

INTRODUCTION

The Brunswick Housing Authority is pleased to present its Section 3 Program, which will assist staff, contractors and developers in complying with the requirements of Section 3 of the HUD Act of 1968, as amended in 1994. This program will ensure that employment, training, and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, be directed to low and very-low income persons, particularly those who are public housing residents and to businesses which provide economic opportunities to low and very-low income persons.

The Authority has established goals for both hiring and contracting that, when met, will demonstrate satisfactory efforts to comply with Section 3.

The Brunswick Housing Authority, by this program, affirms its commitment to maximize, to the greatest extent feasible, the creation of employment, training, and contracting opportunities for low and very-low income persons.

The Brunswick Housing Authority also commits to providing contractors and developers with procedural assistance on all matters relating to this program, as needed, to achieve the program's goal.

Board approved: January 12, 2010

SECTION 3
IMPLEMENTATION PLAN
AND
ADMINISTRATIVE GUIDE

Table of Contents

I.	Executive Summary	2
II.	Section 3 of the Housing and Urban Development Act of 1968.....	3
III.	Outreach and Recruitment of Qualified Businesses and Residents.....	4
IV.	Self-Sufficiency/Employment Training Opportunities at BHA.....	7
V.	Procurement and Contracting.....	7
VI.	Monitoring and Compliance.....	14
VII.	Protest and Complaint Processing.....	17
VIII.	Departmental Responsibilities.....	20
	Executive Administration.....	20
	Human Resources.....	20
	Procurement	21
	Resident Initiatives	22

I. EXECUTIVE SUMMARY

The Brunswick Housing Authority (BHA) is committed to helping the residents of its communities achieve their goals of self-sufficiency by providing opportunities for training and employment. BHA provides employment opportunities on construction projects by encouraging its contractors to hire qualified residents of BHA communities, connecting residents to job training and placement activities, and providing program coordination that facilitates economic opportunities to residents. BHA also provides employment opportunities by hiring qualified residents, when feasible, of BHA communities for available BHA positions specifically for its Grounds Apprentice Program.

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1994, requires that, to the greatest extent feasible, employment and other economic opportunities generated by HUD funds be directed to low- and very low-income residents. 24 CFR Part 135 establishes the standards and procedures to be followed by Public Housing Authorities in order to ensure that the requirements of Section 3 are met.

In order to be considered by HUD to be in compliance with the provisions of 24 CFR Section 135, BHA will take four concurrent courses of action. These actions are as follows:

1. The BHA will formalize recruiting and hiring policies and practices that encourage at least 30% of the aggregate number of new hires each year at BHA to be qualifying public housing residents or other low-income city residents, where applicable and when qualified applicants submit official employment application.
2. The BHA will establish a goal that all contractors and subcontractors hire qualifying Section 3 residents for a least 30% of the new positions created as a result of contracts with BHA, where applicable and when qualified applicants can be identified as Section 3 applicants.
3. The BHA will establish a goal that at least 10% of the total dollar amount of contracts for construction, repair and rehabilitation be awarded to qualifying Section 3 business concerns. Also, that at least 3% of the total dollar amount of all other BHA contracts are awarded to qualifying Section 3 business concerns.
4. The BHA will implement efforts to request, gather and make available previous work histories and areas of experience of public housing residents who express interest in being considered for employment opportunities generated by HUD financial assistance and BHA training/apprenticeship programs and make said information available to Contractors to consider as positions become available.

II. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1994, requires that, to the greatest extent feasible, employment and other economic opportunities generated by HUD funds be directed to low- and very low-income residents. 24 CFR Part 135 establishes the standards and procedures to be followed to ensure that the objectives of Section 3 are met. The terms used in this Implementation Plan are as defined in 24 CFR Part 135.

24 CFR Part 135 requires that the BHA make best efforts to ensure that 30% of new hires of the BHA and of its contractors funded through development assistance, operating assistance or modernization assistance from HUD be residents of BHA communities. Furthermore, it requires that best efforts be made to ensure that 10% of all construction or repair related contracts and 3% of all other contracts be awarded to Section 3 business concerns. A Section 3 business concern is defined as a business concern that is 51% owned by BHA or other Section 3 residents, or 30% of whose permanent full time employees are BHA or other Section 3 residents or have been within the past three years.

In order to comply with 24 CFR Part 135, BHA is required to establish programs and procedures that facilitate the training and employment of residents of BHA communities by undertaking activities such as:

1. Publicizing the availability of positions with BHA or its contractors or subcontractors.
2. Maintaining current lists of available and qualified residents and making them available to contractors.
3. Providing job training, either independently or in conjunction with existing institutions.
4. Including negotiated provisions in all contracts specifying the number of residents of BHA communities that the contractor will hire.
5. **Maintaining lists of Section 3 business concerns and their specialties.**

(Angie) – We could quarterly or semi-annually run an AD in the Brunswick News requesting this info and refer people to our website for further information. Once we have these documents approved we should place them on our website and under this link we could have an on-going place where we could request this information.

III. OUTREACH AND RECRUITMENT OF QUALIFIED RESIDENTS AND BUSINESSES

Outreach and recruitment of qualified residents and businesses for Section 3 employment or contracting opportunities is a three-stage process that includes:

1. Recruiting residents to participate in employment training programs provided by the BHA and its partners;
2. Solicit and maintain file of interested, qualified public housing residents that includes previous employment, education levels and areas of experience
3. Notifying qualified residents of positions as they become available; and

Resident Services Responsibilities

The BHA's Resident Services Department will conduct Section 3 outreach to housing authority residents. Outreach efforts will include distribution of fliers inviting residents to submit employment information for the BHA to make available to Contractors. The Resident Services Department will work with Housing Management to ensure Section 3 information is available in Site Offices and that Site Staff encourage residents to participate if interested. Section 3 program information will also be presented during each resident's annual re-certification.

At least once a year, the Resident Services staff will prepare and distribute to each resident, information and a schedule regarding job readiness and training opportunities available to BHA residents. These will include programs sponsored by BHA, as well as training opportunities available through other resources in the community.

This catalog will include eligibility requirements and prerequisites, a contact name and number for each program or institution listed, and a contact person at the BHA who will provide application assistance. Individual flyers will be prepared and distributed to remind residents of impending programs and registration deadlines.

Section 3 Coordinator Responsibilities

The Section 3 Coordinator (a function of the COCC Administration Department) will work with all BHA internal departments, contractors, Section 3 business owners, members of the community, residents and resident councils to coordinate and monitor all activities that contribute to Section 3 compliance. The Section 3 Coordinator will:

1. Work with representatives of the construction industry to increase resident access to industry training programs.

2. Monitor outreach and recruitment efforts to ensure that eligible and qualified residents of BHA communities are aware of and successfully apply for new positions with contractors working for the BHA and for vacancies available within the BHA.
3. Monitor the status of referrals to the contractors and Section 3 placements made by Resident Services.

The BHA's Section 3 Coordinator and Site Staff will build and maintain a database of residents by conducting an agency-wide survey to collect the following information:

- Employment status
- Income and income source
- Educational level
- Self description of skills
- Job training completed, including type of training and name of organization that provided the training
- Requests for training and support services

Section 3 Coordinator and Site Staff will work together to update the database during annual re-certifications.

In addition to the goal of hiring residents at the BHA and through BHA contractors, the BHA will also use resident-owned Section 3 businesses in its contracting, subcontracting and procurement, as is feasible. It is the responsibility of the Section 3 Coordinator to:

1. Create an atmosphere of support for Section 3 businesses so that they are prepared to take advantage of Section 3 contracting opportunities. Such support may include assistance with completing bid forms, supporting Section 3 attachments and, if awarded contract, assistance with completing certified payroll reports and other operational reports regulation by HUD and BHA policy.
2. Ensure that all residents are aware of the BHA's program of support for resident owned businesses, in part by presenting the program to the resident organizations.
3. Maintain a current and complete list of BHA businesses and provide it to all contractors as part of the bid document package.
4. Ensure all BHA issued Requests for Proposals or Invitations for Bids are sent to all Section 3 businesses registered with the BHA.

5. Ensure the distribution of BHA issued Requests for Proposals or Invitation for Bids to area minority contracting associations, community development corporations, and other business assistance agencies and community organizations.

IV. SELF-SUFFICIENCY/EMPLOYMENT TRAINING OPPORTUNITIES AT THE BRUNSWICK HOUSING AUTHORITY

Jobs for residents of BHA communities, created through the Section 3 program are just one component of a successful resident employment initiative at the BHA. Section 3 applies only to new hires, and the majority of the contracting jobs created as a result of Section 3 are construction-related and thus not long term at any one site. Therefore, to maximize the benefits of its Section 3 program, BHA will employ the following techniques:

- Utilize the Section 3 Program as only one of several opportunities to provide jobs for residents that are successful participants in its self-sufficiency and apprenticeship training programs.
- Provide supportive services to help ensure the success of residents employed as a result of the provisions of Section 3.
- * Work with representatives of the construction industry to increase the access for residents of BHA communities to existing construction training programs provided by the industry.

V. PROCUREMENT AND CONTRACTING

The BHA will develop, implement and monitor procurement and contracting policies and procedures to:

- Ensure that BHA contractors and subcontractors maximize hiring of residents of BHA communities, and
- Facilitate contracting with Section 3 business enterprises.

To accomplish these goals, the BHA will employ a series of strategies, which include, but are not limited to, the following:

1. The BHA will establish standards for structuring and awarding contracts that provide incentives for full participation in the provisions of Section 3 and for enforcing the Section 3 contract provisions.
2. All Section 3 covered contracts will include the “Section 3 clause” as required by 24 CFR 135.38

3. Offering documents will include notification that the bidder/proposer must include:
 - A Schedule of Workforce and Hiring Projections
 - Section 3 Opportunities Plan, which proposes a strategy for accomplishing or exceeding the goal of hiring residents of BHA properties for at least 30% (See Section 3 of this document) of new positions that become available with the contractor or subcontractors after the contract is awarded. Any bidder/proposer's failure to present a satisfactory projection of new hires, a conscientious Section 3 Opportunities Plan and a stated goal to hire at least 30% of new employees on the job from among qualified residents may render the bid non-responsive and cause the contractor to be disqualified. In the event of comparable bids between non-Section 3 Business and Section 3 Business, the Section 3 Business will be awarded additional points during the grading scale.
4. Contractors will be required to submit, as part of their bid package, a comprehensive list of all of the firm's employees at the time the bid was submitted and those of each of the subcontractors which s/he is anticipating using. This list will indicate the name, address, race or ethnicity, gender, trade or position and whether they are residents of BHA communities. This will be the "core employee" list and will be used to determine new hires. Once a preliminary selection has been made, and before the contract is awarded, an updated list must be provided before the contract can be awarded, negotiated and executed. Similarly, when changes occur in subcontractors, the contractor shall provide the Contracting Officer with a core employment list from the contractor before executing the contract.

In reviewing bid packages, the Contracting Officer will review the Section 3 Opportunity Plan provided by the Contractor to determine if the Business complies with Section 3 guidelines. In ordering a Section 3 Opportunity Plan to be deemed complete and in compliance by the Contracting Officer, it should include the following basic components:

1. Bidder's commitment to develop and implement the Section 3 Opportunities Plan.
2. Assignment of new employees to individual journeymen to learn trades, work habits, and standards.
3. Agreement to provide to the Section 3 Coordinator with a written evaluation of employees who are BHA residents.
4. A subcontracting plan and outreach and support strategy for awarding 10% of the value of all construction subcontracts and 3% of all others to Section 3 businesses.

During the evaluation process and before any contract is awarded, the Contracting Officer will review the Section 3 Opportunity Plan to determine if it complies with BHA's policies.

Contract Size

If the estimated value of the contract is \$0 – 19,999, Section 3 requirements apply, but no additional documentation from the contractor will be required.

If the estimated value of the contract is \$20,000 - \$99,999, bidders will be required to submit a modified Section 3 Plan as follows:

1. 30% (as defined) of new employees will be hired from among qualified Section 3 residents.
2. Offering documents will include a modified Section 3 Opportunities Plan.
3. Any bidder/proposer's failure to present a modified Section 3 Opportunities Plan and a commitment to hire at least 30% of new employees on the job from among qualified Section 3 residents may render the bid non-responsive and cause the contractor to be disqualified.

If the estimated value of the contract is in excess of \$100,000, bidders will be required to submit a detailed Section 3 action plan consisting of the forms and documents listed below

1. Form 1; Existing Employee Listing
2. Form 2; Training Plan
3. Form 3; Contracting Plan
4. Form 4; Subcontracting Activity Report
5. Form 5; Section 3 Resident Affidavit
6. Form 6; Section 3 Business Concern Affidavit
7. Schedule A Acknowledgment

SECTION 3 PROCUREMENT NOTICE

The purpose of Section 3 of the Housing and Urban Development Act of 1968 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.

The Contractor will be required to hire Section 3 employees as 30% of all new hires. A new hire is defined as any persons hired after the signing of the contract. At the time of contract negotiation specific new hires will be determined based on the contractor's plan/schedule for completing the job. Positions for new hires shall not be filled

immediately prior to undertaking work in order to circumvent regulations set forth in 24 C.F.R. Part 135.

Procurement Documents

Each bidder/proposer must include a Section 3 Opportunities Plan, which indicates its commitment to meet the BHA's resident hiring requirement.

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

Section 3 Plan

The proposal submitted by the interested bidder shall include a Section 3 Plan outlining the plan of the company for incorporating Section 3 as part of the contract. Prior to the award of any contract, the contractor shall negotiate with the BHA the number of BHA residents or other Section 3 residents to be trained or employed through the contract. This number shall be subject to BHA's approval and shall be a minimum of 30% of new hires. The resulting provision will be incorporated into the contract and shall obligate the contractor to achieve the stated goal. The BHA reserves the right to review the plan and request additional information and/or changes to the plan. This plan shall include the following:

1. A narrative of the steps that will be taken to aggressively pursue and comply with Section 3.
2. Job categories of construction trade, administrative or other jobs that will be necessary on this project.
3. Total number of expected hours to be spent on the job in each of the above employee/trade categories provided throughout the life of the contract. These numbers should reflect both existing and new employee time.
4. Total number of expected new hires in each category. These numbers should reflect the total number of expected employees in each category, minus the number of existing employees in each category.
5. Total number of expected Section 3 new hires in each category. This number should reflect all the low- and very low-income individuals the contractor intends to hire in order to comply with the numerical goals of Section 3 which is 30% of all new hires (Column 8 & 9 on the attached spreadsheet).
6. Expected hire date(s) of new hires by category. This should reflect the progression of work on the project, i.e., when the workers will be needed on the project for concrete work, framing, plumbing, finish work, etc.

7. Total number of expected Section 3 new hires that the contractor will aggressively pursue. In order to maximize contractor efforts to recruit and hire Qualified Section 3 residents (see definition), the following order of priority will apply:
 - BHA public housing residents referred through training/social service programs
 - Youthbuild participants referred through training/social service programs
 - Any low- or very low-income candidates referred through training/social service programs
 - Any low- or very low-income candidates from any source
 - Any candidate through training/social service programs
 - Any candidate from any source
8. List of any anticipated needed training relating to this project. This training does not have to be exclusive to construction.
9. Type of training available and the number of expected training hours available by the contractor per the training category.
10. Narrative plan for the outreach, implementation, monitoring and enforcement of the Section 3 program.
11. A list of core employees with the bid package. This list is to include the names and dates of hire of all employees, including clerical, supervisory, warehouse and other staff for the general contractor and all subcontractors.

Compliance

The BHA will monitor contractor compliance over the life of the contract as follows:

1. Review compliance monthly and cumulatively.
2. Monitor contractor response to deficiencies in compliance.

The contractor shall provide a status report identifying its progress in meeting the Section 3 goals, as established, on a monthly basis throughout the contract period. The monthly status report shall be submitted no later than 15 days after the end of each calendar month of the contract (e.g. April 15 for March). For any goal not met, the report shall identify any other economic opportunities, which the contractor has provided or intends to provide to BHA residents. This report will provide the BHA with all information required to monitor compliance with its Section 3 plan including, but not limited to, new hires, core employees, certified payroll, workforce utilization and other relevant data to be specified.

The contractor and sub-contractors will be required to be in compliance with the Owner's Section 3 Plan throughout the duration of the contract.

Alternative Compliance

Contractors may demonstrate compliance with Section 3 by committing to employ Section 3 residents as 30% of the aggregate number of new hires for the duration of the contract.

DEFINITIONS

Core Employee - The core crew employee is an individual who is a bonafide employee of the contractor at the time the contract is awarded, and was employed by the contractor not less than 120 days prior to the contract award or worked not less than 350 hours during the 120 days preceding the contract award. The contractor is responsible for verifying that core employees are defined by and meet the criteria of the Housing Authority.

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

Low Income Persons - Families (including single persons) whose incomes do not exceed 80 percent 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 percent of the median for the area on the basis of the Secretary's finding that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families.

Very Low Income Persons - Families (including single persons) whose incomes do not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustment for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 percent 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.

Qualified Section 3 Resident - Any individual who meets the low-income or very low-income criteria, who is 18 years of age or older, who is a resident in good standing of public housing, whose name appears on the lease, or who is a resident of the surrounding community. Qualified Section 3 residents will receive recruiting and hiring priority in the following order:

- BHA residents
- Youthbuild participants
- BHA Section 8 residents
- Other low- or very low-income residents

HUD Youthbuild - HUD Youthbuild programs are programs that receive assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended, 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.

30% of New Hires/Employees - 30% of new hires/employees is calculated by dividing the total hours worked by all new hires into the total hours worked by Section 3 new hires. The result must be greater than or equal to 30% for compliance.

Section 3 Requirements for the Competitive Proposal Method of Procurement

1. For BHA contracts and subcontracts awarded under the competitive proposal method of procurement, a Request for Proposals (RFP) or a Request for Qualifications (RFQ) shall identify all evaluation factors to be used to rate proposals.
2. All BHA RFP/RFQ's shall contain Section 3 evaluation factors. The evaluation factors shall address both the preference for Section 3 business concerns and the acceptability of the strategy for meeting the greatest extent feasible requirement as disclosed in proposals. These factors shall be at least 15 percent of the total number of available points to be set aside for the evaluation of these two components.
3. With respect to the second component (the acceptability of the Section 3 strategy), the RFP/RFQ shall require the disclosure of the contractor's Section 3 strategy to comply with the Section 3 training and employment preference, or contracting preference, or both, if applicable. A determination of the offeror's responsibility will include the submission of an acceptable Section 3 strategy. The contract award shall be made to the responsible firm whose proposal is determined most advantageous, considering price and all other factors specified in the RFP/RFQ.
4. The evaluation committee shall provide a written summary explaining its scoring rationale for each of the evaluative factors.

VI. MONITORING AND COMPLIANCE

The Section 3 Coordinator, will monitor the contractor's and subcontractor's outreach and hiring practices The Contracting Officer will review the subcontracts to determine the dollar value awarded to Section 3 concerns.

All contracts will be evaluated at closing for compliance with the Section 3 program. The contractor's compliance with the program may be used to determine contractor responsibility and bid responsiveness on future contracting opportunities with The Brunswick Housing Authority.

The contractor will provide the following reports to the Section 3 Coordinator to facilitate monitoring Section 3 hiring and contracting activity, compliance with Davis-Bacon Wage

Rate requirements and the provision of economic opportunities for women and minorities.

1. Report on interview and evaluation of each BHA resident referred by the BHA that is not hired, with a copy faxed to the Section 3 Coordinator when the decision is made and the resident notified.
2. A biweekly certified list of all new hires for each contractor and subcontractor, The certified lists will include: name, address, trade, section category, gender and ethnic group or race, date hired, indication of how contact was made (BHA referral, walk-in, resident council referral, etc.)
3. A weekly certified payroll for each contractor and subcontractor. The certified payroll will indicate: trade and status (i.e., apprentice, journeyman, master, foreman, superintendent, etc.), wage rate and hours worked each day, whether claimed as Section 3 employee, name and address of each employee.
4. A copy of each subcontract when executed, with cover sheet indicating dollar value of contract and gender and race or ethnicity of 51% owner and whether or not the business is a certified Section 3 business.

The contractor shall maintain documentation of Section 3 outreach and recruitment activities available for review by the Section 3 Coordinator. Items to be made available for review include:

- Walk-in applicant list indicating which job applicants were residents of BHA communities and status of their application/employment;
- List of applicants and their application or employment status;
- Equal Employment Opportunity Policy;
- Sexual Harassment Policy; and
- Certification of non-segregated facilities.

The contractor will notify the Section 3 Coordinator in writing of any walk-in applicants or applicants recruited or interviewed through any source other than the Section 3 Coordinator. Further, in order to maximize Qualified Section 3 resident hiring, the contractor will interview and hire according to the following order of priority:

- BHA public housing residents referred through the Resident Services Department.

- Youthbuild participants referred through BHA apprenticeship training programs.
- Any low- or very low-income candidates referred through a Brunswick area social service provider
- Any low- or very low-income candidates from any source
- Any candidate from any source

The Section 3 Coordinator will be responsible for preparing the annual report to HUD on Economic Opportunities for Low-Income Persons in conjunction with Assisted Projects. (Form HUD 60002).

In the event that the Contractor experiences walk-in or on job application of a public housing resident, and the contractor does not have any opportunities available, the Contractor shall take the following information from the prospective applicant to forward to the BHA Section 3 Coordinator so that follow up may be conducted by the BHA:

- name
- public housing address

VII. PROTEST AND COMPLAINT PROCESSING

Definitions

Complaint: An allegation of noncompliance with regulations

Complainant: The party, which files a complaint with the Assistant Secretary, alleging that a recipient or contractor has failed or refused to comply with the regulations.

Noncompliance with Section 3: Failure the BHA or contractor to comply with the requirements.

Respondent: The BHA or contractor against which a complaint of has been filed.

Cooperation in Achieving Compliance

The BHA recognizes that the success of ensuring that Section 3 residents and Section 3 business concerns have the opportunity to apply for jobs and to bid for contracts generated by covered HUD financial assistance depends upon the cooperation and assistance of the housing authority, the contractors and subcontractors.

All recipients shall cooperate fully and promptly with the HUD in Section 3 compliance reviews, in investigations of allegations of noncompliance made and with the distribution and collection of data and information.

The BHA shall refrain from entering into a contract with any contractor after notification to the recipient by HUD that the contractor has been found in violation of the regulations. The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts or funding of any contractors or subcontractors during any period of debarment, suspension or otherwise ineligible status.

Filing and Processing Complaints

Who may file a complaint? The following individuals and business concerns may, personally or through an authorized representative, file with the HUD a complaint alleging noncompliance with Section 3:

1. Any Section 3 resident on behalf of himself or herself, or as a representative of persons similarly situated, seeking employment, training or other economic opportunities, or by a representative who is not a Section 3 resident but who represents one or more Section 3 residents;
2. Any Section 3 business concern on behalf of itself, or as a representative of other Section 3 business concerns similarly situated, seeking contract opportunities generated from the expenditure of Section 3 assistance from a recipient or contractor, or by an individual representative of Section 3 business concerns.

Where to file a complaint. A complaint must be filed with the BHA's Contracting Officer or with the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, DC 20410.

Time of Filing

1. A complaint must be received not later than 180 days from the date of the action or omission upon which the complaint is based, unless the time for filing is extended by the Assistant Secretary for good cause shown.
2. Where a complaint alleges noncompliance with Section 3 and the regulations of this part that is continuing, as manifested in a number of incidents of noncompliance, the complaint will be timely if filed within 180 days of the last alleged occurrence of noncompliance.
3. Where a complaint contains incomplete information, the Assistant Secretary shall request the needed information from the complainant. In the event this information is not furnished to the Assistant Secretary within sixty (60) days of the date of the request, the complaint may be closed.

Contents of Complaint

Written complaints: Each complaint must be in writing, signed by the complainant, and shall include:

- Name and address of the complainant;
- The name and address of the respondent;
- A description of the acts or omissions by the BHA that is sufficient to inform the Assistant Secretary of the nature and date of the alleged non-compliance; and
- A complainant may provide information to be contained in a complaint by telephone to HUD.

Amendment of Complaint

Complaints may be reasonably and fairly amended at any time. Such amendments may include, but are not limited to, amendments to cure, technical defects or omissions, including failure to sign or affirm a complaint, to clarify or amplify the allegations in a complaint, or to join additional or substitute respondents. Except for the purposes of notifying respondents, amended complaints will be considered as having been made as of the original filing date.

Resolution of complaint by the BHA

1. Within ten (10) days of a timely filing of a complaint, that contains complete information, the Section 3 Coordinator shall determine whether the complainant alleges an action or omission by a recipient or the recipient's contractor that if proven qualifies as noncompliance with Section 3. If a determination is made that there is an allegation of noncompliance with Section 3, the complaint shall be sent to the recipient for resolution.
2. If the Section 3 Coordinator believes that the complaint lacks merit, the Section 3 Coordinator must notify the Assistant Secretary, in writing, of this recommendation with supporting reasons, within thirty (30) days of the date of receipt of the complaint. The determination that a complaint lacks merit is reserved to the Assistant Secretary.
3. If the Section 3 Coordinator determines that there is merit to the complaint, the BHA will have sixty (60) days from the date of receipt of the complaint to resolve the matter with the complainant. At the expiration of the sixty (60) day period, the BHA must notify the Assistant Secretary in writing whether a resolution of the complaint has been reached.

If resolution has been reached, the notification must be signed by both the BHA and the complainant, and must summarize the terms of the resolution reached between the two parties.

4. Any request for an extension of the sixty (60) day period by the recipient must be submitted in writing to the Assistant Secretary, and must include a statement explaining the need for the extension.
5. If the recipient is unable to resolve the complaint within the sixty (60) day period (or more if extended by the Assistant Secretary), the complaint shall be referred to the Assistant Secretary for handling.

Judicial relief: Nothing in this procedure precludes a Section 3 resident or Section 3 business concerning from exercising the right, which may otherwise be available, to seek redress directly through judicial procedures.

VIII. DEPARTMENTAL RESPONSIBILITIES

Every BHA department has a role and responsibilities in ensuring that these courses of action are successfully pursued. The Resident Services, Section 3 Coordinator and Site Staff will have the lead responsibility for this effort. The Executive Administration, Human Resources and Construction Management personnel also have key functions in implementing the Section 3 Plan at BHA.

Executive Administration

Duties and Responsibilities:

- Implement and develop a Section 3 hiring projection Authority wide to indicate the number of new BHA positions that are anticipated to be made available to qualified Section 3 residents during the fiscal year.
- Monitor BHA department compliance with Section 3 goals and objectives.

Human Resources

Duties and Responsibilities:

- Implement procedures designed to notify residents about training and employment opportunities within the BHA.
- Document Section 3 hiring within the BHA.
- Incorporate Section 3 hiring goals and procedures into the BHA Personnel Policy.
- Notify Site Staff of vacant positions within the BHA. Ensure that Site Staff post notification and description of vacant positions within the BHA in each Site Office.
- Provide to the Section 3 Coordinator a list of positions filled and indicate which of the new hires are residents of BHA communities.

Procurement and Section 3 Coordinator

Duties and Responsibilities:

- Ensure every invitation for Bid or Request for Proposal includes compliant Section 3 notification language.
- Ensure qualified Section 3 businesses are aware of the requirement that they be certified prior to their participation in a procurement and that they are in fact certified. The Department maintains a current list of certified Section 3 businesses and their capabilities.
- Provide every potential BHA contractor a current list of Section 3 businesses, if any, and is aware of the systems that BHA has in place to facilitate the hiring of qualified Section 3 residents (as defined in 24 CFR, Part 135).
- In evaluating bids and proposals, ensure that the lead contractor made best efforts to include qualified Section 3 businesses for at least 10% (for building related contracts) or 3% (all other contracts) of the dollar amount of the contract
- Require every contract to include a certification from the contractor that he/she will comply with the BHA Section 3 requirements. This certification will include making the best efforts to hire at least 30% of new employees from among qualified Section 3 residents.
- Require every bidder to submit a Section 3 Opportunity Plan. The plan will include workforce projections identifying projected new hires; a strategy for ensuring that a least 30% of those new hires are qualified Section 3 residents. The plan will also provide a method to assure that 10% of the value of a construction contract or 3% of all others are awarded to Section 3 subcontractors. Modified Section 3 compliance will apply to bids estimated to be between \$25,000 and \$100,000.
- If the estimated value of the contract is in excess of \$100,000, bidders will be required to submit a detailed Section 3 action plan consisting of the following forms
 - Form 1; Existing Employee Listing
 - Form 2; Training Plan
 - Form 3; Contracting Plan
 - Form 4; Subcontracting Activity Report
 - Form 5; Section 3 Resident Affidavit
 - Form 6; Section 3 Business Concern Affidavit
 - Schedule A Acknowledgment

- Immediately upon execution of the contracts, require the contractor submits a schedule of expected new hires for each project and that the Section 3 Coordinator is notified of this schedule.
- Require every contractor to submit accurate biweekly reports on new hires and certified payrolls once the contracted scope is underway.
- Ensure files and data are maintained to document BHA compliance with Section 3 requirements in contracting and employment, and the required annual performance reports are submitted to HUD.

Resident Services

Duties and Responsibilities:

- Conduct outreach and recruiting efforts that refer residents to the Section 3 Coordinator and/or their Site Staff
- Maintain postings of all vacancy announcements at multiple locations all BHA sponsored training sites.
- Coordinate outreach activities, such as job fairs, to promote awareness of Section 3 opportunities.

INSTRUCTIONS FOR COMPLETION OF SECTION 3 AFFIDAVIT

- I.
 1. Provide the full legal name of the business.
 2. Provide the current address of business.
 3. Indicate whether the business is a corporation, a partnership, a sole proprietorship or a joint venture.
 4. Briefly describe the contract or subcontract that the business anticipates undertaking for the project.
- II.
 1. Please, indicate whether the business is a Section 3 business concern. A Section 3 business concern is a business that qualifies as one of the following:
 - a. is owned by at least 51% Section 3 residents
 - b. has full-time permanent employees of whom at least 30% are either (i) currently Section 3 residents, or (ii) have been employed by the business for three years or less and were Section 3 residents at the time of hire
 - c. has committed to subcontract more than 25% of the dollar award of the project contract to businesses that qualify under (a) or (b) above
 2. A Section 3 business concern with category preference is defined by the following:
 - a. owned by at least 51% Section 3 residents, all of whom live within the project's service area
 - b. has full-time permanent employees at least 30% of whom live in the project's service area and are either (i) currently Section 3 residents, or (ii) have been employed by the business for three years or less and were Section 3 residents at the time of hire (category 1 business)
 - c. owned by at least 51% Section 3 residents who live in other BHA housing developments not in the project's service area, or whose full time permanent employees includes 30% of these Section 3 residents (category 2 business)

- d. HUD Youthbuild programs being carried in the area in which Section 3 covered assistance is expended (category 3 business)
 - e. has committed to subcontract more than 25% of the dollar award of the project contract to businesses that qualify under (a) or (b) above (category 4 business)
3. Identify whether the business has been selected to carry out any HUD Youthbuild program

III. The affidavit must be signed, dated and notarized. The name of the person signing the affidavit must be type or legibly written below his/her signature.

SECTION 3 BUSINESS CONCERN AFFIDAVIT

The undersigned being duly sworn, on oath, represents, warrants, certifies, deposes and says, under penalty of law, as follows:

The following information is true:

Company name

Company address

Type of business (corporation, partnership, etc)

Project name

Project address

Calendar Year

- | | | | |
|----|--|-----|----|
| 1. | Is your company a Section 3 business? | YES | NO |
| 2. | Is our company a Section 3 business with preference? | YES | NO |
| 3. | Is your company involved with HUD Youthbuild? | YES | no |

The above company does hereby agree to provide, upon request, documents verifying the information provided on this form.

The undersigned does hereby certify that he/she is authorized by the company to execute this affidavit on the company's behalf and that the undersigned has personal knowledge of the information provided and that said information is true.

Signature

Title

printed name

notary

SECTION 3 RESIDENT AFFIDAVIT

Name

Address

I am _____ am not _____ a resident of public housing.

Size of household _____

Annual income of household \$ _____
(please include income from all sources)

The undersigned does hereby agree to provide, upon request, documents verifying the above information.

The undersigned does hereby authorize The Brunswick Housing Authority to release the above information to HUD for verification of Section 3 claims.

Signature

date

notary

**CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3
PREFERENCE IN CONTRACTING**

Name of Business _____

Address of Business _____

Type of Business: Corporation Partnership
 Sole Proprietorship Joint Venture

Attached is the following documentation as evidence of status:

For Business claiming status as a Section 3 resident-owned enterprise:

- Copy of resident lease Copy of receipt of public assistance
 Copy of evidence of participation Other evidence
 in a public assistance program

For business entity as applicable:

- Business and Tax License
 Section 3 Business Affidavit

For business claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business:

- List of subcontracted Section 3 business(es) and subcontract amount

For business claiming Section 3 status, claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:

- List of all current full-time employees List of employees claiming Section 3 status
 Executed Area Resident Eligibility form
 From each employee claiming Section 3 status

Authorizing Name and Signature

(Corporate Seal)

Attested by: _____

ATTACHMENT "A"

This general outline may be used as a guide in developing an acceptable affirmative action program. Each program, however, should be tailored to the contractor's specific operation and needs.

Type on Your Letterhead

Project Name: _____
Project Number: _____
Location: _____

Affirmative Action Plan

1. Equal Employment Opportunity Policy

It is the policy of [insert name of company] not to discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, creed, handicap or covered veterans. This policy extends to all matters relating to recruitment, hiring, promotion, benefits, transfer, recruitment or recruitment advertising, rates of pay and other forms of compensation, and selection for training.

Furthermore, it is the policy of this company to cooperate to the fullest extent with the applicable rules, regulations and orders issued pursuant to Executive Order 11246, and subsequent orders, if any, and to comply with Title VII of the Civil Rights Act of 1964. It is intended that all officials and employees of this company be informed of this statement of policy and that this policy shall be applied to every phase of employee recruitment, including employment agencies, labor organizations and advertising.

The principal goal of our program is to ensure equal employment opportunity for minorities and females, and to ensure and maintain a working environment free of harassment, intimidation and coercion at all places of employment.

In addition to nondiscrimination, [insert name of company] will actively seek to employ persons who have historically been denied the opportunity to participate on an equal basis in the business community. We will encourage and cooperate with our subcontractors, suppliers and authorized agencies to promote the training, employment and advancement of females and minority groups. All positions of employment and opportunities for advancement will be awarded without

regard to characteristics not relating to actual qualifications and/or requirements.

2. Employment Opportunities for Businesses and Lower Income Persons and Businesses Located in or Owned in Substantial Part by Persons Residing in the Area.

It is the policy of [insert name of company] to fulfill its obligation to utilize lower income project area residents as trainees to the greatest extent feasible by:

- a. Utilizing the maximum number of persons in various training categories in all phases of the work to be performed under the Section 3 covered project; and
- b. Filling all vacant training positions with lower income project area residents except those training positions which remain unfilled after a good faith effort has been made to fill them with eligible lower income project area residents.

The estimated project workforce for this project is outlined in Attachment "B" hereto.

It is the policy of [insert name of company] to fulfill its obligations to utilize business concerns located within or owned in substantial part by persons residing in the Section 3 covered project area. The contractor will work closely with the Small Business Administration Development Center, Minority Business Development Center and other points of contact listed in the bid documents for this project in soliciting participation of Section 3 businesses in this project.

The estimated utilization of Section 3 business concerns by our firm is outlined in Attachment "C" hereto.

3. Responsibilities

- a. To oversee the implementation of these policies, [insert name of President of company], President, has appointed [insert name] as Equal Employment Opportunity Officer.
- b. The responsibilities of the Equal Employment Opportunity Officer include, but are not limited to, the following duties:

- i. The development and implementation of policies.
 - ii. The dissemination of the Company's policies both internally and externally.
 - iii. Monitoring and reporting to the President and other supervisor personnel the latest development in the areas of affirmative action.
 - iv. Identifying and overcoming roadblocks to nondiscrimination and affirmative action.
 - v. Periodically discussing the Company's goals and accomplishments in the areas of equal employment with [insert name of company] managerial staff.
 - vi. Conducting orientation lectures for all new managerial employees to ensure familiarity with the Equal Employment Opportunity Policy.
4. a. Internal - The company will:
- i. Review this policy in semi-annual management and supervisory meetings.
 - ii. Enact this policy in all hiring and employment procedures.
 - iii. Attest to the Company's hiring policy of nondiscrimination and affirmative action in job interviews.
 - iv. Periodically review and update the policy with all employees responsible for hiring and/or supervising personnel, and any other employees in a position to transmit or enhance [insert name of company]'s Affirmative Action Program.
 - v. Post on office bulletin boards [insert name of company]'s Affirmative Action Program.
 - vi. Consider in evaluating in the implementation of the effectiveness of managerial and supervisory personnel in the implementation of the Company's policies.

- vii. Assign inexperienced minorities and female personnel to on-the-job training work, when such work is available.
- viii. Maintain a current file of names, addresses and telephone numbers of each minority or female applicant or agency referral.
- ix. Notify the Compliance Director when recruitment sources fail to supply minority persons or women requested.
- x. Encourage present minority and female employees to recruit other minority persons and women.
- xi. Review on each job all employees' work for the job progression and promotional opportunities without discrimination.
- xii. Ensure that seniority, work assignments, and job classifications are not used to promote discriminatory practices.
- xiii. Ensure that all facilities and company activities and programs are nonsegregated.
- xiv. Document all Affirmative Action activities so as to show results obtained and that good faith actions have been taken.
- xv. Document and maintain a record of all solicitation of others for subcontracts from minority or female construction contractors and suppliers.
- xvi. Contribute to or utilize training programs which include minorities and females.
- xvii. Supply management leadership in recruiting and promoting female and minorities.
- xviii. Equitably administer and validate any employment prerequisites such as education and/or testing.
- xix. Conduct a review, no less than annually, of all supervisors' adherence to and performance under [insert name of company]'s Equal Employment Opportunity Policies and Affirmative Action goals.

xx. Conduct a review, no less than biannually, of the Company's effectiveness in meeting goals and timetables.

b. External - The Company Will:

i. Disseminate the Contractor's Equal Employment Opportunity policy to referral agencies and training programs, requesting their cooperation.

ii. Maintain a current list of minority and female job applicants, recruitment sources and community organizations and provide written notification to the same when seeking employees. The Company shall maintain a record of these individuals' and organizations' responses.

iii. Direct recruitment efforts for minorities and female persons both orally and written to community organizations and institutions that are likely to have such persons.

iv. Provide written notifications to and discuss this policy with other contractors and subcontractors with which [insert name of company] does or anticipates doing business.

v. Place employment advertising with media with high minority and female audiences.

vi. Place emphasis on our status as an Equal Opportunity Employer in all solicitations.

vii. Assign, if possible, two or more women to each project.

5. Utilization Analysis and Procedures in the Event of Underutilization

a. [Insert name of company] will periodically evaluate the Company's utilization of females and minorities with regard to their availability.

b. In job categories where [insert name of company] should fail to utilize females and minorities with parity to their availability for employment the Company shall:

i. Intensify recruitment efforts through media and referral sources likely to attract females and/or minorities.

- ii. Evaluate present employees with consideration to their capability and/or availability to assume or be trained for positions current deficient in females and/or minorities.
- iii. Encourage all supervisors to advocate to females and/or minorities in their employ the opportunities for advancement within the Company.
- iv. Seek to refill vacated positions with females or minorities.
- v. Target deficient job categories for discussion in managerial meetings.
- vi. Ensure that selection of employees shall be based solely on job qualifications.

6. Summary

[Insert name of company] reaffirms herewith our dedication to the principles and objectives underlying this Equal Employment Opportunity and Affirmative Action Program.

This Company recognizes the adverse effect on society when individuals and/or groups are the victims of discrimination totally unrelated to their capabilities. The Company further recognizes that the effective reversal of the effects of discrimination is contingent on the active implementation of the aforestated program.

We encourage all associates, subcontractors, suppliers and employment agencies to actively prescribe to a policy of equal employment opportunity and affirmative action procedures.

[INSERT COMPANY NAME]

S E A L

Signature of President

Print Name

Date

Attachment "B"

ESTIMATED PROJECT WORK FORCE BREAKDOWN

Job Category	Total Estimated Positions Needed for Project	Number of Positions Occupied by Permanent Employees	Number of Positions Not Occupied	Number of Positions to be Filled with Section 3 Residents
Officer/Supervisors				
Professionals				
Technical				
Hsq. Sales/Rental Management				
Office/Clerical				
Service Workers				
Others:				
TRADE:				
Journeyman				
Helpers				
Apprentices				
Trainees				
Others				
TRADE:				
Journeyman				
Helpers				
Apprentices				
Trainees				
Others				

Section 3 Resident is an individual residing in _____
 Augusta, Richmond County, Georgia whose family _____
 income does not exceed 90% of the median income _____
 Obtain HUD Income Limits from Internet or ask _____
 for a copy from Augusta Housing Authority)

Company Name: _____
 Project Name & Number: _____
 Person Completing Form: _____
 Date: _____

Attachment "D"

Section 3 Area Residents Employed

Project Name & Number: _____

Contractor's Name: _____

Subcontractor's Name: _____

For Pay Period Ending: _____ For Weekly Payroll Number: _____

List Employees Residing in Augusta, Richmond County, Georgia Only

with Family Income NOT EXCEEDING 90% of Area Median Income

Obtain Copy of Current Median Income from Housing Authority

Employee Name		1	2	Employee Name		1	2
1				11			
2				12			
3				13			
4				14			
5				15			
6				16			
7				17			
8				18			
9				19			
10				20			

I hereby certify that the information contained above is accurate, complete, and current to the best of my knowledge.

Total New Hires This Pay Period _____

Signature and Date _____

1 Indicates Racial Ethnic Code
2 Indicate New Hire With X

Print Name & Title _____

Racial/Ethnic Code:
1= White American
2= Black American
3= Native American
4= Hispanic American
5= AsianPacific American
6= Hasidic American

::::: PLACE ON COMPANY LETTERHEAD:::::

Date:

TO:

RE: Job Opportunities as Required by Section 3 Regulations

Dear Sirs or Madam:

Please be advised that this firm will be performing a contract for the Housing Authority of the City of Augusta, Georgia on (**insert name of project here**).

Employment Opportunities are available in the following skills or trades:

(List trades and anticipated number of openings here)

In compliance with Section 3 Regulations, this firm will accept applications from all interested, qualified individuals, and will retain on file all qualified applications throughout the duration of the job.

It is our desire to locate individuals from the Section 3 area and employ them to fill vacant positions. All interested individuals may send applications to :

(insert address of firm here)

Or they may apply in person at our job office located at the site.

Sincerely,

(add contractor name here)