

SECTION 3 AND EQUAL OPPORTUNITY CONTRACTING PROJECT UTILIZATION PLAN

COVER SHEET

General Submittal Instructions:

Bidder/Proposer AND its first-tier subcontractors are to submit a completed Section 3 and Equal Opportunity Contracting Project Utilization Plan(s) in bid. If not, Utilization Plan(s) must be submitted within 24 hours, upon request by RHHA. A “non-responsive” determination may be made due to non-submittal within 24 hours.

Bidder/Proposer AND its first-tier subcontractors whose Utilization Plans indicate no subcontract awards to certified Section 3 Business Concerns will be required to submit, within 24 hours upon request by RHHA, supporting documentation for review and approval verifying efforts to outreach to and award subcontracts to Section 3 Business Concerns. A “non-responsive” determination shall be made due to a lack of documented outreach to Section 3 Business Concerns by the Bidder/Proposer. Exception: bid/proposal indicating no projected hiring and/or subcontracting opportunities.

Special Instructions for RHHA Developers:

Submit all completed Section 3 and Equal Opportunity Contracting Project Utilization Plans before construction begins and/or at the beginning of each project phase (to be determined on case-by-case basis). Developers submit completed Utilization Plans to:

Housing Authority of Rock Hill
Section 3 Coordinator
P.O. Box 11579
Rock Hill, SC 29731
bpatton@rhha.org

| | |
|---|--|
| Prime Contractor Name: | Bid/Solicitation # and Project Name: |
| <input type="checkbox"/> Contractor or <input type="checkbox"/> Subcontractor Name and Address: | Taxpayer ID Number: |
| Contact Name: | Email Address: |
| Telephone Number: | Proposed Dollar Value of <input type="checkbox"/> Contract or <input type="checkbox"/> Subcontract: \$ |

Check All That Apply For This Project And Follow Instructions As Applicable

- I am the Prime Contractor:
- I am a Subcontractor:
- There will be subcontracts as a result of this bid/proposal: Complete Cover Sheet and Attachment I.
- There will be new hires as a result of this bid/proposal: Complete Cover Sheet and Attachment II.
- There will be no subcontracts or new hires as a result of this bid/proposal: Complete Cover Sheet.

Bidder for the above bid/solicitation number and project hereby understands and agrees to comply with all provisions of Section 3 as set forth in 24CFR135.38 and RHHA’s Section 3 requirements, as applicable. Noncompliance with HUD’s Section 3 regulations may result in sanctions, termination of the contract/agreement for default and debarment or suspension from future HUD-assisted contracts.

Authorized Official’s Signature: _____ **Date:** _____

Printed Name and Title: _____

FOR ADDITIONAL INFORMATION, REGISTRY OF CERTIFIED SECTION 3 BUSINESS CONCERNS AND SECTION 3 RESIDENTS, AND INSTRUCTIONS FOR COMPLETING FORMS GO TO: [HTTP://RHHA.ORG/SECTION3.HTML](http://rhha.org/section3.html)

SECTION 3 AND EQUAL OPPORTUNITY CONTRACTING

PROJECT UTILIZATION PLAN

ATTACHMENT I: SECTION 3 BUSINESS CONCERN UTILIZATION PLAN

If you plan to award subcontracts and your Utilization Plan does not indicate subcontract awards to certified Section 3 Business Concerns, you will be required to submit supporting documentation verifying your efforts, to the greatest extent feasible, to outreach to and award subcontracts to Section 3 Business Concerns. **AT A MINIMUM, YOU MUST OUTREACH TO THE BUSINESSES LISTED IN RHHA'S REGISTRY OF CERTIFIED SECTION 3 BUSINESS CONCERNS.** If the registry of certified Section 3 Business Concerns does not represent the trades/services that you are seeking, contact RHHA Section 3 Coordinator at bpatton@rhha.org or (803) 324-3060 to obtain "Examples of Efforts to Award Contracting Opportunities."

Section 3 Business Concerns **must be** certified by RHHA. For SB, DBE, MBE, WBE or DVBE firms, please attach a copy of their certification(s).¹ **List ALL** proposed subcontractors (including subconsultants) for this project on the table below.

| Name, City & State | Taxpayer ID Number | Certified Section 3 Business Concern (yes/no) | Identify if SB/ DBE/ MBE/ WBE/ DVBE | Subcontract Amount (\$) and Percentage (%) of Total Contract Amount | | Trade/Category of Work |
|--|--------------------|---|-------------------------------------|---|---|------------------------|
| | | | | \$ | % | |
| | | | | \$ | % | |
| | | | | \$ | % | |
| | | | | \$ | % | |
| | | | | \$ | % | |
| | | | | \$ | % | |
| | | | | \$ | % | |
| Total Subcontract Amount - Dollars and Percentage of Total Contract Amount: | | | | \$ | | % |
| Total Subcontract Amount Awarded to Certified Section 3 Business Concerns – Dollars and Percentage of Total Contract Amount: | | | | \$ | | % |

Owner/Authorized Officer and Title: _____ Company: _____

Signature: _____ Date: _____

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¹ There are no numeric goals established for these certifications. However, affirmative efforts are required to ensure small businesses (SB) minority-owned (MBE) and woman-owned business enterprises (WBE) and other individuals and firms located in or owned by, in substantial part, persons residing in the Charlotte-Concord-Gastonia NC-SC MSA are used whenever possible.

**SECTION 3 AND EQUAL OPPORTUNITY CONTRACTING
PROJECT UTILIZATION PLAN**

ATTACHMENT II: SECTION 3 RESIDENT UTILIZATION PLAN

If you plan to hire new employees, a **documented effort** must be made to hire **certified** Section 3 Residents, to the greatest extent feasible, for full-time, permanent, temporary or seasonal employment. Section 3 Residents **must be** certified by RHHA.

| JOB CATEGORY | PROJECTED NUMBER OF FULL-TIME EMPLOYEES THAT WILL BE HIRED | PROJECTED NUMBER OF FULL-TIME EMPLOYEES THAT WILL BE CERTIFIED SECTION 3 RESIDENTS | NUMBER OF SECTION 3 APPRENTICES |
|---------------------------|--|--|---------------------------------|
| Official & Management | | | |
| Professional | | | |
| Technicians | | | |
| Service Workers | | | |
| Office and Clerical | | | |
| Sales | | | |
| Craft Workers (Skilled) | | | |
| Operatives (Semi-Skilled) | | | |
| Laborers (Unskilled) | | | |
| Other | | | |
| TOTALS | | | |

Owner/Authorized Officer and Title: _____

Company: _____

Signature: _____ Date: _____

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| Office and Clerical | | | |
| Sales | | | |
| Craft Workers (Skilled) | | | |
| Operatives (Semi-Skilled) | | | |
| Laborers (Unskilled) | | | |
| Other | | | |
| TOTALS | | | |

Owner/Authorized Officer and Title: _____

Company: _____

Signature: _____ Date: _____

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ABRIDGED SECTION 3 FAQ FOR BIDDERS/PROPOSERS

1. Who is a Section 3 Resident?

A Section 3 Resident is a person who is a resident of public housing who resides in the County of York or Chester; or a low- or very low-income person who resides in the Charlotte-Concord-Gastonia NC-SC MSA. Go to <http://www.rhha.org/section3.html> .

2. What is a Section 3 Business Concern?

A Section 3 Business Concern means a business concern that meets one of the following criteria: (1) at least 51 percent ownership by a Section 3 Resident; or (2) at least 30 percent of its permanent full-time employees include persons that are currently Section 3 Residents, or were Section 3 eligible residents within 3 years of date of first employment with the business concern; or (3) provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to Section 3 Business Concerns that qualify via the Section 3 ownership or workforce criterion.

3. Who can become certified as a Section 3 Business Concern?

A business concern that meets the eligibility criterion of (1) or (2) as set forth in the answer to question #2, “What is a Section 3 Business Concern?” can certify. RHHA does not certify Section 3 Business Concerns that qualify based on criterion (3). Instead, their Section 3 commitments are evaluated on a per contract basis.

4. Do certified Section 3 Business Concerns have to comply with the Section 3 requirements?

Yes. Certified Section 3 Business Concerns that are awarded Section 3 covered contracts or subcontracts must comply.

5. How can I demonstrate Section 3 compliance in my proposal/bid/quote?

A bidder/proposer and its first-tier subcontractors demonstrate Section 3 compliance by submitting: (1) Section 3 and Equal Opportunity Contracting Project Utilization Plans (includes Attachments I and II) that project a commitment to award contracts to certified Section 3 Business Concerns and/or hire certified Section 3 Residents, if there is a need to award contracts and/or hire new employees; and (2) supporting documentation verifying that the bidder/proposer and its first-tier subcontractors outreached to Section 3 Business Concerns.

6. What are examples of supporting documentation that verify outreach to Section 3 Business Concerns?

At a minimum, supporting documentation shall include a log of calls or copies of emails—with outcomes—to RHHA certified Section 3 Business Concerns. To obtain registry of certified Section 3 Residents and Section 3 Business Concerns, or “Examples of Efforts to Award Contracting Opportunities,” contact RHHA Section 3 Coordinator at bpatton@rhha.org or (803) 324-3060.

7. What happens if I do not submit, upon request by RHHA, supporting documentation verifying outreach to Section 3 Business Concerns?

A bid/proposal shall be deemed “non-responsive” due to a lack of documented outreach to Section 3 Business Concerns.

8. Do I have to comply with Section 3 requirements, if I do not plan to hire new employees and I do not plan to award contracts/subcontracts?

No. The requirements to comply with Section 3 are triggered when there is a need for new hires, contractors and/or subcontractors.

9. What is the Section 3 Clause, and why is it important?

The contractor must include the Section 3 Clause in its entirety in every subcontract that is subject to compliance with Title 24, Part 135 of the Code of Federal Regulations. The Section 3 Clause is the contract provisions set forth in Title 24, Part 135.38 of the Code of Federal Regulations.

10. Does RHHA monitor Section 3 Compliance?

Yes. RHHA Section 3 Coordinator monitors compliance by reviewing contractors’ and subcontractors’ certified payroll and/or workforce reports. Contractors and subcontractors must seek to maintain their approved percentages of Section 3 participation throughout the term of the Section 3 covered contract/project.