

**City of Warwick**  
**Office of Housing & Community Development**

**Forms To Be Included in the Contractor's Bid Submittal**

The following documents need to be completed and submitted with original bid:

- Certification Regarding Debarment and Suspension (2 pages)
- Equal Opportunity Certification (2 pages)
- Anti-Lobbying Certification (1 page)
- Contractor Compliance Form Section 3 (7 pages)
- Section 3 Plan Certification (1 page)
- Certification of Bidder Regarding Section 3 and Segregated Facilities (1 page)
- City of Warwick Community Development Program Affirmative action Plan for Utilizing Local Businesses (2 pages)
- Minority Contractor Participation (1 page)
- Civil Rights, Employment and Contracting Opportunities and Other Federal Requirements (3 pages)
- Certification of Bidder – Federal Labor Standards Provisions – Davis Bacon Act and “Related Acts” (1 page)

In addition, once awarded, all subcontractors will be required to complete the above forms and comply with the regulations referenced in the contract provisions.

**\*\*NOTE\*\***

All the above forms are also contained in the Federal Construction Contract Provisions of the Bid Package. The forms have been appended to the bid submittal for ease of reference.

# Certification Regarding Debarment and Suspension

U.S. Department of Housing  
and Urban Development

## Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Instructions for Certification (B)**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant		Date
Signature of Authorized Certifying Official		Title

**Equal Employment  
Opportunity Certification**  
Excerpt From 41 CFR §60-1.4(b)

U.S. Department of Housing  
and Urban Development  
Office of Housing  
Federal Housing Commissioner

Department of Veterans Affairs  
OMB Control No. 2502-0029  
(exp. 9/30/2016)

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin, such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.
- (3) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: **Provided, however,** That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work:

**Provided,** That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally-assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed

Firm Name and Address

By

Title

upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

#### Excerpt from HUD Regulations

##### 200.410 Definition of term "applicant".

- (a) In multifamily housing transactions where controls over the mortgagor are exercised by the Commissioner either through the ownership of corporate stock or under the provisions of a regulatory agreement, the term "applicant" as used in this subpart shall mean the mortgagor.
- (b) In transactions other than those specified in paragraph(a) of this section, the term "applicant" as used in this subpart shall mean the builder, dealer or contractor performing the construction, repair or rehabilitation work for the mortgagor or other borrower.

##### 200.420 Equal Opportunity Clause to be included in contracts and subcontracts.

- (a) The following equal opportunity clause shall be included in each contract and subcontract which is not exempt:

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.

- (2) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard race, creed, color, or national origin.

- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notices in conspicuous places available to employees and applicants for employment.

- (4) The contractor will comply with all provisions of Executive Order 10925 of March 6 1961, as amended, and of the regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

- (5) The contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, as amended, and by the regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Committee for purposes of investigation to ascertain compliance with such regulations, and orders.

- (6) In the event of the contractor's non-compliance with the nondiscrimination clause of this contract or with any of the said regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked provided in the said Executive Order or by regulations, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

- (7) The contractor will include the provisions of Paragraphs(1) through (7) in every subcontract or purchase order unless exempted by regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to Section 303 of Executive Order 10925 of March 6, 1961, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase orders as HUD may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by HUD, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (b) Except in subcontracts for the performance of construction work at the site of construction, the clause is not required to be inserted in subcontracts below the second tier. Subcontracts may incorporate by referenced to the equal opportunity clause.

##### 200.425 Modification in and exemptions from the regulations in this subpart.

- (a) The following transactions and contracts are exempt from the regulations in this subpart:

- (1) Loans, mortgages, contracts and subcontracts not exceeding \$10,000.

- (2) Contract and subcontracts not exceeding \$100,000 for standard commercial supplies or raw material;

- (3) Contracts and subcontracts under which work is to be or has been performed outside the United States and where no recruitment of workers within the United States is involved. To the extent that work pursuant to such contracts is done within the United States, the equal opportunity clause shall be applicable;

- (4) Contracts for the sale of Government property where no appreciable amount of work is involved; and

- (5) Contracts and subcontracts for an indefinite quantity which are not to extend for more than one year if the purchaser determines that the amounts to be ordered under any such contract or subcontract are not reasonably expected to exceed \$100,000 in the case of contracts or subcontracts for standard commercial supplies and raw materials, or \$10,000 in the case of all other contracts and subcontracts.

# Lobbying

31 U.S.C. 1352  
49 CFR Part 19  
49 CFR Part 20

## APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

\_\_\_\_\_ Signature of Contractor's Authorized Official

\_\_\_\_\_ Name and Title of Contractor's Authorized Official

\_\_\_\_\_ Date

**Contractor Compliance Form**

**Section 3**

**THIS FORM MUST BE COMPLETED BY ALL GENERAL CONTRACTORS AND SUBCONTRACTORS PROVIDING BIDS**

Property Owner's Name

\_\_\_\_\_

Property Owner's Address

\_\_\_\_\_

**SECTION I. CONTRACTOR INFORMATION**

Name

\_\_\_\_\_

Address

\_\_\_\_\_

Type of Business

\_\_\_\_\_

RI Registration No.

\_\_\_\_\_

SECTION 3 BUSINESS

YES  No

WOMEN BUSINESS ENTERPRISE (WBE)

YES  No

MINORITY BUSINESS ENTERPRISE (MBE)

YES  No

Bidding as a:

General Contractor  
 Sub-Contractor, indicate General Contractor name  
\_\_\_\_\_

Current number of employees

\_\_\_\_\_

Current number of women employees

\_\_\_\_\_

Current number of minority employees

\_\_\_\_\_

If minority employees enter racial/ethnic code from below:

Code

  1          2          3          4          5          6  

Number:

**RACIAL/ETHNIC CODES**

- 1. White            2. Black/African American            3. American Indian/Alaskan Native
- 4. Asian            5. Native Hawaiian/Pacific Islander            6. Hispanic/Latino

Total Dollar amount of Bid \$

\_\_\_\_\_

(if exceeds \$100,000, complete Section II)

**SECTION II. New Hires when Bid exceeds \$100,000 (must comply with Section 3 requirements)**

	Number of New Hires	Number of new hires that are Section 3 Residents
Number of employees to be hired for this contract	<input type="text"/>	<input type="text"/>
Number of professionals to be hired for this contract	<input type="text"/>	<input type="text"/>
List Professional trade hired	<input type="text"/>	<input type="text"/>
Number of technicians to be hired for this contract	<input type="text"/>	<input type="text"/>
List Technician trade hired	<input type="text"/>	<input type="text"/>
Number of Office/Clerical to be hired for this contract	<input type="text"/>	<input type="text"/>
Number of Construction by trade to be hired for this contract	<input type="text"/>	<input type="text"/>
List below each type of trade for which there were new hires. Add Trades as necessary		
Plumber	<input type="text"/>	<input type="text"/>
Electrician	<input type="text"/>	<input type="text"/>
Carpenter	<input type="text"/>	<input type="text"/>
Masonry	<input type="text"/>	<input type="text"/>
Laborers	<input type="text"/>	<input type="text"/>
Other (specify) _____	<input type="text"/>	<input type="text"/>
Total number of Section 3 trainees to be hired	<input type="text"/>	<input type="text"/>
Number of Low-Income Project Area Residents (L.I.P.A.R.) to be hired	<input type="text"/>	<input type="text"/>

**1. Construction Contracts**

- A. Total dollar amount of all contracts awarded on the project \$
- B. Total dollar amount of contracts awarded to Section 3 businesses \$
- C. Percentage of the total dollar amount that was awarded to Section 3 businesses \$
- D. Total number of Section 3 businesses receiving contracts \$

**2. Non-Construction Contracts**

- A. Total dollar amount of all contracts awarded on the project \$
- B. Total dollar amount of contracts awarded to Section 3 businesses \$
- C. Percentage of the total dollar amount that was awarded to Section 3 businesses \$
- D. Total number of Section 3 businesses receiving contracts \$



**SECTION III. SUMMARY**

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low-and very low-income persons, particularly those who are recipients of government assistance for housing. (Check **ALL** that apply)

Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within the metropolitan area (or Nonmetropolitan County) in which the Section 3 covered program or project is located or similar methods.

Participated in a HUD program or other program which promotes the training or employment of Section 3 residents.

Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.

Coordinated with Youthbuild Programs administered in the metropolitan area in which the Section 3 covered project is located.

Other; describe below

I hereby certify that it is the policy of the undersigned to comply with all existing laws prohibiting discrimination in all aspects of employment due to race, color, creed, sex, age, religion, national origin, marital status, receipt of public assistance or disability.

This shall be accomplished substantially by the following actions: **Nondiscrimination in RECRUITING, HIRING, TRAINING, PROMOTING, SUBCONTRACTING, DEMOTION, LAYOFF, and/or TERMINATION.**

General Contractor/Subcontractor Signature

Date

## Contractor/Subcontractor Section 3 Compliance Plan

- A. The undersigned Contractor/Subcontractor for the \_\_\_\_\_ project hereby agrees to implement at least the following steps directed at increasing the utilization of Section 3 residents and Section 3 business in accordance with 24 CFR Subpart A Part 135.1 to attempt to recruit from within the project area Section 3 residents through; local advertising media, signs placed at the proposed site for the project and community organizations and public or private institutions operating within or serving the project area.
- B. To seek the assistance, where necessary, in implementing a Section 3 compliance plan.
- C. To maintain a list of all Section 3 area residents who have made application for employment either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To maintain and provide the information requested on the Section 3 Summary Report (HUD 60002) related to employment and training records of Section 3 residents.
- E. To include this Section 3 compliance in all bid documents and to require all bidders to submit a Section 3 compliance plan including utilization goals and the specific steps planned to accomplish these goals.
- F. In the case of a general contractor, to insure that all Section 3 business concerns within the project area are notified of pending sub-contractual opportunities.
- G. To require all subcontractors to complete the Contractor Compliance Form before awarding any contracts.
- H. To maintain records, including copies of correspondence, memoranda, etc., which documents all steps taken to recruit Section 3 residents and Section 3 subcontractors from within the project area.
- I. To provide the information requested on Contract Compliance Activity Report related to contractors and subcontractors Notified and selected and the number of women and minority employees, the number of vacant positions and the Positions filled with lower income project area residents.

As officers and representatives of \_\_\_\_\_  
Name of Contractor/Subcontractor

We the undersigned, have read and fully agree to this Section 3 Compliance Plan, and become a party to the full implementation of this program.

<b>Print Name:</b>	<b>Title</b>	<b>Date</b>

<b>Print Name</b>	<b>Title</b>	<b>Date</b>

## Section 3 Clause

All Section 3 covered contracts shall include the following Section 3 clause:

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD Assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low – and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD’s regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the Contractor has a collective bargaining agreement or other understanding, if any, a notice of advising the labor organization or worker’s representative of the contractor’s commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract Or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the Subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor’s obligations under 24 CFR part 135.
- F. Noncompliance with HUD’s regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

F. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7 (b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract Section 7 (b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

Print Name:

Title

Date

Print Name

Title

Date

## Section 3, Women, Minority Business Concern Questionnaire

Business Name

Business Contact Person

Address

Phone Number

1. Is your business a Section 3 Business Concern?  Yes  No
2. Is your business a Women-Owned business concern?  Yes  No  
2. (a) Please list any self-certifications, agency certifications, and/or program certifications your Business holds:
3. Is your business a Disadvantaged/Minority-owned business concern?  Yes  No

**What is a Section 3 business concern?** (Adapted from <http://www.hud.gov/offices/fheo/section3/Section3.pdf>)

A business that:

- Is 51 percent or more owned by Section 3 residents;
- Employs Section 3 residents for at least 30 percent of its full-time, permanent staff; or
- Provide evidence of a commitment to subcontract to Section 3 business concerns, 25 percent or More of the dollar amount of the awarded contract.

**Who are Section 3 residents?**

(HUD Income Limits available online <http://hud.gov/offices/cpd/affordablehousing/programs/home/limits/income/index.cfm>)

Section 3 residents are:

- Public housing residents or,
- Persons who live in the area where a HUD-assisted project is located and who have a household Income that falls below HUD's income limits

**Determining Income Levels**

- Low income is defined as 80% or below the median income of that area
- Very low income is defined as 50% or below the median income of that area

**How is a "woman-owned small business" defined?** (Adapted from <http://www.vwbc.org/documents/wobCERT.pdf>)

The Federal Acquisition Regulations (FAR) defines a "woman-owned small business concern" in Part 19.001 Definitions, as follows: "Woman-owned small business concern means a small business concern –(a) which is at least 51 percent owned by one or more women; or, in case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and (b) whose management and daily business operations are controlled by one or more women."

**How is a "minority-owned business" defined?**

Although definitions vary, in general a minority-owned business is a for-profit enterprise, physically located in the United States or its trust territories, which is owned, operated, and controlled by minority group member(s). "Minority group members" most often identified are US Citizens who are Asian, African-American, Hispanic, and Native American (for a complete listing, see <http://www.sba.gov/library/cfrs/13cfr124.html>). Ownership by minority individuals means the business is at least 51 percent owned by such individuals, or, in case of a publicly-owned business, at least 51 percent of the stock is owned by one or more such individuals. Further, the management and daily operations are controlled by those minority group members.

**Certification** – The information above is true and complete to the best of my knowledge and belief.

Signature

Date

### Section 3 Plan Certification

\_\_\_\_\_ agrees to implement the following specific affirmative action  
(Name of Contractor)  
directed at increasing the utilization of lowest income residents and businesses within the City of  
Warwick.

- A. To ascertain from the locality's CDBG program official the exact boundaries of the Section 3 covered project area and were advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within the City of Warwick the necessary number of lower income residents through; Local advertising media, sign placed at the proposed site for the project, and community organizations and public private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
- C. To maintain a list of all lower income residents who have applied either on their own or on a referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this Section 3 plan in all bid documents, and to require all bidders and subcontractors to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish these goals.
- E. To insure the subcontracts which are typically let on a negotiated rather than bid basis in area other than Section 3 covered project areas, are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area.
- F. To formally contact unions, subcontractors and trade associations to secure their cooperation for this program.
- G. To insure that all appropriated project area business concerns are notified of pending sub-contractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., which document that all the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of the Section 3 Plan.

As officers and representatives of \_\_\_\_\_ we, the undersigned,  
have read and \_\_\_\_\_  
(Name of Contractor)  
fully agree to this Affirmative Action Plan, and become party to the full implementation of this  
program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**CERTIFICATION OF BIDDER REGARDING SECTION 3 AND SEGREGATED FACILITIES**

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Name of Prime Contractor

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Project Name & Number

The undersigned hereby certifies that:

1. Section 3 provisions are included in the Contract.
2. A written Section 3 plan was prepared and submitted as part of the bid proceedings (if bid equals or exceeds \$100,000).
3. No segregated facilities will be maintained.

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Name & Title of Signer (Print or Type):

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Signature Date

City of Warwick  
Community Development Program

Affirmative Action Plan  
for  
Utilizing Local Businesses

This plan sets forth the procedures by which the City of Warwick will assure that to the greatest extent feasible contracts for work in connection with the City's Community Development Program will be awarded to business concerns which are located in or owned in substantial part by persons residing in the City of Warwick. These procedures are set forth in compliance with the rules and regulations in Part 135 of Title 24 of the Code of Federal Regulations entitled "Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects" published on August 3, 1973. It is the intent of this plan that the City and its contractors follow these procedures in awarding any work financed under the City's Community Development Program.

1. At the beginning of each Community Development Program Year the City will prepare and make available to the public a list of contracts expected to be awarded and a description of the professional category or classification of each type of service or supplies to be provided in order to carry out the Community Development Program.

2. The City will prepare a list of businesses known to be located within the City which appear to be eligible to provide the services, supplies or construction work in order to determine the availability of local businesses for each contract listed in compliance with No. 1 above.

3. The City and its contractors shall, where feasible, award all contracts to local businesses. Reasons for awarding contracts to other firms shall be documented. Sufficient reason for awarding contracts to firms outside the City shall include non-competitive bids or the unavailability of local firms or individuals who can provide the services or supplies required.

4. The City and its contractors shall comply with the following procedures in order to assure that local businesses are afforded the opportunity to contract with the City or other contractors under the Community Development Program:

(a) The Community Development Program's Affirmative Action Plan for Utilizing Local Businesses shall be inserted into all bid documents for work funded under the Community Development Program.

(b) Local businesses for the purpose of complying with these procedures shall be those located within the entire City of Warwick or owned in substantial part by residents of Warwick.

(c) All contractors and subcontractors shall certify their intent to comply with the objectives and procedures of this plan prior to signing a contract with the City. All contracts and subcontracts will be awarded in compliance with this plan and must be approved by the City of Warwick in writing.



(d) Opportunities or contracts under the Community Development Program shall be advertised in the metropolitan and local newspapers. A notice of the pending contract shall be posted on the site, where applicable, or in the City Hall. Notification of pending contractual opportunities shall be sent to the City's Purchasing Agent.

(e) All contracts for more than \$1,000 shall be awarded on the basis of competitive bids in conformance with City and Federal procedures.

(f) All bids or proposals must be accompanied by a list of all positions for employment or training by occupational category and a list of all subcontracts necessary to fulfill the contract. In addition, each bidder shall submit with the bid, a certification adopting this plan for utilizing local businesses.

I, \_\_\_\_\_, certify that I have  
(Contractor)

read and understand the Community Development Program's Affirmative Action Plan for Utilizing Local Businesses and further certify that all work let out under this contract shall be in conformance with its objectives and procedures. I understand that I am certifying that to the greatest extent feasible all sub-contracts or other work let out under this contract will be awarded to businesses located in Warwick or businesses which are owned in substantial part by residents of Warwick.

Witness: \_\_\_\_\_ By: \_\_\_\_\_  
(Contractor)

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

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

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

## MINORITY CONTRACTOR PARTICIPATION

Name of Prime Bidder

Indicate whether or not you will be subcontracting a portion of this contract to a minority business \_\_\_ Yes \_\_\_ No

If yes, list the names of minority subcontractors who will be performing work for you.

Type of Work (Electrical, Paving, etc.) and Name of Contract items

Minority Contractor	Address	Parts thereof to be performed	Agreed Price

**NOTE:** Minority person means an individual who is Black, Hispanic, Asian American, American Indian, Alaskan Native or a woman regardless of race or ethnicity.

Minority contractor means a contractor which is:

1) an individual, who is a Minority Person, 2) a partnership or joint venture controlled by minority persons and in which at least 51 percent of the beneficial ownership interests are held by minority persons, or 3) a corporation or other entity controlled by Minority Persons in which at least 51 percent of voting interest and beneficial ownership interests are held by Minority Persons.

## **Civil Rights, Employment and Contracting Opportunities, and Other Federal Requirements**

**Americans with Disabilities Act of 1990 (ADA):** This Act modifies and expands the Rehabilitation Act of 1973 to prohibit discrimination against “a qualified individual with a disability” in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.

**Architectural Barriers Act of 1968 (ABA) - (42 U.S.C. 4151-4157):** This Act requires that certain buildings financed with Federal funds must be designed, constructed, or altered in accordance with standards that ensure accessibility for persons with physical disabilities. The ABA covers any building or facility financed in whole or in part with Federal funds, except privately owned residential structures. Covered buildings and facilities designed, constructed, or altered with CDBG funds are subject to the ABA and must comply with the Uniform Federal Accessibility Standards.

**Disadvantaged Business Enterprises (DBE):** It is the policy of HUD to encourage the award of prime contracts valued at \$100,000 or more to small disadvantaged business (SDB) concerns (other than certified 8(a) firms) that are at least 51 percent owned and controlled by socially and economically disadvantaged individuals.

**Fair Labor Standards Act (FLSA) [as amended] - 29 U.S.C. 201 et seq.:** The U.S. Department of Labor (DOL) administers and enforces the minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.

**Immigration Reform and Control Act (IRCA) of 1986:** Employers may hire only persons who may legally work in the U.S., i.e., citizens and nationals of the U.S. and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9).

**Minority and Women-Owned Business Enterprises (MBE/WBE) - 24CFR Part 85.36 (e) (1):** It is the policy of HUD to actively encourage contractors to take all necessary affirmative steps to assure that small and minority firms, Women’s business enterprise and labor surplus area firms as used as subcontractors when possible. A minority or women-owned small business concern is defined as owned by at least 51 percent minority group members or women.

**Section 109 of Title 1 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et. seq., particularly 42 U.S.C. 6101 et. seq., and 29 U.S.C. 794):** This section provides that no person shall be excluded from participation (including employment), denied program benefits, or subject to discrimination on the

basis of race, color, national origin, or sex under any program or activity funded in whole or in part under Title I of the Act.

**Section 504 of the Rehabilitation Act of 1973, as amended (implemented at 24 CFR Part 135):** It is unlawful to discriminate based on disability in federally assisted programs. This section provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving Federal funding assistance. Section 504 also contains design and construction accessibility provisions for multi-family dwellings developed or substantially rehabilitated for first occupancy on or after March 13, 1991.

**Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978:** This manual applies to employee selection procedures in the areas of hiring, retention, promotions, transfer, demotions, dismissal, and referral. It is designed to assist employers, labor organizations, employment agencies, licensing and certification boards in complying with the requirements of Federal laws prohibiting discriminatory employment.

**Vietnam Era Veterans' Readjustment Act of 1974 (revised Jobs for Veterans Act of 2002):** This Act was passed to ensure equal employment opportunity for qualified disabled veterans and veterans of the Vietnam War. Affirmative action is required in the hiring and promotion of veterans.

**Violation or Breach of Contract:** Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

**Termination for Cause and for Convenience:** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

**Rights to Inventions Made Under a Contract or Agreement:** If the agreement with the contractor is for the performance of experimental, developmental, or research work, including any assignment, substitution of parties, or subcontract of any type entered into for such purpose, the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

**Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended:** Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to

comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

**Procurement of Recovered Materials:** A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**HUD Lead-Based Paint Regulations, 24 CFR Part 35**

**Flood Disaster Protection Act of 1973 (P.L. 93-243)**

**Nondiscrimination under Title VI of the Civil Rights Act of 1964 (as Amended)**

**Acknowledgment of Bidding Firm to comply with the above referenced Federal Regulations where applicable:**

\_\_\_\_\_  
Print Name: (Contractor)

\_\_\_\_\_  
Date

## CERTIFICATION OF BIDDER

### FEDERAL LABOR STANDARDS PROVISIONS- DAVIS BACON ACT AND “RELATED ACTS”

This certification is required to insure that the Bidder understands that the Project or Program to which the construction work covered by any construction greater than \$2,000, is being assigned by the United States of America and that the various Federal Labor Standards Provisions, summarized in the form HUD-4010, “Federal Labor Standards Provisions” are included in any such contract, pursuant to the provisions applicable to such Federal assistance.

The Bidder certifies receipt of form HUD-4010, “Federal Labor Standards Provisions”, must be included and attached to each and every construction bid document and/or construction contract greater than \$2,000, that is subject to the Davis-Bacon Act and “Related Acts.”

#### **Wage Determination – The Wage Determination applicable to this project is:**

Determination Number:

Modification Number:

Date:

**A hard copy of this Determination must be included within these bid specifications.**

**Wage Determination Posting** – Contractors and sub-contractors shall post the prevailing wage rates for each craft and classification in a prominent and easily accessible place at the site of the work, or at such places as are used by them to pay workers.

The undersigned is required to ensure that all specifications and/or contracts include all applicable Federal wage rate determinations and the required labor standards provisions summarized by form HUD-4010, “**Federal Labor Standards Provisions.**”

**Weekly Certified Payrolls** – It is the responsibility of each contractor and sub-contractor to submit weekly certified payrolls for project work (<http://www.dol.gov/whd/forms/wh347.pdf>). **It is the responsibility of the undersigned (prime contractor) to review payrolls submitted by subcontractors to ensure that there are no discrepancies or underpayments.**

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### CERTIFICATION BY BIDDER

Name and Address of Bidder (Include ZIP Code):

Name and Title of Signer (Please print or type below:)

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Signature

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Date