



Dayton Metropolitan Housing Authority
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Supplemental Instruction to Bidder's/Offerors for Section 3 Compliance

DMHA Section 3 Goals

All contractors and subcontractors shall take necessary actions to the greatest extent feasible to meet the following goals.

Section 3 Employment Goals		
Contractors	New Hires and Trainees	30% of workforce
Any Tier Subcontractors	New Hires and Trainees	30% of workforce
Section 3 Contracting Goals		
Contractors	Subcontract Awards	10% of dollar amount of contract
Any Tier Subcontractors	Subcontract Awards	10% of dollar amount of contract

The contractor and subcontractor shall document their efforts towards meeting these goals as outlined below.

Bid/Proposal Phase

Bidder/offeror not claiming a section 3 preference:

Bidder/offeror not claiming a section 3 preference during the bid/proposal phase shall submit the following forms with their bid/offer. Failure to complete, execute and submit all forms will render the bidder/offer non-responsive and their bid/offer will **not** be considered.

- Form sec3-014, Section 3 Strategy Commitment and Compliance Assessment
- Form sec3-017, List of Current (pre-bid) Employees

Bidder/offeror claiming a Section 3 Business Concern preference:

A bidder/offeror claiming a Section 3 Business Concern preference must submit Section 3 required certification documents either prior to bid/offer submission or with the bid/offer. To qualify, the party wishing to claim a Section 3 preference shall complete the following forms and submit them either prior to or with the bid/offer for which qualification is sought:

- For all** individual, sole proprietorship, partnership, corporation or joint venture claiming a Section 3 preference claiming a 51% ownership by a Section 3 qualified individual.
 - Form sec3-014, Section 3 Strategy Commitment and Compliance Assessment
 - Form sec3-017, List of Current (pre-bid) Employees
 - Form sec3-014, Qualifying for a Section 3 Preference
 - Form sec3-001, Section 3 Business Concern Application and all required supporting documentation
- For businesses claiming 30% of their current full-time workforce qualify as section 3 residents, or within three years of the date of first employment with the business concern were section 3 residents**
 - Form sec3-014, Section 3 Strategy Commitment and Compliance Assessment
 - Form sec3-017, List of Current (pre-bid) Employees
 - Form sec3-004, Section 3 Contractor or Subcontractor Payroll Report Complete for each F/T employee who has been employed at least one month. (this includes all employees of the company)
 - Form sec3-002, Section 3 Business Employee List and all required supporting documentation
 - Form sec3-003, Section 3 Resident Preference Claim Form and all required supporting documentation (to be completed

for each section 3 resident claimed in meeting the 30% threshold)

- Form sec3-004, Section 3 Resident or Employee Household Income Certification (to be completed for each section 3 resident claimed in meeting the 30% threshold)
- For businesses claiming to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) above**
 - Form sec3-014, Section 3 Strategy Commitment and Compliance Assessment
 - Form sec3-017, List of Current (pre-bid) Employees
 - Form sec3-012, List of Subcontractors (this list must demonstrate that 25% of the total dollar award of all subcontracts to be awarded to Section 3 business concerns)
 - Form sec3-001, Section 3 Business Concern Application and all required supporting documentation for each individual, sole proprietorship, partnership, corporation or joint venture claimed on the subcontractor list.
 - Form sec3-003, Section 3 Resident Preference Claim Form and all required supporting documentation (to be completed for each section 3 owner/employee claiming Section 3 resident status as a subcontractor)
 - Form sec3-004, Section 3 Resident or Employee Household Income Certification (to be completed for each section 3 owner/employee claiming Section 3 resident status as a subcontractor)

Completing the Section 3 Strategy Commitment

In completing the Section 3 Strategy Commitment, the bidders/offeror's efforts shall be directed towards identifying methods to achieve success under this program, as opposed to documenting the reasons why success was not achieved. Some examples of good faith efforts include, but are not limited to the following:

Hiring:

- Target recruitment of DMHA residents for training and employment by taking steps such as:
- Prominently place a notice of commitments under Section 3 at the project site or other places where applications for training and employment are taken.

- Contact local job training centers, employment service agencies, and community organizations.
- Develop on-the-job training opportunities or participate in job training programs.
- Contact DMHA, DMHA resident councils, DMHA resident management corporations, and DMHA residents.
- Contact DMHA for a list of agencies which may be able to provide assistance regarding opportunities for training which can be utilized on this contract.
- Advertise in the local media.
- Keep a list of Section 3 area residents who apply on their own or by referral for available positions.
- Send to labor organizations or representatives of workers with whom the recipient, contractor, or subcontractor has a collective bargaining agreement or other understanding, a notice about contractual commitments under Section 3.
- Select Section 3 area residents, particularly DMHA residents, for training and employment positions.
- Provide ongoing monitoring of the program by the contractor and its subcontractors to ensure compliance and to identify problems or difficulties in meeting the requirements, and implement strategies to overcome the problems. Where problems or difficulties in meeting the goals are encountered, take aggressive efforts to rectify the matter. Such action shall include, but not be limited to convening a meeting with DMHA to advise it of the problems and proposed solutions. DMHA will offer its assistance whenever possible.

Contracting:

Target recruitment of Section 3 business concerns by taking such steps as:

- Contact Section 3 business concerns in the DMHA's directory.
- Prominently place a notice of commitment relative to Section 3 contracting at the project site and other appropriate places.
- Contact DMHA for a list of certified firms.
- Contact other organizations which might be helpful in identifying Section 3 business concerns.
- Advertise in the local media.
- Dividing total work into smaller sub-tasks (i.e. by floor);
- Using multiple firms for the same type of work (i.e. two drywall subcontractors or several plumbing suppliers);
- Exercise flexibility in utilizing Section 3 business concerns in other or additional areas than initially proposed if necessary to meet the program objectives.
- Provide ongoing monitoring of the program by the contractor and its subcontractors to ensure compliance and to identify problems or difficulties in meeting the requirements, and implement strategies to overcome the problems. Where problems or difficulties in meeting the goals are encountered, take aggressive efforts to rectify the matter. Such action shall include, but not be limited to convening a meeting with DMHA to advise it of the problems and proposed solutions. DMHA will offer its assistance whenever possible.

Pre-Award Phase

Subsequent to the submission of bids/proposals, but prior to contract award, contractors may be requested to provide additional information regarding the submissions required in the Bid/Proposal Phase. Such requests may be made in

instances where the contractor does not show sufficient detail in its required Section 3 Strategy Commitment, where the contractor's required submissions do not reflect achievement of the minimum stated goals, where the contractor has not identified the name of the Section 3 subcontractor(s) in the required submissions, or where it is deemed necessary by DMHA's Contracting Officer.

Contract Award Phase

As a condition of contract award, the contractor shall be required to enter into a Section 3 Memorandum of Understanding delineating the "greatest extent feasible" efforts required of the contractor during the term of the contract. Form sec3-016, Section 3 Memorandum of Understanding

Contract Performance Phase

The DMHA shall monitor and evaluate the contractor's Section 3 compliance towards achieving the numerical goals relative to Section 3 employment, training, and contracting on a monthly basis throughout the contract period. The contractor shall be responsible for providing the following reports to DMHA, which shall be submitted no later than 4:30 p.m., on the first business day of each month throughout the contract period:

1. Form sec3-017, Contractor's Section 3 Employment and Training Compliance Report
2. The contractor shall also ensure that for each Section 3 resident hired, form sec3-003, Section 3 Resident Preference Claim and form sec3-004, Section 3 Resident or Employee Household Income Certification are completed and submitted to DMHA. These forms shall be completed by the resident, and submitted to DMHA by the contractor with the monthly reports listed above.

The contractor shall be responsible for monitoring the compliance of any tier subcontractors. In doing so, the contractor shall require monthly reports, in the formats provided, from its lower tier subcontractors.

Determination of Compliance

Contractors and their subcontractors may demonstrate compliance with Section 3 by meeting the commitments stated on the Form sec3-014, Section 3 Strategy Commitment and Compliance Assessment and by meeting the employment and contracting numerical goals set forth above. Contractors who do not meet their commitment shall have the burden of demonstrating through the submission of supporting documentation, why it was not feasible to meet the numerical goals. It is expected that contractors who put forth a good faith effort will be successful in meeting the goals relative to employment and contracting.

Effects of Non-Compliance

Contractors that do not meet the numerical goals set forth herein have the burden of demonstrating why it was not feasible to meet the goals. DMHA shall consider documentation provided by the contractor evidencing impediments encountered despite actions taken to comply. Such evidence shall be subject to the satisfaction of DMHA. The documentation may be subject to the examination of DMHA's Board of Commissioners prior to the award of any future contract awards. Contractors found not to be in compliance with the provisions of Section 3 may be deemed ineligible for future contract awards with DMHA.

If you did not receive the forms with the invitation for Bid/Request for Proposal, please contact:

**DMHA. Attn: Cherish L. Cronmiller
Section 3 Compliance Office
400 Wayne Avenue
Dayton Oh 45410-1106**

**Telephone: 937-910-7617
Fax: 937-910-7689**

SECTION 3 BUSINESS CERTIFICATION FORM

Section 3 Business Concern Representation (Public & Indian Housing Program Only)

Please use this form to indicate whether or not your firm is a Section 3 Business entity.

The Bidder represents and certifies as part of its bid that it:

- Is not a Section 3 business (please provide a listing of intended subcontractors; include name, address and phone number).

- Is a Section 3 business as indicated below (check application category and sub-category):
 - CATEGORY 1 BUSINESS:**

51% or more of the business is owned by public housing residents of a specific public housing community for which the Section 3 covered assistance is expended.

 - CATEGORY 2 BUSINESS:**

51% or more of the business is owned by residents of a public housing community or communities within the Dayton Metropolitan Housing Authority for which the Section 3 covered assistance is *not* being expended.

 - CATEGORY 3 BUSINESS:**
 - 51% or more of the business is owned by Section 3 eligible residents **and/or**
 - Will subcontract in excess of 25% of the total amount of subcontracts to category 1 or 2 Section 3 businesses as indicated on the following page.

 - CATEGORY 4 BUSINESS:**
 - Full time, permanent workforce includes 30% or more Section 3 eligible residents.
 - An entity selected to carry out a HUD Youth build Program in Montgomery County in which Section 3 covered funding is expected.

 - CATEGORY 5 BUSINESS:**

Full-time, permanent workforce includes 30% or more Section 3 eligible residents.

Please provide the following information on each intended subcontractor:

(Attach a separate sheet if necessary)

<i>Name</i>	<i>Address</i>	<i>Phone #</i>	<i>Amount of Subcontract</i>	<i>Section 3 Category</i>

APPLICATION CERTIFICATION

Title 18, Section 1001 of the U.S. Code states that any person who knowingly and willingly makes or uses a document or writing containing any false, fictitious, fraudulent statement or entity, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both. The undersigned fully understands that false statements or information are punishable under Federal and State Law, and that the business may be removed from the Dayton Metropolitan Housing Authority (DMHA) vendor list for false statements of information. The undersigned also realizes that DMHA may verify any information provided by the vendor within this Section 3 Business Certification Form.

The vendor hereby waives and releases any right the vendor may have or assert against the Dayton Metropolitan Housing Authority by virtue of its reliance on information provided by outside investigatory or informational agencies. Vendor acknowledges that DMHA will include the business (if applicable) within its database for the applicable Section 3 category. Such information may be submitted to other vendors as a form or reference the vendor may utilize in order to meet its DMHA Section 3 requirements. Nothing contained with this Section 3 Certification Form is to be interpreted as a promise by Dayton Metropolitan Housing Authority to contract with the vendor.

_____ *(Name of Corporation)*

_____ *Signature of Authorized Representative*

By: _____ *(Please Print Name of Above Signed Representative)*

Title: _____

SECTION 3 NARRATIVE ACTION PLAN

- I. Overview
 - Description of the project's work detail
 - Proposed positions for new hires (job description, if available)

- II. Describe how your company will advertise the positions

- III. Implementation Schedule
 - Provide an overview of the activities involved in executing this plan

- IV. Are there any other *creative* or *innovative* ideas your company would like to implement in order to fulfill your Section 3 compliance obligations? If yes, please describe.

- V. Can your company provide training opportunities for public housing residents as an option for meeting your Section 3 requirements? If yes, provide an overview of your training plan.