

**ESCAMBIA COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PROGRAM**

FEDERAL CONTRACT COMPLIANCE PROVISIONS  
FOR  
NON-CONSTRUCTION PROJECTS

(FUNDED IN WHOLE OR IN PART WITH COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM FUNDING OBTAINED FROM THE U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT)

Updated: November 2018

**ESCAMBIA COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

**INFORMATION FOR BIDDERS**

This project is financed through the Community Development Block Grant (CDBG) Program with funds obtained from the U.S. Department of Housing and Urban Development (HUD).

Section 3 Requirements: 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. USC 1701 U (Section 3). The purpose of Section 3 is to ensure that employment and other economic development opportunities generated by HUD assistance, to the greatest extent feasible, be directed to low and very low income persons. Section 3 businesses are encouraged to submit proposals.

Equal Opportunity/Affirmative Action: Minority and women-owned businesses are encouraged to submit bids.

Federal Labor Standards: This project is subject to Federal Labor Standards Requirements, including Davis Bacon requirements, Copeland Act, and Contract Work Hours and Safety Standards. All work performed on the project will be subject to the approved wage determination rates in bid documents. If applicable to this project, a separate Federal Labor Standards Packet will be provided.

**For your bid to be considered responsive, you must complete the following certification forms:**

For ALL Bids:

1. Certification of Non Segregated Facilities (FORM A)
2. Certification Regarding Equal Employment Opportunity (FORM B)
3. Certification Regarding Debarment, Suspension, and Other Responsibility Matters (FORM C)
4. Anti-Lobbying Certification (FORM D)
5. Certification of M/W/DBE Designation (FORM E)
6. Documentation of MBE and WBE Subcontractor Solicitation (FORM F)
7. Certification of Regarding Drug Free Requirement (FORM G)
8. Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Ability Form (FORM H)
9. Architect, Engineer, or Contractor Certification (FORM I)—ADA PROJECTS ONLY

For Contracts Exceeding \$100,000:

1. Certification Regarding Section 3 Provisions (FORM J)
2. Section 3 Affirmative Action Plan—including Table A and B only (FORM K)

**Additional Certifications will be required by subcontractors prior to the start of work:**

For ALL subcontracts:

1. Certification Regarding Debarment, Suspension, and Other Responsibility Matters (FORM C)
2. Anti-Lobbying Certification (FORM D)
3. Certification of M/W/DBE Designation (FORM E)

For all subcontracts exceeding \$10,000:

1. Certification of Non Segregated Facilities (FORM A)
2. Certification Regarding Equal Employment Opportunity (FORM B)

For subcontracts exceeding \$100,000:

1. Certification Regarding Section 3 Provisions (FORM J)
2. Section 3 Affirmative Action Plan—including Table A and B only (FORM K)

**Submission of Section 3 Utilization Report for Contracts Exceeding \$100,000:**

Prime contractors must submit a Section 3 Utilization Report to Escambia County or their designee prior to final payment of CDBG funds for the project. This Report must include all Section 3 Employees of both the Contractor and ALL Subcontractors according to the Section 3 Affirmative Action Plan.

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**THIS PACKET CONTAINS THE FOLLOWING INFORMATION:**

<b>SECTION I:</b> FORMS/CERTIFICATIONS	pages 4-19
<b>SECTION II:</b> SECTION 3 INFORMATION AND REPORTING FORMS	pages 20-25
<b>SECTION III:</b> FEDERAL PROVISIONS	pages 26-41

**CERTIFICATION OF NONSEGREGATED FACILITIES**  
(Contracts/Subcontracts Exceeding \$10,000)

Name of Contractor/Subcontractor: \_\_\_\_\_

Project Name and Number: \_\_\_\_\_

The undersigned hereby certifies that:

(a) No segregated facilities will be maintained as required by Title VI of the Civil Rights Act of 1964

<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>

*NOTE: Form must be submitted by contractor at submission of bid and submitted by subcontractor(s) prior to start of work*

**CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY (EEO)**  
 (Contracts and Subcontracts Exceeding \$10,000)

**INSTRUCTIONS:**

This certification is required pursuant to Executive Order 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60). The implementing rules and regulations provide that any bidder or prospective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the BIDDER has not filed a compliance report due under applicable instructions, such bidder shall be required to submit a compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted.

<b>CERTIFICATION BY (check one): <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> SUBCONTRACTOR</b>	
NAME AND ADDRESS OF CONTRACTOR/SUBCONTRACTOR (include ZIP CODE):	
1. CONTRACTOR/SUBCONTRACTOR has participated in a previous contract or subcontract subject to the EEO Clause.                      Yes [ ] No [ ]	
2. Compliance reports were required to be filed in connection with such contract or subcontract.                      Yes [ ] No [ ]	
3. CONTRACTOR/SUBCONTRACTOR has filed all compliance reports due under applicable instructions, including SF 100.                      Yes [ ] No [ ]	
4. Have you ever been or are you being considered for sanction due to violation of Executive Order 11246, as amended?                      Yes [ ] No [ ]	
<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>

*NOTE: Form must be submitted by contractor at submission of bid and submitted by subcontractor(s) prior to start of work*

*Contractors with 50 or more employees that have either a (1) contract, subcontract, or purchase order of \$50,000 or more; or (2) serve as a depository of Government funds in any amount; or (3) are a financial institution serving as a issuing and paying agent of U.S. Savings Bonds and Savings notes are required to submit a SF 100, EEO-1 report annually, by September 1, documenting the number of employees by race, ethnicity, and gender for each of nine job categories.*

**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 it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department 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.

<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Firm Name:</b>	
<b>Firm Address:</b>	

**ANTI-LOBBYING CERTIFICATION  
FOR CONTRACTS, GRANTS, LOANS  
AND COOPERATIVE AGREEMENTS**

The undersigned 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 any agency, a Member of Congress, and 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 influencing or attempting to influence 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.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients 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 prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. 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.

<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>

**CERTIFICATION OF  
MBE/WBE/DBE DESIGNATION**

**Contractor \_\_\_DOES or \_\_\_DOES NOT qualify as an MBE/WBE/DBE FIRM**

The undersigned swears that the foregoing statements are made as part of this application are true and correct and includes all material information necessary to:

**1. Name and Address of Company:**

<b>2. Identify the Ownership Thereof:</b>	<b>% of Ownership</b>

**3. Provide DOCUMENTATION that the company/firm is designated as a (check all that apply):**

- Minority Business Enterprise (MBE)**
- Women Business Enterprise (WBE)**
- Disadvantage Business Enterprise (DBE)**

**Name and Title of Authorized Representative (Please Print or Type):**

  
  

<b>Signature:</b>	<b>Date:</b>
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**WITNESSES:**

<b>By:</b>	<b>Print Name:</b>
<b>By:</b>	<b>Print Name:</b>

**DOCUMENTATION OF MBE AND WBE SUBCONTRACTOR SOLICITATION**

All bidders are required in accordance with 2 CFR 200.321 to document efforts to solicit minority-owned and women-owned subcontractors if subcontracts are to be let. Failure to document these efforts and complete this certification will cause the bid to be non-responsive and possibly rejected.

At a minimum, bidders are required to take the following action:

Assuring that minority businesses and women’s business enterprises are solicited whenever they are potential sources by including written documentation of such action. Written documentation may include, for example, (1) written quotes from MBEs and WBEs; (2) letters of solicitation prepared by the bidder and sent to MBEs and WBEs who may be potential sources; and (3) written accounts of phone solicitations of MBEs and WBEs. Such accounts must include the name of the MBE or WBE firm, mailing address, phone number and contact person at the MBE or WBE firm.

I hereby certify that affirmative action will be taken to solicit MBE/WBE contractors. Documentation will be provided to the County and verified prior to awarding a contract.

I hereby certify that no subcontracts will be let on this project

<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Firm Name:</b>	
<b>Firm Address:</b>	

**CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS**

\_\_\_\_\_ will provide a drug-free workplace by:  
*(Insert Name of Contractor)*

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibitions;

(b) Establishing a drug-free awareness program to inform employees about

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee’s policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employer in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

- (1) Abide by the terms of the statement; and
- (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;

(e) Notifying HUD within 10 days after receiving notice under subparagraph (d) (2) from an employer or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted-

- (1) taking appropriate personnel action against such an employee, up to and including termination; or
- (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;

(g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>



**ARCHITECT, ENGINEER OR CONTRACTOR'S CERTIFICATION  
(for ADA PROJECTS ONLY)**

COMPLIANCE WITH MINIMUM STANDARDS FOR  
ACCESSIBILITY BY THE PHYSICALLY HANDICAPPED

Contract No. \_\_\_\_\_

Project Name: \_\_\_\_\_

Location: **CDBG TARGETED CENSUS TRACTS IN ESCAMBIA COUNTY**

Pursuant to the requirements of the Architectural Barriers Act of 1968, 42 USC 4151, and the regulations issued subsequent thereto, the undersigned certifies that the design of the above-mentioned project is in conformance with the minimum standards contained in the American Standard Specifications for making Buildings and Facilities Accessible to and Usable By the Physically Handicapped, Number A-117.1R-1972 (as modified by CFR 101-19.603).

Architect, Engineer or  
Contractor for the  
Project: \_\_\_\_\_  
(Legal Name and Address)

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

Registration Number: \_\_\_\_\_

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

\_\_\_\_\_  
(Print Name)

**CERTIFICATION OF SECTION 3 PROVISIONS**  
(Contracts/Subcontracts Exceeding \$100,000)

Name of Contractor/Subcontractor: \_\_\_\_\_

Project Name and 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.

<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>

*NOTE: Form must be submitted by contractor at submission of bid and submitted by subcontractor(s) if applicable prior to start of work*

## CONTRACTOR SECTION 3 AFFIRMATIVE ACTION PLAN

If award is received, \_\_\_\_\_ (Contractor) agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and business within Escambia County, Florida.

- A. To ascertain from the locality's CDBG program official the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from within the County the necessary number of lower income 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 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 referral from any source, and to employ such persons, if otherwise eligible and if vacancy exists.
- \*D. To insert this Section 3 plan in all bid documents and in subcontracts over \$100,000, and to require all bidders or subcontractors to submit Tables A and B from said subcontractors and to obtain all documentation for completion of Tables C and D prior to final payment. Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish these goals.
- F. To formally contact unions, subcontractors, and trade associations to secure their cooperation for this program.
- G. To insure that all appropriate project area business concerns are notified of pending subcontractual opportunities.
- H. To maintain records, including copies of correspondence, memoranda, etc., which document that all of 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 this Section 3 plan.

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\*Loans, grants, contracts, and subsidies for less than \$100,000 will be exempt.

J. To list on Table A, information related to proposed subcontractors to be awarded to Section 3 businesses.

K. To list on Table B, all projected workforce needs for all phases of this project by occupation, trade, skill level, and number of positions.

As officers and representatives of \_\_\_\_\_.  
(Name of Contractor)

We the undersigned have read and fully agree to this Affirmative Action Plan, and become party to the full implementation of this program.

<b>Company Name:</b>	
<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>



**TABLE B  
 BIDDER'S SECTION 3 ESTIMATED NEW HIRES**

<b>JOB CATEGORY</b>	<b>ESTIMATED TOTAL POSITIONS NEEDED FOR PROJECT</b>	<b>NO. OF POSITIONS OCCUPIED BY PERMANENT EMPLOYEES</b>	<b>NO OF POSITIONS NOT OCCUPIED</b>	<b>NO. OF POSITIONS TO BE FILLED WITH SECTION 3 RESIDENTS*</b>
OFFICER/SUPERVISIORS				
PROFESSIONALS				
TECHNICAL				
HSG SALES/RENTAL MGMT				
OFFICE/CLERICAL				
SERVICE WORKERS				
OTHERS				
TRADE: _____				
JOURNEYMEN				
HELPERS				
APPRENTICES				
TRAINEES				
OTHERS				
TRADE: _____				
JOURNEYMEN				
HELPERS				
APPRENTICES				
TRAINEES				
OTHERS				

<b>Company Name:</b>	
<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Project Name:</b>	<b>Project No:</b>

\*Section 3 Resident: Individual residing within the County in which the Section 3 covered project is located and whose income does not exceed 80% of the higher of the median income, adjusted by family size

**TABLE C  
CONTRACTORS'S SECTION 3 NEW HIRES REPORT**

<b>JOB CATEGORY</b>	<b>ESTIMATED TOTAL POSITIONS NEEDED FOR PROJECT</b>	<b>NO. OF POSITIONS OCCUPIED BY PERMANENT EMPLOYEES</b>	<b>NO OF POSITIONS NOT OCCUPIED</b>	<b>NO. OF POSITIONS TO BE FILLED WITH SECTION 3 RESIDENTS*</b>
OFFICER/SUPERVISIORS				
PROFESSIONALS				
TECHNICAL				
HSG SALES/RENTAL MGMT				
OFFICE/CLERICAL				
SERVICE WORKERS				
OTHERS				
TRADE: _____				
JOURNEYMEN				
HELPERS				
APPRENTICES				
TRAINEES				
OTHERS				
TRADE: _____				
JOURNEYMEN				
HELPERS				
APPRENTICES				
TRAINEES				
OTHERS				

*NOTE: Must be submitted by Contractor prior to final draw.*

<b>Company Name:</b>	
<b>Name and Title of Authorized Representative (Please Print or Type):</b>	
<b>Signature:</b>	<b>Date:</b>
<b>Project Name:</b>	<b>Project No:</b>

\*Section 3 Resident: Individual residing within the County in which the Section 3 covered project is located and whose income does not exceed 80% of the higher of the median income, adjusted by family size

**TABLE D  
CONTRACTOR'S SECTION 3 BUSINESS UTILIZATION REPORT**

<b>Prime Contractor:</b>	<b>Address:</b>
<b>Project Name:</b>	<b>Contract Amount:</b>

<b>Name of Subcontractor</b>	<b>Section 3 business (Y/N)?</b>	<b>Address/Phone</b>	<b>Trade, Service or Supply</b>	<b>Contract Amount</b>	<b>Award Date</b>	<b>Competitive or Negotiated Bid?</b>	<b>FED ID #</b>

TOTAL DOLLAR AMOUNT AWARDED TO SECTION 3 BUSINESSES: \$ \_\_\_\_\_

A Section 3 Business concern is 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
- Provides evidence of a commitment to subcontract to Section 3 business concerns, 25 percent or more of the dollar amount of the awarded contract.

# SECTION II

## SECTION 3 - ECONOMIC OPPORTUNITIES

### What is Section 3?

It is a means by which HUD fosters local economic development, neighborhood economic improvement, and individual self-sufficiency. Section 3 is the legal basis for providing jobs for residents and awarding contracts to businesses in areas receiving certain types of HUD financial assistance.

Under Section 3 of the HUD Act of 1968, wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities will be given to Section 3 residents and businesses in that area.

### Section 3 Policy

Congress established the Section 3 policy to guarantee that the employment and other economic opportunities created by Federal financial assistance for housing and community development programs should, if possible, be directed toward low- and very-low income persons, particularly those who are recipients of government assistance for housing.

### Who are Section 3 residents?

Section 3 residents are:

- Public housing residents
- **Low and very-low income** persons who live in the metropolitan area or non-metropolitan county where a HUD-assisted project for housing or community development is located.

### 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.
- Current income levels by household size for the **Escambia County area** are provided in the table below (2018):

# PERSONS IN FAMILY	50% OF MEDIAN	80% OF MEDIAN
1	\$22,850	\$36,550
2	26,100	41,750
3	29,350	46,950
4	32,600	52,150
5	35,250	56,350
6	37,850	60,500
7	40,450	64,700

### What is a Section 3 business & what types of economic opportunities are available under Section 3?

A **Section 3 business** is a business:

- That is at least 51 percent or more owned by Section 3 residents,
- 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
- That provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to a Section 3 business concern.

Types of Opportunities:

- Job training
- Employment
- Contracts

Examples include:

Administrative/ Management	Services	Construction
accounting	appliance repair	architecture
payroll	florists	bricklaying
research	marketing	carpentry
bookkeeping	carpet installation	cement/masonry
purchasing	janitorial	demolition
word processing	photography	drywall
	catering	electrical
	landscaping	elevator construction
	printing	engineering
	computer/information	fencing
	manufacturing	heating
	transportation	iron works
		machine operation
		painting
		plastering
		plumbing
		surveying
		tile setting

**Who will award the economic opportunities?**

Recipients of HUD financial assistance **and their contractors and subcontractors are required** to provide economic opportunities, to the greatest extent possible, consistent with existing Federal, State, and local laws and regulations.

**Who receives priority under Section 3?**

For training and employment:

- Persons in public and assisted housing
- Persons in the area where the HUD financial assistance is expended
- Participants in HUD Youthbuild programs
- Homeless persons

**How can businesses find Section 3 residents to work for them?**

Businesses can recruit in the neighborhood and public housing developments to inform residents about available training and job opportunities. Distributing flyers, posting signs, placing ads, and contacting resident organizations and local community development and employment agencies to locate potential workers are effective ways of acquiring jobs.

**Are recipients, contractors and subcontractors required to provide long-term employment opportunities, and not simply seasonal or temporary employment?**

Recipients are required, to the greatest extent feasible, to provide all types of employment opportunities to low and very low-income persons, including seasonal and temporary employment, as well as long-term jobs.

Employment goals are based on "new hires", which are defined as full-time employees for permanent, temporary or seasonal employment opportunities.

Recipients and contractors are encouraged to provide long-term employment. At least 30 percent of the permanent, full-time employees hired should be Section 3 residents. After a Section 3 employee has been employed for 3 years, the employee may no longer be counted as a Section 3 employee to meet the 30 percent requirement. This requires recipients to continue hiring Section 3 residents when employment opportunities are available.

### **SECTION 3 COMPLIANCE REPORT**

Attached is a sample SECTION 3 SUMMARY REPORT to be completed by every contractor/subcontractor awarded a construction contract of \$100,000 or more on a CDBG project and must be submitted to County before final funds are released.

PDF or Excel Version may be requested from the Escambia County Neighborhood Enterprise Division at [ned@myescambia.com](mailto:ned@myescambia.com) or 850-595-0022.



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**Part II: Contracts Awarded**

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1. Construction Contracts:

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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:

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A. Total dollar amount all non-construction contracts awarded on the project/activity	\$
B. Total dollar amount of non-construction 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 non-construction contracts	

**Part 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.

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Public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB number.

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, mandates that the Department ensures that employment and other economic opportunities generated by its housing and community development assistance programs are directed toward low- and very-low income persons, particularly those who are recipients of government assistance housing. The regulations are found at 24 CFR Part 135. The information will be used by the Department to monitor program recipients' compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as self-monitoring tool. The data is entered into a database and will be analyzed and distributed. The collection of information involves recipients receiving Federal financial assistance for housing and community development programs covered by Section 3. The information will be collected annually to assist HUD in meeting its reporting requirements under Section 808(e)(6) of the Fair Housing Act and Section 916 of the HCDA of 1992. An assurance of confidentiality is not applicable to this form. The Privacy Act of 1974 and OMB Circular A-108 are not applicable. The reporting requirements do not contain sensitive questions. Data is cumulative; personal identifying information is not included.

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# SECTION III

## FEDERALLY RELATED CONTRACT PROVISIONS AND WAGE RATE INFORMATION

**THIS SECTION** includes the myriad of Federally related contract requirements which must be complied with during the completion of this project, including applicable Wage Rates which must be paid to workers on the job. All of the requirements in this section should be carefully reviewed by the Bidder/Contractor and all Subcontractors.

Each Contractor must conform with the following:

### I. Compliance with Determination of Prevailing Wage Rate and Affidavit

- A. The Contractor shall affirm, to the satisfaction of the County, that all wage rates paid to any worker engaged in any craft or occupation, in the performance of the work for which this contract shall be made, shall be not less than those rates specified in the attached Wage Determination **NOT APPLICABLE TO THIS PROJECT** issued by the U. S. Department of Housing and Urban Development. This requirement shall extend to all employees provided by a subcontractor and similarly employed in the performance of this contract.
- B. All contractors and subcontractors engaged in any manner whatsoever in any aspect of the performance of this contract shall execute an affidavit stating that a schedule of prevailing wage rates, as required by Title 29, Part 5(a)(1) of the Code of Federal Regulations, has been posted as required on the premises of the work to be done. A copy of the Wage Determination and a copy of the form of Affidavit required are included in the LABOR STANDARDS PROVISIONS PACKET.
- C. All contractors and subcontractors must submit certified Weekly Payroll Reports using HUD Form WF 347 or an equivalent document providing the required information.

### II. Standard Contract Provisions (Full Text Attached)

All applicable Federal provisions are attached including:

1. Certification of Non-Segregated Facilities
2. Compliance with Air and Water Acts
3. EEO Compliance Certification
4. Labor Standards Provisions **NOTE: LABOR STANDARDS (DAVIS-BACON WAGE RATES AND PAYROLL REPORTING) PROVISIONS ARE NOT APPLICABLE TO THIS PROJECT, UNLESS REQUIRED BY OTHER FUNDING SOURCES.**
5. Anti-Kickback Act
6. Executive Order 11246/Affirmative Action
7. Title VI of the Civil Rights Act
8. Lead Based Paint Prohibition
9. Flood Hazards Mitigation (where applicable)
10. Architectural Barriers Act (where applicable)
11. Energy Policy and Conservation Act
12. Section 503 and 504 of the Rehabilitation Act of 1973
13. Contract Work Hours and Safety Act

14. Minority and Women Owned Business Listings
15. Americans with Disabilities Act (ADA)

Each should be carefully reviewed by the bidder to assure existing compliance and/or the capacity to comply with said provisions.

### **III. Affirmative Action Plan**

The successful bidder must provide documentation that the company has duly adopted an Affirmative Action Plan, and must provide at least one (1) copy of the Plan with the bid submission.

### **IV. HUD Section 3 Plan and Compliance Requirements**

The successful Bidder must complete an acceptable Section 3 Utilization Plan and Certification Regarding Section 3 and Segregated Facilities (forms enclosed).

### **V. Access to Related Documents**

Bidder understands that acceptance of this contract assures that the County, Department of Housing and Urban Development, Florida Department of Economic Opportunity, Comptroller General of the United States, or any duly authorized representative shall have access to any books, documents, papers, and records of the Contractor which are directly pertinent to this project for purposes of audit, examination, excerpts, and/or transcriptions. All records related to this project will be maintained for a period of at least three (3) years and longer should they be the subject of inspection, litigation, or under review.

### **VI. Interest of Certain Federal and Other Officials**

A. No member of or delegate to the Congress of the United States and no Resident Commissioners shall be admitted to any share or part of this Contract or to any benefit to arise from same: Provided, that the foregoing provision of this section shall not be construed to extent to this Contract if made with corporation for its general benefit.

B. No member, officer or employee of the Grantee, or its designees or agents, no member of the governing body of the locality in which the Project is located, and no other public official of such locality or localities who exercises any functions or responsibilities in connection with the Project during his tenure or for one year thereafter, shall have any interest, direct or indirect, in any Contract or Subcontract, or the proceeds thereof, for work to be performed under this Contract.

*The Contractor will include these provisions in every Subcontract such that these provisions will be binding upon each Subcontractor.*

### **VII. Reporting, Copyrights, and Patents**

All required reports will be promptly submitted to the County and/or other Federal/State agencies and such reports will be approved in writing by the Chief Executive Officer of the Company or his/her designee.

Any copyright or patent resulting from this project will be retained by the Grantor Agency and will be made available as directed by such agency.

**VIII. EQUAL EMPLOYMENT OPPORTUNITY PROVISIONS: All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity"**

**A. Activities and Contracts Not Subject to Section 202** (applicable to Federally assisted construction contracts and related subcontracts \$10,000 and under)

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

(1) The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants for employment 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.

(2) The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by Contracting Officer setting forth the provisions of this non-discrimination clause. The Contractor shall state that all qualified applicants will be considered without regard to race, color, religion, sex, or national origin.

(3) Contractors shall incorporate foregoing requirements in all subcontracts.

**B. Activities and contracts subject to Section 202** (all contracts/subcontracts above \$10,000)

(1.) Section 202 Equal Opportunity Clause. During the performance of this contract, the contractor agrees as follows:

(a) 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 a conspicuous place, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(b) 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 without regard to race, color, religion, sex, or national origin.

(c) 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 by the Contract Compliance Officer advising the labor union or worker's representatives of the Contractor's commitment under Section 202 of Executive Order 11246, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) 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.

(e) 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 his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and others.

(f) 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 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.

(g) The Contractor will include the Provisions of the sentence immediately preceding Paragraph (a) and the provisions of Paragraphs (a) through (g) 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 may be directed by the Secretary of Labor as a means of enforcing such provisions, including sections of 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, the Contractor may request the United States to enter into such litigation to protect the interest of the United States.

(2) Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246). (Applicable to contracts/subcontracts exceeding \$10,000.)

(a) The Offerer's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

(b) The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

**Female participation: 6.9% (statewide)**

**Minority participation 19.9%**

These goals are applicable to all Contractor's construction work (whether or not it is federally-assisted) performed in the covered area. If the Contractor performs construction work in a geographic area located outside of the covered area, it shall apply the goals established for such geographic area where the work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its Federally involved and non-Federally involved construction.

The Contractor's compliance with Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3 (a), and its efforts to meet the goals established or the geographic area where the contract resulting from his solicitation is

to be performed. The hours of minority and female employment or training must be substantially uniform throughout the length of the contract and in each trade the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order, and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

(c) The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

(d) As used in this Notice, and in the contract resulting from the solicitation, the "covered area" is **Escambia County, Florida.**

(3.) Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246).

(a) As used in these specifications:

i. "Covered area" means the geographical area described in the solicitation from which this contract resulted;

ii. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

iii. "Employer identification number" means the Federal Social Security number used on the Employer's quarterly Federal Tax Return, U. S. Treasury Department Form 941.

iv. "Minority" includes:

(A.) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

(B.) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

(C.) Asian and Pacific Islander (all persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(D.) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

(b.) Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

(c.) If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U. S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

(d) The Contractor shall implement the specific affirmative action standards provided in paragraphs (g) (i) through (xvi) of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction contractors performing contracts in geographical areas where they do not have a Federal or Federally-assisted construction contract shall apply the minority and female goals established for the geographic area where the contract is being performed. Goals are published periodically in the Federal Register in notice form and such notices may

be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

(e) Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

(f) In order for the nonworking training hours of apprentices and trainees to be counted in meeting goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to, employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U. S. Department of Labor.

(g) The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensively as the following:

i. Ensure and maintain a working environment free of harassment, intimidation and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites in such facilities.

ii. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organization's responses.

iii. Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source, or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union, or if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.

iv. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

v. Develop on-the-job training opportunities and/or participate in training programs for the areas which expressly include minorities and women, including upgrading apprenticeship, trainee and other programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b above.

vi. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training

programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

vii. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination, or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

ix. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

x. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other g by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.

xi. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR 60-3.

xii. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

xiii. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

xiv. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

xv. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

xvi. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

(h) Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations g(i) through (xvi). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the Contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under g(i) through (xvi). of these Specifications provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation shall not be a defense for the Contractor's noncompliance.

(i) A single goal for minorities and separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is under utilized).

(j) The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

(k) The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

(l) The Contractor shall carry out-sections and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

(m) The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensively as those standards prescribed in paragraph g of these specifications, so as to achieve maximum results from its effort to ensure equal employment opportunity. If the Contractor fails to comply with the requirement of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

(n) The contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee, the name, address, telephone numbers, construction trade, union affiliation, if any, employee identification number where assigned, social security number, race, sex, status (e.g., mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and location at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

(o) Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance and encourage present minority and female employees to recruit other minority persons and women and, where reasonable, upon the application of requirements

for the hiring of local is or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

C. Certification of Non-Segregated Facilities (Contracts over \$10,000)

By the submission of this bid, the bidder, offeror, applicant or subcontractor certifies that he/she does not maintain or provide for his/her employees any segregated facility at any of his/her establishments, and that he/she does not permit employees to perform their services at any location, under his/her control, where segregated facilities are maintained. He/She certifies further that he/she will not maintain or provide for employees any segregated facilities at any of his/her establishments, and he/she will not permit employees to perform their services at any location under his/her control where segregated facilities are maintained. The bidder, offer or, applicant or subcontractor agrees that a breach of this certification is violation of the Equal Opportunity Clause of this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work eating areas, time clocks, locker rooms, and other storage or dressing areas, Deportation and housing facilities provided for employees which are in fact segregated on the basis of race, color, religion, or otherwise. He/She further agrees that (except where he/she has obtained identical certifications from proposed subcontractors prior to the award of subcontractors have submitted identical certifications for specific time periods).

D. Civil Rights Act of 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

E. Section 109 of the Housing and Community Development Act of 1974

No person in the United States shall on the grounds of race, color, national original, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity financed in whole or in part with funds made available under this title.

F. "Section 3" Compliance in the Provision of Training, Employment and Business Opportunities

(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. 1701. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given 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 134, 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 said labor organization or workers' 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 of 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 135, and all applicable rules and orders of the Department issued hereunder 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 or subcontractors, its successors and assigned 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.

G. Section 503 Handicapped (Contracts \$2,500 or Over)

(a) The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees to comply with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or their contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The Contractor will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, 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 Director of the

Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

H. Age Discrimination Act of 1975

No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program, or activity receiving Federal Financial assistance.

**IX. CERTIFICATION OF COMPLIANCE WITH AIR AND WATER ACTS**

(Applicable to Federally assisted construction contracts and related subcontracts exceeding \$100,000)

During the performance of this contract, the contractor and all subcontractors shall comply with the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended.

In addition to the foregoing requirements, all nonexempt contractors and subcontractors shall furnish to the owner, the following:

(1) A stipulation by the contractor or subcontractors, that any facility to be utilized in the performance of any nonexempt contract or subcontract, is not listed on the List of Violating Facilities issued by the Environmental Protection Agency (EPA) pursuant to 40 CFR 15.20.

(2) Agreement by the contractor to comply with all the requirement of Section 114 of the Clean Air Act, as amended, (42 USC 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended, (33 USC 1318) relating "to inspection, monitoring, entry, reports and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.

(3) A stipulation that as a condition for the award of the contract prompt notice will be given of any notification received from the Directors' office of Federal Activities, EPA, indicating that a facility utilized or to be utilized for the contracts, is under consideration to be listed on the EPA List of Violating Facilities.

(4) Agreement by the Contractor that he will includes or cause to be included, the criteria and requirements in paragraph (1) through (4) of this section in every non-exempt subcontract and requiring that the Contractor will take such action as the Government may direct as a means of enforcing such provisions.

**X. SPECIAL CONDITIONS PERTAINING TO HAZARDS, SAFETY STANDARDS AND ACCIDENT PREVENTION**

A. Lead Based Paint Hazards (Applicable to contracts for construction, rehabilitation or conversion of residential structures):

The Contracting entity and subcontractors thereto must comply with the Lead Based Paint Regulations (24 CFR part 35) issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.) requiring prohibition of the sue of lead-based paint, whenever assistance financed by the U.S. Department of Housing and Urban Development ("HUD") is used directly or indirectly for construction, rehabilitation, or modernization of residential structures; elimination of immediate

lead-based paint hazards in residential structures assisted with such financing; and notification of the hazards of lead-based paint poisoning to purchasers, owners or tenants of residential structures constructed prior to 1978 who are assisted through HUD financed activities.

**B. Flood Prevention and Protection** (Applicable to acquisition, rehabilitation and construction activities)

Activities undertaken under this contract are subject to the provisions of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), Executive Order 11988, and the regulations there under (24 CFR Ch. X, Subchapter B). Agencies operating under said provisions shall not approve any financial assistance for acquisition or construction purposes for sue in any area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards unless the community in which such area is situated is then participating in the National Flood Insurance Program. HUD funds provided through the Community Development Block Grant, HOME, or related Programs shall not be expended for acquisition or construction purposes in an area identified by the Secretary of Housing and Urban Development as having special flood hazards which is located in a community not in compliance with the requirements of the National Flood Insurance Program pursuant to section 201(d) of said Act. The use of any such funds for acquisition or construction purposes in identified special flood hazard areas shall be subject to the mandatory purchase of flood insurance requirements of section 102(a) of said Act.

**C. Site Safety Measures**

Contracting entity and subcontractors thereto shall take necessary precautions to protect all employees and persons on the worksite and in the immediate vicinity of the worksite with respect to worksite safety hazards, the safety of workmen, authorized visitors, adjacent property owners/residents/ businesses, construction inspectors, and members of the general public. Said measures related to this project shall include but are not limited to: limitation of access to hazardous work areas; proper traffic control measures (where applicable); provision of safety training for employees and requiring like training for the employees of subcontractors, including all classes of labor, heavy and power equipment operators, and superintendents; and assuring that properly qualified and trained personnel are assigned to perform work required to complete the project activities.

**11. Access to Records/Maintenance of Records**

The contracting entity and subcontractors thereto shall maintain accounts and records, including personnel, property, and financial records, adequate to identify and account for all costs pertaining to the contract and other such records as may be deemed necessary by the contracting entity to assure proper accounting for all funds. These records will be available for audit purposes to the contracting entity, the State of Florida, the U.S. Department of Housing and Urban Development, or any of their duly authorized representatives, and will be retained for a minimum of **six (6)** years after contract completion unless permission to destroy said records is granted by the contracting entity. Moreover, the contracting entity, State of Florida, U.S. Department of Housing and Urban Development, or their duly authorized representatives, shall have access to any book, documents, papers and records, of the Contracting entity or subcontractors thereto which are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcriptions.

**12. Conflict of Interest of Officers or Employees of the Contracting Entity/Local Jurisdiction, Members of the Local Governing Body, or Other Elected Officials**

No member or employee of the contracting entity/local jurisdiction or its designees or agents; no member of the governing body; and no other public official of the locality(s) who exercises any function or responsibility with respect to this contract, during his/her tenure or for one year thereafter, shall have any

interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed. Further, the Contractor shall cause to be incorporated in all subcontracts, the language set forth in this paragraph prohibiting conflict of interest.

### **13. Minority and Female Contractor Associations**

Lists citing minority, disadvantaged, and female owned businesses are available from various sources including the Florida Department of Transportation, the University of Florida/School of Building Construction, the U.S. Department of Housing and Urban Development/Jacksonville Office, the Florida Office of Supplier Diversity, and the Escambia-Pensacola Human Relations Commission. These lists are provided solely for the benefit of the Contractor for the purpose of assisting him/her in meeting the Equal Opportunity Provisions contained in these contract conditions. No assertion is made as to the completeness of these lists, and the information contained in such lists may be out of date in some cases. Contracting entity and subcontractors thereto are to make reasonable efforts to identify and utilize minority, disadvantaged or female owned businesses in the completion of this contract.

### **14. Contract Work Hours Act, Safety Standards Act, and Fair Labor Standards Act**

These laws apply to all Federally-assisted construction contracts, including those which are otherwise exempt from Davis Bacon Act provisions. The laws generally require that:

1. A minimum wage of \$7.25/hour be paid (**unless higher rates are required by Florida Statute, wherein the higher of the Federal minimum wage rate or the Florida minimum wage rates shall be paid**);
2. Forty hours constitutes a standard workweek;
3. "Time and one-half" rates be paid for work in excess of these maximums;
4. Employers are liable to employees for payment of overtime;
5. Equal pay for equal work is required as it effects male and female workers in the same classification;
6. Failure to pay overtime is punishable by liquidated damages of \$10/employee/day;
7. Contracting entities/local jurisdictions may withhold such damages from progress payments to Contractors;
8. Intentional violations constitute a Federal misdemeanor and are punishable by fine (\$1,000 minimum), imprisonment (6 months in prison), and possible debarment by the U. S. Department of Housing and Urban Development, U. S. Department of Labor, the State of Florida, or other cognizant agencies.

***NOTE: The Minimum Wage required in the State of Florida is currently \$8.10 per hour. Therefore, contractors must pay at least this amount to hourly workers.***

### **15. Title VIII of the Civil Rights Act of 1968 (as amended) and Executive Order 11063 Regarding Fair Housing**

Title VIII and E.O. 11063 prohibit discrimination on the basis of race, color, religion, sex, familial status, handicap or national origin in connection with housing and public accommodations and with respect to the sale or rental of housing.

### **16. Americans with Disabilities Act (ADA) and Handicapped Accessibility Standards**

All contract parties shall fully comply with all applicable provisions of the Americans with Disabilities Act

with regard to employment, accessibility, and prohibition of discriminatory actions. Further, each building or facility (other than a privately owned residential structure) which is designed, constructed or altered with HUD funds shall comply with the requirements of the "American Standards Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," issued subject to the Architectural Barriers Act of 1968, 42 U.S.C. 4151, and amendments thereto.

**17. Preservation of Historically Significant Properties**

Evaluation of the acceptability of HUD assisted acquisition, construction, rehabilitation or related project activities must take into account the effect of the project upon any district, site, building, structure or object listed or found by the Secretary of the Interior, pursuant to 34 CFR Part 800, to be eligible for inclusion in the National Register of Historic Places. Actions should be taken to minimize any resulting adverse impact on a historic property, subject to requirements set forth in 24 CFR Part 570.603. Requirements of Pub. L. 93-291, the Archaeological and Historic Preservation Act of 1974, and Executive Order 11593, and any amendments or revisions thereto.

In the event that any ground disturbing work uncovers significant archaeological materials, such as stone arrowheads, ceramics, or early building foundations, or if work uncovers human burials or human remains, ground disturbing activities will immediately be stopped within a 300 foot radius and the materials protected. Notify the Escambia County Neighborhood Enterprise Division immediately for contact with the State Historic Preservation Officer and other relevant entities to provide input before construction resumes.

**18. Prohibition Against Use of Debarred, Suspended, or Ineligible Contractors or Subcontractors**

Contracting entity certifies and asserts that his/her business and/or affiliated businesses, and further, that the subcontractors selected by the Contracting entity to complete work on this project, are not currently debarred, suspended or otherwise ineligible to participate in or undertake contract work financed by the U.S. Government under the provisions of 24 CFR Part 24.

**19. Energy Efficiency**

The Contractor shall comply with any mandatory standards and policies relating to energy efficiency which are contained in the Florida State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

**20. Environmental Compliance**

As described elsewhere in this document, if this contract exceeds \$100,000, the Contractor shall comply with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(b)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and U.S. Environmental Protection Agency Regulations (40 C.F.R. Part 15). The Contractor shall include this clause in any subcontracts over \$100,000.

**21. Termination (Cause and Convenience)—(applicable to contracts and subcontracts over \$10,000)**

A. This contract may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is

given:

(1) not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate; and

(2) an opportunity for consultation with the terminating party prior to termination.

B. This contract may be terminated in whole or in part in writing by the local government for its convenience, provided that the other party is afforded the same notice and consultation opportunity specified in I(a) above.

C. If termination for default is effected by the local government, an equitable adjustment in the price for this contract shall be made, but

(1) no amount shall be allowed for anticipated profit on unperformed services or other work, and

(2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the local government because of the contractor's default.

If termination for convenience is effected by the local government, the equitable adjustment shall include a reasonable profit for services or other work performed for which profit has not already been included in an invoice.

For any termination, the equitable adjustment shall provide for payment to the contractor for services rendered and expenses incurred prior to receipt of the notice of intent to terminate, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments (e.g., suppliers, subcontractors) which had become firm prior to receipt of the notice of intent to terminate.

D. Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise) and (2) deliver or otherwise make available to the local government all data, drawings, reports specifications, summaries and other such information, as may have been accumulated by the contractor in performing this contract, whether completed or in process.

E. Upon termination, the local government may take over the work and may award another party a contract to complete the work described in this contract.

F. If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the local government. In such event, adjustment of the contract price shall be made as provided in paragraph (c) above.