
**SECTION 3 PLAN
for
Montgomery County, Ohio**

**OFFICE OF ECONOMIC OPPORTUNITY
FAIR HOUSING EQUAL OPPORTUNITY
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Table of Contents

General Policy Statement.....	4
Purpose	5
Section 3 Contracting Policy & Procedure	6
Employment and Training Goals	7
Resident Hiring Requirements	8
Section 3 Coordinator.....	9
Assisting Contractors To Achieve Section 3 Goals	9
Preference for Contracting with Section 3 Business Concerns	10
Section 3 Business Certification	10
Efforts to Award Contract Opportunities to Section 3 Business Concerns.....	11
Employment of Section 3 Residents.....	12
Section 3 Contract Clause	13
Definitions	14
Exhibits/Forms.....	17
Exhibit 1: Section 3 Business Concern Certification Application	
Exhibit 2: Eligibility for Preference/Certification for Resident Seeking Preference for Employment	
Exhibit 3: Section 3 Contracting Policy, Procedures & Forms	

General Policy Statement

It is the policy of Montgomery County, Ohio to require its contractors to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

In addition, Montgomery County, Ohio has adopted a Section 3 plan to establish policy that ensures economic opportunities for low and very low income persons residing in Montgomery County. Montgomery County implements this policy through the awarding of contracts to contractors, vendors, and suppliers that create employment and business opportunities for qualified low- and very low-income persons residing in Montgomery County and specifically in areas targeted by the County for redevelopment using federal monies.

The Section 3 policy shall result in a reasonable level of success in the recruitment, employment, and utilization of low-income residents and businesses by County (and subrecipient) contractors working on contracts partially or wholly funded with United States Department of Housing and Urban Development (HUD) monies. The County's Community Development Office shall examine and consider a contractor's or vendor's potential for providing employment and business opportunities to low-income residents prior to acting on any proposed contract award.

Section 3 Purpose

U.S. Code Title 12, Chapter 13, Section 1701(u) states “the Congress finds that:

- (1) Federal housing and community development programs provide State and local governments and other recipients of Federal financial assistance with substantial funds for projects and activities that produce significant employment and other economic opportunities;
- (2) low- and very low-income persons, especially recipients of government assistance for housing, often have restricted access to employment and other economic opportunities;
- (3) the employment and other economic opportunities generated by projects and activities that receive Federal housing and community development assistance offer an effective means of empowering low- and very low-income persons, particularly persons who are recipients of government assistance for housing; and
- (4) prior Federal efforts to direct employment and other economic opportunities generated by Federal housing and community development programs to low- and very low-income persons have not been fully effective and should be intensified.”

This section also states that “it is the policy of the Congress and the purpose of this section to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.”

Therefore, Montgomery County established this Section 3 Plan to ensure that employment and other economic and business opportunities generated by the Department of Housing and Urban Development (HUD) financial assistance, to the greatest extent feasible, are directed to low- and very low-income persons, especially recipients of government-assistance for housing and business concerns that provide economic opportunities to low- and very-low income persons.

Section 3 Contracting Policy and Procedure

Montgomery County will include Section 3 policy in all procurements generated for use with HUD funding.

This policy and procedure contains goal requirements for awarding contracts to Section 3 Business Concerns.

All contractors/businesses seeking Section 3 preference must, before submitting bids/proposals to the County or its subrecipients, be required to complete certifications, as appropriate, as acknowledgement of the Section 3 contracting and employment provisions required by this section. Such certifications shall be adequately supported with appropriate documentation as referenced in the form.

Section 3 Employment & Training Goals

It is the policy of Montgomery County, Ohio to utilize residents and other Section 3 eligible persons and businesses in contracts partially or wholly funded with monies from the U.S. Department of Housing and Urban Development (HUD). The County has established employment and training goals that contractors and subcontractors should meet in order to comply with Section 3 requirements as referenced in 24 CFR 135.30. The numerical goal is thirty percent (30%) of the aggregate number of new hires in any fiscal year.

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

The Section 3 Contract Clause specifies the requirements for contractors hired for Section 3 covered projects. The Section 3 Clause must be included in all Section 3 covered projects. The Section 3 Contract Clause is included as a part of this plan.

Resident Hiring Requirements

Montgomery County has established a numerical goal for new hires for contractors on Section 3 eligible projects. This goal is thirty percent (30%) of the aggregate number of new hires in any fiscal year.

In addition, Montgomery County has adopted the following fiscal scale for resident hiring that is to be used on all construction contracts, service contracts and professional service contracts that contain a labor component.

RESIDENT HIRING SCALE

TOTAL LABOR DOLLARS USE TOTAL CONTRACT AMOUNT FOR SERVICE CONTRACTS	RESIDENT AS A % OF TOTAL LABOR DOLLARS
Labor dollars \$100,000, but less than \$200,000	9% of the labor dollars
At least \$200,000, but less than \$300,000	8% of the labor dollars
At least \$300,000, but less than \$400,000	7% of the labor dollars
At least \$400,000, but less than \$500,000	6% of the labor dollars
At least \$500,000, but less than \$1 million	5% of the labor dollars
At least \$1 million, but less than \$2 million	4% of the labor dollars
At least \$2 million, but less than \$4 million	3% of the labor dollars
At least \$4 million, but less than \$7 million	2% of the labor dollars
\$7 million or more	1 - ½% of the labor dollars

With this sliding formula, it is expected that an appropriate number of residents with particular qualifications or willingness to begin unskilled labor will be able to participate in contracted labor efforts. A prime contractor, through its subcontractor(s), may satisfy the Montgomery County resident hiring requirement set forth above in one of the following manners:

1. Subcontract or joint venture with a resident owned business. The business must be 51% or more owned by a qualifying low-income resident, or subcontract/joint venture with a business that employs full-time, 30% or more low and very-income individuals residing within Montgomery County.

2. Direct hiring of Montgomery County low and very low-income neighborhood residents based on the Resident Hiring Scale.

Section 3 Coordinator

In order for Montgomery County to implement the Section 3 plan and maintain compliance with its various components, the County will identify a Section 3 Coordinator to serve as the liaison between the County, its contractors, subcontractors, HUD and Section 3 residents and business concerns.

Assisting Contractors to Achieve Section 3 Goal Hiring and Contracting Goals

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

- Requiring the contractor to present a list, to the Section 3 Coordinator, of the number of subcontracting and/or employment opportunities expected to be generated from the initial contract.
- Providing contractor with a list of Section 3 business concerns interested and qualified for construction projects.
- Assisting the contractor as appropriate with advertising employment opportunities and subcontracting opportunities to the community.
- Reviewing the new hire clause with contractors and subcontractors to ensure that the requirement is understood. *It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to employ Section 3 program participants before any other person, when hiring additional employees needed to complete proposed work to be performed with HUD (federal) funds.*

Preference for Contracting with Section 3 Business Concerns

Montgomery County, in compliance with Section 3 regulations, will require contractors and subcontractors (including professional service contractors) to direct their efforts toward contracts to Section 3 business concerns in the following order to priority:

Category 1: Business concerns that are 51% or more owned by Section 3 resident(s), or whose full-time, permanent workforce includes 30% of Section 3 residents as employees.

Category 2: HUD Youthbuild programs being carried out in Montgomery County in which Section 3 covered assistance is expended.

Category 3: Business concerns that subcontract in excess of 25% of the total amount of subcontracts to Section 3 business concerns.

Contractors and subcontractors are expected to extend, to the greatest extent feasible, efforts to achieve the numerical goals established by Montgomery County.

Section 3 Business Certification

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with Montgomery County or its subrecipients shall complete the *Section 3 Business Concern Application*, which can be obtained from the Montgomery County Section 3 Coordinator.

The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

Certifications for Section 3 preference for business concerns must be submitted to the Section 3 Coordinator prior to the submission of bids for approval. If the Section 3 Coordinator previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid.

Efforts to Award Contract Opportunities To Section 3 Business Concerns

Montgomery County and its subrecipients will use the following methods to notify and contract with Section 3 business concerns when contracting opportunities exist.

- Advertise contracting opportunities via newspaper, mailings, posting notices that provide general information about the work to be contracted and where to obtain additional information.
- Provide written notice of contracting opportunities to all known Section 3 business concerns. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to the bid invitation.
- Contact business assistance agencies, Minority and Women's Business Enterprise (M/WBE) contractor associations and community organizations to inform them of contracting opportunities and to request their assistance in identifying Section 3 businesses.

Contractor's Requirements in Employing Section 3 Residents

Under Montgomery County's Section 3 Plan, contractors and subcontractors are required to provide employment opportunities for open positions to Section 3 residents/ participants in the priority order listed below:

- a) Category 1** – Residents of government-assisted housing or meet the income guidelines in the neighborhood area in which the contract shall be expended;
- b) Category 2** – Residents of government-assisted housing in other qualifying low-income areas in Montgomery County;
- c) Category 3** – Participants in HUD Youthbuild program being carried out in the project boundary area.
- d) Category 4** – Montgomery County residents who meet the income guidelines for Section 3 preference (refer to Section 3 Income Limits).

After the award of contracts, the contractor must, prior to beginning work, inform the Montgomery County's Section 3 Coordinator of the following:

- Names of the Section 3 business concerns to be utilized,
- Estimates of the number of employees to be utilized for contract,
- Projected number of available positions, to include job descriptions and wage rates (construction wages consistent with Davis Bacon),
- Efforts that will be utilized to seek Section 3 participants. (See Exhibit 2)

Section 3 Clause

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

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

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

C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

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

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

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

Definitions

Applicant – Any entity which makes an application for Section 3 covered assistance, and includes, but is not limited to, any State, unit of local government, public housing agency or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association.

Assistant – the Assistant Secretary for Fair Housing and Equal Opportunity.

Business Concern – a business entity formed in accordance with State law, and which is licensed under State, county or municipal law to engage in the type of business activity for which it was formed.

Contractor - any entity which contracts to perform work generated the expenditure of Section 3 covered assistance, or for work in connection with a Section 3 covered project.

Employment Opportunities Generated by Section 3 Covered Assistance – all employment opportunities generated by the expenditure of Section 3 covered public assistance (i.e., operating assistance, development assistance and modernization assistance, (as described in Section 135.3 (a) (1)). With respect to Section 3 covered housing and community development assistance, this term means all employment opportunities arising in connection with Section 3 covered projects (as described in Section 135.3 (a) (2)), including management and administrative jobs. Management and administrative jobs include architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities, e.g., construction manager, relocation specialist, payroll clerk, etc.

Housing Authority (HA) – Public Housing Agency.

Housing Development – low-income housing owned, developed, or operated by public housing agencies in accordance with HUD's public housing program regulations codified in 24 CFR Chapter IX.

HUD Youthbuild Programs – programs that receive assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899), and provide disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low- and very low-income families.

Low-income person – families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families.

Metropolitan Area – a metropolitan statistical area (MSA), as established by the Office of Management and Budget.

New Hires – full-time employees for permanent, temporary or seasonal employment opportunities.

Recipient – any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State unit of local government, PHA, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

Section 3 – Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

Section 3 Business Concern – a business concern, 1) That is 51 percent or more owned by Section 3 resident; or 2) Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or 3) That provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontractors to be awarded to business concerns that meet the qualifications set forth in paragraphs 1 or 2 above.

Section 3 Covered Assistance – 1) public housing development assistance provided pursuant to Section 5 of the 1937 Act; 2) public housing operating assistance provided pursuant to Section 9 of the 1937 Act; 3) public housing modernization assistance provided pursuant to Section 14 of the 1937 Act; 4) assistance provided under any HUD housing or community development program that is expended for work arising in connection with housing rehabilitation, construction, or other public construction project (which includes other buildings or improvements, regardless of ownership).

Section 3 Clause – the contract provisions set forth in Section 135.38.

Section 3 Covered Contracts – a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project. Section 3 covered contracts do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation (FAR). Section 3 covered contracts also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Section 3 Covered Project - the construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

Section 3 Resident – a public housing resident or an individual who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended and who is considered to be a low-to very low-income person.

Subcontractor – any entity (other than a person who is an employee of the contractor) which has a contract with a contractor to undertake a portion of the contractor's obligation for the performance of work

generated by the expenditure of Section 3 covered assistance, or arising in connection with a Section 3 covered project.

Very low-income person – families (including single persons) whose income do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Exhibit 1

Section 3 Business Concern Certification Application

Dear Business Owner:

This is your invitation to become certified as a Section 3 business concern. As part of our effort to promote contract, employment and training opportunities for all Montgomery County businesses in compliance with federal Section 3 regulations, Montgomery County has created this simple Section 3 certification application process. The County is seeking to extend the benefits of and to promote compliance with Section 3 by (1) identifying Section 3 business concerns and (2) targeting Section 3 business concerns for contract opportunities.

As a certified Section 3 business concern, you will be provided opportunity to contract with Montgomery County and its subrecipients on HUD-funded projects within the County.

There are two ways to receive designation as a Section 3 business concern. Your company will qualify if (1) it is owned by one or more Section 3 residents, or (2) 30% or more of its full time permanent workforce are Section 3 Residents. Verification of status under either of these options can be attained by completing the appropriate form: Form S3-A for “*Section 3 Business Concern – Resident Business Owner(s)*” or Form S3-B, “*Section 3 Business Concern – 30%+ Workforce*”. **YOU NEED ONLY SUBMIT THE BUSINESS CONCERN APPLICATION FORM WITH EITHER S3-A OR S3-B TO BE ELIGIBLE FOR SECTION 3 CERTIFICATION.**

Please answer all questions and sign the forms. Please then forward the form via email to Matt Dunn at dunnm@mcoho.org or by postal mail to:

Matt Dunn, Section 3 Coordinator
Community and Economic Development Department
Montgomery County
451 West Third Street, 10th Floor
Dayton, Ohio 45422

If you have any questions or concerns, please feel free to contact Matt Dunn at (937) 224-3850.

SECTION 3 BUSINESS CONCERN APPLICATION

Business Name:																				
D.B.A. (if different from above):																				
Address:	City:	State/Zip:																		
Business Phone: ()	Fax: ()																			
E-Mail:	Business Website:																			
Employer Identification Number:	Owners Social Security Number (if no EIN):																			
Contact Person & Title:	Contact Phone:																			
<p>Trade Description:</p> <table style="width:100%; border:none;"> <tr> <td><input type="checkbox"/> Carpentry</td> <td><input type="checkbox"/> Heating (HVAC)</td> <td><input type="checkbox"/> Electrical</td> </tr> <tr> <td><input type="checkbox"/> Painting</td> <td><input type="checkbox"/> Masonry Restoration</td> <td><input type="checkbox"/> Asbestos</td> </tr> <tr> <td><input type="checkbox"/> Plumbing</td> <td><input type="checkbox"/> Roofing</td> <td><input type="checkbox"/> Lead Abatement</td> </tr> <tr> <td><input type="checkbox"/> GC</td> <td><input type="checkbox"/> Exterminating</td> <td><input type="checkbox"/> Carpet/Flooring</td> </tr> <tr> <td><input type="checkbox"/> Boiler/Burner Replacement</td> <td><input type="checkbox"/> Rubbish Removal</td> <td><input type="checkbox"/> Ironwork</td> </tr> <tr> <td><input type="checkbox"/> Accountant Services</td> <td><input type="checkbox"/> Legal Services</td> <td><input type="checkbox"/> Demolition</td> </tr> </table> <p><input type="checkbox"/> Other _____</p>			<input type="checkbox"/> Carpentry	<input type="checkbox"/> Heating (HVAC)	<input type="checkbox"/> Electrical	<input type="checkbox"/> Painting	<input type="checkbox"/> Masonry Restoration	<input type="checkbox"/> Asbestos	<input type="checkbox"/> Plumbing	<input type="checkbox"/> Roofing	<input type="checkbox"/> Lead Abatement	<input type="checkbox"/> GC	<input type="checkbox"/> Exterminating	<input type="checkbox"/> Carpet/Flooring	<input type="checkbox"/> Boiler/Burner Replacement	<input type="checkbox"/> Rubbish Removal	<input type="checkbox"/> Ironwork	<input type="checkbox"/> Accountant Services	<input type="checkbox"/> Legal Services	<input type="checkbox"/> Demolition
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<input type="checkbox"/> Accountant Services	<input type="checkbox"/> Legal Services	<input type="checkbox"/> Demolition																		
Date Business was established:																				
____ / ____ / ____	<i>Month</i>	<i>Day</i> <i>Year</i>																		
Type of Business Entity (check one):																				
<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Sole Proprietorship																		
<input type="checkbox"/> Limited Liability Corporation (LLC)	<input type="checkbox"/> Limited Liability Partnership (LLP)																			
<input type="checkbox"/> Joint Venture	Other (Describe): _____																			
Number of employees: Full-time: _____ Part-time: _____ Contract: _____																				
Total: _____																				
Section 3 employees: Full-time: _____ Part-time: _____ Contract: _____																				
Total: _____																				

Has Business worked with Montgomery County in the past? YES NO

Is yes, please provide Vendor Number:

Does Business have any special designation(s)? YES NO

If YES, check all that apply: MBE WBE Other _____

**SECTION 3 BUSINESS CONCERN
Resident Business Owner(s)**

Name of Owner: _____

Home Address: _____

Name of Business: _____

Percentage of Ownership: _____ %

Check the appropriate box for your family size and income:

Check Box	# of Persons in Household	Gross Household Income Max.
<input type="checkbox"/>	1 Person	\$34,550
<input type="checkbox"/>	2 Persons	\$39,500
<input type="checkbox"/>	3 Persons	\$44,450
<input type="checkbox"/>	4 Persons	\$49,350
<input type="checkbox"/>	5 Persons	\$53,300
<input type="checkbox"/>	6 Persons	\$57,250
<input type="checkbox"/>	7 Persons	\$61,200
<input type="checkbox"/>	8 Persons	\$65,150

I certify that I am a resident of Montgomery County and my **Total Household Income** last year was less than the amount shown above for my family size.

If the business is owned by more than one Section 3 resident, each should submit a separate Resident Business Owner Verification Form. List each owner below:

I certify that the other Section 3 residents listed below collectively own at least 51% of the business.

Name	Position	Percentage of Ownership

I certify that the information provided is true and accurate.

Print Name:	Date:
Signature:	

SECTION 3 BUSINESS CONCERN 30%+ WORKFORCE

A business can be certified as a Section 3 business concern if at least 30% of its permanent, full-time employees are currently Section 3 residents or were Section 3 residents within three years of the date of employment with the business.

For your firm to be eligible UNDER THIS CRITERIA, you must provide the following information for all permanent FT employees.

Copy this form if necessary.

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

I certify that the above statements are true, complete, and correct to the best of my knowledge and belief.

<p>Print Name: Title: Company Name: Date: Signature: _____</p>

Exhibit 2

**Montgomery County
Eligibility for Preference**

A Section 3 resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient contractor or subcontractor, if requested, that the person is a Section 3 resident, as defined in Section 135.5. (An example of evidence of eligibility for the preference is evidence of receipt of public assistance, or evidence of participation in a public assistance program.)

**Certification for Resident
Seeking Section 3 Preference for Employment**

I, _____, am a legal resident of Montgomery County and satisfy one or more of the following criteria:

- Reside in government-assisted housing; or
- Meet the income eligibility guidelines for a low- or very low-income person as published by the U.S. Department of Housing and Urban Development.

My permanent address is: _____

I have attached the following documentation as evidence of my status:

Copy of lease documentation _____ _____ _____ _____ _____ _____ _____ Other

A picture identification card and proof of current residency is also required.

Signature: _____ Date: _____
 Print Name: _____

Income Eligibility Guideline

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Very Low (50%) Income Limits	\$21,600	\$24,700	\$27,800	\$30,850	\$33,350	\$35,800	\$38,300	\$40,750
Low (80%) Income Limits	\$34,550	\$39,500	\$44,450	\$49,350	\$53,300	\$57,250	\$61,200	\$65,150

Exhibit 3

SECTION 3 CONTRACTING

POLICY & PROCEDURE

INTRODUCTION

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

Section 3 requirements apply to all contractors and subcontractors performing work in connection with projects and activities funded by assistance covered by Section 3, for contracts or subcontracts exceeding \$100,000.

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

Contractors who do not qualify as Section 3 business concerns, but who enter into contracts with Montgomery County or its subrecipients must agree to comply with certain general conditions (refer to Section 3 Clause). All contractors and subcontractors, including Section 3 businesses, must comply with these general conditions. In addition each contractor and subcontractor must submit quarterly documentation of Section 3 compliance (refer to Section 3 Compliance Report). Failure to comply with these conditions may lead to sanctions which can include termination of the contract for default and suspension or debarment from future HUD-assisted contracts.

Please direct any questions you may have regarding this information to Judy Mott, Community Development Manager at (937) 224-3641.

WHAT IS A SECTION 3 BUSINESS CONCERN?

A Section 3 Business Concern is a business concern, as defined in this section—

- That is fifty-one percent (51%) or more owned by Section 3 residents; or
- Whose permanent, full-time employees include persons, at least thirty percent (30% of whom are currently Section 3 residents, or within three years of the date of employment with the business concern were Section 3 residents; or
- That provides evidence of a commitment to subcontract in excess of twenty-five percent (25%) of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in items (1) or (2) above.

Note: A business concern seeking to qualify for Section 3 shall certify and submit evidence that the business meets one of the guidelines stated above. (Refer to Section 3 Business Concern Certification Application – Exhibit 1)

WHO IS A SECTION 3 RESIDENT?

For purposes of Montgomery County, a Section 3 resident is:

- A resident of government-assisted housing;
- An individual who lives in Montgomery County and whose income falls below HUD's published guidelines for low- or very low income.

ORDER OF PROVIDING PREFERENCE SECTION 3 BUSINESS CONCERN

When considering the award of contracts to business concerns, and more than one Section 3 business concern is being considered, to the greatest extent possible, awards shall be made in the following order of priority:

a) Category 1 – Business owner(s) is/are resident(s) in the neighborhood area in which the contract shall be expended;

b) Category 2 – Business owner(s) is/are resident(s) of government-assisted housing in other qualifying low-income areas in Montgomery County;

c) Category 3 – Business owner(s) hires participants in HUD Youthbuild program being carried out in the project boundary area.

d) Category 4 – Business owner(s) is/are resident(s) of Montgomery County who meet the income guidelines for Section 3 preference (refer to Section 3 Income Limits).

Note: A Section 3 business concern seeking any of the above preferences shall submit evidence that it meets the guidelines of that preference.

WHAT IF MY BUSINESS DOES NOT QUALIFY AS A SECTION 3 BUSINESS?

Montgomery County and its subrecipients will, to the greatest extent feasible, offer contracting opportunities to Section 3 business concerns. However, in the event no Section 3 business bids on a contract, or bids but is not able to demonstrate to the County's satisfaction that it has the ability to perform successfully under the terms and conditions of the proposed contract, then that contract will be awarded to a non-Section 3 business concern that can meet the terms and conditions of the proposed contract through the competitive bidding process.

That business concern must meet, as all businesses must (including Section 3 businesses), the general conditions of compliance (refer to Section 3 Clause).

This will include:

1. Submitting a list of all positions necessary to complete contract, name of employees who will fill those positions, names of all other employees.
2. Posting notices of any vacant positions, including training and/or apprenticeship positions, qualifications for positions, place where applications will be received and starting date of employment.
3. To the greatest extent possible, making vacant positions, including training and/or apprenticeship positions, available to Section 3 residents (all categories) in order of priority.
4. As positions are vacated during completion of contract, following guidelines enumerated in numbers 2 and 3 above.
5. Submitting Compliance Reports as required.
6. If notified of non-compliance, correcting non-compliance within allowable time period.

ORDER OF PROVIDING PREFERENCE EMPLOYMENT OF SECTION 3 RESIDENT

When considering the employment of a Section 3 resident, the following order of priority is followed as outlined in 24 CFR 135.32:

- a) **Category 1** – Residents of government-assisted housing and those income eligible living in the neighborhood area in which the contract shall be expended;
- b) **Category 2** – Residents of government-assisted housing in other qualifying low-income areas in Montgomery County;
- c) **Category 3** – Participants in HUD Youthbuild program being carried out in the project boundary area.
- d) **Category 4** – Montgomery County residents who meet the income guidelines for Section 3 preference (refer to Section 3 Income Limits).

In all cases, applicants must meet the minimum qualifications for the position. In no instance shall it be construed that preference is given to Section 3 residents who do not meet these minimum qualifications.

SECTION 3 INCOME LIMITS

All residents of government-assisted housing qualify as Section 3 residents. Additionally, individuals residing in Montgomery County who meet the income limits set forth below can also qualify for Section 3 status.

Income Eligibility Guideline

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Very Low (50%) Income Limits	\$21,600	\$24,700	\$27,800	\$30,850	\$33,350	\$35,800	\$38,300	\$40,750
Low (80%) Income Limits	\$34,550	\$39,500	\$44,450	\$49,350	\$53,300	\$57,250	\$61,200	\$65,150

SECTION 3 Procurement Documents and Requirements

Montgomery County has initiated efforts to enhance hiring of Section 3 residents in specific procurement areas. These initiatives are designed to set the requirements for resident hiring and developing and/or strengthening administrative procedures for facilitating contractors' hiring of Section 3 residents residing in Montgomery County.

Procurement Documents

Each bidder/proposer must include a Section 3 Action Plan which indicates its commitment to meet Montgomery County's Section 3 resident hiring requirements.

If a bidder/proposer fails to submit a Section 3 Action Plan and the related data along with the bid/proposal, such bid/proposal will be declared as "non-responsive".

For Invitations for Bids ("IFB") where awards are made to the lowest, responsive and responsible bidder, the bidder's commitment to satisfy Montgomery County's resident hiring requirements may be a factor used in determining whether the bidder is "responsive".

SECTION 3 OPPORTUNITIES PLAN (SERVICE & PROFESSIONAL CONTRACTS)

The purpose of Section 3 is to ensure that jobs and economic opportunities generated by HUD financial assistance for housing and community development programs shall be directed to low and very low income persons, particularly those who are recipients of government assistance for housing and business concerns which provide economic opportunities to low and very low income persons.

The Section 3 Action Plan is to be completed for service and professional contracts. There are two ways in which Section 3 can be fulfilled:

1. Subcontract or joint venture with a Section 3 business concern. The business must be 51% or more owned by a qualifying low-income resident, or subcontract/joint venture with a business that employs full-time, 30% or more low and very-income individuals residing within Montgomery County.
2. Direct hiring of Montgomery County low and very low-income neighborhood residents based on the Resident Hiring Scale.

The completed Section 3 Action Plan must be submitted as part of the bid package for all Montgomery County HUD-funded projects in excess of \$100,000. Each contractor is required to attend a preconstruction conference with Montgomery County or its subrecipient's staff where contractual obligations will be explained, the contractor's Section 3 dollar amount will be determined, and the contractor's hiring goals will be discussed.

The Section 3 Action Plan that is submitted with the RFQ/RFP/IFB and the final copy that is submitted to the Section 3 Coordinator must be signed and include the title of person executing the plan.

A Section 3 Compliance Status Report is due quarterly and is the Contactor's communication tool on compliance with Section 3. Contractors may contact the Section 3 Coordinator with any questions regarding forms, responsibilities or requirements relative to Section 3.

SECTION 3 FORMS

Thank you for your interest in participating in Montgomery County's Section 3 Program. These next two pages and subsequent forms are meant as a guide to help you satisfy the County's Section 3 compliance reporting requirements. The information provided below identifies the attachments that must be submitted to the County, what entities must submit these attachments (contractor, sub-recipient, sub-contractor), and when these attachments must be submitted.

INITIAL DOCUMENTATION

HUD Section 3 Acknowledgement & Action Plan

- Contractors must complete and submit this form with their other bid materials
- All Sub-contractors (with contracts that exceed \$100,00 must complete and submit this form prior to the issuance of Notice to Proceed
- Please be sure to also complete as part of the Bid materials the Section 3 components of bid forms MBE6 through MBE12 and EEO1

Existing Core Workforce List

- Contractors AND all sub-contractors must submit their workforce list prior to the issuance of Notice to Proceed

CONTRACTING OPPORTUNITIES

Section 3 Covered Contracts & Professional Services Roster

- Contractors AND all sub-contractors must submit this prior to awarding contracts

COMPLIANCE REPORTING

Section 3 Business & Community Outreach Contact Logs (samples provided)

- Contractors AND all sub-contractors must submit documentation quarterly demonstrating their efforts to reach the Section 3 contracting, hiring, and training goals using appropriate forms that identify their efforts. See the samples that have been provided.

Employment & Training Opportunity Worksheet for New Hires and Trainees

- Contractors AND all sub-contractors must submit this form quarterly, identifying new employees

Quarterly Section 3 Compliance Reports

- Contractors AND sub-recipients AND all sub-contractors must submit the Summary Report of Economic Opportunities for Low Income Persons and the Summary Report of Contractors Efforts to Achieve Section 3 Compliance quarterly



HUD SECTION 3 ACKNOWLEDGEMENT AND ACTION PLAN

The Section 3 Acknowledgement and Action Plan must be completed by Contractor(s) as part of the bid package and covered sub-contractors prior to the issuance of the Notice to Proceed.

By signing below you acknowledge that you have received a copy of Montgomery County's Section 3 Action Plan and the HUD Section 3 Clause Certification and Compliance requirements stated therein.

The undersigned certifies to its commitment to comply with the County's Section 3 Plan, all Section 3 laws and regulations and to use the Dayton Metropolitan Housing Authority and the Montgomery County Job Center as ways to advertise available employment and/or training opportunities in connection with the project described below.

The undersigned further certifies that the information contained in this plan and submitted to the County and its subrecipient(s) is accurate and correct. The undersigned understands that the County or its subrecipient(s) may impose penalties and sanctions for any of the following:

- submission of false or inaccurate statements in this document and/or subsequent reports to the County;
- failure to achieve Section 3 contracting and employment goals for the project;
- failure to comply with the County's Section 3 Plan, Section 3 laws and regulations and/or its contract obligations.

I, the undersigned

Officer or Authorized Agent of Company
Printed

Officer/Agent's Title
Print

Signature

Date



HUD SECTION 3 ACKNOWLEDGEMENT AND ACTION PLAN (cont.)

For MONTGOMERY COUNTY FUNDED PROJECTS

Project Name _____

Project Address _____

Project Area _____

Bid/Award Amount _____

Contractor/Company Name _____

Company's Sec 3 Contact _____

Company Address _____

City	State	Zip
_____	_____	_____

Company Phone _____

Fed Tax Id No. _____

State Tax Id No. _____

Email of Company Contact _____

General Contractor
(if being completed by Sub) _____

Contract Award Date (to sub) _____

Montgomery County Section 3 Goals/Estimates

Instructions: This form must be completed by the Bidder and each Contractor and Subcontractor. Specify in the TOTAL column, the total number of construction dollars that your business will subcontract; the total number of non-construction dollars that your business will subcontract, and the total number of new hires to be made. Apply to those amounts the percentage indicated in the Section 3 % Goals column. The resulting number is your company's initial Section 3 goals, which the County's Section 3 Coordinator will verify.

Part 1: Project Information

Project Name: _____

Contractor/Company: _____

Section 3 Contact: _____ Contract/Bid Amount: _____

Phone Number: _____ Email: _____

Part 2: Section 3 Contracting and Employment Goals

10% of Building/Const. Contracts
(Note: Contracts for purchase of supplies and materials only are not subject to goals unless the projects includes installation of product)

3% of All Other Non Construct. Contracts
(architect, appraisal, etc.)

30% of New Hires (Note: One Sec. 3 resident must be hired when a company makes 1, 2, or 3 new hires)

	TOTAL	Section 3 % Goals	Section 3 (\$ or #) Goals*
Building Trade/ Construction Contracts		10% of TOTAL	
Non-Construction Contracts		3% of TOTAL	
New Hires		30% of TOTAL	
*(multiply the TOTAL by the Section 3 % Goal to get the Section 3 Goal # or \$)			

Complete pages MBE-6 through MBE-12 and EEO1 to document your contact with potential subcontractors as well as your own hiring.

MONTGOMERY COUNTY EXISTING CORE WORKFORCE LIST

Must be completed by all Contractors and sub-contractors **prior to issuance of Notice to Proceed**. Please include a certified payroll list with this form. If a certified payroll will be submitted to the County's Section 3 Coordinator, then you are not required to submit a duplicate certified payroll list.

Company Name: _____

Project: _____ Project No.: _____

Submitted by: _____ Telephone No.: _____

The following is a list of "Core Employees." These employees, in accordance with the definition of an Existing Core Workforce, have been on the active payroll for fifty (50) out of the last one hundred (100) business days prior to the award. The Contractor, at any tier must submit this form prior to commencing work on the project.

The Contractor shall provide to the Section 3 Coordinator or designee proof of their "Core Workforce" upon request. Alternative worksheets may be submitted only if it contains at minimum the same information shown below is contained.

Employee Name	SSN Last 4	Job Classification	Hire Date	Date Last Employed	Office Use Only

If you require additional space, please attach sheets with the appropriate information.

**MONTGOMERY COUNTY SECTION 3 COVERED CONTRACTS & PROFESSIONAL
SERVICES ROSTER**

List **all** Contractors, Firms, and Vendors that have been awarded a contract. Each Contractor and sub-contractor that will award their own contracts must also complete this form. Signify which businesses are Section 3 Business Concerns. Note: Contractors that have been awarded in excess of \$100,000 must submit a Section 3 Action Plan.

Company Name/ Contact	Service Provided	Date of Contract	% of Total Contracts Awarded	\$ of Contract	Sec. 3? Yes/No

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Contractor's Quarterly Section 3 Compliance Report
 Montgomery County Community Development Department
 Summary Report of Contract & Subcontract Activity.

All covered Contractors and subcontractors must complete this form.

Contractor Name & Address	Contact Person	Reporting Period	Date
	Telephone Number	Email Address	
	Project Description	Start Date	Completion Date
	Total Amount of Award \$	Prime Contractor o Sub-Contractor o	
Construction Contracts			
Total \$ Amount of all Contracts Awarded on the Project	Total \$ Amount of Const Contracts Awarded to Section 3 Businesses	Percentage of Total \$ Amount Awarded to Section 3 Businesses	Total No. of Section 3 Businesses Awarded Contracts
\$	\$	%	
Non-Construction Contracts			
Total \$ Amount of all Contracts Awarded on the Project	Total \$ Amount of Const Contracts Awarded to Section 3 Businesses	Percentage of Total \$ Amount Awarded to Section 3 Businesses	Total No. of Section 3 Businesses Awarded Contracts
\$	\$	%	

Office Use Only
Construction Contract Goal – 10% of total dollar amount of construction work
Section 3 Construction Contract Goal \$ _____ Achieved _____
Non-Construction Contract Goal – 3% of total dollar amount of other contracts
Non-Construction Contract Goal \$ _____ Achieved _____

Certified this ____ day of _____, 2010 By: _____

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MONTGOMERY COUNTY SECTION 3 EMPLOYMENT AND TRAINING OPPORTUNITY COMPLIANCE WORKSHEET

To be completed by Contractors and sub-contractors.

To ensure efforts are made to reach Montgomery County’s numerical goals for job placement of low-income individuals; all Contractors shall provide information on all available employment and training opportunities related to the project. This document must be submitted with certified payrolls. This is a **mandatory quarterly submittal**.

Company Name		Project Name		Project Number	
Project Start Date	Project End Date	Reported by o Prime Contractor o Subcontractor			
# of Core Employees	Proposed # of New Hires	Proposed # of Section 3 Hires	Contract Amount \$		
Proposed % of Section 3 New Hires	# of New Employees Hired for Construction Work	# of New Employees Hired for Non-Construction Work			
Office Use Only					
Name of New Hire	New Hire Job Titles	Sect. 3 Yes/No	Estimated Start Date	Estimated End Date	Office Use

Office Use Only	
Section 3 Employment Goals – 30% of new hires	Actual Hiring Goal: _____ Achieved _____

Contractor's Quarterly Section 3 Compliance Report

Montgomery County Community Development

Summary Report of Economic Opportunities for Low Income Persons

Section 3 of the HUD Act mandates that the department ensures that employment and other economic opportunities generated by its housing and community development assistance programs are directed toward low-and very low-income persons, particularly those who are recipients of government housing. The information provided will be used to monitor the program recipient's compliance with Section 3, to assess the County's efforts to meet the objectives of Section 3, prepare reports for HUD, and by recipients as a self monitoring tool. All Contractors and

Contractor Name & Address		Contact Person			Reporting Period	Date	
		Telephone Number			Email Address		
		Project Description			Start Date	Completion Date	
		Total Amount of Award \$			Prime Contractor o Sub-Contractor o		
Job Category	# of New Hires	Total No. of Hours that are New Hires	No. of New Hires that are Sec 3 Residents	Total No. of Hours that are Sec 3 Residents	No. of Sec 3 Employees & Trainees	Total No. of hours that are Sec 3 Employees & Trainees	
Total for this Reporting Period							
Total from Contract Start Date							

sub-contractors must complete and submit this form.

Certified this ____ day of _____, _____

By: _____

Contractor's Section 3 Compliance Report

For the Montgomery County Community Development Office

Summary Report of Contractor's Efforts to Achieve Section 3 Compliance. All Contractors and sub-contractors must complete this form.



Indicate below the efforts made to direct employment and other economic opportunities, to the greatest extent feasible, toward low-and very low-income persons and businesses providing opportunities to low-income persons.

Check all that Apply:

_____ Attempted to recruit low-income residents through local advertising media, and signs prominently displayed at the project site.

_____ Partnered or coordinated events with community organizations and/or public and private agencies in the area in which the project is located, or similar methods.

_____ Coordinated with Youthbuild programs in the metropolitan area in which the Section 3 Project is located.

Describe additional methods undertaken to achieve the objectives of Section 3 Compliance (attach additional pages if necessary):

Indicate what specific strategies and outreach efforts were used for contracting with Section 3 business concerns and for hiring Section 3 residents:

Contractor: _____ Project: _____

SECTION 3 BUSINESS CONTACT LOG



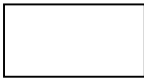
Project Name: _____

Company Name: _____

This sample form or a similar form must be maintained during the entire period of the solicitation phase and entire period of construction to record contact with businesses. Record all efforts used to meet Section 3 obligations and affix documents that support such efforts (e.g. proof of mailing, fax transmittal, e-mails, etc.).

Attach additional pages if necessary.

Date/Time	Company	Method of Contact	Contact Person	Other Efforts	Results of Communication
Example: 1/10/10/ 10:00 AM	Example: Jane Doe Contracting	Example: Fax – 651- 123-7654	Example: Jane Doe: Owner	Example: Craigslist, Twitter, Text, other social media	Example: Fax sent to Jane requesting participation. Jane thinks bus qualifies as Sec 3. Will include them as part of proposed team.



SECTION 3 COMMUNITY OUTREACH CONTACT LOG

Project Name: _____ Project Number: _____

Company Name: _____

This sample form or a similar form must be maintained during the entire period of the solicitation phase and entire period of construction to record community outreach efforts. Record all efforts used to meet Section 3 obligations and affix documents that support such efforts (e.g. proof of mailing, fax transmittal, e-mails, etc.).

Date/Time	Company	Method of Contact	Contact Person	Other Efforts	Results of Communication
Example: 1/10/10/ 11:00 AM	Example: XYZ Non- Profit	Example: Fax – 651- 123-7654	Example: Jane Doe, Owner	Example: Craigslis t, Twitter, Text, other social media	Example: Spoke to Jane Doe to coordinate a Section 3 networking event.

SECTION 3 COMPLIANCE CHECKLIST

For Recommended Use by Contractors, Sub-recipients, and Subcontractors

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Creation of Action Plan	Yes/No	Date Complete
1. I designated a Section 3 compliance officer/contact for the project		
2. I attended the project's pre-bid meeting		
3. I attended the project's pre-con meeting		
4. The County approved my Section 3 Action Plan		
5. My subcontractors with contracts in excess of \$100,000 have each submitted a complete Section 3 Action Plan to the County's Section 3 Coordinator		

Soliciting Bids/Contracting	Yes/No	Date Complete
1. I have obtained a list of certified Section 3 business concerns from the Dayton Metropolitan Housing Authority		
2. I solicited at least 3 bids from the list of Section 3 businesses for each service that requires subcontracts (I allowed adequate time for the business to respond and/or submit a proposal or bid).		
3. I provided plans and specifications or information regarding the location of plans and specifications to Section 3 business concerns.		
6. I turned to the following outreach agencies: _____ and _____; to assist with efforts to conduct outreach to meet contracting goals		
7. I recorded my efforts to subcontract to Section 3 business concerns		
8. I included my efforts and their results with the bid packet I submitted for the project		

Compliance	Yes/No	Date Complete
1. I submitted quarterly Section 3 compliance reports with the County or its subrecipient		
2. I identified the Section 3 businesses utilized for the project		
3. I identified all contractors and new hires utilized for the project		
4. I submitted the company's existing core workforce list or a certified payroll list to the County's Section 3 Coordinator or its subrecipient		

Impediments, Concerns, Enforcement	Yes/No	Date Complete
1. I have documented the efforts taken and the impediments encountered in trying to satisfy Section 3 requirements		
2. I have paid the penalty as assessed by the County		