

CITY OF BELLINGHAM SECTION 3 ACKNOWLEDGEMENT & ACTION PLAN

The Section 3 Acknowledgment form must be completed by Contractor(s) and sub-contractors submitted prior to issuance of Notice to Proceed

Housing and Urban Development (HUD) regulations implementing Section 3 of the Housing and Urban Development Act of 1968 require that, to the greatest extent feasible, opportunities for training and employment be given to Section 3 workers of the project area and contracts for work in connection with the project be awarded to Section 3 business concerns which are located in or owned in substantial part by persons residing in the area of the project. These terms are further defined in this document, and in 24 CFR parts 75 and 135.

Contractors and subcontractors must make their best efforts to provide employment and training opportunities to Section 3 workers residing in Bellingham. These are:

- Workers, who at the time of hire are certified to be low-income (see Section 3 Worker self-certification form that follows),
- Workers, who at the time of hire are residing in Bellingham Housing Authority or other publicly-supported housing,
- Workers, who at the time of hire participate in a public assistance program such as receiving Section 8 or other publicly-supported housing vouchers, or
- Workers employed by a Section 3 business concern.

For definitions and details, see attached Section 3 Worker Self-Certification form (pages 11-12).

Section 3 Reporting:

Labor hours: Contractors and subcontractors must report on labor hours performed for the covered project on a quarterly basis. The Section 3 benchmark is that 25% of total labor hours are provided by Section 3 workers, and 5% of total labor hours are provided by Section 3 targeted workers (Section 3 targeted workers are a subset of Section 3 workers). Labor hours should be based on the employer's good faith assessment of the hours of a full-time or part-time employee informed by the employer's existing salary or time- and attendance-based payroll systems, unless the project or activity is otherwise subject to requirements specifying particular time and attendance reporting. Labor hours may be transposed into full-time equivalents (FTE) for the purposes of reporting, or be reported as hours, provided the same method is used throughout the tracking and reporting system.

Contractors and subcontracts **must report quarterly** on:

- 1. Total labor hours on the covered project;
- 2. Labor hours performed by Section 3 Workers; and
- 3. Labor hours performed by Section 3 Targeted Workers.

By signing below you acknowledge that you received a copy of the HUD Section 3 Clause Certification, Section 3 goals and compliance requirements stated therein. The undersigned also certify that he/she will:

- 1. Take affirmative steps to hire and/or train low-income residents of the project area;
- 2. Solicit the participation of businesses located in or owned substantially by low-income persons residing in the area of the project;
- 3. Submit a Section 3 Utilization Plan; and

4. Comply with the requirements of the City of Bellingham Section 3 Plan.

The undersigned further certifies that the information contained in this plan and submitted to the City is accurate and correct. The undersigned understands that the City may impose penalties and sanctions for any of the following:

- submission of false or inaccurate statements in this document and/or subsequent reports to the City;
- failure to achieve the Section 3 contracting and employment goals for the project;
- failure to comply with the City's Section 3 Plan, Section 3 laws and regulations and/or its contract obligations.

Officer or Authorized Agent of	Signature's Title	
Company (Print Name)	Print Title	
Signature	Date	



CITY OF BELLINGHAM SECTION 3 UTILIZATION PLAN

Part 1: Project Information

Project Name:	
Project Address:	
Project Area:	City of Bellingham and Whatcom County
Award Amount:	
Company Name:	
Appointed Section 3 Coordinator:	
Company Address:	
Telephone Number:	
Federal Tax Id No:	
State Tax Id No:	
E-Mail Address:	
General Contractor:	
Contract Award Date:	

CITY OF BELLINGHAM SECTION 3 UTILIZATION PLAN, con't.



This form must be completed by any Bidder and each Contractor and Subcontractor involved in the covered project. Specify in the TOTAL column, the total number of labor hours that your business will hire, contract or subcontract (you may exclude professional services). Indicate hours for Section 3 Workers and Targeted Section 3 Workers. Apply the percentage goal to determine Column 5 achievement. The Section 3 Administrator should verify.

Part 2. Utilization of Low-Income Area Residents as Employees (Table A): The Company Agrees to complete Table A, Estimated Project Labor Hours Breakdown:

- A. Determine if company will use hour increments or full time equivalent positions (FTE). Either one is fine, but the project must be consistent across all reporting, utilizing either FTE or actual hours.
- B. Estimated labor hours represented by positions in the various occupational categories by all employees working on the covered project, Table A, Column 2.
- C. Determine labor hours to be performed by Section 3 Workers (goal is 25% of column 2), Table A, Column 3.
- D. Determine labor hours to be performed by Targeted Section 3 Workers (goal is 5% of column 2), Table A, Column 4.
- E. Table A, Column 5, states the expectation to achieve the Column 3 and 4 goals. Each contractor and subcontractor is expected to make a good faith effort to fill positions with Section 3 and Targeted Section 3 Workers.

Part 3. Utilization of Businesses Contracted or Owned in Substantial Part by Persons Residing in the Project Area

- A. Table B, Column 1, list all contracts to be awarded, described by type of business or professional contract, in connection with this Section 3 covered project.
- B. In Column 2, estimate the number of contracts of each type to be let.
- C. In Column 3, project the approximate total labor hours for all contracts of each type.
- D. Based on the information given in Table B, Columns 1-3, and the availability of eligible business concerns within the project area doing business in professions or occupations identified, set forth your goals for the number of contracts to be awarded to eligible project area businesses in Column 4, and for approximate labor hours represented in these awards to project area businesses in Column 5. Eligible project area businesses will be utilized to the greatest extent feasible.

Part 4. The company agrees to develop and complete a final report which is entitled and accurately reflects *ACTUAL* EMPLOYMENT LABOR HOURS BREAKDOWN, Table C. This report will be submitted with the final request for payment.

A. _____ (Company Name) agrees to implement the following specific action steps directed at increasing the utilization of low-income residents and projectarea

businesses, as further defined in this Action Plan.

Part 5. Specific Utilization Steps

- B. To attempt to recruit from the appropriate areas the necessary number of Section 3 Workers through methods indicated on page 16 (submit with this certification)
- C. To prominently display a Section 3 Notice at the project site.
- D. To maintain a list of all low-income area residents who have applied either on their own or as a referral from any source, and to employ such persons if otherwise eligible and if a vacancy exists. (Certification documentation See attached Section 3 Worker Certification Form)
- E. To insert this utilization plan in all bid documents and to require all bidders to submit a Section 3 Affirmative Action Plan including utilization goals and the specific steps planned to accomplish those goals.
- F. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas 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.
- G. To formally contact unions, subcontractors and trade associations to secure their cooperation for this program.
- H. To insure that all appropriate project area business concerns are notified of pending opportunities. (Certification documentation See attached Section 3 Business Concern Certification Form)
- I. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- J. To appoint an official of the company to coordinate the implementation of this Section 3 Utilization Plan.

As an officer and representative of has read and fully agree to this Section 3 Utilimplementation of the Section 3 program.		e), the undersigned y to the full
	Date:	
Print Name and Title	Date:	

TABLE A: ESTIMATED PROJECT LABOR HOURS BREAKDOWN

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
	TOTAL ESTIMATED LABOR	ESTIMATED LABOR HRS TO BE PERFORMED BY SECTION 3 WORKERS (goal:	ESTIMATED LABOR HRS TO BE PERFORMED BY TARGETED SECTION 3 WORKERS (goal:	EXPECTED TO ACHIEVE GOAL?
JOB CATEGORY OFFICERS/SUPERVISORS	HOURS	25% of column 2)	5% of column 2)	(YES/NO)
PROFESSIONALS	 			
TECHNICIANS	<u> </u>			
HSG. SALES/RENTAL	 			
MGMT.				
OFFICE/CLERICAL				
SERVICE WORKERS				
OTHERS				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				

TABLE B: PROPOSED CONTRACTS BREAKDOWN

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Type of Contract Business / Professional)	Total Number of Contracts	Total Approximate Labor Hours	Estimated # Contracts to Section 3 Eligible Business Concerns	Estimated Labor Hours to Section 3 Eligible Business Concerns
Company:		•	<u> </u>	<u>'</u>
Project Name:		_		
	sponsible Pers			

TABLE C: ACTUAL EMPLOYMENT LABOR HOURS BREAKDOWN

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
JOB CATEGORY	TOTAL LABOR HOURS	LABOR HRS PERFORMED BY SECTION 3 WORKERS (goal: 25% of column 2)	LABOR HRS PERFORMED BY TARGETED SECTION 3 WORKERS (goal: 5% of column 2)	ACHIEVED GOAL? (YES/NO)
OFFICERS/SUPERVISORS	l ligging	2070 01 00141111 27	- 0. 001a 2/	(120/110)
PROFESSIONALS				
TECHNICIANS				
HSG. SALES/RENTAL MGMT.				
OFFICE/CLERICAL				
SERVICE WORKERS				
OTHERS				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				
TRADE:				
Journeymen				
Helpers				
Apprentices				
Maximum No. of Trainees				
Others				



CITY OF BELLINGHAM SECTION 3 UTILIZATION PLAN NARRATIVE

Please answer the following questions in response to the Contractor's Section 3 Utilization Plan for the covered contract.

1.	With how many Section 3 businesses does your company anticipate working? What strategies will your company use for contracting with Section 3 business concerns? (specify the efforts to be taken and dates, etc.)
2.	How many Section 3 new hires does your company anticipate making? What strategies will your company use for reaching out to and hiring Section 3 workers? (specify the efforts to be taken and dates, how effective have these strategies been in the past?)
•	
3.	What efforts will your company use to conduct aggressive outreach and notification to potential Section 3 workers and businesses of contracting and employment opportunities (how effective have these strategies been in the past?)



DEPARTMENT OF HOUSING & URBAN DEVELOPMENT SECTION 3 CLAUSE

The contract for this work will include the following HUD Section 3 Clause (24 CFR Parts 75 and 135):

- 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 parts 75 and 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 parts 75 and 135 regulations.
- C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' 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 parts 75 and 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 parts 75 and 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 parts 75 and 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 parts 75 and 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR parts 75 and 135.
- F. Noncompliance with HUD's regulations in 24 CFR parts 75 and 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. 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).

SECTION 3 WORKER SELF-CERTIFICATION



A section 3 worker seeking the preference in training and employment provided by this part shall certify and submit evidence to the recipient contractor or subcontractor <u>if requested</u>, that the person is a Section 3 worker. (An example of evidence of eligibility for the preference is evidence of being low-income at time of hire, evidence of residing in Bellingham Housing Authority or other publicly-assisted housing, evidence of participation in a public assistance program such as receipt of Section 8 housing vouchers or participating in a YouthBuild program.)

I,	_	_	אכ I resident	of Bellingl	ham, or W	/hatcom		
County, Washington	and can b	oe contac	ted at:	J				
Street Address:								
Phone Number:								
City, State, Zip Cod	e:							
Email Address:								
INCOME ELIGIBILI	TY (<u>Curre</u>	ent Status	s, based o	on previo	us or anr	nualized o	alendar y	year)
A. I live in Public H Authority: ☐ No (continue			ousing as	sistance t	hrough the	e Bellingh	am Housi	ng
☐ Yes (Provide	•	•	d skip to t	he next se	ection)			
B. My annual incor ——— Househ threshold below	old size (a		low the lir living in h					
Low-Income Defini	ition Effe	ctive Jun	e 1, 2021	Г	Г	T		T
Number in Family	1	2	3	4	5	6	7	8+
Annual Gross Income less than	\$ 45,450	\$ 51,950	\$ 58,450	\$ 64,900	\$ 70,100	\$ 75,300	\$ 80,500	\$ 85,700
INCOME ELIGIBILI	TY (<u>Prior</u>	status at	t time of e	employme	ent)			
I am an employee of business concern. We met the income elig	Vhen I wa	s employe	ed with thi	s busines	king certi s (must b	fication as e within la	s a Sectior st five yea	า 3 ars), I
☐ Lived in Pub☐ Met the inco	me eligibil	lity require	ement in _			(year)	•	
YOUTHBUILD PAR	TICIPAN	Т						
I am a participant in isschool or agency of and occupational sk	grantee of	the US D				ram provi		which ational
□ No□ Yes (provide	contact r	name & ph	none or er	nail:))	

TARGETED SECTION 3 WORKER

For purposes of calculating the benchmarks for Section 3 Targeted Workers, workers are considered to be 'Targeted' if they meet the Section 3 worker eligibility criteria <u>and</u> either resin an area close the covered project (within a radius of at least 1 mile within which at least 5 people reside) or are employed by a Section 3 Business concern. I am a Targeted Section 3 worker:								
	☐ Yes (must check one box below)		ct triggering this Contractor Action Plan /					
CE	RTIFICATION							
and size skill cov law	reby certify that all of the information provided or correct and I agree to provide additional docume, income, and employment skills. Further, I authors, and contact information for the purposes of fur ered construction projects. I understand that I murand/or employer (immigration, OSHA card, etc.). rantee employment.	entati orize ther o	on if requested confirming my residency, family the City of Bellingham to release my name, employment opportunities under Section 3 so meet other eligibility criteria as determined by					
I ca	an provide the following documentation as ev	iden						
	Copy of lease at income qualified property	Ш	Copy of receipt of housing or public assistance					
	Copy of evidence of participation in a public assistance or YouthBuild program		Other evidence					
Prir Dat		natu	re:					



SECTION 3 BUSINESS CONCERN SELF-CERTIFICATION

Name of Business:								
Address of Business:								
Type of Business:	☐ Corpora	ation 🗆 I	Partnership	o □ Sole	e Proprieto	rship 🗆	Joint Ventu	ıre
The business concern must satisfy at least one of the following minimum requirements to be qualified as a Section 3 business concern before being awarded contracts under Section 3. Please check the appropriate box:								
 □ A majority (51% or more) ownership/control of business is held by low-income persons. □ Over 75% of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers. □ A majority (51% or more) ownership/control of business is held by persons who currently reside in public housing or Section 8-assisted housing. Low-Income Definition Effective June 1, 2021								
Number in Family	1	2	3	4	5	6	7	8+
Annual Gross Income not more than	\$ 45,450	\$ 51,950	\$ 58,450	\$ 64,900	\$ 70,100	\$ 75,300	\$ 80,500	\$ 85,700
Attached is the follo			n as evide	nce of sta	tus:			
For business entity a				_				
☐ Copy of Articles☐ Assumed Busine	•		0		cate of Greatership Agr	ood Stand	ing	
☐ List of owners/st ownership of each	ockholder		G		. •	nual Repo	ort	
$\hfill\Box$ Organization chart with names and titles and brief function statement $\hfill\Box$				☐ Latest Board minutes appointing officers				fficers
 □ Additional documentation								

For business claiming Section 3 status, claiming at least 75 percent of their labor hours are performed by Section 3 workers (or were Section 3 eligible within 5 years of date of first employment with the business): [note: this should be based on the employer's good faith assessment of the labor hours of a full-time or part-time employee informed by the employer's existing salary or time and attendance based payroll systems, unless the project or activity is otherwise subject to requirements specifying time and attendance reporting]

 List of all current em equivalent FTE state 		☐ List of employees claiming Section 3 status AND						
☐ Evidence of Section 3 worker status less than 5 years from date of employment for all Section 3 employees (include completed Section 3 Worker Self-Certification forms)								
This business provides the following services:								
☐ Carpentry	☐ Vinyl Siding	□ Concrete/Asphalt	☐ Other:					
☐ Painting	☐ Environmental	☐ Asbestos	☐ Other:					
☐ Electrical	☐ Roofing	Testing/Abatement ☐ Lead Testing/Abatement	☐ Other:					
☐ Plumbing	☐ Windows/Doors	☐ Carpet/Flooring	☐ Other:					
☐ Heating (HVAC)	☐ Landscaping	☐ Demolition	☐ Other:					
myself, my employees, criteria as determined b completing this form do	provide additional documentation if requested confirming residency, family size, and income for myself, my employees, or my subcontractors. I understand that I must also meet other eligibility criteria as determined by law and/or contractor (immigration, OSHA card, etc.). I understand that completing this form does not guarantee a contract. Printed Name:							
Signature:								
Date:								
Optional: I authorize the City of Bellingham to release my name, business name, and contact information for the purposes of further employment opportunities under Section 3 covered construction projects including but not limited to putting my business information on a Section 3 webpage.								
Printed Name:								
Signature:								
Date:								



SECTION 3 CONTRACTORS QUARTERLY COMPLIANCE REPORT

Summary Report of Contract & Subcontract Activity. All Contractors and subcontractors on the Covered Project must complete this form.

Contractor Name & Addre	Contact Person				Reporting Period		Date	
		Telephone Nu	ımber			Email Addr	ess	<u>I</u>
		Project Descri	iption			Start Date	Comp	letion Date
		Total Amount	of Award			Prime Cont		
		_				Oub Contro	40101	
			ruction Co				г	
Total \$ Amount of all		I \$ Amount of C			_	of Total \$		of Section
Contracts Awarded		racts Awarded		Amount			3 Busine	
on the Project	Sect	<u>ion 3 Businesse</u>	es	Section	3 Bus	sinesses	Awarded	Contracts
\$	\$			%				
			abor Hou					
Total Labor Hours of all Construction-related work on the Project		abor Hours perf Workers on Pro		Section		or Hours per tion 3 Worke		
		Total Hrs	Pei	rcent	To	otal Hrs	Per	cent
			%				%	
Office Use Only								
	Goa	al - 25% of total 1	labor hour	s by Section	on 3 V	Vorkers		
	Section 3 Construction Contract GoalAchieved						ii	
Goal – 5% of total labor hours by Targeted Section 3 Workers								
Section 3 Construction Contract GoalAchieved						i		
Certified this day	of		, 202_					
Dva.								
By:								



SECTION 3 CONTRACTORS QUARTERLY COMPLIANCE REPORT, con't.

Summary Report of Contract & Subcontract Activity. All Contractors and Subcontractors on Covered Project must complete this form.

Indicate below the efforts made to direct employment and other economic opportunities, to the greatest extent feasible, toward low- and very low-income persons and businesses providing opportunities to low-income persons.

Check all t	hat Apply:
	Attempted to recruit low-income residents through local advertising media and signs
	prominently displayed at the project site.
	Coordinated with YouthBuild programs in the metropolitan area in which the Section 3
	Project is located.
	Proactively underwent outreach efforts to generate job applications from Section 3 workers
	(e.g. by partering or coordinating with community organizations and/or public and private
	agencies in the area in which the project is located, or similar methods).
	Provided training or apprenticeship opportunities.
	Provided technical assistance or connected to technical assistance that helped Section 3
	workers compete for jobs (e.g. resume assistance, coaching, interview practice, assistance
	with finding job opportunities and training placements, etc.).
	Participated in or hosted job fairs (virtual and/or in-person).
	Supported work readiness and retention for Section 3 workers (provided or referred to those
	who provide assistance with interview clothing, test fees, transportation, child care, etc.).
	Provided assistance with applying for and/or attending vocational training through
	apprenticeships, technical college, or other educational institutions.
	Assisted with (or provided referrals to) financial literacy training or coaching.
	Engaged in outreach efforts to secure bids from Section 3 business concerns.
	Provided technical assistance to help Section 3 business concerns understand and bid on
	contracts.
	Divided contracts/subcontracts into smaller jobs to facilitate participation by Section 3
	business concerns.
	Provided bonding assistance, guarantees, or other efforts to support viable bids from Section
	3 business concerns.
	Promoted use of business registries designed to create opportunities for disadvantaged and small businesses.
	Proactively outreached, engaged, and/or supported referrals and partnership with the state
	WorkSource and/or Vocational Rehabilitation programs.

Describe additional methods undertaken or specific strategies and outreach efforts to achieve the objectives of Section 3 Compliance (attach additional pages if necessary):

Certified this day of	, 202	
Ву:		