

**RESOLUTION 2017-31  
LIMERICK TOWNSHIP  
MONTGOMERY COUNTY, PA**

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**ADOPTION OF THE SECTION 3 PLAN AND THE MINORITY AND WOMEN'S  
BUSINESS ENTERPRISE PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK  
GRANT (CDBG) PROGRAM AS ADMINISTERED BY THE PENNSYLVANIA  
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

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**WHEREAS**, the Board of Supervisors of Limerick Township has incorporated as a Second Class Township of the Commonwealth of Pennsylvania; and,

**WHEREAS**, Limerick Township has participated in the CDBG Program as administered by the Pennsylvania Department of Community and Economic Development (DCED); and,

**WHEREAS**, DCED has furnished Limerick Township with manuals and guidance in establishing the standards and procedures to be followed to ensure the objectives of both plans are met.

**NOW, THEREFORE**, be it resolved by the Board of Supervisors of Limerick Township that:

1. Limerick Township adopts the attached Section 3 Plan to make its best efforts to hire low- and moderate-income residents of Montgomery County and to encourage its CDBG contractors to do likewise; and,
2. Limerick Township adopts the attached Minority and Women's Based Enterprise Plan to make its best efforts to utilize Minority and Women's Business Enterprises and to encourage its CDBG contractors to do likewise.

**RESOLVED**, this 5<sup>th</sup> day of December, 2017.

**ATTEST:**

**LIMERICK TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Daniel K. Kerr, Township Secretary

By: \_\_\_\_\_  
Kara Shuler, Chairman

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**LIMERICK TOWNSHIP  
MONTGOMERY COUNTY  
COMMONWEALTH OF PENNSYLVANIA**

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**SECTION 3 ACTION PLAN**

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**Approved by Resolution 2017-31  
December 5, 2017**

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**Board of Supervisors:**

**Kara Shuler, Chair  
Thomas J. Neafcy, Jr.  
Kenneth W. Sperring, Jr.  
D. Elaine Dewan  
Joseph St. Pedro**

**Limerick Township  
646 West Ridge Pike  
Limerick, PA 19468**

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## ATTACHMENTS

- Attachment A - Reserved
- Attachment B - Reserved
- Attachment C - Reserved
- Attachment D - Reserved
- Attachment E - Good Faith Effort
- Attachment F - Section 3 Clause
- Attachment G - Reserved
- Attachment H - Section 3 Implementation Action Plan

## EXHIBITS

### *Section 3 Certifications:*

**EXHIBIT 1:** Certification for Business Concerns seeking Section 3 Preference in Contracting and demonstration of capacity

**EXHIBIT 2:** Certification for Resident Seeking Section 3 Preference in Training and Employment

***Section 3 Reporting Forms:***

**EXHIBIT 3:** HUD 60002 – Section 3 Summary

**EXHIBIT 4:** Section 3 Workforce Needs and Employment Certification

**EXHIBIT 5:** Section 3 Contract Solicitation and Commitment Statement

**EXHIBIT 6:** Section 3 Contractor Monthly Report

**EXHIBIT 7:** HUD 958 – Section 3 Complaint Register and Instructions

**LIMERICK TOWNSHIP  
COMMONWEALTH OF PENNSYLVANIA**

**SECTION 3 ACTION PLAN**

**Definitions**

**Applicant** – Any entity which makes an application for Section 3 covered assistance, and includes, but is not limited to, any State, unit of local government, public housing agency or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association.

**Assistant Secretary**– the Assistant Secretary for Fair Housing and Equal Opportunity.

**Business Concern** – a business entity formed in accordance with State law, and which is licensed under State, county or municipal law to engage in the type of business activity for which it was formed.

**Contractor** - any entity which contracts to perform work generated the expenditure of Section 3 covered assistance, or for work in connection with a Section 3 covered project.

**Employment Opportunities Generated by Section 3 Covered Assistance** – all employment opportunities generated by the expenditure of Section 3 covered public assistance (i.e., operating assistance, development assistance and modernization assistance, (as described in Section 135.3 (a) (1)). With respect to Section 3 covered housing and community development assistance, this term means all employment opportunities arising in connection with Section 3 covered projects (as described in Section 135.3 (a) (2)), including management and administrative jobs. Management and administrative jobs include architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities, e.g., construction manager, relocation specialist, payroll clerk, etc.

**Housing Development** – low-income housing owned, developed, or operated by public housing agencies in accordance with HUD’s public housing program regulations codified in 24 CFR Chapter IX.

**HUD Youthbuild Programs** – programs that receive assistance under subtitle D of Title IV of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899), and provide disadvantaged youth with opportunities for employment, education, leadership development, and training in the construction or rehabilitation of housing for homeless individuals and members of low- and very low-income families.

**JTPA** – The Job Training Partnership Act (29 U.S.C. 1579 (a)).

**Low-income person** – families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary of HUD, with adjustments for smaller and larger families, except that the Secretary of HUD may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families.

**Metropolitan Area** – a metropolitan statistical area (MSA), as established by the Office of Management and Budget.

**New Hires** – full-time employees for permanent, temporary or seasonal employment opportunities.

**Public Housing Authority** (PHA) – Public Housing Agency.

**Recipient** – any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State unit of local government, PHA, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

**Section 3** – Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

**Section 3 Business Concern** – a business concern,

- 1) That is 51 percent or more owned by Section 3 resident: or
- 2) 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
- 3) That provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontractors to be awarded to business concerns that meet the qualifications set forth in paragraphs 1 or 2 above.

**Section 3 Covered Assistance** –

- 1) public housing development assistance provided pursuant to Section 5 of the 1937 Act;
- 2) public housing operating assistance provided pursuant to Section 9 of the 1937 Act;
- 3) public housing modernization assistance provided pursuant to Section 14 of the 1937 Act;

- 4) assistance provided under any HUD housing or community development program that is expended for work arising in connection with housing rehabilitation, construction, or other public construction project (which includes other buildings or improvements, regardless of ownership).

**Section 3 Clause** – the contract provisions set forth in Section 135.38.

**Section 3 Covered Contracts** – a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project.

Section 3 covered contracts do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation (FAR). Section 3 covered contracts also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

**Section 3 Covered Project** - the construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

**Section 3 Resident** – a public housing resident or an individual who resides in the metropolitan area or non-metropolitan county in which the Section 3 covered assistance is expended and who is considered to be a low-to very low-income person.

**Subcontractor** – any entity (other than a person who is an employee of the contractor) which has a contract with a contractor to undertake a portion of the contractor's obligation for the performance of work generated by the expenditure of Section 3 covered assistance, or arising in connection with a Section 3 covered project.

**Very low-income person** – families (including single persons) whose income do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

## Section 3 Action Plan Policy Statement

It is the public policy of Limerick Township to promote the opportunity for full participation by low- and very low- income persons and to business concerns which provide economic opportunities to low- and very low-income persons in its Community Development Block Grant (CDBG) Program and related HUD programs.

Limerick Township adopted this Section 3 Action Plan to identify the goals, objectives, and actions that will be implemented to ensure compliance with the requirements of Section 3.

Limerick Township's intent is to develop this plan to include input from various municipal departments, as well as DCED. When it is applicable, input from other agencies and companies will be included in this plan.

Limerick Township's grant award levels and contracting amounts do not meet the thresholds that trigger implementation of Section 3 requirements. The adopted plan will become effective if one of the thresholds is exceeded. Consequently, the specifics of this plan are not considered applicable until such time as the thresholds are met.

Regardless, because positive results can occur in providing greater opportunity and assisting persons that qualify as Section 3 residents or Section 3 businesses, Limerick will take proactive steps that support the policy statement, as specified in **Attachment H** of this plan, until such time as the thresholds are met.

### Action Plan Threshold Requirements:

As outlined by the Department of Housing and Urban Development (HUD), a governmental recipient of HUD funding will develop and maintain a Section 3 Action Plan if the amount of any combined CDBG, HOME, ESG, or other HUD grants that are currently active exceed \$200,000.

The Developer, Contractor, or Sub-Contractor will develop and maintain a Section 3 Action Plan, if the amount to the local government exceeded \$200,000 and any contract or sub-contract received exceeds \$100,000.

The threshold applies only to the amount of the assistance for Section 3 covered activities, not grant total. For example, if Limerick receives a CDBG grant for \$250,000 and used as follows:

- *Housing Rehabilitation - \$180,000*
- *Recreational/Park Improvement - \$50,000*
- *General Administration - \$20,000*

Limerick would not be subject to Section 3 requirements because less than \$200,000 was spent for covered activities (housing rehab).

However, if the Township was using other funds for the housing rehab activities, which could include additional CDBG grant money from a prior or subsequent year, that brought the activity amount to over \$200,000, then the threshold would have been met



and Section 3 compliance is required. *The same aggregation method applies to the subcontractor's \$100,000 threshold.*

### **Section 3 Goals**

Subgrantees must comply with the following Commonwealth of Pennsylvania Section 3 numerical goals as mandated by 24 CFR 135.30;

#### *Employment & Training Goals:*

It is the policy of Limerick Township to utilize residents and other Section 3 eligible persons and businesses in contracts partially or wholly funded with monies from the Department of Housing and Urban Development (HUD). Limerick Township has established employment and training goals that contractors and subcontractors should meet in order to comply with Section 3 requirements. The Section 3 Employment numerical goal is:

- Thirty percent (30%) of the aggregate number of new hires in any fiscal year.

#### *Contracting Goals:*

Sub-grantees may demonstrate compliance with this requirement by committing to award to Section 3 businesses at least 10 percent of the total dollar amount of all section 3 covered contracts in connection with housing rehabilitation, housing construction and other public construction.

- Ten percent (10%) of the total project cost of Section 3 covered projects in any fiscal year in connection with housing rehabilitation, housing construction and other public construction.

It is the responsibility of contractors, vendors and suppliers to implement progressive efforts to attain Section 3 compliance. Any contractor that does not meet the Section 3 numerical goals must demonstrate why meeting the goals were not feasible. All contractors submitting bids or proposals to Limerick Township are required to certify that they comply with the requirements of Section 3.

The Section 3 Contract Clause specifies the requirements for contractors hired for Section 3 covered projects. The Section 3 Clause must be included in all Section 3 covered projects. The Section 3 Contract Clause is included in **Attachment F**.

### **Section 3 Compliance Officer**

Limerick Township has designated a Section 3 Compliance Officer, by resolution of the Board of Supervisors, as the first step in the action planning process. That resolution will be modified as personnel or job duties change. The roles and responsibilities of the Section 3 Compliance Officer include:

- Completing, submitting, and monitoring the Section 3 Action Plan
- Monitoring Bidding and Procurement Procedures
- Maintaining a listing and certifications of Section 3 residents
- Maintaining a listing and certifications of Section 3 business concerns
- Management of Grievance Procedures

- Reporting on Section 3 activities and grievances to DCED
- Recordkeeping on Section 3 activities

### **Section 3 Program Participant Certification Procedure**

The Limerick Township Section 3 Compliance Officer will certify Section 3 program participants who reside in Limerick Township and who are seeking preference in training and employment by completing and attaching adequate proof of Section 3 eligibility, as required (see **Exhibit 1** – Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability and **Exhibit 2** – Certification for Resident Seeking Section 3 Preference in Training and Employment).

- All persons living in the community who meet the Section 3 eligibility guidelines can, by appointment, visit with the Section 3 Compliance Officer to complete a job readiness assessment.
- Once this assessment is complete, the Section 3 Compliance Officer will determine if the individual meets the eligibility requirements and is job ready.
- If the individual is deemed eligible for Section 3 participation and deemed not ready for employment, a referral will be made to other agencies that are better equipped to address the individual’s needs, i.e., substance abuse providers, etc.
- The Section 3 job readiness component is a part of the Limerick Township commitment to provide economic opportunities and training to residents/eligible participants to become gainfully employed.

### **Assisting Contractors to Achieve Section 3 Hiring and Contracting Goals**

The Limerick Township Section 3 Compliance Officer will assist contractors with little or no experience in achieving Section 3 hiring and contracting goals by:

Requiring the contractor to present a list, to the Section 3 Compliance Officer, of the number of subcontracting and/or employment opportunities expected to be generated from the initial contract.

Limerick Township’s Section 3 Compliance Officer will provide the contractor with a list of interested and qualified Section 3 residents for construction projects.

Limerick Township’s Section 3 Compliance Officer will provide contractor with a list of Section 3 business concerns interested and qualified for construction projects.

Limerick Township’s Section 3 Compliance Officer will inform contractor of known issues that might affect Section 3 residents from performing job related duties.

Limerick Township’s Section 3 Compliance Officer will review the new hire clause with contractors and subcontractors to ensure that the requirement is understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to employ Section 3 program participants before any other person, when hiring additional employees needed to complete proposed work to be performed with HUD (federal) funds.

## **Preference for Contracting with Section 3 Business Concerns**

- Limerick Township, in compliance with Section 3 regulations, will require contractors and subcontractors (including professional service contractors) to direct their efforts towards contracts to Section 3 business concerns.

Contractors and subcontractors are expected to extend to the greatest extent feasible, efforts to achieve the numerical goals established by Limerick Township.

- Contracts must document that qualified Section 3 Business Concerns that have been sought to fulfill subcontracts utilizing certification for business concerns seeking Section 3 preference in contracting and demonstration of capability, (See **Exhibit 1**).
- Contractor must submit Section 3 Contractor Solicitation and Commitment Statement with their bids (See **Exhibit 5**).

## **Evidence of Section 3 Certification**

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with Limerick Township shall complete the Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability form, which can be obtained from Limerick Township's Section 3 Compliance Officer. The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

Certifications for Section 3 preference for business concerns must be submitted to the Section 3 Compliance Officer of Limerick Township prior to the submission of bids for approval. If the Section 3 Compliance Officer previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid.

## **Efforts to Award Contract Opportunities to Section 3 Business Concerns**

Limerick Township will use the following methods to notify and contract with Section 3 business concerns when contracting opportunities exist.

- Advertise contracting opportunities via newspaper, mailings, posting notices that provide general information about the work to be contracted and where to obtain additional information.
- Provide written notice of contracting opportunities to all known Section 3 business concerns. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to the bid invitation.
- Coordinate pre-bid meetings at which the Section 3 business concerns would be informed of upcoming contracting opportunities in advance.
- Conduct workshops on Limerick Township contracting procedures to include bonding, insurance, and other pertinent requirements, in a timely manner in an

effort to allow Section 3 business concerns the opportunity to take advantage of any upcoming contracting opportunities.

- Contact business assistance agencies located in Limerick Township, Minority and Women's Business Enterprise (MBE/WBE) contractor associations and community organizations to inform them of contracting opportunities and to request their assistance in identifying Section 3 businesses.
- Establish relationships with organizations such as the Pennsylvania Department of General Services, the Pennsylvania Housing Finance Agency, the Small Business Administration (SBA), Minority and Women's Business Enterprise MBE/WBE association, Community Development Corporations, and other sources as necessary to assist Limerick Township with educating and mentoring residents with a desire to start their own businesses.
- Seek out referral sources in order to ensure job readiness for public housing residents through on-the-job-training (OJT) and mentoring to obtain necessary skills that will transfer into the external labor market.
- Develop resources or seek out training to assist residents interested in starting their own businesses to learn to prepare contracts, prepare taxes, obtain licenses, bonding, and insurance.

### **Section 3 Residents Recruitment, Training, and Employment Goals**

Limerick Township will develop resources to provide training and employment opportunities to Section 3 program participants by implementing actions such as the following:

- Training opportunities will be advertised by distributing flyers via mass mailings and posting in common areas of the Section 3 covered community, public housing developments as well as public housing management offices located in Limerick Township.
- Public housing resident councils, resident management corporations, as well as neighborhood community organizations will be contacted to request their assistance in notifying residents of the available training and employment opportunities.
- Employment opportunities will be advertised by posting job vacancies in common areas of all of the Section 3 covered community, public housing developments located in Limerick Township, as well as contacting resident councils, resident management corporations, and neighborhood community organizations.
- A database will be developed of certified Section 3 covered residents.
- A database will be developed to maintain a skill assessment of all Section 3 residents.
- A database will be developed of eligible qualified Section 3 Business concerns to contact with respect to the availability of contract opportunities.

- Relationships will be developed with local area employers in an effort to solicit job vacancies to determine skills needed in their workforce, thereby providing training to residents developing skills that will transfer into the external labor market.
- A provision for a specific number of Section 3 program participants to be trained or employed by the contractor will be incorporated into the contract.

### **Employment of Section 3 Program Participants**

- The Limerick Township Section 3 Compliance Officer will communicate with all Section 3 covered residents in its local database prior to them being hired by a contractor.
- The communication will assess job readiness (i.e., childcare, transportation, work maturity, job retention skills). Only residents meeting the minimum qualifications of the contractor or subcontractor will be referred to the job site. Residents not deemed job ready would be referred elsewhere. It is imperative that the resident's basic needs are met prior to employment.
- If a resident is referred to a contractor and does not perform satisfactorily due to poor work habits (i.e., tardiness, absenteeism, alcohol/drugs, abusive language, fighting, etc.) she/he will be allowed two additional opportunities to be referred to other contractors. If after that time the resident still does not perform satisfactorily, it will be mandatory that she/he attend and complete a job readiness class, alcohol/drug treatment center, or any other program that he or she may be required to attend. After successful completion, the resident will be given the opportunity to be reinstated on the list of residents available for work.
- Residents experiencing problems with contractors should first communicate the problem to the employer. If the problem cannot be solved between the employee and employer, the Section 3 Compliance Officer will meet with the parties involved to assist in trying to resolve the problem. Residents and employers (contractors or subcontractors) should document problems whenever they occur and record any and all efforts to correct them. The written documentation of the problem should be submitted to the Section 3 Compliance Officer.
- In order to qualify for employment with contractors, residents must be certified as Section 3 covered residents, be at least eighteen years of age.
- Residents not interested in construction employment opportunities will be assessed for other skills (clerical, administrative, etc.) and will have the opportunity to receive help, via referral to local service agencies, with interviewing techniques, mock interviews, resume preparation, application assistance, employment leads, and how to dress for success when conducting a job search.
- Residents interested in pursuing General Equivalency Diploma (GED) and continued training education will be referred to those resources by the Section 3 Compliance Officer who will maintain contact with residents to monitor progress.

**Contractor’s Requirements in Employing Section 3 participants:**

Under the Limerick Township Section 3 Program, contractors and subcontractors are required to:

- Provide employment opportunities to Section 3 residents/participants.
- After the award of contracts, the contractor must, prior to beginning work, inform Section 3 participants of the development at which the work will be performed, by providing the following:
  - Names of the Section 3 business concerns to be utilized,
  - Estimates of the number of employees to be utilized for contract,
  - Projected number of available positions, to include job descriptions and wage rates (construction wages consistent with Davis Bacon),
  - Efforts that will be utilized to seek Section 3 participants. (See **Exhibit 2**)
- Contractors must notify the Section 3 Compliance Officer of their interests regarding employment of Section 3 participants prior to hiring. The Section 3 Compliance Officer will ensure that the participant is Section 3 eligible, by assessing the Section 3 database to ensure job readiness. Additionally, the legal department will be contacted to ensure that the individuals are not involved in any legal proceedings against/with Limerick Township.
- Submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of contract award.
- Document the performance of Section 3 participants (positive and negative), regarding punctuality, attendance, etc., and provide this information to Limerick Township’s Section 3 Compliance Officer.
- Immediately notify the Section 3 Compliance Officer of any problems experienced due to the employment of Section 3 participants.
- Immediately notify the Section 3 Compliance Officer if a participant quits, walks off, or is terminated for any reason. The contractor must provide written documentation of all such incidents to support such decisions to the Section 3 Compliance Officer to determine if an investigation is warranted.

**Section 3 Action Plan Completed By: \_\_\_\_\_, Section 3**

**Compliance Officer for Limerick Township.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# Procedures – Invitations for Bids (IFB) or Request for Proposals (RFP)

## A. Advertisement – IFB Only

All invitations to bid will include the following information:

“The bidders must submit documentary evidence of Section 3 business concerns who have been contacted and to whom commitments have been made. Documentation of such solicitations and commitments shall be submitted concurrently with the bid.”

## B. Notification of Section 3 Business Concerns- IFB and RFP

The procedure for Limerick Township to notify Section 3 Business Concerns of contract opportunities will be as follows:

1. Notice of Invitation for Bid Request Proposals- Limerick Township is responsible for developing a listing of qualified Section 3 business concerns and will provide a copy of the Notice of Invitation for Bids or Requests for Proposals will be sent by Limerick Township to all Section 3 Business Concerns listed.
2. Other Notices- Notices are to be sent to the following organizations (as appropriate):
  - ❖ Appropriate Minority Business Technical Assistance Organizations and/or Schools
  - ❖ Appropriate Minority/Women contractor Associations
  - ❖ Appropriate Minority/Women Trade Associations
  - ❖ Other media organizations such as community television networks, local newsletters, and radio advertising.
3. Plans and Specifications – Plans and Specifications or Invitations for Bids on all projects will be made available to minority/women contractor associations and trade organizations.
4. List of Planholders – The names of bidders/offerors requesting bid documents will be made available upon request to Section 3 business concerns shown on the provided listing.
5. List of Section 3 Business Concerns – Each bidder/offeror obtaining plans and specifications or requests for proposals for projects will be provided a list of Section 3 Business Concerns to be used in soliciting subcontract bids and for materials and services.

# Participation Requirements for Section 3 Residents and Business Concerns

## A. Construction Contracts (IFB)

Limerick Township has established minimum levels of participation for the employment and/or training of Section 3 Residents and for the utilization of Section 3 Business for each project in each bid category to be used solely as a guide in determining bidder responsibility. The minimum participation level for employment/training of Section 3 Residents is 30% of the aggregate number of new hires and 30% for the utilization of Section 3 Business Concerns.

### 1. Participation Level

- a. Limerick Township has established minimum participation levels (MPLs) at 30% for the employment/training for Section 3 Residents and 30% for the utilization of Section 3 Business Concerns for this project to be used solely as a threshold in determining bidder responsibility. A bidder will not be rejected as not responsible solely because it fails to reach the MPLs.
- b. A Section 3 Business concern who is the prime bidder on a project will receive no MPL credit for its own work effort for services provided. A Section 3 business bidding as prime proposer must solicit other certified Section 3 Business Concerns for participation for material and/or supplies and attempt to hire Section 3 residents.

### 2. Responsiveness

- a. Bidders must complete and submit the Work Force Needs Table (See Exhibit 4) and the Section 3 Contract/Solicitation and Commitment Statement (See Exhibit 5) Failure to submit these forms with the bid will result in the bid being rejected as nonresponsive.
- b. A bidder should only solicit Section 3 subcontractors, vendors, manufacturers, or suppliers whose services, material, or supplies are within the scope of work and which the bidder reasonably believes it will choose to subcontract with or purchase from.
- c. Bidders failing to meet the minimum levels of participation must submit concurrently with the bid, an explanation of why the MPLs have not been met. The evidence submitted by the bidder must demonstrate the following:
  - (1) Indicate whether Section 3 Business Concerns were solicited for each type of work the bidder expects to subcontract for and for all materials which the bidder expects to procure and, if not, the reason(s) why no such solicitation was made;
  - (2) Indicate the reason why a Section 3 Business Concern has not been committed to for a type of subcontract work or materials in any area where a quote was received from a Section 3 Business Concern, and;



- (3) In any case where no quotations are received nor commitments made to a Section 3 Business Concern, indicate on Contract/Solicitation and Commitment Statement that no quotes were received, and if there is another reason for no commitments being made, the reason for the lack of commitments.
- d. If the bidder fails to submit such evidence, the bid submission shall be considered nonresponsive and the bid rejected.
- e. Information related to the above may be submitted on the Contract/Solicitation and Commitment Statement or on additional paper.

### 3. Access to Information

Limerick Township may obtain documents and information from any bidder, contractor, subcontractor, supplier, or manufacturer that may be required in order to ascertain bidder or contractor responsibility. Failure to provide requested information may result in the contractor being declared not responsible.

## **B. Professional/Personal Services – Requests for Proposals (RFP)**

For contracts and subcontracts awarded under the competitive proposals awarded under the Request for Proposals method Limerick Township shall identify all evaluation factors (and their relative importance) to be used to rate proposals in their RFP.

One of the evaluation factors shall address both the preference for Section 3 Business Concerns and the acceptability of the strategy for meeting the greatest extent feasible requirement (Section 3 strategy), as disclosed in proposals submitted by all business concerns (Section 3 and non-Section 3 business concerns). This factor shall provide for a range of 15 to 25 percent of the total number of available points be set aside for the evaluation of these two components.

The component of this evaluation factor designed to address the preference for Section 3 Business Concern must establish a preference for these business concerns.

With respect to the second component (the acceptability of the Section 3 strategy), the RFP shall require the disclosure of the contractor's section 3 strategy to comply with section 3 training and employment preference, or contracting preference, or both if applicable. A determination of the contractor's responsibility will include the submission of an acceptable Section 3 strategy. The contract award shall be made to the responsible firm (either Section 3 or non-Section 3 business concern) whose proposal is determined most advantageous, considering price and all other factors specified in the RFP.

## Procedures – Contractor Compliance Process

**All Section 3 covered contracts shall include the following clause (referred to as the Section 3 Clause):**

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative 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 part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

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 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

### **Contractor's Requirements in Employing Section 3 participants:**

Under the Section 3 Program, contractors and subcontractors are required to provide employment opportunities to Section 3 residents/participants.

- After the award of contracts, the contractor must, prior to beginning work, inform Section 3 participants of the development at which the work will be performed, by providing the following:
- Names of the Section 3 business concerns to be utilized,
- Estimates of the number of employees to be utilized for contract,
- Projected number of available positions, to include job descriptions and wage rates (construction wages consistent with Davis Bacon),
- Efforts that will be made to seek Section 3 participants (**Exhibit 2**).
- Utilizing Certification for residents seeking Section 3 preference in employment and training.
- Contractors must notify the Section 3 Compliance of their interests regarding employment of Section 3 participants prior to hiring, utilizing the Section 3 Work Force Needs Table/Certification – DCED-CCD 192 (**Exhibit 4**). The Section 3 Compliance Officer will ensure that the participant is Section 3 eligible, by assessing the Section 3 database to ensure job readiness. Additionally, the legal department will be contacted to ensure that the individuals are not involved in any legal proceedings against/with Limerick Township.
- Submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of contract award.
- Document the performance of Section 3 participants (positive and negative), regarding punctuality, attendance, etc., and provide this information to Limerick Township's Section 3 Compliance Officer.
- Immediately notify the Section 3 Compliance Officer of any problems experienced due to the employment of Section 3 participants.
- Immediately notify the Section 3 Compliance Officer if a participant quits, walks off, or is terminated for any reason. The contractor must provide written documentation of all such incidents to support such decisions to the Section 3 Compliance Officer to determine if an investigation is warranted.

## SECTION 3 GRIEVANCE PROCEDURES

In an effort to resolve complaints generated due to non-compliance through an internal process, the PA Department of Community and Economic Development encourages submittal of such complaints to its Section 3 Compliance Officer as follows:

- Complaints of non-compliance should be filed in writing to the PA Department of Community and Economic Development and must contain the name of the complainant and brief description of the alleged violation of 24 CFR 135.
- Complaints must be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation.
- An investigation will be conducted if complaint is found to be valid. The Section 3 Compliance Officer will conduct an informal, but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.
- The Section 3 Compliance Officer will provide written documentation detailing the findings of the investigation of Limerick Township. The PA Department of Community and Economic Development will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than thirty (30) days after the filing of complaint.

If complainants wish to have their concerns considered outside of the PA Department of Community and Economic Development a complaint may be filed with:

Philadelphia Regional Office of FHEO  
U.S. Department of Housing and Urban Development  
The Wanamaker Building  
100 Penn Square East, 12th Floor  
Philadelphia, Pennsylvania 19107-3380  
(215) 861-7646  
1-888-799-2085  
TTY (215) 656-3450

The complaint must be received not later than 180 days from the date of the action or omission upon which the complaint is based, unless the time for filing is extended by the Assistant Secretary for good cause shown.

The Section 3 Compliance Officer will forward a copy of the grievance to DCED within 72 hours of receipt.

The Section 3 Compliance Officer will maintain an official Complaint Register (**Exhibit 7**).

## SECTION 3 RECORDKEEPING

Records must be maintained by the Section 3 Compliance Officer to demonstrate compliance with the requirements noted in 24 CFR 135.92:

“HUD shall have access to all records, reports, and other documents or items of the recipient that are maintained to demonstrate compliance with the requirements of this part, or that are maintained in accordance with the regulations governing the specific HUD program under which Section 3 covered assistance is provided or otherwise made available to the recipient or contractor.”

In accordance with the rule, Limerick Township will maintain records related to:

- ❖ Examples of efforts to offer training and employment opportunities to Section 3 residents
- ❖ Examples of efforts to award contracts to Section 3 business concerns
- ❖ Examples of procurement procedures that provide for preference for Section 3 business concerns
- ❖ Listings of certified Section 3 residents
- ❖ Listings of certified Section 3 business concerns
- ❖ Grievances filed by Section 3 residents or Section 3 business concerns
- ❖ Listings of Section 3 residents trained and/or employed
- ❖ Listings of Section 3 business concerns contracted under each contract meeting Section 3 thresholds

## SECTION 3 REPORTING REQUIREMENTS

DCED requires that all Sub-grantees of CDBG, HOME and ESG funds to annually report (applies to all reports except the Section 3 Complaint Register) on all Section 3 activities if the amount of any combined CDBG, combined HOME, or combined ESG grants that are currently active exceed \$200,000 and any contract or sub-contract received exceeds \$100,000. Reporting forms include:

1. Section 3 Summary Report: HUD form 60002 (**Exhibit 3**)
2. Section 3 Work Force Needs Table and Certification (**Exhibit 4**)
3. Section 3 Contract Solicitation and Commitment Statement (**Exhibit 5**)
4. Section 3 Contractor Monthly Report (**Exhibit 6**)
5. Section 3 Complaint Register: HUD form 958 (**Exhibit 7**)

The Developer, Contractor, or Sub-Contractor will submit a Section 3 Work Force Needs Table and Certification to the Sub-grantee demonstrating how it is implementing its Section 3 Action Plan, if the any contract or sub-contract received from the Sub-grantee exceeds \$100,000. The Sub-grantee will maintain a copy of this report in its Section 3 Program files as well as submit a copy to DCED on an annual basis.

Sub-grantees must then submit a Section 3 Summary Report (HUD Form 60002) (**Exhibit 3**) on an annual basis to DCED.

In the event that a resident in a Section 3 covered area or Section 3 business concern has filed a grievance against the Sub-grantee, Developer or Contractor, the Sub-grantee must submit a copy of the Complaint Register to DCED within 72 hours.

Questions on completion of these forms should be directed to DCED Compliance Officer at (717) 720-7406 or [chrhowe@pa.gov](mailto:chrhowe@pa.gov).

# **Attachments**

**Attachment A – D**

**Reserved**



**Good Faith Effort**

At a minimum, the following tasks must be completed to demonstrate a good faith effort with the requirements of Section 3. The contracting party and each contractor or subcontractor seeking to establish a good faith effort as required should be filling all training positions with persons residing in the target area.

1. Second notices of job availability subcontracting opportunities subject to these requirements to recruitment sources, trade organizations and other community groups capable of referring eligible Section 3 applicants, including the Department of Labor.
2. Include in all solicitations and advertisements a statement to encourage eligible Section 3 residents to apply.
3. When using a newspaper of major circulation to request bids/quotes or to advertise employment opportunities to also advertise in minority-owned newspapers.
4. Maintain a list of all residents from the target area who have applied either on their own or by referral from any service, and employ such person, if otherwise eligible and if a trainee position exists. (If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy). A list of eligible applicants will be maintained for future vacancies.

The contractor must certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed were not filled to circumvent the contractor's obligation under 24 CFR Part 135.

### Section 3 Clause

All contracts subject to the Section 3 requirements will include the following clause:

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

**Attachment G**

**Reserved**

Department of Community and Economic Development Section 3 Implementation Action Plan						
Desired Outcome	Action Steps to be Taken	Target Completion Date	Resources Needed	Resources Available	Person(s) Responsible	Evidence of Action Taken
Identify Section 3 Businesses	Contact neighboring CDBG Grantees for referrals	July 2017	Emails	YES	Capital Access	Referrals Received
Identify Section 3 Businesses	Pull HUD Section 3 Certified Contractors List from hud.gov	July 2017	<a href="https://portalapps.hud.gov/Sec3BusReg/BRegistry/SearchBusiness">https://portalapps.hud.gov/Sec3BusReg/BRegistry/SearchBusiness</a>	YES	Capital Access	Referrals Received
Identify Section 3 Businesses	Post Exhibit 1 Form on Township Website	November 2017	Post "Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability" form (Exhibit1)	YES	Marcy Mancini	Referrals Received
Solicit Section 3 Businesses	Solicit referrals to apply as Housing Rehab contractor	September 2017	Emails, Phone Contacts & Township Website	YES	Marcy Mancini	New Contractors, Sub-Contractors, and Suppliers Added to Contractors Lists
Identify Section 3 Residents	Post Exhibit 2 Form on Township Website	November 2017	Post "Certification for Resident Seeking Section 3 Preference in Training and Employment" form (Exhibit 2)	YES	Marcy Mancini	Referrals Received
Encourage Employment	Provide Referrals and Posting Info to Housing Rehab Contractors	December 2017	Emails & Letters	YES	Marcy Mancini	Contractors Hire Section 3 Residents and Encourage to Utilize Section 3 Sub-Contractors and Suppliers

**CERTIFICATION FOR BUSINESS CONCERNS 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  
 Organization chart with names and titles and brief function statement  Latest Board minutes appointing officers  
 Additional documentation

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

- 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 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 Title

(Corporate Seal)

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

**CERTIFICATION FOR RESIDENT SEEKING SECTION 3 PREFERENCE IN TRAINING AND EMPLOYMENT**

**LIMERICK TOWNSHIP RESIDENT EMPLOYMENT OPPORTUNITY DATA  
ELIGIBILITY FOR PREFERENCE**

Eligibility for Preference: A Section 3 resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient contractor or subcontractor, if requested, that the person is a Section 3 resident, as defined in Section 135.5. (An example of evidence of eligibility for the preference is evidence of receipt of public assistance, or evidence of participation in a public assistance program.)

**Certification for Resident Seeking Section 3 Preference in Training and Employment**

I, \_\_\_\_\_, am a legal resident of \_\_\_\_\_ and meet the income eligibility  
*(Name of Community)*

guidelines for a low- or very-low-income person as published on the reverse.

My permanent address is:

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

I have attached the following documentation as evidence of my status:

- |  |  |
|--|--|
| <input type="checkbox"/> Copy of lease/Mortgage  | <input type="checkbox"/> Copy of receipt of public assistance. |
| <input type="checkbox"/> Copy of Evidence of participation in a public assistance program. | <input type="checkbox"/> Other evidence                        |

\_\_\_\_\_

Signature

\_\_\_\_\_

Date \_\_\_\_\_

Print Name

\_\_\_\_\_

**LIMERICK TOWNSHIP**

**SECTION 3 INCOME LIMITS**

All low and very low income residents of Limerick Township qualify as Section 3 residents if they meet the income limits set forth below. (Updated Annually)

A picture identification card and proof of current residency is required.

**Eligibility Guideline for 2017**

<b>Number in Household</b>	<b>Very Low Income 50% of Area Median Income</b>	<b>Low Income 80% of Area Median Income</b>
1 individual	\$29,150	\$46,600
2 individuals	\$33,300	\$53,250
3 individuals	\$37,450	\$59,900
4 individuals	\$41,600	\$66,550
5 individuals	\$44,950	\$71,900
6 individuals	\$48,300	\$77,200
7 individuals	\$51,600	\$82,550
8 individuals	\$54,950	\$87,850

Current as of November 10, 2017

[https://www.huduser.gov/portal/datasets/il.html#2017\\_data](https://www.huduser.gov/portal/datasets/il.html#2017_data)

**Exhibit 3**

**Section 3 Summary Report**

**Form: HUD 60002**





**Part II: Contracts Awarded**

1. Construction Contracts:

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

2. Non-Construction Contracts:

A. Total dollar amount 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.

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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Form HUD-60002, **Section 3 Summary Report, Economic Opportunities for Low- and Very Low-Income Persons.**

**Instructions:** This form is to be used to report annual accomplishments regarding employment and other economic opportunities provided to low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any **public and Indian housing programs** that receive: (1) development assistance pursuant to Section 5 of the U.S. Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to **recipients of housing and community development assistance in excess of \$200,000** expended for: (1) housing rehabilitation (including reduction and abatement of lead-based paint hazards); (2) housing construction; or (3) other public construction projects; and to **contracts and subcontracts in excess of \$100,000** awarded in connection with the Section-3-covered activity.

Form HUD-60002 has three parts, which are to be completed for all programs covered by Section 3. Part I relates to **employment and training**. The recipient has the option to determine numerical employment/training goals either on the basis of the number of hours worked by new hires (columns B, D, E and F). Part II of the form relates to **contracting**, and Part III summarizes recipients' **efforts** to comply with Section 3.

Recipients or contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and very low-income persons.\* A recipient of Section 3 covered assistance shall submit one copy of this report to HUD Headquarters, Office of Fair Housing and Equal Opportunity. Where the program providing assistance requires an annual performance report, this Section 3 report is to be submitted at the same time the program performance report is submitted. Where an annual performance report is not required, this Section 3 report is to be submitted by January 10 and, if the project ends before December 31, within 10 days of project completion. **Only Prime Recipients are required to report to HUD. The report must include accomplishments of all recipients and their Section 3 covered contractors and subcontractors.**

- HUD Field Office: Enter the Field Office name .
1. Recipient: Enter the name and address of the recipient submitting this report.
  2. Federal Identification: Enter the number that appears on the award form (with dashes). The award may be a grant, cooperative agreement or contract.
  3. Dollar Amount of Award: Enter the dollar amount, rounded to the nearest dollar, received by the recipient.
  - 4 & 5. Contact Person/Phone: Enter the name and telephone number of the person with knowledge of the award and the recipient's implementation of Section 3.
  6. Reporting Period: Indicate the time period (months and year) this report covers.
  7. Date Report Submitted: Enter the appropriate date.

8. Program Code: Enter the appropriate program code as listed at the bottom of the page.
9. Program Name: Enter the name of HUD Program corresponding with the "Program Code" in number 8.

**Part I: Employment and Training Opportunities**

**Column A:** Contains various job categories. Professionals are defined as people who have special knowledge of an occupation (i.e. supervisors, architects, surveyors, planners, and computer programmers). For construction positions, list each trade and provide data in columns B through F for each trade where persons were employed. The category of "Other" includes occupations such as service workers.

**Column B: (Mandatory Field)** Enter the number of new hires for each category of workers identified in **Column A** in connection with this award. New hire refers to a person who is not on the contractor's or recipient's payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

**Column C: (Mandatory Field)** Enter the number of Section 3 new hires for each category of workers identified in **Column A** in connection with this award. Section 3 new hire refers to a Section 3 resident who is not on the contractor's or recipient's payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

**Column D:** Enter the percentage of all the staff hours of new hires (Section 3 residents) in connection with this award.

**Column E:** Enter the percentage of the total staff hours worked for Section 3 employees and trainees (including new hires) connected with this award. Include staff hours for part-time and full-time positions.

**Column F: (Mandatory Field)** Enter the number of Section 3 residents that were trained in connection with this award.

Part II: Contract Opportunities

**Block 1: Construction Contracts**

**Item A:** Enter the total dollar amount of all contracts awarded on the project/program.

**Item B:** Enter the total dollar amount of contracts connected with this project/program that were awarded to Section 3 businesses.

**Item C:** Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

**Item D:** Enter the number of Section 3 businesses receiving awards.

**Block 2: Non-Construction Contracts**

**Item A:** Enter the total dollar amount of all contracts awarded on the project/program.

**Item B:** Enter the total dollar amount of contracts connected with this project awarded to Section 3 businesses.

**Item C:** Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

**Item D:** Enter the number of Section 3 businesses receiving awards.

**Part III: Summary of Efforts – Self -explanatory**

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Submit one (1) copy of this report to the HUD Headquarters Office of Fair Housing and Equal Opportunity, at the same time the performance report is submitted to the program office. The Section 3 report is submitted by January 10. Include only contracts executed during the period specified in item 8. PHAs/IHAs are to report all contracts/subcontracts.

\* The terms "low-income persons" and very low-income persons" have the same meanings given the terms in section 3 (b) (2) of the United States Housing Act of 1937. **Low-income persons** mean families (including single persons) whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that

The Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings such that variations are necessary because of prevailing levels of construction costs or unusually high- or low-income families. **Very low-income persons** mean low-income families (including single persons) whose incomes do not exceed 50 percent of the median family income area, as determined by the Secretary with adjustments or smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

**Commonwealth of Pennsylvania  
 Department of Community and Economic Development  
 Center for Community Development**

**Section 3 Work Force Needs Table – Employees**

Occupation Category (1)	Approximate Number of Skilled Employees Required	Total Number of Skilled Employees Presently on Payroll	Total Number of Skilled Employees to be Hired	Total Number of Section 3 Residents to be Hired
<b>TOTALS</b>				

**(1) The following occupational category classifications may be used above.**

1. Accounting 2. Architecture 3. Appliance repair 4. Bookkeeping 5. Bricklaying 6. Carpentry 7. Carpet Installation 8. Catering 9. Cement/Masonry 10. Computer/Info 11. Demolition 12. Drywall	13. Electrical 14. Elevator Construction 15. Engineering 16. Fencing 17. Florists 18. Heating 19. Iron Works 20. Janitorial 21. Landscaping 22. Machine Operation 23. Manufacturing 24. Marketing	25. Painting 26. Payroll 27. Plastering 28. Plumbing 29. Printing 30. Research 31. Surveying 32. Tile setting 33. Transportation 34. Word processing
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**Employment Certification**

- A. The Contractor hereby certifies that the above table represents the approximate number of employee positions that are needed and which are not presently filled by regular and permanent employees, and which will require new employees in the execution of the \_\_\_\_\_ contract and also represents the number of Section 3 project area residents that the contractor proposes to make a good faith effort to employ.
- B. The Contractor certifies that it will make a good faith effort to employ the number of Section 3 residents stated above.
- C. The contractor, prior to subcontracting any portion of the work covered by this contract will require a Work Force Needs Table to be prepared and certification similar to paragraphs A., B., and C. to be executed.

**SECTION 3 CONTRACT SOLICITATION AND COMMITMENT STATEMENT**

(1) Name of Bidder	(2) IFB Number
Address	Bid Opening Date
Telephone Number	Contact Person

*(3) COMPANY NAME, & TELEPHONE NUMBER	*(4) EIN OR SSN	(5) SECTION 3 (X)	(6) TYPE OF CONSTRUCTION, EQUIPMENT, SERVICES AND/OR SUPPLIES TO BE PROVIDED TO THE PROJECT	(7) TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	* (8) TOTAL COMMITMENT DOLLAR AMOUNT

(8) NOTE: List those Section 3 business concerns from which you solicited quotes or which contacted you and gave you quotes in regard to this invitation for bid. Bidder's contract with subcontractors and suppliers should be at least five days prior to the bid opening date.

(9) See attached instructions for providing quotes.

(10) NOTE Minimum Participation Levels (MPL): Section 3 Building Trade Contracts – 10% of the total dollar amount for building trades work. Section 3 Non-Building Trade Contracts – 3% of the total dollar amount of all non-building trades work. Section 3 Resident New Hires – 30% of the aggregate number of new hires. A presumption of responsibility may be made if commitments reflect the MPLs.

(11) Prepared By	Telephone Number/Email Address
------------------	--------------------------------

Use additional sheets if necessary.

**EXPLANATION OF COLUMN ITEMS**

**(Section 3 Contract Solicitation and Commitment Statement)**

1. Provide your company name, address, telephone number.
2. Provide the Invitation for Bid (IFB) number, if available, bid opening date and bidder's contact person.
3. Company's name and telephone number with area code are mandatory items.
4. Employer Identification Number (EIN) or Social Security Number (SSN), mandatory item.
5. Indicate whether or not the firm is a Section 3 firm. Place a check mark in the Section 3 column.
6. Indicate type of work to be performed and/or material to be supplied.
7. Enter the total dollar amount of the quote received.
8. Enter the dollar amount of the commitment which you have made to the Section 3 firm. If no amount is provided in this space, it will be presumed that your firm made no commitment, mandatory item.
9. NOTE: You must include information on both solicited and unsolicited quotes. Failure to include a firm providing solicited or unsolicited quotes may result in the rejection of the bid. Five days is a guide. However, adequate time must be provided for subcontractors and suppliers to respond to bids.
10. NOTE: If the minimum participation levels for this project are not achieved, you must provide a written explanation on this on a separate sheet explaining the failure to achieve the MPL. Failure to provide this explanation will result in rejection of the bid as non-responsive.
11. Indicate the name and title of the person(s) who prepared this form, along with an e-mail address.

**\*KEY NOTE: Mandatory Items: Failure to provide mandatory items will result in rejection of the bid as non-responsive. These items appear in Columns 3, 4 and 8.**

**SECTION 3 CONTRACTOR'S MONTHLY REPORT**

Prime Contractor Name: \_\_\_\_\_ Project Title: \_\_\_\_\_

Total Prime Contract \$ \_\_\_\_\_ Total Subcontracts \_\_\_\_\_

INVOICE INFORMATION				
Invoice No.		Current Invoice \$:		
Report Period:		Cumulative Invoiced \$:		
% Contract Complete:				
PRIME CONTRACTOR SECTION 3 GOAL TRACKING				
Total Subcontracts # _____		Total Section 3 Subcontracts # _____		
Section 3 Goals Accomplished% _____				
SUB-CONTRACTOR SECTION 3 GOAL TRACKING				
SUBCONTRACTOR/ COMPANY NAME	# SECTION 3 NEW HIRES	STAFF HOURS	TRADE	\$ THIS PAYMENT
*Attach a sheet if additional lines are needed				
NON-SECTION 3 SUB-CONTRACTORS TRACKING				
SUBCONTRACTOR/ COMPANY NAME	# NEW HIRES	STAFF HOURS	TRADE	\$ THIS PAYMENT
*Attach a sheet if additional lines are needed				

**TYPE OF WORK:** Examples: Catering, Clerical, Consulting, Engineering, Hauling, Janitorial, Masonry, Site Clearing, Technical Support

**NOTES:**  
 THIS MONTHLY FORM MUST BE COMPLETED AND SUBMITTED WITH ALL REQUESTS FOR PAYMENT AND FINAL PAYMENT.



**Exhibit 7**  
**Complaint Register**  
**FORM HUD-958**

# Complaint Register

Under Section 3 of the Housing  
And Urban Development Act of 1968

## U.S. Department of Housing and Urban Development

Office of Fair Housing  
and Equal Opportunity

OMB Approval No. 2529-0043 (revised)

(Expires 11/30/2018)

**Instructions:** This form is to be used to report allegations of noncompliance with Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations at 24 CFR Part 135.

<b>1. Complainant Information:</b>	
Name of Complainant (Person or organization)	Home Phone
Street Address	Work Phone
City, State, Zip code	
Email Address:	
<b>2. You are:</b> (check all that apply)	
<input type="checkbox"/> Low/Very Low Income Person	<input type="checkbox"/> Section 3 Business
<input type="checkbox"/> Public Housing Resident	<input type="checkbox"/> A Representative of a Section 3 Business
<input type="checkbox"/> HUD Youthbuild Participant	<input type="checkbox"/> Other: _____
<input type="checkbox"/> A Representative of any of the above listed Individuals (Such as: a Low-Income Person or Public Housing Resident)	
<b>3. Basis for alleged noncompliance with Section 3:</b>	
<input type="checkbox"/> Denied Training <input type="checkbox"/> Denied Employment <input type="checkbox"/> Denied Contracting <input type="checkbox"/> Other (see below in item 6)	
<b>4. Complaint is against:</b> (check one or more boxes)	
<input type="checkbox"/> Recipient of HUD Funds <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Other (please specify): (Such: as a PHA, city/county agency, etc.) _____	
<b>5. Who is this complaint being filed against?</b>	
Name of agency, organization, or company:	Business Phone
Street Address	
City, State, Zip code	
Name and identify others (if any) who allegedly violated Section 3 in this case:	

**6. How did the HUD recipient, contractor, or subcontractor violate the requirements of Section 3?**  
 (Check all that apply – provide documentation, if available)

HUD Recipient	Contractor and/or Subcontractor
<input type="checkbox"/> Failed to notify Section 3 businesses about contracting opportunities  <input type="checkbox"/> Failed to incorporate the Section 3 Clause into covered Section 3 bid solicitations or contracts  <input type="checkbox"/> Failed to provide priority consideration to Section 3 businesses for covered contracting opportunities  <input type="checkbox"/> Failed to select Section 3 businesses in accordance with the order of priority consideration as set forth in 24 CFR 135.36  <input type="checkbox"/> Failed to award contracts to Section 3 businesses  <input type="checkbox"/> Failed to ensure that its contractors/ subcontractors complied with Section 3 requirements  <input type="checkbox"/> Knowingly entered into contracts with contractors/ subcontractors that failed to comply with Section 3 requirements  <input type="checkbox"/> Failed to notify Section 3 residents about training and/or employment opportunities  <input type="checkbox"/> Failed to provide priority consideration to Section 3 residents for employment or training opportunities  <input type="checkbox"/> Failed to select Section 3 residents for training or employment opportunities in accordance with the order of priority consideration set forth in 24 CFR 135.34  <input type="checkbox"/> Failed to hire Section 3 residents for new employment opportunities  <input type="checkbox"/> Retaliated against the complainant because complainant sought to enforce Section 3 requirements or participated in an investigation or proceeding regarding Section 3  <input type="checkbox"/> Other <hr/>	<input type="checkbox"/> Failed to certify that all employment vacancies filled prior to contract execution were not filled to circumvent Section 3  <input type="checkbox"/> Failed to notify potential subcontractors about Section 3 requirements  <input type="checkbox"/> Failed to post notices at the work site regarding Section 3 requirements in accordance with the Section 3 Clause  <input type="checkbox"/> Failed to send to each labor organization or representative of workers a notice of Section 3 obligations in accordance with the Section 3 Clause  <input type="checkbox"/> Failed to ensure that its subcontractors complied with Section 3  <input type="checkbox"/> Failed to train and/or hire Section 3 residents for new employment opportunities  <input type="checkbox"/> Failed to provide priority consideration to Section 3 residents for employment or training opportunities in accordance with 24 CFR Part 135.34  <input type="checkbox"/> Failed to ensure that contracts awarded to subcontractors included the Section 3 Clause  <input type="checkbox"/> Failed to award subcontracts to Section 3 businesses <input type="checkbox"/> Failed to award subcontracts to Section 3 businesses in accordance with the order of priority consideration set forth in 24 CFR 135.34  <input type="checkbox"/> Retaliated against the complainant because complainant sought to enforce Section 3 requirements or participated in an investigation or proceeding regarding Section 3  <input type="checkbox"/> Other <hr/>

7. **When did the act(s) checked above occur?** (Include the most recent date if several dates are involved):

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Month    Day    Year

\* The date of the last alleged violation or occurrence must be less than 180 days from the date of submission to HUD.

8. **Project name or location where alleged violation occurred?** (If applicable):

Project Name (if applicable): \_\_\_\_\_ Project Number: \_\_\_\_\_

Project Location: \_\_\_\_\_

Local Contracting Agency (LCA): \_\_\_\_\_

9. **Identify the type of HUD funding used by the HUD funding recipient, organization, or contractor that this complaint is filed against:** (Check all that apply)

<input type="checkbox"/> PIH Operating Subsidy	<input type="checkbox"/> Other PIH Assistance	<input type="checkbox"/> Neighborhood Stabilization Program (NSP) Assistance	<input type="checkbox"/> Section 811 Supportive Housing for the Disabled
<input type="checkbox"/> PIH Capital Fund Subsidy	<input type="checkbox"/> Community Development Block Grants (CDBG)	<input type="checkbox"/> Other Community Development Assistance	<input type="checkbox"/> Project Based Housing Vouchers
<input type="checkbox"/> Choice Neighborhood Initiative Grant	<input type="checkbox"/> HOME Investment Partnership Funding	<input type="checkbox"/> Lead-Based Paint	<input type="checkbox"/> Other HUD Housing Assistance
<input type="checkbox"/> HOPE VI Grant	<input type="checkbox"/> McKinney Homeless Assistance	<input type="checkbox"/> Section 202 Supportive Housing for the Elderly	<input type="checkbox"/> Other Covered HUD Funding

**10. Description of act(s) or incident(s) involving alleged violation of Section 3:**  
Summarize what happened? Attach additional information if necessary

**11. Declaration Statement**  
**I declare under penalty of perjury that I have read this complaint (including any attachments) and that all information is accurate and correct.**

Signature

Date

## Section 3 of the Housing and Urban Development Act of 1968

Public reporting burden 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.

The information is given voluntarily and provides the basis for HUD's investigation of the complaint to determine if the allegations of noncompliance are valid. The Department will use the information provided as the basis for its determination of jurisdiction over a complainant's allegations. All information collected complies with the Privacy Act of 1974 and OMB Circular A-108. The information is unique to the processing of complaints alleging noncompliance with the Section 3 statute or implementing regulations. The information collected on this form will only be used by HUD during the investigation and resolution of complaints and will not be shared with persons or parties that are not directly involved with the complaint.

### What is Section 3 of the Housing and Urban Development Act of 1968?

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 requirements ensure that *when* new jobs or contracts are created during the usage of certain HUD funds, priority consideration is given to low- and very low-income persons residing in the community in which the funds are spent (regardless of race or gender), and to the businesses that substantially employ these persons.

### Who are Section 3 residents and businesses?

Section 3 residents are:

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

Please visit: <http://www.huduser.org/portal/datasets/il.html> to determine the income limits for residents of your community.

A Section 3 business is one that meets one of the following criteria:

- 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.

### What HUD funding does Section 3 cover?

Section 3 applies to any of the following:

- A. Public and Indian Housing programs that receive: (1) Annual contributions for low income housing projects provided pursuant to section 5 of the U.S. Housing Act of 1937, as amended by the Quality Housing and Work Responsibility Act of 1998 (QHWRA); (2) Capital Fund Project assistance provided pursuant to Section 9 of QHWRA; (3) Operating Subsidy assistance provided pursuant to Section 9 of QHWRA.
- B. Housing and community development assistance extended for: (1) housing rehabilitation (including reduction and abatement of lead based paint hazards); (2) housing construction or (3) other public construction projects; and for which the contract and subcontract exceeds \$100,000; and
- C. Certain competitive HUD grant funding, such as: HOPE VI, Choice Neighborhoods, etc.).

## **What can you do about violations of the Law?**

Remember, Section 3 applies to the awarding of jobs, training programs, and contracts, generated from projects receiving HUD financial assistance. If you believe that, as a low-income person or a Section 3 business concern, the responsibilities to provide economic opportunities under Section 3 have been violated, you have a right to file a complaint within **180 days** of the last alleged occurrences of noncompliance.

Complaints alleging violations of the Section 3 regulatory requirements must be submitted to the appropriate HUD Regional Office of Fair Housing and Equal Opportunity listed below. Please be certain to sign and date this form, where indicated, to ensure prompt complaint processing.

HUD will send the complaint to the appropriate HUD recipient for resolution. If resolution by the recipient fails, HUD will investigate. If HUD finds that the complaint has merit, it will try to end the violation by informal resolution. If conciliation fails, HUD may initiate other steps to enforce the law, including but not limited to suspension and debarment of the recipient or contractors as applicable.

You can obtain assistance in learning about more Section 3 by visiting [www.hud.gov/section3](http://www.hud.gov/section3) or by contacting one of the HUD's Regional Offices of Fair Housing and Equal Opportunity.

**Authority:** Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1968, as amended by the Housing and Community Development Act of 1992, U.S.C. 1701u and implementing regulations at 24 CFR Part 135.

**Purpose:** The information requested on this form is to be used to investigate and process Section 3 complaints.

**Use:** The information requested will be used to process a complaint filed under Part 135. HUD may disclose certain information for Federal, State, and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law.

**Penalty:** Failure to provide some or all of the requested information will result in delayed processing or rejection of this complaint for investigation.

### **Privacy Act of 1974 (P.L.93-579)**

All information collected is provided voluntarily and complies with the Privacy Act of 1974 and OMB Circular A-108. The information is unique to the processing of complaints alleging noncompliance with the Section 3 statute or implementing regulations. The information collected on this form will only be used by HUD during the investigation and resolution of complaints and will not be shared with persons or parties that are not directly involved with the complaint.

## Instructions for completing the Section 3 Complaint Register

- Box 1:** Enter the requested information for the person that is filing the complaint (i.e., the complainant). This person must meet the definition of a Section 3 resident or business.
- Box 2:** Select the appropriate statement that describes your status as a Section 3 resident, businesses, or representative of either.
- Box 3:** Select the appropriate basis for the complaint which you are filing.
- Box 4:** Select the appropriate option that best describes the person or entity that you are filing this complaint against.
- Box 5:** Provide the name, address, and contact information for the person or entity that you are filing this complaint against.
- Box 6:** Select the statement(s) that best describe the alleged actions or omissions undertaken by the person or entity that you are filing this complaint against that are in violation of the requirements of Section 3. If you select "other", please briefly describe the alleged violation on the appropriate line.
- Box 7:** Provide the date that the alleged violation or action occurred. If the alleged act or violation is continuing in nature, please provide the date of the most recent occurrence.
- Box 8:** If this complaint is based upon acts or omissions that occurred at a specific job site, project, or location, please provide information that will allow HUD to identify the specific project that is the subject of the complaint that you are filing.
- Box 9:** Select the appropriate type of covered HUD funding that the recipient, organization, contractor/subcontractor received or administered.  
**NOTE:** In order for the complaint to be jurisdictional, covered HUD funding must be administered by the recipient, organization, contractor/subcontractor.
- Box 10:** Provide a detailed description of the acts or omissions undertaken by the person or entity that you filing this complaint against. Provide enough specific information to enable HUD to clearly understand the alleged violation and whether it demonstrates noncompliance with the requirements of Section 3.
- Box 11:** Please sign the complaint and enter the current date.  
**NOTE:** By signing and dating this complaint you are affirming that your statements and allegations are true and accurate by penalty of perjury. Complaints **must** be signed and dated prior to acceptance by HUD for investigation.



**Where to file your complaint:**

Please fax or mail your complaint to the appropriate HUD Regional Office of Fair Housing and Equal Opportunity that has jurisdiction over the state for which you are located or where the alleged violation occurred. Inquiries regarding the status of your complaint should be directed to the appropriate Regional office of FHEO by telephone or email.

<p><b>BOSTON REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  New England Office  10 Causeway Street, Suite 308  Boston, MA 02222  (617) 994-8300  (800) 827-5005  Fax:(617) 565-7313  Email: <a href="mailto:complaints_office_01@hud.gov">complaints_office_01@hud.gov</a></p> <p>*Covers the following states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont</p>	<p><b>FORT WORTH REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Southwest Office  801 Cherry St., Unit 45, Suite 2500  Fort Worth, TX 76102  (817) 978-5900  (888)560-8913  Fax:(817) 978-5876  Email: <a href="mailto:complaints_office_06@hud.gov">complaints_office_06@hud.gov</a></p> <p>*Covers the following states: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas</p>
<p><b>NEW YORK REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  New York and New Jersey Office  26 Federal Plaza  New York, NY 10278  (212) 264-1290  (800) 496-4294  Fax: (212) 264-9829  Email: <a href="mailto:complaints_office_02@hud.gov">complaints_office_02@hud.gov</a></p> <p>*Covers the following states: New Jersey and New York</p>	<p><b>KANSAS CITY REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Great Plains Office  400 State Avenue  Kansas City, KS 66101  (913) 551-6958  (800) 743-5323  Fax: (913) 551-6856  Email: <a href="mailto:complaints_office_07@hud.gov">complaints_office_07@hud.gov</a></p> <p>*Covers the following states: Iowa, Kansas, Missouri, and Nebraska</p>
<p><b>PHILADELPHIA REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Mid-Atlantic Office  100 Penn Square East,  12<sup>th</sup> Floor  Philadelphia, PA 19107  (215) 861-7646  (888) 799-2085  Fax: (215) 656-3449  Email: <a href="mailto:complaints_office_03@hud.gov">complaints_office_03@hud.gov</a></p> <p>*Covers the following states: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia</p>	<p><b>DENVER REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Rocky Mountain Office  1670 Broadway  Denver, CO 80202  (303) 672-5437  (800) 877-7353  Fax: (303) 672-5026  Email: <a href="mailto:complaints_office_08@hud.gov">complaints_office_08@hud.gov</a></p> <p>*Covers the following states: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming</p>

<p><b>ATLANTA REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Southeast Office  40 Marietta Street  Atlanta, GA 30303  (404) 331-5140  (800) 440-8091  Fax: (404) 331-1021  Email: <a href="mailto:complaints_office_04@hud.gov">complaints_office_04@hud.gov</a></p> <p>*Covers the following states: Alabama, Puerto Rico, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and the Virgin Islands</p>	<p><b>SAN FRANCISCO REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Pacific/Hawaii Office  600 Harrison Street  Third Floor  San Francisco, CA 94107  (415) 489-6536  (800) 347-3739  Fax: (415) 489-6560  Email: <a href="mailto:complaints_office_09@hud.gov">complaints_office_09@hud.gov</a></p> <p>*Covers the following states: Arizona, California, Guam, Hawaii, and Nevada</p>
<p><b>CHICAGO REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Midwest Office  77 W. Jackson Boulevard, Suite 2101  Chicago, IL 60604  (312) 353-7776  (800) 765-9372  Fax: (312) 886-2837  Email: <a href="mailto:complaints_office_05@hud.gov">complaints_office_05@hud.gov</a></p> <p>*Covers the following states: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin</p>	<p><b>SEATTLE REGIONAL OFFICE</b>  U.S. Department of Housing and Urban Development  Northwest/Alaska Office  909 First Avenue  Seattle, WA 98104  (206) 220-5170  (800)877-0246  Fax: (206) 220-5447  Email: <a href="mailto:complaints_office_03@hud.gov">complaints_office_03@hud.gov</a></p> <p>*Covers the following states: Alaska, Idaho, Oregon, and Washington</p>

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**LIMERICK TOWNSHIP  
MONTGOMERY COUNTY  
COMMONWEALTH OF PENNSYLVANIA**

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**MINORITY AND WOMEN'S  
BUSINESS ENTERPRISE PLAN**

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**Approved by Resolution 2017-31  
December 5, 2017**

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**Board of Supervisors:**

**Kara Shuler, Chair  
Thomas J. Neafcy, Jr.  
Kenneth W. Sperring, Jr.  
D. Elaine Dewan  
Joseph St. Pedro**

**Limerick Township  
646 West Ridge Pike  
Limerick, PA 19468**

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## **DEFINITIONS**

For the purpose of these requirements, the following terms, as defined below, shall apply:

1. **GRANTEE** - Municipality under contract with the Commonwealth for receipt of DCED funds.
2. **ADMINISTERING AGENCY** - The agency responsible for administering the grants for the Grantee.
3. **BIDDER RESPONSIVENESS** - Actions taken by prime contract bidders to seek participation by MBE/WBE suppliers, manufacturers, and subcontractors. Responsiveness includes submission of Form DCED-CCD-286, MBE/WBE Contract/Solicitation and Commitment Statement (Exhibit 1), and if needed; an explanation for failure to achieve minimum levels of participation, including demonstration that the bidder has not engaged in discriminatory practices.
4. **BIDDER RESPONSIBILITY** - Non-discrimination in the selection of subcontractors, suppliers, and manufacturers. Non-discrimination is presumed if minimum levels of participation are achieved. Non-discrimination can also be demonstrated by submitting Form DCED-CCD-286 (Exhibit 1) and supplemental evidence that failure to achieve minimum levels of participation was not motivated by consideration of race or gender; that MBEs/WBEs were not treated less favorably than others; and that solicitation and commitment decisions were not based upon policies which disparately affect MBEs/WBEs.
5. **BUSINESS ENTERPRISE** - Any legal entity which is organized in any form other than as a joint venture (e.g., sole proprietorship, partnership, corporation, etc.) to engage in lawful commercial transactions.
6. **CONTRACTOR/SUBCONTRACTOR** - One who participates, through a contract, subcontract, or lease agreement, in any manner covered by the grantee's MBE/WBE Program.
7. **MANAGEMENT CONTROL** – The minority or women owners should possess the power to direct or cause the direction of the management and policies of the firm and to make the day-to-day as well as major decisions on matters of management, policy, and operations. The firm should not be subject

to formal or informal restrictions which limit the customary discretion of the minority or women owners. There should be no restrictions through for example, by-law provisions, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the minority or women owners, without the cooperation or vote of an owner who is not a minority or woman, from making a business decision of the firm. If the actual management of the firm is contracted out to or otherwise has been placed with individuals other than the minority or woman owner, those persons who have the ultimate power to hire and fire the managers will ordinarily be considered as controlling the business.

8. **MINORITY BUSINESS ENTERPRISE (MBE)** - A for-profit business concern that is one of the following:
  - a. a sole proprietorship, owned and controlled by a minority; or
  - b. a partnership or joint venture controlled by minorities in which 51% of the beneficial ownership interest is held by minorities; or
  - c. a corporation or other business entity controlled by minorities in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by minorities.
  
9. **MINORITY PERSON** - Persons who are citizens of the United States and who are African Americans, Hispanic Americans, Native Americans, or Asian-Pacific Americans.
  - a. **African Americans** - Persons having origins from any of the Black groups of Africa. The term includes persons having origins in any of the original peoples of the Cape Verdes Islands.
  - b. **Hispanic Americans** - Persons having their origins from one or more of the Spanish-speaking peoples of Mexico, Puerto Rico, Cuba, Central or South America or the Caribbean Islands.
  - c. **Native Americans** - Persons having origins from one or more of the original peoples of North America and who are recognized as an Indian by a tribe or tribal organization.

- d. Asian-Pacific Americans - Persons having origins from one or more of the original peoples of the Far East, Southeast Asia or the Pacific Islands, including China, Japan, Korea, Samoa, and the Philippine Islands.
10. OPERATIONAL CONTROL – The minority or women owners should demonstrate through the application sufficient experience, knowledge, and expertise to operate that particular business. Additionally, if the owners of the firm who are not minorities or woman are disproportionately responsible for the operation of the firm—to include possessing any required licensing for the firm—the firm will ordinarily be considered not being controlled by minorities or women and not qualifying as an MBE or WBE.

Securities, which constitute ownership or control, or both, of a corporation for business purposes of establishing it as an MBE or WBE should be held directly by minorities or women. No securities held in trust, or by a guardian for a minor should be considered as held by minority or women in determining the ownership or control of a corporation.

## 11. OWNERSHIP

- a. Bona fide minority and women group membership may be established on the basis of the individual's claim that he is a member of a minority group or is of the female gender and is and has been so regarded by that particular community. Verification of group membership may be accepted through submission of birth certificates, military records, passports, or tribal cards.
- b. An eligible MBE or WBE defined in this section should be an independent business. The ownership and control by minorities or women should be real, substantial, and continuing and should go beyond the pro forma ownership of the firm as reflected in its ownership documents. The minority and women owners should enjoy the customary incidents of ownership and should share in the risks and profits commensurate with their ownership interests as demonstrated both by and examination of the substance and form of arrangements. Recognition of the business as a separate entity for tax or corporate

purposed in not necessarily sufficient for recognition as a MBE or WBE. In determining whether a potential MBE or WBE is an independent business, all relevant factors must be considered, including the date the business was established, its resources, and the nature of the financial, lease arrangements, and other relationships the business enjoys.

- c. The contributions of capital or expertise by the minority or women owners to acquire their interests of the firm should be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the firm or its minorities or women, or the mere participation as an employee rather than as a manager.

12. **WOMEN'S BUSINESS ENTERPRISE (WBE)** – A for-profit business concern that is:

- a. a sole proprietorship, owned and controlled by a woman in which at least 51% of the beneficial ownership is held by women; or
- b. a partnership or joint venture controlled by women in which at least 51% of the beneficial ownership is held by women; or
- c. a corporation or other entity controlled by women in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by women.

13. **WOMEN** - United States citizens who are of the female gender.



## **POLICY STATEMENT**

It is the public policy of Limerick Township to promote the opportunity for full participation by minority and women's business enterprises ("MBEs" and "WBEs") in all housing and community development programs receiving funds from the Pennsylvania Department of Community and Economic Development.

## **PROCEDURES - INVITATIONS FOR BIDS (IFB) OR REQUEST FOR PROPOSALS (RFP)**

### **A. Advertisement - IFB Only**

All invitations to bid will include the following information:

"The bidders/offerors must submit documentary evidence of minority and women business enterprises who have been contacted and to whom commitments have been made. Documentation of such solicitations and commitments shall be submitted concurrently with the bid."

### **B. Notification of MBE/WBE - IFB and RFP**

The procedure for Limerick Township to notify the minority/women business community of contract opportunities will be as follows:

1. Notice of Invitation for Bid or Request for Proposals - A listing will be developed utilizing lists from the Department of General Services, Bureau of Contract Administration and Business Development (grantees may use the web site at <http://www.dgsweb.state.pa.us/mbewbe/Vendorsearch.aspx> to develop a list), lists from Pennsylvania Housing Finance Agency (website link is <http://mwbe.phfa.org/directory/Search.aspx>, and/or lists from other local agencies that have developed comprehensive lists that they utilize in their programs. Limerick Township will ensure that (contractor/vendor) searches are for firms within Limerick Township's market area and for the type of firms that may be utilized in the particular contract for which bids are being requested. Limerick will search for firms or individuals (contractors/vendors) located or working in Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, and Philadelphia counties. Using such listings, a copy of the Notice of Invitation for Bids or Requests for Proposals and Contractor Application Information for the CDBG Housing Rehabilitation Program will be sent by Limerick Township to all MBE\WBE firms listed.
2. Other Notices - Notices are to be sent to the following organizations: (as appropriate and applicable)
  - Local Minority Churches and Organizations;

- Appropriate Minority/Women Contractor Associations
  - Appropriate Minority/Women Trade Organizations
  - PennBid List of Minority/Women Contractors
3. Plans and Specifications - Plans and Specifications or Invitations for Bids on all projects will be made available to minority/women contractor associations and trade organizations;
  4. List of Planholders - The names of bidders/offerors who have obtained bid documents will be made available to minority/women businesses upon request.
  5. List of Minority/Women Businesses - Each bidder/offeror obtaining plans and specifications or requests for proposals for projects will be provided a list of minority/women businesses to be used in soliciting subcontract bids and for materials and services.

## **PARTICIPATION REQUIREMENTS FOR MINORITY/WOMEN BUSINESS ENTERPRISE (MBE\WBE)**

### **A. Construction Contracts (IFBs)**

Limerick Township has established minimum levels of participation for minority and women business enterprises (MBE/WBE) for each project in each bid category to be used solely as a guide in determining bidder responsibility. The minimum participation level for MBEs is 5% and for WBEs 3%.

### **The following items will be placed in all bid documents:**

1. Participation Level
  - a. Limerick Township has established Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) minimum participation levels (MPLs) of five percent (5%) for MBE and three

percent (3%) for WBE of the dollar amount of the bid for this contract.

- b. These MPLs serve exclusively as a threshold in determining bidder responsibility. A bidder will not be rejected as not responsible solely because it fails to reach the MPLs. To determine the participation level, which has been reached, a bidder may divide the total dollar amount of the commitments by the total dollar amount of the bidder's bid.
- c. A firm which is both an MBE and a WBE will only receive credit toward MPLs as either an MBE or WBE, but not both. Bidders must indicate on Form DCED-CCD-286: MBE/WBE Contact/Solicitation and Commitment Statement (Exhibit 1), whether the firm is being listed as either an MBE or a WBE.
- d. An MBE/WBE firm who is the prime bidder on a project will receive no MPL credit for its own work effort for services provided. MBE/WBE bidding as prime proposer must solicit other certified MBEs/WBEs participation for material and/or supplies.
- e. MBE/WBE subcontractors must perform at least 75 percent of the cost of the subcontract, not including the cost of materials, with its own employees.

## 2. Responsiveness

- a. Bidders must complete and submit Form DCED-CCD-286 (Exhibit 1) with the bid. Failure to submit this form with the bid, will result in the bid being rejected as nonresponsive.
- b. A bidder should only solicit MBE/WBE subcontractors, vendors, manufacturers, or suppliers whose services, material, or supplies are within the scope of work and which the bidder reasonably believes it will choose to subcontract with or purchase from.
- c. Bidders failing to meet the minimum levels of participation must submit concurrently with the bid, an explanation of why the MPLs have not

been met. This explanation must demonstrate that the bidder has not engaged in discriminatory practices in solicitation and utilization of MBEs/WBEs contained on the solicitation list provided by the grantee to perform as subcontractors or suppliers of goods and services related to the performance of the contract. The evidence submitted by the bidder must demonstrate the following:

- (1) Indicate whether MBEs/WBEs were solicited for each type of work the bidder expects to subcontract for and for all materials which the bidder expects to procure and, if not, the reason(s) why no such solicitation was made;
  - (2) Indicate the reason why an MBE/WBE has not been committed to for a type of subcontract work or materials in any area where a quote was received from a MBE/WBE, and;
  - (3) In any case where no quotations are received nor commitments made to MBE or WBE firms, indicate on Form DCED-CCD-286 (Exhibit 1) that no quotes were received, and if there is another reason for no commitments being made, the reason for the lack of commitments.
- d. If the bidder fails to submit such evidence, the bid submission shall be considered non-responsive and the bid rejected.
- e. Information related to the above may be submitted on Form DCED-CCD-286 (Exhibit 1) or on additional paper.

### 3. Responsibility

- a. The submittals of each bidder are subject to review to determine whether the bidder has discriminated in the selection of manufacturers, subcontractors, and suppliers. If a bidder has met the MPLs for MBE/WBE participation, the bidder will be presumed not to have discriminated in their selections. Where the MPLs are not met, Limerick Township will determine whether discrimination has occurred. If, after investigation including a review of Form DCED-CCD-286 (Exhibit 1),

it is found that discrimination has occurred, the reviewed bidder shall thereby be deemed to be not responsible and the bid will be rejected.

- b. Documentation submitted by the bidder should meet the following standards for review:
  - (1) The bidder whose actions resulted in a limited or no commitment to MBEs/WBEs was not motivated by consideration of race or gender;
  - (2) MBEs/WBEs were not treated less favorably than other businesses in the contract solicitation and commitment process.
  - (3) Solicitation and commitment decisions were not based upon policies which disparately affect MBEs/WBEs.
- c. Commitments to MBE and WBE firms made at the time of bidding must be maintained throughout the term of the contract, unless a change in commitment to these firms is preapproved by Limerick Township or the administering agency performing the evaluation of the invitation for Bid.

#### 4. Access to Information

Limerick Township may obtain documents and information from any bidder, contractor, subcontractor, supplier, or manufacturer that may be required in order to ascertain bidder or contractor responsibility. Failure to provide requested information may result in the contractor being declared not responsible.

### **PROCEDURES - CONTRACTOR COMPLIANCE PROCESS**

#### A. Contract Provisions

- 1. The following provisions will be included in construction contracts and/or in professional service contracts:
- 2. Construction Contracts

- a. The prime contractor must provide Limerick Township with a report of MBE/WBE subcontracting activity on a quarterly or per project basis, whichever is sooner. The report shall reflect the names of and the total dollar amount paid to all MBE/WBE subcontractors (including suppliers) utilized under this contract.
- b. MBE/WBE Subcontractors must provide Limerick Township with a report reflecting the prime contractors who have purchased their services and/or supplies on a quarterly basis. The report shall reflect the name of the prime contractor and the total dollar amount invoiced and total dollar amount received for payment.

#### B. Grantee Compliance Procedures

1. A letter will be forwarded to the prime contractor by Limerick Township informing them of their quarterly or per project reporting requirements. In addition, a letter will be forwarded to all MBE/WBE subcontractors (copy to the prime contractor) informing them of their reporting requirements.
2. Limerick Township will review all reports received from the prime contractor and all subcontractors to determine if the commitments made by the prime contractor in his/her bid are being met. If reports are submitted on a per project basis, this review is to be done prior to final payment being made to the contractor and/or subcontractor.

#### C. Records and Reports

The contractor will keep such records as are necessary to determine compliance with its minority and women business enterprise commitments. These records must be in sufficient detail to indicate the number of minority and women businesses, the contract work performed, and the percentage of minority and women businesses performing work. Additionally, the contractor is required to maintain an open file for a specified period, during which time the contract compliance person may make periodic reviews of records pertaining to relevant contracts.

**Exhibit 1**

**MBE/WBE SECTION 3 CONTRACT SOLICITATION AND COMMITMENT STATEMENT**

(1) Name of Bidder	(2) IFB Number
Address	Bid Opening Date
Telephone Number	Contact Person

(8) NOTE: List those certified minority/women owned businesses from which you solicited quotes or which contacted you and gave you quotes in regard to this invitation for bid. Bidder's contract with Subcontractors and suppliers should be at least five days prior to the bid opening date.

*(3) COMPANY NAME EIN/SSN TELEPHONE NUMBER	(4) MBE (X)	(4) WBE (X)	(4) Sec. 3 (X)	(5) TYPE OF CONSTRUCTION, EQUIPMENT, SERVICES AND/OR SUPPLIES TO BE PROVIDED TO THE PROJECT	(6) TOTAL DOLLAR AMOUNT OF QUOTE RECEIVED	*(7) TOTAL COMMITMENT DOLLAR AMOUNT

(9) NOTE Minimum Levels (MPL): MBE-5%, WBE-3%  
 A presumption of responsibility may be made if the dollar commitment of MBE/WBE reflects this minimum participation level.

(10) Prepared By:	Telephone Number/E-mail Address:
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Use additional sheets as necessary



**Exhibit 2**

(PLEASE TYPE OR PRINT)

MINORITY & WOMEN'S BUSINESS ENTERPRISE  
 PRIME CONTRACTOR'S QUARTERLY UTILIZATION REPORT

(This form should be returned within 10 working days at the end of each quarter.)

PRIME CONTRACTOR'S FIRM NAME	REPORTING PERIOD
ADDRESS	CONTRACT NUMBER
TELEPHONE	
CONTACT PERSON	DATE RECEIVED (Office use Only)

**List State certified minority and/or women-owned businesses whose services and/or supplies you have purchased in reference to this contract.**

COMPANY NAME	ADDRESS	TELEPHONE NUMBER	MBE (X)	WBE (X)	TRANSACTION		DATE PAID	MBE/WBE ACTUAL DOLLARS*
					SUB CONTRACT (X)	SUPPLIES (X)		

Prepared By:	Title:	Phone No:	E-Mail Address:
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\* PLEASE AFFIX COPIES OF MBE & WBE INVOICES TO YOUR COMPANY ALONG WITH COPIES OF YOUR COMPANY'S CANCELLED CHECKS REFLECTING PAYMENT OF THE MBE AND WBE INVOICES.

Commonwealth of Pennsylvania

DEPARTMENT OF COMMUNITY & ECONOMIC DEV.  
DCED-CCD-MWBE-02 (9-08)

**Exhibit 3**  
(PLEASE PRINT)

MINORITY AND WOMEN'S BUSINESS ENTERPRISE  
SUBCONTRACTOR'S QUARTERLY UTILIZATION REPORT

(This form should be returned within 10 working days at the end of each quarter.)

SUBCONTRACTOR'S FIRM NAME	REPORTING PERIOD
ADDRESS	CONTRACT NUMBER
TELEPHONE	
CONTACT PERSON	DATE RECEIVED (Office use Only)

List the prime contractors who have purchased your services and/or supplies in reference to this contract.

COMPANY NAME	ADDRESS	TELEPHONE NUMBER	DATE SERVICES/ SUPPLIES PROVIDED	DATE INVOICE SENT	AMOUNT INVOICED	DATE INVOICE PAID	AMOUNT PAID

PREPARED BY:	TITLE:	PHONE NO:	E-MAIL ADDRESS:
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\* PLEASE AFFIX COPIES OF YOUR COMPANY'S INVOICES TO THE PRIME CONTRACTOR.



# LIMERICK TOWNSHIP

646 WEST RIDGE PIKE  
LIMERICK, PENNSYLVANIA 19468

## ADMINISTRATION OFFICES

(610) 495-6432  
FAX (610) 495-0353  
FAX (610) 495-0952

## POLICE DEPARTMENT

(610) 495-7909  
FAX (610) 495-5702

## Exhibit 4

[Date]

[Contractor's Name]

[Contractor's Address]

**RE:** [Contract Number, Name of Project]

Dear Sirs/Madam:

Congratulations on being awarded the above referenced contract. In the contract, a binding commitment was made by your firm to the following MBE and/or WBE firms - *[List Names of MBE and/or WBE firms here]*.

The attached Prime Contractor's Quarterly Utilization Report should be completed and returned to Limerick Township, within ten (10) working days at the end of each quarter or project completion. The information requested on this form will, inter-alia, be used to determine the actual dollar amount paid to Minority- and Women- Business Subcontracting and/or Suppliers to which your firm made commitments during the bidding process.

If you have any question regarding the above, please contact Marcy Mancini at (610) 495-6432 ext. 124 or at [mmancini@limerickpa.org](mailto:mmancini@limerickpa.org). Best wishes for continued success on this project.

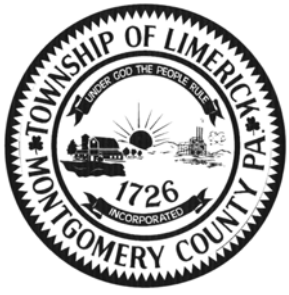
Sincerely,

LIMERICK TOWNSHIP

Marcy Mancini  
CDBG Program Administration

Attachment

cc: CDBG Rehab Project File



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POLICE DEPARTMENT

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FAX (610) 495-5702

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## Exhibit 5

[Date]

[Contractor's Name]

[Contractor's Address]

**RE:** [Contract Number, Name of Project]

Dear Subcontractor/Supplier:

The above referenced contract has been awarded to [Name of Prime Contractor]. In the contract, a binding commitment was made to your firm of [dollar amount of commitment].

Please verify the above committed amount with this office within fifteen (15) days after receipt of this letter. If you do not respond, we will presume that your firm is in agreement with the committed amount.

In order that we may track this amount accurately, we ask that the attached Subcontractor's Quarterly Utilization Report be completed and returned to Limerick Township within ten (10) working days at the end of each quarter or project completion. Should you have any questions regarding this form, please contact Marcy Mancini at (610) 495-6432 ext. 124 or at [mmancini@limerickpa.org](mailto:mmancini@limerickpa.org).

Your participation in this program will help ensure that it is successful. Your continued participation will be both beneficial to our program and to you.

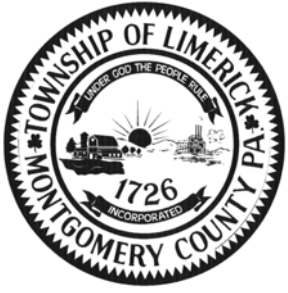
Sincerely,

LIMERICK TOWNSHIP

Marcy Mancini  
CDBG Program Administration

Attachment

cc: CDBG Rehab Project File  
[Prime Contractor]



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## Exhibit 6

### EVALUATION AND DETERMINATION EXAMPLES RESPONSIVE BIDS

1. An award in a multi-bidder IFB:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is responsive since the bidder did submit the required MBE/WBE Contact/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. Award to \_\_\_\_\_ (*Contractor's Name*) will result in the following:

MBE Participation	\$	=	%	
a.		\$		( <i>subcontractor's names and amounts</i> )
b.		\$		
WBE Participation	\$	=	%	

2. All services and supplies provided in-house:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is responsive since the bidder did submit the required MBE/WBE Contact/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. The bidder indicated that all services and supplies will be provided in-house.

3. No certified MBEs/WBEs available:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is responsive since the bidder did submit the required MBE/WBE Contact/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. The bidder indicated that certified MBEs/WBEs are not available in the area requested.

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is responsive. The bidder did not solicit quotes from certified MBEs/WBEs, nor did they provide an explanation as to why no quotes were solicited. However, the (Name of Grantee or Administering Agency) does not have any certified MBEs/WBEs in this specialized area.

4. Indicated "N/A", "None" or "did not solicit", but bid specs show subcontracting not necessary:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is responsive. Although the bidder indicated "N/A", upon evaluation of the specifications it was determined that the services and supplies in support of this contract could be provided by the bidder.

5. Labor provided in-house; Materials cannot be anticipated:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is responsive since the bidder did submit the required MBE/WBE Contact/Solicitation and Commitment Statement along with sufficient evidence from which to evaluate the bidder's responsibility. The bidder indicated that all services and supplies will be provided in-house and materials are such that they cannot be anticipated.

6. Bidder did not submit DCED-CCD-286; Under \$25,000:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is responsive. Although the bidder did not submit the required MBE/WBE Contact/Solicitation and Commitment Statement, the bid is still responsive since it is under \$25,000.00. If the bid is amended or renewed and it increases the contract value to \$25,000.00 or above a MBE/WBE Contact/Solicitation and Commitment Statement must be submitted for evaluation.



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## Exhibit 7

### EVALUATION AND DETERMINATION EXAMPLES NOT RESPONSIVE BIDS

1. Only One bidder; no solicitation:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is not responsive. The bidder did not solicit bids from certified MBEs/WBEs, nor did they provide an explanation as to why the MPLs were not achieved required by the bid documents.

2. Subcontractors not certified by DGS or PA DoT:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is not responsive. The bidder committed to a firm that is not certified by the Department of General Services or Department of Transportation as required by the bid documents. Certified MBEs/WBEs are available to provide services/supplies for this contract.

3. "N/A" or "None" on DCED-CCD-286; No explanation provided:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is not responsive. The bidder indicated "N/A"/"None" in response to the solicitation and commitment to MBEs/WBEs and they failed to provide an explanation as to why the MPLs for MBEs/WBEs was not achieved as required by the bid documents.

4. Certified MBE/WBE listing only themselves on the DCED-CCD-286:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is not responsive. The bidder listed themselves on the MBE/WBE Contact/Solicitation and Commitment Statement without addressing MBE/WBE solicitations and commitments as required by the bid documents.

5. No documentation for not meeting participation levels:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is not responsive. The bidder failed to submit an explanation as to why the MPLS for the MBEs/WBEs was not achieved as required by the bid documents.

6. Did not commit; Did not achieve MPLs:

The bid submission of \_\_\_\_\_ at \$\_\_\_\_\_ is not responsive. The bidder failed to commit to any of the MBEs/WBEs solicited and they did not provide an explanation as to why the MPLs for MBEs/WBEs was not achieved as required by the bid documents.