

# **COUNTY OF VENTURA**

## **SECTION 3 PLAN**



# **ECONOMIC OPPORTUNITY FOR LOW AND VERY LOW INCOME PERSONS**

**January 2013**

Version 3.0

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## SECTION 3 PLAN

### I. General Policy Statement

It is the policy of the County of Ventura, County Executive Office (CEO), Community Development Department 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.

The CEO, Community Development Department implements this policy through the awarding of contracts to contractors, vendors, and suppliers, to create employment and business opportunities for residents of the County of Ventura Entitlement Area (EA).

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

### II. Purpose

Section 3 is a means to foster local economic development, neighborhood economic improvement, and individual self-sufficiency through housing and community development projects funded whole or in part by the Federal Department of Housing and Urban Development (HUD). The **purpose** of Section 3 of the HUD Act of 1968 (12 U.S.C. 1701u)(section3) as amended by the Housing and Community Development Act of 1992, 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.*

Section 3 is the legal basis for providing jobs for **residents** and awarding contracts to **businesses** in areas where a project involving construction, demolition, or rehabilitation receives HUD financial assistance from the Community Development Block Grant (CDBG) Program, HOME Program, or Neighborhood Stabilization Program (NSP) in excess of **\$200,000**. Contractors or subcontractors that receive contracts in excess of **\$100,000** for Section 3 covered projects/activities are required to comply with the Section 3 regulations in the same manner as direct recipients.

In the event Section 3 covered project expenditures generate economic opportunities (training, employment or contracts), these opportunities **must** be directed toward qualified Section 3 residents **and** Section 3 business concerns. The purpose of Section 3 preferences is to be results oriented by: 1) encouraging business concerns that are not major sources of employment for low-income persons to increase their employment of these persons when economic opportunities arise from HUD financed construction related projects; and 2) promoting the growth of "profit-making" enterprises owned by low-income persons that substantially employ low-income persons with Section 3 contract awards.

Title 24 CFR Part 135 - Economic Opportunities for Low- and Very Low-Income Persons, establishes the standards and procedures this Section 3 Plan is based upon, and is intended to ensure the objectives of Section 3 are met. The full regulation may be found at [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/24cfr135\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/24cfr135_03.html)

### III. Definitions

**Employment Opportunities** - With respect to Section 3 covered housing and community development assistance, this term means **all** employment opportunities arising in connection with this Section 3 covered project **including** management and administrative jobs. Sample job categories and descriptions are listed in **Attachment J**.

**Full time** - A position that is temporary, seasonal, or permanent that requires at least 1,750 hours of employment on an annual basis.

**Lowest Responsive Bid** - An acceptable bid with the lowest price that meets the minimum requirements and specifications.

**Low-Income** - Families (including single persons) whose income does not exceed 80% of the (adjusted) median family income of the (PMSA) area. See **Attachment B**.

**Metropolitan Area (MA)**: A large population nucleus, together with adjacent communities that has a high degree of economic and social integration with that nucleus.

**Neighborhood Area** - Has the same meaning as defined in 24 CFR 570.204(c)(1); that is [1] a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other documents as a neighborhood, village or similar geographic designation; or [2] the entire jurisdiction of a unit of general local government which is under 25,000 population; or [3] a neighborhood, village or similar geographical designation in a new community.

**New Hires** - Means full-time employees for permanent, temporary or seasonal employment opportunities which will be recruited. Includes new hires of subcontractors.

**Primary Metropolitan Statistical Area (PMSA)** - As established by the Office of Management and Budget, the entire geographic area encompassed by the political boundaries of the County of Ventura has been defined as the MSA for this Section 3 Affirmative Action Plan.

**Responsible Bidder** - A bidder who, at the minimum, is licensed, bonded, insured, capable and reliable.

**Section 3 Resident** - [1] a public housing resident; or [2] an individual who resides in the metropolitan area in which this Section 3 covered assistance is expended and who is a low-income person or a very, low-income person as defined in **Attachment B**.

**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% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) in this definition.

Note: This part means that for a business to receive a preference under item [3] above, it must provide evidence that it subcontracted at least 25% of all subcontracts for the previous 12 months (calendar/fiscal year) to bona fide Section 3 business concerns.

**Section 3 Covered Contract** - A contract or subcontract (including a professional service contract such as for architectural or engineering services) awarded by the County of Ventura or contractor/subcontractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with this Section 3 covered project. This definition does not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, that contract constitutes a Section 3 covered contract.

**Section 3 Covered Project** - A covered project means 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 (CDBG, HOME, etc.).

**Service Area** - The geographical area in which the persons benefitting from this Section 3 covered project reside. The service area shall not extend beyond the unit of general local government in which this Section 3 covered assistance is expended unless funds from other local governments are utilized to support the project, in which case the service area will include those local government areas.

**Skilled Position** - A position requiring knowledge, experience, or license in a particular trade or craft.

**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.

**Unskilled Position** - A position that is entry level and does not require any substantial experience or knowledge beyond the high school level.

**Very Low-Income** - Families (including single persons) whose income does not exceed 50% of the area (adjusted) median family income. See **Attachment B**.

#### **IV. Section 3 Economic Opportunity Plan (EOP)**

All project bidders must complete the Section 3 EOP (**Attachment A**) and return it with the project bid. Part of the Section 3 EOP requires all bidders to complete a preliminary statement of your workforce needs for the project, broken out by trade for all skilled, semi-skilled, and unskilled labor and trainee categories, regardless if new hires will be generated. This statement should include the anticipated workforce needs of any subcontractor you intend to use where this is known. In any event, this information must be obtained from the subcontractor and submitted before any subcontract in excess of \$100,000 is awarded.

If your firm is selected for a contract that will generate economic opportunities as a result of a Section 3 covered project, you will be required to meet appropriate goals for the hiring of Section 3 area residents to fill these positions. Furthermore, if your firm is awarded a contract but fills its new positions with non-Section 3 area residents prior to the signing of a contract, you should be prepared to demonstrate that this was not done to circumvent these requirements.

In meeting these low-income resident employment requirements, contractors/ subcontractors may wish to consider using the employment/job development services of the agencies listed below as well as other agencies and centers that serve the economically disadvantaged within the project area:

**County of Ventura Human Services Agency (HSA)**

[Job & Career Centers](#) (5 locations)

**State Employment Development Department (EDD)**

**Housing Authorities**

Area Housing Authority of Ventura County

Oxnard Housing Authority

Port Hueneme Housing Authority

Santa Paula Housing Authority

Housing Authority of the City of San Buenaventura

**Small Business Development Center**

**Programs for Homeless Individuals and Families**

Commission on Human Concerns

Khepera House

Project Understanding

RAIN

Salvation Army

**[Ventura County Building and Construction Trades Council](#), AFL-CIO**

Job & Career Centers can review job descriptions for possible matches with prospective employees. EDD can provide names of potentially qualified Section 3 residents. The Housing Authorities can provide names of qualified Section 3 residents who are public housing tenants and homeless, respectively. The Small Business Development Center is able to provide technical assistance to potential Section 3 businesses. The Trades Council can potentially provide names of labor unions which have apprenticeship programs that hire unemployed and low-income persons (**Attachment K**).

Contractors will also be required, to the greatest extent feasible, to award subcontracts to business firms located in or owned in substantial part by residents of the project area. The Ventura County Economic Development Council (VCEDA), the Economic Development Collaborative of Ventura County (EDC-VC), and Chambers of Commerce may be able to provide names of potential Section 3 business concerns.

If your company should be awarded a Section 3 covered contract under this project, you will be required to give notice to all labor organizations with which you have an agreement that you have made this commitment. This notice should also be posted at your place of business and at the job site. A sample notice of this type is provided for your reference (**Attachment I**).

In order for your bid to be acceptable under this provision, you should be certain that you understand the attached Section 3 clause (**Attachment D**) which is to be inserted in all Section 3 covered contracts and subcontracts. This clause commits the contractor to provide, to the greatest extent feasible, training and employment opportunities to low-income residents living in the project area or neighborhood and contracting opportunities to Section 3 business concerns. The Resident Employment Bidder's Certification Form (**Attachment E**) states you understand this Section 3 requirement. This form must be completed by you, signed by an authorized representative of your company and returned with your bid.

## V. Numerical Goals for Section 3 Residents and Section 3 Business Concerns

Contractors and subcontractors may demonstrate compliance with the "greatest extent feasible" requirement of Section 3 by meeting the numerical goals set forth herein for providing training, employment, and contracting opportunities to Section 3 Residents and Section 3 Business Concerns. The numerical goals for hiring and contracting established below represent **minimum** numerical targets for a Section 3 covered contract (contractor or subcontractor) that exceeds \$100,000 of HUD financial assistance. The numerical goals are not set-asides and quotas but instead establish a "safe harbor" for contractors and subcontractors on the matter of compliance with Section 3. In the absence of evidence to the contrary, a contractor/subcontractor that meets the minimum numerical goals for **all** new hires and contracting opportunities will be considered to have met Section 3.

In evaluating compliance under this Section 3 Plan, a contractor or subcontractor that has not met the numerical goals described below has the burden of demonstrating why it was not feasible to meet the numerical goals identified in the Section 3 Plan. Such justification may include statements regarding impediments encountered despite actions taken. In addition, to further demonstrate efforts taken to meet the numerical goals, a contractor/subcontractor can indicate other economic opportunities provided to Section 3 residents or Section 3 business concerns as outlined on **Attachment A**, Item B.

### A. Training and Employment

The numerical goals apply to all new hires generated from the Section 3 covered assistance for a project. Efforts to employ Section 3 residents should, to the greatest extent feasible, be made at all job levels (entry level and skilled positions) for those residents who are qualified (i.e., persons who are able to successfully complete the work required of the position).

#### 1. Numerical Goals for HUD Community Development Programs

Contractors and subcontractors may demonstrate compliance with Section 3 requirements by **documenting and committing to continued efforts for the duration of multiple year projects** (at the time of their project bid submission) to employ Section 3 residents as follows:

- a) 10 percent of **the aggregate** number of new hires for the first year period beginning in Federal Fiscal Year (October 1 to September 30);
- b) 20 percent of **the aggregate** number of new hires for the second year period beginning in Federal Fiscal Year;
- c) 30 percent of **the aggregate** number of new hires for the third year period beginning in Federal Fiscal Year and continuing thereafter.

#### 2. Numerical Goals for HUD Housing Programs

Regarding housing assistance provided under other HUD programs, contractors and subcontractors may demonstrate compliance with Section 3 requirements by **documenting and committing** (at the time of their project bid submission) to employ Section 3 residents as 10% of the aggregate number of new hires generated from the Section 3 covered assistance for each year of the duration of the Section 3 project.

## B. Contracting

Numerical goals also apply to all contracting and subcontracting needs generated from the Section 3 covered assistance for a project. The numerical goals for each contractor and subcontractor may demonstrate compliance with the requirements of this part by **documenting and committing** to award to Section 3 business concerns. The goals are:

1. At least 10% of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction; and
2. At least 3% of the total dollar amount of all other Section 3 covered contracts.

## **VI. Selection Priority for Section 3 Residents and Section 3 Business Concerns**

Section 3 expressly encourages, to the maximum extent feasible, a geographic **preference** in the evaluation of bids or proposals. This preference is **triggered** by the **need** for new hires (whether individual employees or contractors or subcontractors) for work on a project assisted by HUD financial assistance in an excess of \$100,000 covered by Section 3.

### A. Selection Priority for Section 3 Residents in Training and Employment

A Section 3 resident seeking the preference in training and employment, provided by this part, shall certify or submit evidences to the contractor or subcontractor as needed. **Attachment B** (or a similar form) must be filled out by potential Section 3 residents seeking the preference in training and employment outlined in the County's Section 3 Plan. A low-income resident is defined by their household annual gross income and household size as designated on page 2 of **Attachment B**.

This self-certification will be one of the methods used by County, contractors, and subcontractors to confirm eligibility for Section 3 preference. Should said certification come into question or not be appropriate due to the type of Section 3 resident (i.e., public housing tenant), County and contractors/subcontractors may request other evidence of eligibility for the preference, such as evidence of receipt of public assistance or evidence of participation in a public assistance program.

**Attachment B** for each Section 3 resident must be submitted no later than the date of the pre-construction conference. (Please note that nothing in the Section 3 Plan shall be construed to require the employment of a Section 3 resident who does not meet the background and qualifications of the position to be filled.)

### B. Selection Priority for Section 3 Business Concerns in Contracting

The form provided as **Attachment C** must be used by contractors and subcontractors in order to establish Section 3 certification from contracting business concerns. This attachment must be submitted by the **bid deadline** by all bidders. A business concern seeking to qualify for a Section 3 contracting preference shall certify that the business concern is a Section 3 business concern and provide appropriate documentation with the certification. Should said certification come into question, County and contractors/ subcontractors may request other evidence of eligibility for the Section 3 preference.

A Section 3 business concern seeking a contract or a subcontract must demonstrate to the satisfaction of the party awarding the contract or subcontract that the business concern is responsible and has the ability to perform successfully under the terms and conditions of the



proposed contract or subcontract. The ability to perform successfully under the terms and conditions of all proposed contracts and subcontracts is required of all contractors and subcontractors subject to Section 3 requirements.

## **VII. County of Ventura Preference Procedures for Section 3 Business Concerns under Procurement by Sealed Bids (Invitations for Bids)**

This section provides a framework for awarding Section 3 covered contracts to contractors and subcontractors under Procurement by Sealed Bids (Invitation for Bids).

Preference in the award of Section 3 covered contracts that are awarded under a sealed bid process may be provided. Bids shall be solicited from both Section 3 Business Concerns and Non-Section 3 Business Concerns. An award shall be made to the qualified Section 3 Business Concern with the lowest responsive bid if that bid (A) is within the maximum total contract price established in the contracting party's budget for the Section 3 covered project, and (B) is not more than "X" higher than the total bid price of the lowest responsive bid from **any** responsible bidder. "X" is determined as follows:

<b>When the lowest responsive bid is:</b>	<b>X is the lesser of:</b>
At least \$100,001 but less than \$200,000	9% of that bid or \$16,000
At least \$200,000 but less than \$300,000	8% of that bid or \$21,000
At least \$300,000 but less than \$400,000	7% of that bid or \$24,000
At least \$400,000 but less than \$500,000	6% of that bid or \$25,000
At least \$500,000 but less than \$1 million	5% of that bid or \$40,000
At least \$1 million but less than \$2 million	4% of that bid or \$60,000
At least \$2 million but less than \$4 million	3% of that bid or \$80,000
At least \$4 million but less than \$7 million	2% of that bid or \$105,000
\$7 million or more	1 1/2% of the lowest responsive bid, with no dollar limit

## **VIII. Section 3 Contract Compliance**

Minimum compliance with Section 3 is determined by meeting numerical goals for training and contracting by contractors and subcontractors for Section 3 covered projects. In evaluating compliance under Section 3, a contractor or subcontractor that has not met the appropriate numerical goals has the burden of demonstrating why it was not feasible to meet the goals described in the Section 3 Plan. This would include documentation that every feasible attempt was made to notify, encourage and facilitate job and contracting opportunities to Section 3 residents and business concerns.

The written records of Section 3 covered project contractors and subcontractors will be reviewed by the County as a means of establishing compliance or non-compliance with Section 3 requirements. Contractors and subcontractors who receive Section 3 contracts found to be in non-compliance will be deemed to be **ineligible** for future Section 3 covered projects for a minimum period of **24** months from the date deemed to be in noncompliance. **Attachment F** shall be used by contractors and subcontractors to provide information and data regarding **actual** contracts/subcontracts awarded. **Attachment G** identifies a form that is required for **actual** jobs created in connection with assisted Section 3 projects. Satisfactory submission of **Attachment F** and/or **G** with each request for payment is a **prerequisite** in order for County to authorize payment on a Section 3 covered project.

**Attachment H** identifies acceptable methods that, when documented, demonstrate compliance with Section 3. **Attachment I** identifies a sample notice for project area resident employment commitment. **Attachment J** provides a sample description of job categories connected with Section 3 covered projects.

## **IX. Complaint Procedure**

A complaint may be filed alleging a violation of Section 3 requirements. They may be filed by Section 3 residents and Section 3 business concerns. Complaints are investigated by HUD and where appropriate, voluntary resolutions are sought. Those grievances that are not resolved voluntarily can result in an administrative hearing.

A complaint must be written and include:

- Name and address of grievant
- Name and address of contractor/subcontractor
- Description of acts or omission
- Corrective action sought

Complaints should be filed with the County of Ventura and, if warranted, may be appealed to the Area Office of HUD (LA Area) and HUD in Washington, D.C., at the addresses below.

1. Community Development Department  
County Executive Office  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009-1940  
(805) 654-2679; FAX (805) 654-5106
2. HUD LA Area Office, Region IX  
Director, Fair Housing and Equal Opportunity  
U.S. Dept. of Housing and Urban Development  
611 West Sixth St., Suite 1000-9DD  
L.A., Ca. 90017-3101 (213/534-2572) (FAX: 213/894-4321)
3. HUD Washington  
Assistant Secretary, Fair Housing and Equal Opportunity  
Office of Economic Opportunity  
Room 5100, Dept. of HUD  
451 Seventh St., S.W.  
Washington, D.C. 20410-2000 (202/708-1112)

## X. Attachments and Required Actions

Attachment	Title	Required Action
A	<b>Section 3 Economic Opportunity Plan</b>	<b>Submit with Bid</b>
B	Section 3 Residency Certification (Includes income limits for low-income)	Submit no later than pre-construction conference
C	<b>Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability (To be completed by the contractor and any applicable subcontractors).</b>  <b>AND/OR</b>  <b>Certification for potential Subcontractor Business Concerns claiming Section 3 status.</b>	<b>Submit with Bid if applicable and prior to any subcontracts with Section 3 Business Concerns.</b>  <b>AND/OR</b>  <b>If claiming Section 3 status by subcontracting 25% of the dollar award to qualified Section 3 business.</b>
D	Section 3 Clause	Must be included in every subcontract
E	<b>Section 3 Compliance Bidder's Certification</b>	<b>Submit with Bid</b>
F	Actual Subcontracts and Suppliers for Section 3 Compliance (awarded for covered projects)	Must be submitted with requests for payment
G	Actual New Hire Information for Contractor or Subcontractor Economic Opportunities for Low and Very Low Income Persons in Connection with Assisted Section 3 Projects	Must be submitted with requests for payment
H	Section 3 Compliance - Suggested Examples (of Efforts to offer Training and Employment Opportunities to Section 3 Residents)	Information
I	Sample Notice for Project Area Resident Employment Commitment	Must be posted at project site
J	Sample Description of Job Categories for Section 3 Plan	Information
K	Apprenticeship Program Information	Information

## Attachment A - Section 3 Economic Opportunity Plan

(SUBMIT WITH BID)

**Project Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Project Service Area or Neighborhood:** \_\_\_\_\_

**Name of Bidder/Organization:** \_\_\_\_\_

**Contact Person and Title:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ **email:** \_\_\_\_\_

**Address of Bidder:** \_\_\_\_\_  
\_\_\_\_\_

Description of Service Area or Neighborhood, bordering streets, etc. (or attach map)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Census Tract(s) and Block Group(s): \_\_\_\_\_

### A. Economic Opportunities for Local Businesses

1. List of all subcontractors and construction related vendors/suppliers you plan to use regardless of contract amount. You may use additional sheets to complete this section if necessary.

Name: Address:	Amount: Contact: Phone Number: License Number: Section 3 Business: Yes or No
Name: Address:	Amount: Contact: Phone Number: License Number: Section 3 Business: Yes or No
Name: Address:	Amount: Contact: Phone Number: License Number: Section 3 Business: Yes or No

## Attachment A

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2. List of sources and methods of identifying and soliciting Section 3 business concerns for this project.

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3. Numerical Goals for Subcontracting to Section 3 business concerns:

		<u>Section 3 Goals</u>
Total project cost:	\$ _____	
Total cost of building and trades work contracts:	\$ _____	
10% of construction contracts awarded to Section 3 contractors:		\$ _____
Total cost of all other contracts:	\$ _____	
3% of all other contracts awarded to Section 3 contractors:		\$ _____

### B. Economic Opportunities for Lower Income Persons

1. List of Sources and Methods of Recruitment of Section 3 New Hires (documentation of new hires for Section 3 covered projects submitted to County weekly).

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2. List State approved apprenticeship programs to be utilized, if any.

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3. List any Job Training Partnership Act (JTPA) programs to be utilized, if any.

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4. List other methods utilized to provide economic opportunities and comply with Section 3 requirements (use additional sheets if necessary).

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## Attachment A

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### C. Preliminary Statement of Workforce Needs

- Complete the following table for the project. Depending upon the magnitude of the project, you may wish to prepare a table for you and each subcontractor.

Occupations	Total # of Positions Needed to Complete This Project	# of Positions Now Filled by Permanent Employees	Vacancies to Fill
Skilled Trades			
Semi-skilled			
Unskilled Labor			
Trainees/ Apprentices			
Other			
Totals			

- Identify Section 3 Project Area Hiring Goals Based on the Chart Below

Trade/Craft	(A) Projected Number of New Hires (Vacancies to be filled)	(B) Projected Number of New Hires Qualifying as Low- or Very Low Income Residents
<b>Total Number of New Hires</b>		

<b>30% Hiring Goals (Total B divided by Total A)</b>	
--	--

Section 3 guidelines require preference to Low- or Very Low Income Residents, with a goal of 30% of all new hires not to exceed 80% of median family income limits.

## Attachment B - Section 3 Residency Certification

Project Title: \_\_\_\_\_

I, the undersigned, understand that the aforementioned project is subject to the Section 3 Plan which warrants that employment and other economic opportunities generated by certain U.S. Department of Housing and Urban Development (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 assistance for housing.

In reliance of that said warranty, and in reliance upon the income schedules and project service area designation attached hereto and made part of this certification by this reference, I hereby certify that I am a person of low- or very low-income and a Section 3 Resident by virtue of the statements I make by selecting any of the following as applicable to me:

- ☐ I am a Section 3 Resident because I reside in the service area or neighborhood area for this project and my family income is 80 percent or less of the median income for the area.
- ☐ I am a recipient of government assistance for housing, including recipients of certificates or vouchers under the Section 8 housing assistance program, within the service area where this project is located.
- ☐ I am a homeless person residing in the service area of this project.
- ☐ Other Section 3 Resident.

My permanent address is: \_\_\_\_\_  
\_\_\_\_\_

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

- ☐ Copy of lease
- ☐ Copy of Receipt of public assistance
- ☐ Copy of evidence of participation  
In a public assistance program
- ☐ Other evidence \_\_\_\_\_

I, the undersigned, swear that the foregoing statements are true and correct and I understand that false statements may initiate action under Federal or State laws concerning false statements.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

## Attachment B

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### SECTION 3 RESIDENT FAMILY INCOME LIMITS

Ventura County

2013 Median Family Income = \$86,700

As of December 11, 2012

	HOUSEHOLD SIZE							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
50% Median: (Very Low- Income)	\$30,600	\$35,000	\$39,350	\$43,700	\$47,200	\$50,700	\$54,200	\$57,700
80% Median: ( Low- Income)	\$48,950	\$55,950	\$62,950	\$69,900	\$75,500	\$81,100	\$86,700	\$92,300

These figures are updated periodically by HUD.

Prior to utilizing the above figures, please contact the County Executive Office to verify these are the most recent income limits issued by HUD.



**Attachment C - Certification for Business Concerns Seeking Section 3 Preference  
in Contracting and Demonstration of Capability**

Business Name: \_\_\_\_\_ Contractor's Lic. # \_\_\_\_\_

Address: \_\_\_\_\_

Type of Business:    ☐ Corporation                      ☐ Partnership  
                             ☐ Sole Proprietorship           ☐ Joint Venture

With intent to claim the preference to be given business concerns providing economic opportunities to low- or very low-income persons (that is, to be given Section 3 Business Concerns), attached is the following documentation as evidence of status:

**For business claiming status as a Section 3 resident-owned enterprise** (51% or more owned by Section 3 Residents, as defined in the County of Ventura's Section 3 Plan of which this certification is made part):

- |  |   |
|--|---|
| <input type="checkbox"/> Copy of resident lease  | <input type="checkbox"/> Copy of receipt of public assistance |
| <input type="checkbox"/> Copy of evidence of participation<br>in a public assistance program | <input type="checkbox"/> Other evidence                       |

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

- |   |  |
|---|--|
| <input type="checkbox"/> List of all current full-time employees                                | <input type="checkbox"/> List of employees claiming Section 3 status                                     |
| <input type="checkbox"/> PHA/IHA Residential lease less than<br>3 years from date of employment | <input type="checkbox"/> Other evidence of Section 3 status less<br>than 3 years from date of employment |

**For business claiming Section 3 status by subcontracting 25% of the dollar award to qualified Section 3 business:**

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

**For business entity as applicable:**

- |  |   |
|--|---|
| <input type="checkbox"/> Copy of Articles of Incorporation | <input type="checkbox"/> Organization chart with names and titles |
| <input type="checkbox"/> Assumed Business Name Certificate | <input type="checkbox"/> Additional documentation                 |

**Evidence of ability to perform successfully under the terms and conditions of the proposed contract (all required):**

- |   |   |
|---|---|
| <input type="checkbox"/> Current Financial Statement                          | <input type="checkbox"/> List of owned equipment                      |
| <input type="checkbox"/> Statement of ability to comply with<br>public policy | <input type="checkbox"/> List of all contracts for the past two years |

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

**SUBMIT WITH BID  
AND PRIOR TO ANY SUBCONTRACTS WITH SECTION 3 BUSINESS CONCERNS**

**Attachment D - Section 3 Clause  
24 CFR 135.38**

(to be inserted into every subcontract for work)

- A. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or worker's representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- D. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

### **Attachment E - Section 3 Compliance Bidder's Certification**

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

Project Title: \_\_\_\_\_

This is to certify that I have read and understand the Section 3 resident employment and Section 3 resident business utilization requirements that apply to the above cited project, said requirements being known as the Section 3 Clause found in 24 CFR 135 and that neither the project nor the company are under any contractual restrictions or other disabilities which would prevent the company from complying with said requirements.

Signature of Company Officer: \_\_\_\_\_

Title of Officer: \_\_\_\_\_ Date: \_\_\_\_\_

## Attachment F - Actual Subcontracts and Suppliers for Section 3 Compliance

(To be submitted with each payment request.)

**NAME OF PROJECT:**

**DATE:**

SUBCONTRACTOR'S NAME, ADDRESS, PHONE NUMBER, LICENSE NUMBER	TYPE OF WORK (TRADE)	CONTRACT AMOUNT	SECTION 3 BUSINESS YES OR NO
SUPPLIER'S NAME, ADDRESS AND PHONE NUMBER (IF INSTALLATION REQUIRED)	TYPE OF SUPPLIES	CONTRACT AMOUNT	SECTION 3 BUSINESS YES OR NO

# **Attachment G - Actual New Hire Information for Contractor or Subcontractor Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Section 3 Projects**

Name of Project: \_\_\_\_\_ Project Location: \_\_\_\_\_

Contractor/subcontractor Name & Address: (Street, City, State, Zip)				License Number:		Dollar Amount of Contract:		
				Contact Person:		Phone: (Include Area Code)		
				Construction Reporting Period:		Date Report Submitted:		
Part I: Employment and Training (*Include New Hires in columns C and D) Show Numbers for Column D and E.								
A Total New Hires by Job Category	B % of Aggregate New Hires that are Section 3 Residents	C % of Total Staff Hours for Section 3 Employees and Trainees*	D Number of Section 3 Employees and Trainees*	E Racial/Ethnic Code(s) For Columns D and E, show Numbers				
				1	2	3	4	5
Professionals								
Technicians								
Office/Clerical								
Construction by Trade: (List)								
Trade:								
Trade:								
Trade:								
Trade:								
Trade:								
Other: (List)								
TOTAL								

Racial/Ethnic Codes: 1=White American, 2=Black American, 3=Native American, 4=Hispanic American, 5=Asian Pacific American, 6=Hasidic Jew

## **Attachment H - Section 3 Compliance - Suggested Examples**

Following are acceptable methods that, when documented, demonstrate compliance with Section 3:

1. Consulting with State and local agencies administering training programs funded through JTPA or JOBS, probation and parole agencies, unemployment compensation programs, community organizations and other officials or organizations to assist with recruiting Section 3 Residents for a contractor's or subcontractor's training and employment positions.
2. Advertising the jobs to be filled through the local media.
3. Employing a job coordinator, or contracting with a business concern that is licensed in the field of job placement (preferably a Section 3 Business Concern) that will undertake efforts to match eligible and qualified Section 3 Residents with the training and employment positions that the contractor intends to fill.
4. Establishing training programs, which are consistent with the requirements of the Department of Labor, for public housing residents and other Section 3 Residents in the building trades.
5. Advertising the training and employment positions by distributing flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) to housing developments where there are Section 3 Residents.
6. Entering into "first source" hiring agreements with organizations representing Section 3 Residents.
7. Contacting resident councils, resident management corporations, or other resident organizations in the housing developments where there are Section 3 Residents, to request the assistance of those organizations in notifying residents of the training and employment positions to be filled.
8. Sponsoring a job informational meeting to be conducted at a location in the housing developments where there are Section 3 Residents or in the neighborhood or service area of the Section 3 covered project.
9. Arranging assistance in conducting job interviews and completing job applications for residents of the housing developments where there are Section 3 Residents and in the neighborhood or service area in which a Section 3 project is located.
10. Arranging for a location in the housing developments where there are Section 3 Residents, or the neighborhood or service area of the project, where job applications may be delivered and collected or where job interviews can be conducted.
11. Where there are more qualified Section 3 Residents than there are positions to be filled, maintaining a file of eligible qualified Section 3 Residents for future employment positions.
12. Undertaking such continued job training efforts as may be necessary to ensure the continued employment of Section 3 Residents previously hired for employment opportunities.

## Attachment H

(page 2 of 2)

### Efforts to Award Contracts to Section 3 Business Concerns that Demonstrate Compliance with the "Greatest Extent Feasible" Requirement of Section 3.

1. In determining responsibility of potential subcontractors, consider their record of Section 3 compliance as evidenced by past actions and their current plans for the pending subcontract.
2. Contacting business assistance agencies, minority contractors' associations and community organizations to inform them of contracting opportunities and request their assistance in identifying Section 3 businesses which may solicit bids or proposals for contracts for work in connection with Section 3 covered assistance.
3. Providing written notice to all known Section 3 Business Concerns of the contracting opportunities. This notice should be in sufficient time to allow the Section 3 Business Concerns to respond to the bid invitations or request for proposals.
4. Following up with Section 3 Business Concerns that have expressed interest in the contracting opportunities by contacting them to provide additional information on the contracting opportunities.
5. Coordinating pre-bid meetings at which Section 3 Business Concerns could be informed of upcoming contracting and subcontracting opportunities.
6. Advising Section 3 Business Concerns as to where they may seek assistance to overcome limitations such as inability to obtain bonding, lines of credit, financing, or insurance.
7. Arranging solicitations, times for presentations of subcontract bids, quantities, specifications, and delivery schedules in ways to facilitate the participation of Section 3 Business Concerns.
8. Where appropriate, breaking out subcontract work items into economically feasible units to facilitate participation by Section 3 Business Concerns.
9. Advertising subcontracting opportunities through trade association papers and newsletters, and through other local media, such as newspapers of general circulation.
10. Developing a list of eligible Section 3 Business Concerns.

### Providing Other Economic Opportunities

Contractors and subcontractors are encouraged to undertake efforts to provide to low-income persons economic opportunities other than training, employment, and contract awards, in connection with Section 3 covered assistance.

Other Training and Employment Related Opportunities: These include, but need not be limited to, use of trainee positions to fill vacancies; and hiring Section 3 Resident in part-time positions.

Other Business Related Economic Opportunities include, but are not limited to, the formation of Section 3 joint ventures, financial support for affiliating with franchise development, use of labor only contracts for building trades, purchase of supplies and materials from Housing Authority resident-owned businesses or Public Housing Authority resident-owned businesses.

## **Attachment I - Sample Notice of Project Area Resident Employment Commitments**

### **INSTRUCTIONS**

This Section 3 Project Area Resident Employment regulation requires that a notice similar to this sample be sent by all firms awarded a contract on this project to any labor organizations with which it has a collective bargaining agreement or other agreement or understanding. If awarded a contract, you will be required to submit a notice of this type and to post it in a prominent place available to your employees. This notice should be retyped on your company's letterhead.

### **S A M P L E**

#### **TO WHOM IT MAY CONCERN:**

The (Name of Company) has entered into an agreement with the County of Ventura for work to be performed at (Site of Work). This project is funded in part by the U.S. Department of Housing and Urban Development (HUD) and as such is subject to the terms of Section 3 of the Housing and Urban Development Act of 1968, 12 USC 1701 u. As a contractor or subcontractor on this project, and pursuant to the provisions of Section 3, the (Name of Company) is committed to utilizing residents of the Section 3 covered project area as employees and trainees to the greatest extent feasible. In addition, the (Name of Company) will utilize to the greatest extent feasible, business concerns located in or owned in substantial part by residents of the Section 3 covered project area.

It is the intention of the (Name of Company) to fulfill its obligations under Section 3.

[Signature of Authorized Company Representative]



## Attachment J - Sample Description of Job Categories for Section 3 Plan

Officials/Managers - Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation. Includes: officials, executives, middle management, plant managers, superintendents, salaried forepersons.

Professionals - Occupations requiring either college graduation or experience of such kind that provides a comparable background. Includes: accountants, chemists, architects, engineers, personnel workers, registered nurses, teachers, lawyers, auditors, researchers, property managers.

Technicians (Para-professionals) - Workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work which can be obtained through about two years of post-high school education or through equivalent on-the-job training (e.g., computer programmers, draft persons, engineering aides, junior engineers, nurses, nurse's aides, assistants, surveyors, buyers).

Sales - Occupations engaging wholly or primarily in direct selling (e.g., advertising agents, brokers, sales clerks).

Office/Clerical - Includes all clerical-type work regardless of level of difficulty (e.g., bookkeepers, office clerks, typists, telephone operators, non-management).

Skilled Craft Workers - Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work (e.g., auto attendants, laundry operators, truck drivers).

Operatives (Semi-skilled workers) - Workers who operate machines or processing equipment or perform other factory-type building trades, truck drivers).

Laborers (Unskilled workers) - Workers in manual occupations which generally require no special training (e.g., laborers, helpers, car washers, gardeners, elevator operators).

Apprentices/Trainees - Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency).

Service Workers - Workers in both protective and non-protective service occupations

ADP/computer	Guards	Police
Air conditioning repair	Handyworker	Porters
Appliance repair	Janitorial	Printers
Carpet Consultants	Landscaping	Suppliers
Catering	Lead Based Paint Remover	Transportation providers
Engineers	Manufacturing	Vendors
Firefighters	Marketing	Waiters/Waitresses
Florists	Photography	

## Attachment J

(page 2 of 2)

Construction Workers - Include but are not limited to the following categories:

Architecture	Heating	Refrigeration/Conditioning
Asbestos Removal	Insulators	Roofing
Bricklaying	Iron works	Sheet Metal
Carpentry	Laborers	Soft Floor Layer
Cement/Masonry	Lathers	Sprinkler Fitter
Communications & Systems	Marble and Tile	Stone Mason/Bricklayer
Demolition	Machine Operators	Surveying
Drywall	Painters	Terrazzo
Electrical	Parking Lot Striping	Tile Setting
Elevator Construction	Plastering	Truck Driver
Fencing	Plumbing	
Glazing	Power Equipment Operators	

## Attachment K - Apprenticeship Program Information

Building California Construction Careers conducts outreach programs which are designed to educate the public about construction career opportunities and apprenticeship. Their website is full of information regarding various union apprenticeship programs throughout the central coast. Their website is <http://www.buildingc3.com/>.

The **Tri Counties Building and Construction Trades Council, AFL-CIO**, represents 33 Craft Unions in Ventura, Santa Barbara and San Luis Obispo Counties.

<http://buildingtradescouncil.org/aboutus.html>

3994 East Main Street  
Ventura, CA 93006  
(805) 642-2149

411 E. Canon Perdido St., #12  
Santa Barbara, CA 93117  
(805) 683-0410

In addition, the following labor unions may also be a source for potential employees and many have apprenticeship programs.

### **ASBESTOS WORKERS LOCAL 5**

670 E. Foothill Blvd., Unit 2  
Azusa, CA 91702  
(626) 815-9794

### **GOLD COAST OF D.C. OF CARPENTERS LOCAL 150**

412 Dawson Drive  
Camarillo, CA 93010  
(805) 482-1905

### **BAC LOCAL 4 (Bricklayers)**

270 S. Joanne Avenue  
Ventura, CA 93003  
(805) 658-4883

### **IRONWORKERS LOCAL 416** (Reinforced)

13830 San Antonio Dr.  
Norwalk, CA 90651  
(562) 868-1251

### **BOILERMAKERS LODGE 92**

2260 S. Riverside Ave.  
Bloomington, CA 92316  
(909) 877-9383

### **IRONWORKERS LOCAL 433** (Structural)

17495 Hurley Street East  
City of Industry, CA 91744  
(626) 964-2500

### **CEMENT MASONS LOCAL 600**

2299 East Main Street  
Ventura, CA 93003  
(805) 653-5919

### **IRONWORKERS LOCAL 509** (Shopmen & Ornamental)

13830 San Antonio Dr.  
Norwalk, CA 90651  
(323) 262-9653

### **ELECTRICAL WORKERS LOCAL 952**

3994 E. Main St.  
Ventura, CA 93006  
(805) 642-2149

### **LABORERS LOCAL 585**

21 Dos Caminos  
Ventura, CA 93003  
(805) 643-5487

### **ELEVATOR CONSTRUCTORS LOCAL 18**

100 S. Mentor Ave.  
Pasadena, CA 91106  
(626) 449-1869

### **MILLWRIGHTS LOCAL 1607**

932 S. Gerhart Ave., #200  
Los Angeles, CA 90022  
(323) 724-0178

### **GLAZIERS LOCAL 636**

2333 N. Lake Avenue, Unit F  
Altadena, CA 91001  
(626) 448-1565

### **OPERATING ENGINEERS LOCAL 12**

1094 E. Main St.  
Ventura, CA 93001  
(805) 643-8740

## **Attachment K**

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### **PAINTERS & TAPERS LOCAL 52**

26 Bernard Street, Room 20  
Bakersfield, CA 93305  
(805) 325-1825

### **PILEDRIERS LOCAL 2375**

728 N. Lagoon Ave.  
Wilmington, CA 90744  
(310) 830-5300

### **PLUMBERS & FITTERS LOCAL 484**

1955 N. Ventura Ave.  
Ventura, CA 93001  
(805) 643-6345

### **RESILIENT FLOOR & DECORATIVE COVERING LOCAL 1247**

8051 Pioneer Blvd.  
Whittier, CA 90606  
(562) 695-7402

### **ROOFERS LOCAL 36**

5380 Poplar Blvd.  
Los Angeles, CA 90032  
(213) 222-0251

### **SHEET METAL WORKERS LOCAL 273**

1794 Goodyear  
Ventura, CA 93003  
(805) 658-0053

### **SO CA D.C. OF LABORERS**

4399 Santa Anita Avenue  
Suite 204  
El Monte, CA 91731  
(626) 350-6900

### **TEAMSTERS LOCAL 186**

1534 Eastman Avenue, Suite B  
Ventura, CA 93003  
(805) 644-0070

### **TILE, MARBLE & TERRAZZO LOCAL 18**

9732 E. Garvey Avenue  
South El Monte, CA 91733  
(626) 329-0369

### **U.A. LOCAL 250** (Refrigeration/Steamfitters)

18355 S. Figueroa St.  
Gardena, CA 90248  
(310) 660-0035

### **U.A. LOCAL 345** (Plumbing & Pipefitting)

1430 Huntington Drive  
Duarte, CA 91010  
(626) 357-9345

### **U.A. LOCAL 709** (Fire Sprinkler Fitters)

12140 Rivera Road  
Whittier, CA 90606  
(562) 698-9909

### **TRI-COUNTIES CENTRAL LABOR COUNCIL**

21 S. Dos Caminos  
Ventura, CA 93003  
(805) 641-3712