts. A recipient's reported results will be compared to the outcome metrics defined in the benchmark notice. HUD program staff will evaluate the level of effort expended by those recipients that fail to meet the benchmark safe harbor, and thus will ensure that the statutory terms are being properly enforced. HUD included a list of examples in the regulation at 24 CFR §§ 75.15 and 75.25, including engagement in outreach efforts to generate job applicants who are Targeted Section 3

workers, providing training or apprenticeship opportunities, and providing technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).

3. What Does “Section 3 Worker” Mean?

A Section 3 worker is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories, as documented:

1. The worker’s income for the previous or annualized calendar year is below the income limit established by HUD (see Question 6 of this part I of these FAQs, below);
2. The worker is employed by a Section 3 business concern (see Question 5 of part I, below); or
3. The worker is a YouthBuild participant.

4. What Does “Targeted Section 3 Worker” Mean?

A Section 3 targeted worker for Public Housing Financial Assistance projects is a Section 3 worker who:

- (1) is employed by a Section 3 business concern; or
- (2) currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - (i) A resident of public housing or Section 8-assisted housing;
 - (ii) A resident of other public housing projects or Section 8-assisted housing managed by the PHA that is providing the assistance; or
 - (iii) A YouthBuild participant.

A Section 3 targeted worker for Housing and Community Development Financial Assistance projects is a Section 3 worker who:

- (1) is employed by a Section 3 business concern; or
- (2) currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - (i) Living within the service area or the neighborhood of the project, as defined in 24 CFR § 75.5; or
 - (ii) A YouthBuild participant.

5. What Does “Section 3 Business Concern” mean?

A Section 3 business concern is a business that meets at least one of the following criteria, documented within the last six-month period:

1. At least 51 percent owned and controlled by low- or very low-income persons;
2. Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or

3. A business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

6. How are low-income and very low-income determined?

Low- and very low-income limits are defined in Section 3(b)(2) of the Housing Act of 1937 and are determined annually by HUD. These limits are typically established at 80 percent and 50 percent of the area median individual income. HUD income limits may be obtained from:

<https://www.huduser.gov/portal/datasets/il.html>.

7. What is YouthBuild?

YouthBuild is a community-based pre-apprenticeship program that provides job training and educational opportunities for at-risk youth ages 16-24 who have previously dropped out of high school.

YouthBuild participants learn vocational skills in construction, as well as in other in-demand industries that include health care, information technology, and hospitality. Youth also provide community service through the required construction or rehabilitation of affordable housing for low-income or homeless families in their own neighborhoods.

The Division of Youth Services within the Employment and Training Administration's Office of Workforce Investment at the U.S. Department of Labor administers the YouthBuild program. Each year, more than 6,000 youth participate in approximately 210 YouthBuild programs in more than 40 states. More information can be found here: <https://www.dol.gov/agencies/eta/youth/youthbuild>.

8. As a funding recipient, what are my Section 3 reporting goals?

Your Section 3 reporting goals depend on the type of assistance you are receiving, whether public housing financial assistance or housing and community development financial assistance.

For public housing financial assistance, the benchmark for Section 3 workers is set at *25 percent* or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the PHA's or other recipient's fiscal year. The benchmark for Targeted Section 3 workers is set at *5 percent* or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the PHA's or other recipient's fiscal year. This means that the *5 percent* is included as part of the *25 percent* threshold.

For housing and community development financial assistance projects, the benchmark for Section 3 workers is set at *25 percent* or more of the total number of labor hours worked by all workers on a Section 3 project. The benchmark for Targeted Section 3 workers is set at *5 percent* or more of the total number of labor hours worked by all workers on a Section 3 project. This means that the *5 percent* is included as part of the *25 percent* threshold.

9. How does Section 3 differ from the Minority Business Enterprise/Women Business Enterprise programs?

Section 3 is both race and gender neutral. The standards provided under this regulation are based on income-level and location. Section 3 regulations were designed to encourage recipients of HUD

funding to direct employment, training, and contracting opportunities to low-income individuals, and the businesses that employ these persons within their community regardless of race and/or gender.

Minority Business Enterprise (MBE) means a business enterprise that is at least 51% owned and controlled by one or more minority or socially and economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or other similar causes.

Women's Business Enterprise (WBE) is an independent business concern that is at least 51% owned and controlled by one or more women who are U.S. citizens or Legal Resident Aliens; whose business formation and principal place of business are in the U.S. or its territories; and whose management and daily operation is controlled by a woman with industry expertise.

Section 3 standards are race and gender neutral. A minority and/or woman owned business enterprise must provide evidence that it meets at least one criterion of a Section 3 business concern outlined above in order to receive preference under Section 3. However, the Department anticipates that Section 3 will serve to support, and not impede, contract opportunities for minority business enterprises.

The MBE designation may provide preferences promoted by other statutes and regulations, such as goals for MBEs and other socially and economically disadvantaged businesses.

To learn more about the Minority Business Enterprise and Women Business Enterprise programs, please contact HUD's Office of Small and Disadvantaged Business Utilization at 202-708-1428, or visit their website, located at: https://www.hud.gov/program_offices/sdb.

10. What is a Section 3 project?

Section 3 projects are housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 or 1701z-2), the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 *et seq.*); and/or the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 *et seq.*). (See Question 12 of this part I of these FAQs for more detail regarding Lead Hazard Control and Healthy Homes programs.)

The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing. The requirements of Part 75 apply to an entire Section 3 project, regardless of whether the project is fully or partially assisted under HUD programs that provide housing and community development financial assistance.

11. Who is considered a recipient of Section 3 funding?

A recipient is any entity that receives directly from HUD public housing financial assistance or housing and community development assistance that funds Section 3 projects, including, but not limited to, any State, local government, instrumentality, PHA, or other public agency, public or private nonprofit organization. It does not include contractors or any intended beneficiary under the HUD program to which Section 3 applies, such as a homeowner or a Section 3 worker.

12. What are funding thresholds and how do they apply to Section 3 covered financial assistance?

Funding thresholds are minimum dollar amounts that trigger Section 3 requirements. There are no thresholds for public housing programs. The requirements of Section 3 apply to all programs receiving public housing financial assistance regardless of the amount of assistance received from HUD. Section 3 also applies to the entirety of a mixed-finance development project as described in 24 CFR 905.604, regardless of whether the project is fully or partially assisted with public housing financial assistance.

Section 3 projects are housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000 (Lead Hazard Control and Healthy Homes (LHCHH) assistance is not included in calculating whether the assistance exceeds the \$200,000 threshold).

The threshold is \$100,000 when the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970, the Lead-Based Paint Poisoning Prevention Act, and the Residential Lead-Based Paint Hazard Reduction Act of 1992. LHCHH programs require Section 3 compliance if there is over \$100,000 of LHCHH funding for the project (neither HUD public housing financial assistance nor HUD housing and community development financial assistance is included in calculating whether the assistance exceeds the \$100,000 threshold). Recipients of LHCHH funding will also be required to comply with Section 3 regulations and report on the entirety of the project when the total amount of HUD housing and community development financial assistance to the project exceeds \$200,000 (LHCHH funding is not included in calculating whether the total assistance exceeds the \$200,000 threshold), or if any public housing financial assistance is provided.

13. Which recipient agencies (or sources of HUD financial assistance) are required to comply with Section 3?

For public housing financial assistance, Public Housing Authorities (PHAs), regardless of size or number of public housing units, are required to comply with Section 3 and its reporting requirements. However, small PHAs (fewer than 250 units) are permitted to report qualitatively as permitted under 24 CFR § 75.15(d). Some examples of those qualitative efforts are listed in the answer to Question 15.

As previously stated, Section 3 also applies to projects with more than \$200,000 in funding from housing and community development financial assistance programs. The following is a list of examples of such funds:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership
- Housing Trust Fund (HTF)
- Neighborhood Stabilization Program Grants (NSP 1, 2 & 3)
- Housing Opportunities for Persons with AIDS (HOPWA)
- Emergency Solutions Grants (ESG)
- University Partnership Grants

- Economic Stimulus Funds
- 202/811 Grants
- Lead Hazard Control Grants (\$100,000 threshold; see Question 12, above, in this part I of these FAQs)
- Healthy Homes Production Grants (\$100,000 threshold; see Question 12, above, in this part I)
- Rental Assistance Demonstration (RAD) (see most recent RAD Notice, found through HUD's RAD website, www.hud.gov/rad/)

*Note: The requirements of Section 3 typically apply to recipients of HUD funds that will be used for housing construction, rehabilitation, or other public construction. Contact Section3@hud.gov to determine applicability to a particular project/activity.

14. Can a non-profit organization be considered a business concern for the purposes of Section 3?

Yes. A non-profit organization can be a business concern. Non-profit organizations must meet the criteria of a Section 3 business concern as defined at 24 CFR § 75.5 in order to receive Section 3 preference. See response to Question 5 above.

15. What is a “Service Area” or “Neighborhood of the project”?

“Service area” or the “neighborhood of the project” means an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

16. What if my agency does not meet all benchmark goals for employment or contracting?

If reporting indicates that the agency has not met the Section 3 benchmarks, the agency must report in a method prescribed by HUD program offices on the qualitative nature of its activities and those its contractors and subcontractors pursued per 24 CFR § 75.15(b) and § 75.25(b).

Such qualitative efforts may, for example, include but are not limited to the following:

- Engaged in outreach efforts to generate job applicants who are Targeted Section 3 workers.
- Provided training or apprenticeship opportunities.
- Provided technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).
- Provided or connected Section 3 workers with assistance in seeking employment including: drafting resumes, preparing for interviews, and finding job opportunities connecting residents to job placement services.
- Held one or more job fairs.
- Provided or referred Section 3 workers to services supporting work readiness and retention (e.g., work readiness activities, interview clothing, test fees, transportation, childcare).
- Provided assistance to apply for/or attend community college, a four-year educational institution, or vocational/technical training.

- Assisted Section 3 workers to obtain financial literacy training and/or coaching.
- Engaged in outreach efforts to identify and secure bids from Section 3 business concerns.
- Provided technical assistance to help Section 3 business concerns understand and bid on contracts.
- Divided contracts into smaller jobs to facilitate participation by Section 3 business concerns.
- Provided bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.
- Promoted use of business registries designed to create opportunities for disadvantaged and small businesses.
- Outreach, engagement, or referrals with the state one-stop system as defined in Section 121(e)(2) of the Workforce Innovation and Opportunity Act

17. My agency has met all benchmark goals for employment and contracting, does this mean that we are considered in compliance with Section 3?

Yes. Recipients will be considered to have complied with Section 3 requirements, in the absence of evidence to the contrary, if they meet all benchmark goals and certify compliance with prioritization requirements found in 24 CFR § 75.9 or §75.19. However, if subsequent HUD enforcement activities reveal that the recipient has failed to comply with the recipient responsibilities set forth at 24 CFR §75.13 or §75.23, this compliance determination may be rescinded.

II. APPLICABILITY:

1. What HUD assistance does Section 3 apply to?

Section 3 applies to both:

a) Public Housing Financial Assistance –

- (i) Development assistance provided pursuant to Section 5 of the United States Housing Act of 1937 (the 1937 Act);
- (ii) Operations and management assistance provided pursuant to Section 9(e) of the 1937 Act;
- (iii) Development, modernization, and management assistance provided pursuant to Section 9(d) of the 1937 Act; and
- (iv) The entirety of a mixed-finance development project as described in 24 CFR 905.604, regardless of whether the project is fully or partially assisted with public housing financial assistance as defined in subsections (i) through (iii).

b) Housing and Community Development Financial Assistance expended for housing rehabilitation, housing construction, or other public construction. See Question #2 below for applicability thresholds.

2. Do the requirements of Section 3 apply to grantees on a per project basis?

Yes, for housing and community development financial assistance projects. Section 3 projects are housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs. See Question 12 of part I of these FAQs.

Section 3 applies to all public housing financial assistance funds, regardless of the amount of assistance from HUD.

3. If a project is funded with non-HUD assistance, do the requirements of Section 3 still apply?

Section 3 applies to projects that are fully or partially funded with HUD financial assistance. Projects that are financed with state, local or private matching or leveraged funds used in conjunction with HUD funds are covered by Section 3 if the amount of HUD funding for the project exceeds the regulatory thresholds (listed in Section I, Question #11).

For RAD projects, Section 3 applies regardless of what money is used to pay for repairs. Per the RAD Notice, “While most RAD conversions do not utilize funding covered by Section 3, HUD has established the alternative requirement that any Work required by the conversion after the RAD Closing that involves housing rehabilitation or housing construction is subject to the Section 3 requirements applicable to housing and community development activities as set forth in 12 U.S.C. 1701u(c)(2) and (d)(2) and the regulations derived from such provisions except that, with the exception of transactions receiving HUD housing and community development assistance, such as CDBG (24 CFR part 570) or HOME (24 CFR part 92), first priority for employment and other economic

opportunities shall be given to residents of public housing or Section 8 assisted housing. Otherwise, the receipt of Section 8 rental assistance does not, in itself, trigger the applicability of Section 3.”

4. What recordkeeping responsibilities do contractors/subcontractors have if they receive Section 3 covered contracts?

Recordkeeping requirements for recipients are found at 24 CFR § 75.31. Recipients are required to maintain documentation to demonstrate compliance with the regulations and are responsible for requiring their contractors/subcontractors to maintain or provide any documentation that will assist recipients in demonstrating compliance, including documentation that shows hours worked by Section 3 workers, Targeted Section 3 workers, and any qualitative efforts to comply with Section 3. Examples of documentation can be found in 24 CFR §75.31.

5. Do the Section 3 requirements apply to material only contracts?

No. Section 3 does not apply to material only contracts or those that do not require any labor. For example, a contract for office or janitorial supplies would not be covered by Section 3. In this example, Section 3 would be encouraged but not required. However, a contract to replace windows that includes the removal of existing windows and the installation of new windows would be covered due to the involvement of labor.

6. Do the Section 3 requirements apply to Section 8 project-based rental assistance contracts?

No. Section 8 project-based voucher or project-based rental assistance housing assistance payment contracts, are not covered by the statute, including properties converted through the Rental Assistance Demonstration (RAD).

7. Are maintenance projects covered by Section 3?

Yes, but only for PIH funded programs administered by Public Housing Authorities.

8. Does the reduction and abatement of lead-based paint hazards constitute housing rehabilitation?

No, reduction and abatement of lead-based paint hazards focuses on mitigating lead paint hazards only, not conducting general rehabilitation activities.

9. Are demolition projects covered by the requirements of Section 3?

Yes. Recipients of assistance covered by Section 3 should, where feasible, comply with Section 3 benchmarks.

10. Are professional service contracts required to be reported under Section 3?

No, professional service contracts for non-construction services that require an advanced degree or professional licensing are not required to be reported as a part of total Section 3 labor hours. However, this exclusion does not cover all non-construction services.

However, professional services staff labor hours are permitted to be reported and PHAs will be given credit for reporting opportunities created for professional services by including professional services labor hours in the numerator, and not in the denominator, of the reported outcome ratios. The reporting structure in the rule allows a recipient to count any work performed by a professional services Section 3 worker or Targeted Section 3 worker as Section 3 labor hours and as Targeted Section 3 labor hours (i.e., in the numerator of the calculation), even when the professional services as a whole are not counted in the baseline reporting (i.e., in the denominator of the calculation). The effect of this reporting structure is to give a recipient a bonus if they are able to report Section 3 hires in the professional services context.

11. Does Section 3 apply to labor hours by a CDBG-Entitlement recipient?

Yes. If the recipient intends to use its HUD grant to perform housing construction, rehabilitation, or other public construction and the total HUD assistance to the project exceeds \$200,000, then Section 3 applies to the project.

12. Does Section 3 apply to labor hours by a Public Housing Authority?

Yes. Section 3 applies to all Public Housing capital, operating, or development funds.

III. CONSISTENCY WITH OTHER LAWS:

1. Are recipients required to comply with Federal/state/local laws in addition to Section 3?

Yes. Compliance with Section 3 shall be achieved, to the greatest extent feasible, consistent with existing Federal, state and local laws and regulations. Accordingly, recipients of Section 3-covered assistance are required to develop strategies for meeting both the regulatory requirements at 24 CFR part 75 and any other applicable statutes or regulations.

2. What is the relationship between Section 3 and Davis Bacon requirements?

Compliance with Section 3 must be achieved consistent with the requirements of Davis-Bacon. Certain construction contracts are subject to compliance with the requirement to pay prevailing wages determined under the Davis-Bacon Act (40 U.S.C. 3141 et seq.) and implementing U.S. Department of Labor regulations in 29 CFR Part 5. Additionally, certain HUD-assisted rehabilitation and maintenance activities on public housing projects are subject to compliance with the requirement to pay prevailing wage rates, as determined or adopted by HUD, to laborers and mechanics employed in this work. (24 CFR § 965.101).

3. What does the new rule mean for Tribes and Tribally Designated Housing Entities?

After the Section 3 new rule went into effect on November 30, 2020, Tribes and Tribally Designated Housing Entities under the Indian Housing Block Grant and Indian Community Development Block Grant programs are no longer required comply with Section 3 requirements.

The new rule at 24 CFR part 75 provides that contracts, subcontracts, grants, or subgrants subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)) or subject to tribal preference requirements as authorized under 101(k) of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4111(k)) must provide preferences in employment, training, and business opportunities to Indians and Indian organizations, and are therefore not subject to the requirements of 24 CFR Part 75.

IV. RECIPIENT RESPONSIBILITIES:

1. What are the responsibilities of recipient agencies under Section 3?

Recipients are required to ensure their own compliance and the compliance of their contractors/subcontractors with the Section 3 regulations, as outlined at 24 CFR part 75. These responsibilities include but are not limited to the following:

Designing and implementing procedures to comply with the requirements of Section 3: Recipient agencies must take an **active role** in ensuring Section 3 compliance. The first step is implementing procedures to ensure that all parties, including residents, businesses, contractors, and subcontractors, comply with Section 3 and maintain records verifying that compliance.

Facilitating the training and employment of Section 3 workers: The recipient agency must act as a facilitator, connecting Section 3 workers to training and employment opportunities.

Facilitating the award of contracts to Section 3 business concerns: The recipient agency must also work to link developers and contractors with capable Section 3 business concerns. Additionally, recipient agencies, when necessary, may direct Section 3 business concerns to organizations that provide capacity-building training.

Ensuring Contractor and Subcontractor Awareness of and Compliance with Section 3 Benchmarks and responsibilities: The recipient agency is responsible for ensuring that contractors and subcontractors are aware of, and in compliance with, Section 3 requirements.

Ensuring Compliance and Meeting Numerical Benchmarks: Recipient agencies shall ensure compliance with Section 3 by assessing the hiring and subcontracting needs of contractors; regularly monitoring contractor compliance; assisting and actively cooperating with the Secretary of HUD in obtaining the compliance of contractors; penalizing non-compliance; providing incentives for good performance; and refraining from entering into contracts with any contractor that previously failed to comply with the requirements of Section 3.

Reporting Requirements: Recipient agencies must document all actions taken to comply with the requirements of Section 3 and report these activities either through the Section 3 Performance Evaluation and Registration System (SPEARS), for Public Housing financial assistance, or any reporting system designated by program areas overseeing other funding.

2. What are the reporting requirements for legacy contracts entered into under the old Part 135 rule?

On and after November 30, 2020, Section 3 regulations codified at 24 CFR Part 135 (the old rule) have not applied and will not apply to new grants, commitments, contracts, or projects. Contracts executed or projects for which assistance or funds were committed prior to November 30, 2020 are still required to adhere to the requirements of the old rule. Recipients of such assistance or funds will still be expected to maintain records of Section 3 statutory, regulatory, and contractual compliance but will no longer be required to report Section 3 compliance to HUD in SPEARS.

HUD does not require funding recipients to change or alter contracts that were in place prior to the new Section 3 requirements becoming effective on November 30, 2020.

3. What are the reporting requirements for Section 3 projects for which assistance or funds are committed during the transition period?

Projects for which assistance or funds are committed between November 30, 2020 and July 1, 2021 are subject to the new Section 3 regulations found in 24 CFR part 75, and HUD expects that funding recipients will begin following this final rule's requirements for new grants, commitments, and contracts. Recipients will be expected to maintain records of statutory, regulatory, and contractual compliance with Section 3 for these projects but will not be required to report to HUD on the requirements found in 24 CFR part 75.

During the transition period between November 30, 2020 and July 1, 2021, recipients are expected to plan and revise processes, systems, and documents to comply with the new rule's requirements. During this time, funding recipients are still required to comply with Section 3's statutory requirements by ensuring that, to the greatest extent feasible, recipients continue to direct economic opportunities generated by certain HUD financial assistance to low- and very low-income persons and businesses that provide economic opportunities to low- and very low-income persons.

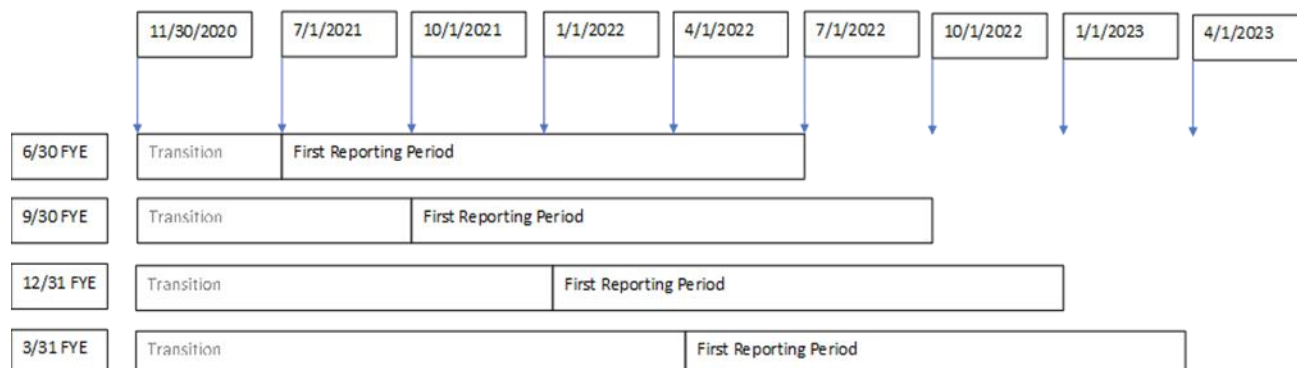
Recipients and employers should use this time to update policies and procedures for tracking labor hours and other requirements to ensure compliance with the new rules for projects for which funds are committed on or after July 1, 2021.

4. What is the reporting timeline for Public Housing Authorities and other recipients of public housing financial assistance?

As of November 30, 2020, PHAs' requirement to report their Section 3 activities and efforts starts 60 days after the end of their first fiscal year that begins after July 1, 2021. Please see the charts below for examples of PHA reporting schedules:

Fiscal Year End	New Reporting Period Begins	New Reporting Period Ends
6/30/21	7/1/21	6/30/22
9/30/21	10/1/21	9/30/22
12/31/21	1/1/22	12/13/22
3/31/22	4/1/22	3/31/23

Section 3 Transition



5. What are the reporting requirements for Public Housing Authorities and other recipients of public housing financial assistance during the transition period?

All recipients of public housing financial assistance are required to follow the new Section 3 regulations found in 24 CFR part 75 beginning on November 30, 2020, and HUD expects that funding recipients and employers will begin following this final rule's requirements for new grants, commitments, and contracts on and after this date. Recipients will be expected to maintain records of statutory, regulatory, and contractual compliance with Section 3 but will not be required to report in SPEARS on the requirements found in 24 CFR part 75 until the recipient's first full fiscal year after July 1, 2021, as indicated in Question #4 above.

During the transition period between November 30, 2020 and a PHA or other recipient's required reporting start date, employers and grantees are expected to plan and revise processes, systems, and documents to comply with the new rule's requirements. During this time, PHAs and other recipients are still required to comply with Section 3's statutory requirements by ensuring that, to the greatest extent feasible, PHA's continue to direct economic opportunities generated by certain HUD financial assistance to low- and very low-income persons, tenants of public and assisted housing, and businesses that provide economic opportunities to low- and very low-income persons.

6. What are good strategies for targeting Section 3 workers and businesses?

In order to successfully target Section 3 workers and businesses for employment and contracting opportunities, recipients must establish and maintain an effective Section 3 program. HUD has found that hiring a Section 3 coordinator or assigning one individual the responsibility of coordinating all Section 3 related activities is instrumental in reaching Section 3's employment and contracting goals.

It is recommended that recipient agencies establish procedures to certify Section 3 workers and Section 3 business concerns for employment and contracting opportunities. Thereafter, they should maintain a list of eligible workers and businesses by skill, capacity or interest and contact them on a periodic basis when employment and contracting opportunities are available. Refer to the Section 3 regulations at 24 CFR § 75.15(b) and § 75.25(b) for a listing of qualitative efforts.

7. Are funds provided to recipients so that they can comply with the requirements of Section 3?

No. Funding has not been appropriated for Section 3 compliance. Section 3 requirements are only triggered when the normal expenditure of covered funds results in employment, training, or contracting opportunities.

8. Are Section 3 workers or business concerns guaranteed employment or contracting opportunities under Section 3?

Section 3 is not an entitlement program; therefore, employment and contracts are not guaranteed. Low- and very low-income individuals and Section 3 business concerns must be able to demonstrate that they have the ability or capacity to perform the specific job or successfully complete the contract that they are seeking.

9. Are recipients, developers, and contractors required to provide long- term employment opportunities, and not simply seasonal or temporary employment?

Recipients, developers, and contractors are required, to the greatest extent feasible, to direct employment opportunities to low- and very low-income persons, including seasonal and temporary employment opportunities. Benchmark goals include the calculation of all Section 3 worker and Targeted Section 3 Worker labor hours as a percentage of all labor hours worked on a project.

Recipients, developers, and contractors are encouraged to provide long-term employment to ensure that they meet the benchmark goals.

10. When might a recipient agency be exempt from the quantitative reporting requirements of Section 3?

A Small Public Housing Agency (less than 250 units) may elect to not report on labor hours. If the agency does elect not to report on labor hours, it is required to report solely on qualitative efforts as permitted in 24 CFR § 75.15(d).

11. Are recipients required to request developers or contractors to make payments into Section 3 training or implementation funds?

No. Recipients are not required to request contractors to make payments into a fund.

V. SECTION 3 CERTIFICATION:

1. How can a prospective Section 3 worker or business concern certify that they meet the eligibility requirements?

The individual or business must contact the agency or developer from which they are seeking employment or contracting opportunities (e.g., the PHA, city, or local government). They should identify themselves as a Section 3 worker, Targeted Section 3 worker, or Section 3 business concern and provide whatever documentation that the recipient agency requires under their certification procedures. Prospective Section 3 workers and business concerns may self-certify that they meet the requirements as defined in the regulations. HUD recipients, contractors and subcontractors may also establish their own system to certify Section 3 workers and business concerns.

2. What documentation must be maintained by HUD recipients, subrecipients, contractors, and/or subcontractors certifying that low- and very-low individuals and business concerns meet the regulatory definitions under Section 3?

There are many ways that a worker can be certified as either a Section 3 Worker or Targeted Section 3 Worker under 24 CFR part 75:

For a worker to qualify as a *Section 3 worker*, one of the following must be maintained:

- (i) A worker's self-certification that their income is below the income limit from the prior calendar year;
- (ii) A worker's self-certification of participation in a means-tested program such as public housing or Section 8-assisted housing;
- (iii) Certification from a PHA, or the owner or property manager of project-based Section 8-assisted housing, or the administrator of tenant-based Section 8-assisted housing that the worker is a participant in one of their programs;
- (iv) An employer's certification that the worker's income from that employer is below the income limit when based on an employer's calculation of what the worker's wage rate would translate to if annualized on a full-time basis; or
- (v) An employer's certification that the worker is employed by a Section 3 business concern.

(2) For a worker to qualify as a *Targeted Section 3 worker*, one of the following must be maintained:

For Public Housing Financial Assistance projects:

- (i) A worker's self-certification of participation in public housing or Section 8-assisted housing programs;
- (ii) Certification from a PHA, or the owner or property manager of project-based Section 8-assisted housing, or the administrator of tenant-based Section 8-assisted housing that the worker is a participant in one of their programs;
- (iii) An employer's certification that the worker is employed by a Section 3 business concern; or
- (iv) A worker's certification that the worker is a YouthBuild participant.

For Housing and Community Development Financial Assistance projects:

- (i) An employer's confirmation that a worker's residence is within one mile of the work site or, if fewer than 5,000 people live within one mile of a work site, within a circle centered on the work site that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census;
- (ii) An employer's certification that the worker is employed by a Section 3 business concern; or
- (iii) A worker's self-certification that the worker is a YouthBuild participant.

The documentation must be maintained for the time period required for record retentions in accordance with applicable program regulations or, in the absence of applicable program regulations, in accordance with 2 CFR § 200.334, Retention Requirements for Records (www.ecfr.gov/cgi-bin/retrieveECFR?n=se2.1.200_1334), which provides for retaining records for at least three years, as described in detail in that regulation..

A PHA or recipient may report on Section 3 workers and Targeted Section 3 workers for five years from when their certification as a Section 3 worker or Targeted Section 3 worker is established.

3. What are examples of acceptable evidence to determine eligibility as a Section 3 worker?

HUD does not prescribe that any specific forms of evidence to establish Section 3 eligibility. Acceptable documentation includes, but is not limited to the following:

- Proof of residency in a public housing project; or
- Evidence of participation in the YouthBuild program.

4. What are examples of acceptable evidence for determining eligibility as a Section 3 business concern?

HUD does not prescribe that any specific forms of evidence be required to establish Section 3 eligibility. The business seeking the preference must be able to demonstrate that they meet one of the following criteria:

1. At least 51 percent owned and controlled by low- or very low-income persons;
2. Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
3. A business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

5. Are all public housing residents considered Section 3 workers regardless of their income?

No. To qualify as a Section 3 Worker, an individual must meet one of the following criteria:

1. The worker's income for the previous or annualized calendar year is below the income limit established by HUD;
2. The worker is employed by a Section 3 business concern; or
3. The worker is a YouthBuild participant.

6. Does qualifying as a Section 3 businesses mean that the business will be selected if it meets the technical requirements of the bid, regardless of bid price?

No. As provided in 2 CFR 200.318, contract awards shall only be made to responsible contractors possessing the ability to perform under the terms and conditions of the proposed contract. In order to meet the requirements of Section 3 and Federal and state procurement laws, recipient agencies must develop procedures that are consistent with all applicable regulations.

7. Can contracting with MBE/WBE businesses count towards Section 3 benchmarks?

It depends. Section 3 is race and gender neutral. Only MBEs/WBEs that meet the eligibility criteria as a Section 3 business concern set forth in the regulation can be counted towards the Section 3 labor hour calculation.

8. Does a business have to be incorporated to be considered a Section 3 eligible business?

No. A Section 3 business concern can be any type of business, such as a sole proprietorship, partnership, or a corporation, properly licensed and meeting all legal requirements to perform the contract under consideration.

VI. ECONOMIC OPPORTUNITIES NUMERICAL BENCHMARKS:

1. How can low- and very low-income persons and businesses locate recipient agencies that are required to comply with Section 3 in their area?

To find local recipients' agencies, Section 3 residents or businesses should contact their local HUD office. To find your closest office, visit: www.hud.gov/localoffices.

2. How can I find Section 3 business concerns in my area?

Contact local recipient agencies to find Section 3 business concerns in your area. Section 3 business concerns that have registered in the Section 3 Business Registry are also available at: <https://portalapps.hud.gov/Sec3BusReg/BRegistry/BRegistryHome>.

3. Do the benchmark requirements only count toward new hires?

No, the rule does not apply to only new hires, but if someone is currently on staff and qualifies as a Section 3 resident under 24 CFR part 135, they will need to re-certify as either a Section 3 worker or Targeted Section 3 worker under 24 CFR part 75.

4. Should PHA's report on staff hours?

Yes, but not all PHA staff qualify as Section 3 workers. Only PHA staff that meet the definition of a Section 3 worker or Targeted Section 3 worker would qualify to be counted toward total Section 3 or Targeted Section 3 labor hours. Once a PHA determines that a Section 3 worker or Targeted Section 3 worker is hired or currently employed, the PHA would just report those hours as the numerator over the total labor hours funded with public housing financial assistance as the denominator.

5. What category of PHA Staff should be included?

Both salaried and hourly workers need to be reported. There is a limited good faith assessment exception for PHAs and other recipient employers of hourly and salaried workers that are not subject to requirements specifying time and attendance reporting and do not have systems already in place to track labor hours. This exception is to address employers that do not already track labor hours without making changes in time and attendance or payroll.

6. Are recipient agencies required to meet the Section 3 benchmarks, or are they optional?

The Section 3 benchmarks are minimum targets that must be reached in order for the Department to consider a recipient in compliance. Recipient agencies are required to make best efforts, or to the greatest extent feasible, to achieve the benchmarks required for the number of labor hours performed by both Section 3 workers and Targeted Section 3 workers. If an agency fails to fully meet the Section 3 benchmarks, they must adequately document the efforts taken to meet the numerical goals (see Question #9 for a discussion of safe harbor.)

7. Will there be changes to the benchmark requirements?

The Secretary of Housing and Urban Development is required in the Benchmark Notice published in the Federal Register to review and update the Benchmarks by Federal Register notice no less frequently than once every three years.

8. What is considered "other" public construction?

Other public construction includes infrastructure work, such as extending water and sewage lines, sidewalk repairs, site preparation, and installing conduits for utility services.

9. What is the meaning of the safe harbor determination?

Recipients will be considered to have complied with the Section 3 requirements and met the safe harbor, in the absence of evidence to the contrary, if they certify that they have followed the required prioritization of effort and met or exceeded the applicable Section 3 benchmarks.

If a recipient agency or contractor does not meet the benchmark requirements but can provide evidence that they have made a number of qualitative efforts to assist low- and very low-income persons with employment and training opportunities, the recipient or contractor is considered to be in compliance with Section 3, absent evidence to the contrary (i.e., evidence or findings obtained from a Section 3 compliance review).

VII. SECTION 3 COMPLAINTS:

1. How should complaints be made?

Complaints alleging failure of compliance with this part may be reported to the HUD program office responsible for the public housing financial assistance or the Section 3 project, or to the local HUD field office. These offices can be found through the HUD website, www.hud.gov/.

2. Where else can I file complaints alleging denied employment and contracting opportunities?

You may be eligible to bring complaints under other federal laws. The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information (medical history or predisposition to disease). For more information about your rights, please contact EEOC at: www.EEOC.gov.

The Department of Labor Office of Federal Contract Compliance Programs (OFCCP) enforces, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government. More information about the services they provide can be obtained at: <http://www.dol.gov/ofccp/>.

SECTION 3 AND TARGETED SECTION 3 WORKER MAN HOUR REPORT

Activity/Project Name: _____ Address: _____

Contractor Name & Address: _____

Reporting for the Month of: _____

Identify all Section 3 and Targeted Section 3 Workers who have performed work in connection with this project to date.

NAME	CHECK IF EMPLOYEE HIRED THIS PERIOD*	REFERRAL SOURCE	INDICATE IF SECTION 3 or TARGETED SECTION 3 WORKER	# HOURS WORKED THIS PERIOD	HIRE DATE	TERMINATION DATE (if applicable)

***A completed Section 3 and Targeted Section 3 Worker Self-Certification Form for each new hire during this period, is included with this report.**

For the period of this report, indicate:

1. Total # of man hours worked by:

All employees: _____ Section 3 Workers: _____ Targeted Section 3 Workers: _____

2. What percentage of man hours were worked by Section 3 and Targeted Section 3 employees? _____

- Regarding your efforts to recruit Section 3 low-income workers from the targeted groups and neighborhoods -

3. Have you placed signs/posters in prominent places at the project site(s)? ☐ YES (provide photos) ☐ NO

4. Have you distributed employment flyers to the local Housing Authority? ☐ YES (provide date(s) ____) ☐ NO

5. Describe other recruitment efforts: _____

I hereby certify that the above information is true and correct

Print Name: _____ Title: _____

Signature: _____ Date: _____

Section 3 and Targeted Section 3 Worker Self-Certification

*The purpose of HUD's Section 3 program is to provide employment, training and contracting opportunities to low-income individuals, particularly those who are recipients of government assistance for housing or other public assistance programs. **Your response is voluntary, confidential, and has no effect on your employment.***

1. Is your individual annual income at or below \$41,350? ☐ YES ☐ NO
If YES, please continue completing the form. If NO, no further action is needed.
 2. Are you a resident of public housing? ☐ YES ☐ NO
 3. Are you a recipient of a Housing Choice Voucher (Section 8)? ☐ YES ☐ NO
 4. Are you a resident of Hillsborough County? ☐ YES ☐ NO
If NO, in which county do you reside? _____
-

Section 3 Worker (as defined below):

- A low or very low-income resident (the worker's income for the previous or annualized calendar year is below the income limit established by HUD); or
- Employed by a Section 3 business concern; or
- A YouthBuild participant.

OR

Targeted Section 3 Worker for Public Housing (as defined below):

- Employed by a Section 3 business concern; or
- Currently meets or when hired met at least one of the following categories as documented within the past five years:
 - A resident of public housing; or
 - A resident of other public housing projects or Section 8-assisted housing; or
 - A YouthBuild participant.

OR

Targeted Section 3 Worker for Housing and Community Development (as defined below):

- Employed by a Section 3 business concern; or
- Currently meets or when hired met at least one of the following categories as documented within the past five years:
 - Living within the service area* or the neighborhood of the project, as defined below; or
 - A YouthBuild participant.

*Service Area is defined as an area within 1 mile of the Section 3 project or, if fewer than 5,000 people live within 1 mile of the Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census

Section 3 and Targeted Section 3 Worker Self-Certification

A Section 3 Worker seeking certification shall self-certify that the individual is a Section 3 or Targeted Section 3 Worker as defined in 24 CFR Part 75 (see below). Upon completion, submit this form to the recipient contractor or subcontractor.

Select from *ONE* of the following two options below:

As defined above, I qualify as a:

☐ Section 3 Worker

☐ Targeted Section 3 Worker

Employee Affirmation

I affirm that the above statements are true, complete, and correct to the best of my knowledge and belief. I hereby certify, under penalty of law, that the following information is correct to the best of my knowledge.

Print Name: _____ Date Hired: _____

Address: _____

Signature: _____ Date: _____

FOR ADMINISTRATIVE USE ONLY

Is the employee a Section 3 Worker based upon their self-certification? ☐ YES ☐ NO

Is the employee a Targeted Section 3 Worker based upon their self-certification? ☐ YES ☐ NO

Was this an applicant who was hired as a result of the Section 3 project? ☐ YES ☐ NO

If Yes, what is the name of the company? _____

What was the date of hire? _____

**EMPLOYERS MUST RETAIN THIS FORM IN THEIR SECTION 3 COMPLIANCE FILE
FOR FIVE YEARS.**