

**EQUAL EMPLOYMENT OPPORTUNITY, CIVIL RIGHTS AND  
SECTION 3 CERTIFICATION**

**(To Be Completed By General Contractor And All Subcontractors and Submitted with the Bid)**

**PROJECT NAME:** \_\_\_\_\_

The undersigned, having submitted a bid for construction of the above identified project, certifies that he/she shall:

1. Comply with Title VI of the Civil Rights Act of 1964 as amended; Section 109 of Title I of the Housing and Community Development Act of 1974 as amended; Sections 502 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the Age Discrimination Act of 1975 in that no person shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
2. Comply with Executive Orders 11246, 11375 and 12086 in that no employee or applicant for employment shall be discriminated against because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. Will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the hiring, upgrading, demotion, transfer, recruitment or recruiting advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
3. Comply with Executive Orders 11625 and 12432 Concerning Minority Business Enterprise and Executive Order 12138 Concerning Women's Business Enterprise to ensure to the maximum extent possible the inclusion of minorities and women and entities owned by minorities and women in all subcontracts pursuant to the above contract.
4. Comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations in 24 CFR Part 75 which requires to the greatest extent feasible that the training, employment and other economic opportunities arising in connection with the above identified project be given to low and very-low income persons residing within the local community and that contracts be awarded to eligible business concerns which employ and/or are owned in substantial part by such low and very-low income persons residing in Lee County.
5. Furnish and cause each of its own subcontractors to furnish all information and reports required hereunder and permit access to its books, records and accounts by Lee County, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

**CONTRACTOR NAME:** \_\_\_\_\_

**SIGNATURE/TITLE:** \_\_\_\_\_

**FEDERAL I.D or SOCIAL SECURITY NUMBER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SECTION 3 CLAUSE  
(REQUIRED IN ALL CONSTRUCTION CONTRACTS EXCEEDING \$100,000  
IF HUD FINANCIAL ASSISTANCE IS INVOLVED)**

All construction contracts in excess of \$100,000 shall include the following provisions if the construction project involves HUD financial assistance. The term contractor includes subcontractors when applicable. The dollar amount specified for contract awards is based on total project costs and therefore all contracts involved in the project are subject to the provisions specified. The following contract provisions are required by HUD Regulations 24 CFR Part 75.

- 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 of HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 75, which implement Section 3 and the Final Rule. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 75 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or worker's representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. This 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 anticipate date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 75, 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 outline in 24 CFR Part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of 24 CFR Part 75 regulations.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed and (2) with persons other than those to whom the regulations of 24 CFR Part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 75.

- F. Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. The contractor agrees to contact the Housing Authority City of Fort Myers, 239-344-3238 if new hires or subcontractors are required and document results of the contact.

**SECTION 3 /DISADVANTAGED  
BUSINESS PARTICIPATION PREFERENCE POLICY  
(REQUIRED FOR ALL CONSTRUCTION PROJECTS  
EXCEEDING \$100,000 WHICH INVOLVE HUD FINANCIAL ASSISTANCE)**

One of the purposes of this project is to give, to the greatest extent feasible, and consistent with Existing Federal, State, and local laws and regulations, job training, employment, contracting and other economic opportunities to Section 3 residents and Section 3 Businesses. In order to accomplish this objective all construction projects anticipated to cost in excess of \$100,000 and which involve HUD financial assistance shall comply with the following bidding procedures:

- A. Section 3 Business Participation Preference Goals for this project have been set at 10%.
- B. Bidders shall take all reasonable and necessary affirmative steps to assure that Section 3 Businesses will be utilized in this project. Submission of the Section 3 Business Certificate of Eligibility for Preference Form shall be considered as proof of Section 3 Business Participation in the project. If no Section 3 Businesses are listed on the forms, the word **NONE** shall be written on the forms and the bidder shall submit a statement demonstrating why it was not feasible to meet the 10% Section 3 Business Participation Preference Goals. Such justification may include impediments encountered despite actions taken including a list of specific Section 3 Businesses solicited to show good faith effort. Examples of qualitative efforts may include outreach to targeted section 3 worker, provide training, technical assistance, or employment assistance, host job fairs, provide work readiness / financial literacy trainings or assistance to obtain additional education. Documentation of such solicitations may include telephone logs, letters, certified mail receipts and/or ads published in newspapers or magazines.
- C. Preference in the award of this construction contract shall be as follows:
  - a. Where the construction contract is to be awarded based upon the lowest responsive and responsible bid, the construction contract shall be awarded to the bidder whose bid includes Section 3 Business Participation of at least 10% of the total bid price and with the lowest responsible bid price provided; however, such bid price shall not exceed 10% of the lowest responsible bid submitted regardless of the amount of Section 3 Business Participation. If no responsible bid includes Section 3 Business Participation of at least 10% of the total bid price, the award shall then be made to the lowest responsible bid price with the highest % of Section 3 Business Participation and the lowest responsible bid price provided; however, such bid price shall not exceed 5% of the lowest responsible bid submitted regardless of the amount of Section 3 Business Participation. If no responsible bid includes any Section 3 Business Participation the award shall then be made to the lowest responsible bidder. The awarding agency also reserves the right to reject any or all bids and to waive any irregularities in the bids and in the bidding process with or without cause.
  - b. Section 3 Business shall be a business:
    - (1) Owned by 51% or more by low- or very low-income persons; **OR**,
    - (2) Over 75% of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; **OR**
    - (3) It is a business at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.
  - c. A Section 3 worker is someone who currently fits, or when hired within the past five years, in one of the following categories:
    - (1) Low-income person shall be a public housing resident or low income persons who live in Lee County as defined in Section 3 (b)(2) of the 1937 Act (42 U.S.C. 1437 a (b)(2). A copy of the current income levels for such persons is below.
    - (2) Employed by a Section 3 business concern
    - (3) Is a YouthBuild participant

FY 2021 Income Limit Area	Median Family Income	FY 2021 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Cape Coral-Fort Myers, FL MSA	\$71,900	Very Low (50%) Income Limits (\$)	25,200	28,800	32,400	<b>35,950</b>	38,850	41,750	44,600	47,500
		Extremely Low Income Limits (\$)*	15,100	17,420	21,960	<b>26,500</b>	31,040	35,580	40,120	44,660
		Low (80%) Income Limits (\$)	40,250	46,000	51,750	<b>57,500</b>	62,100	66,700	71,300	75,900
<b>NOTE:</b> Lee County is part of the <b>Cape Coral-Fort Myers, FL MSA</b> , so all information presented here applies to all of the <b>Cape Coral-Fort</b>										

- d. Disadvantaged Business shall mean a business that is a certified minority business owner in the Lee County Disadvantaged Business Enterprise (DBE) Program. The Florida Gulf Coast University's Small Business Development Center may be contacted for information and a list of certified Disadvantaged Businesses. A Disadvantaged Business Participation Form shall be submitted by a Disadvantaged Business seeking to qualify for a Disadvantaged Business Preference.
- e. A Certificate of Eligibility for Preference shall be submitted by a Section 3 Business seeking to qualify for a Section 3 Business preference. Such certificate shall certify that the business referenced in the bid proposal meet the requirements of a Section 3 Business as defined in Paragraph b. above.

**NOTE:** The provisions set forth above are based on Section 2 of the Housing and Urban Development Act of 1968, as amended and HUD Regulations 24 CFR Part 75

**SECTION 3 BUSINESS CERTIFICATE OF ELIGIBILITY FOR PREFERENCE**

NOTE: This certificate must be signed by the person who will sign, or has signed the Bid Form. This certificate will become a part of the contract documents. This form is a listing of Section 3 businesses that are planned to be a part of the project. If that is unknown or none apply, the form must still be completed.

Project Number: \_\_\_\_\_ Bid Number: \_\_\_\_\_

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

This is a formal certification that the below list of Section 3 Business(es) will be utilized on the above project and that such business(es) qualify for a Section 3 Business Preference and meet the requirements of a Section 3 Business as defined in the Bidding Procedures for this project.

a. Section 3 Business Name: \_\_\_\_\_

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

Description of Work: \_\_\_\_\_

Dollar Value of Proposed Work: Not applicable at time of bid submission.

b. Section 3 Business Name: \_\_\_\_\_

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

Description of Work: \_\_\_\_\_

Dollar Value of Proposed Work: Not applicable at time of bid submission.

c. Section 3 Business Name: \_\_\_\_\_

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

Description of Work: \_\_\_\_\_

Dollar Value of Proposed Work: Not applicable at time of bid submission.

The percentages of the total dollar value of all Section 3 Business work compared to the total bid price Not applicable at time of bid submission.

e. This certification is a material representation of the face upon which reliance may be placed if the proposed transaction is entered into. If it is later determined that an erroneous certification was rendered, in addition to other remedies available to the Federal Government, the Department of Housing and Urban Development and Lee County may pursue available remedies.

f. The undersigned contractor's representative shall provide immediate written notice to the agency to which this proposal is submitted if at any time the undersigned learns that this certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

\_\_\_\_\_  
Contractor's Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**CERTIFICATION FOR A BUSINESS SEEKING SECTION 3  
PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY**

Name of Business \_\_\_\_\_

Address of Business \_\_\_\_\_

Type of Business:       Corporation               Partnership  
                                  Sole Proprietorship       Joint Venture

Attached is the following documentation as evidence of status:

**For Business claiming status as a Section 3 resident-owned enterprise:**

- Copy of resident lease
- Copy of receipt of public assistance
- Copy of evidence of participation in a public assistance program
- Other evidence

**For business entity as applicable:**

- Copy of Articles of Incorporation
- Certificate of Good Standing
- Assumed Business Name Certificate
- Partnership Agreement
- List of owners/stockholders and % ownership of each
- Corporation Annual Report
- Latest Board minutes appointing officers
- Organization chart with names and titles and brief function statement
- Additional documentation

**For business claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business(es):**

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

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

- List of all current full-time employees
- List of employees claiming Section 3 status
- PHA/IHA Residential lease less than 3 years from day of employment
- Other evidence of Section 3 status less than 3 years from date of employment

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

- Current financial statement
- Statement of ability to comply with public policy
- List of owned equipment
- List of all contracts for the past two years

\_\_\_\_\_  
Authorizing Name and Signature

(Corporate Seal)

Attested by: \_\_\_\_\_