

BUSINESS REFERENCES

Please provide a minimum of three (3) references:

1. Company Name: _____
Address: _____
Contact Person: _____
City, State, Zip: _____
Email: _____

2. Company Name: _____
Address: _____
Contact Person: _____
City, State, Zip: _____
Email: _____

3. Company Name: _____
Address: _____
Contact Person: _____
City, State, Zip: _____
Email: _____

**FORM OF NON-COLLUSIVE AFFIDAVIT
(PRIME BIDDER)**

State of _____

County _____, being first duly sworn, deposes
and says:

That he/she is _____, the party making the foregoing proposal or
bid, and attests to the following:

- (1) That affiant employed no person, confirmation, firm, association, or other organization, either directly or indirectly, to secure the public contract under which he received payment, other than persons regularly employed by the Affiant whose services in connection with the construction of the public building or project in securing the public contract were in the regular course of their duties for Affiant; and
- (2) That no part of the contract price received by Affiant was paid to any person, corporation, firm, association or other organization for soliciting the contract, other than the payment of their normal compensation to persons regularly employed by the Affiant whose services in connection with the construction of the public building or project were in the regular course of their duties for Affiant.
- (3) That such proposal or bid is genuine and not collusive or sham; that said Bidder has not colluded, conspired, connived, or agreed, directly or indirectly, with any Bidder or person, to put in a sham bid or try to refrain from bidding, and has not in any manner directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of Affiant or of any other Bidder, or to fix any overhead, profit, or cost element of said bid price, or of that of any other Bidder, or to secure any advantage against the Housing Authority or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Signature*

*Bidder if the Bidder is an individual; all partners if Bidder is a partnership; officer if the Bidder is a corporation.

SUBSCRIBED AND SWORN TO before me, this the _____ day of _____,
20_____.

NOTARY PUBLIC

My Commission Expires: _____, 20_____

Note: A completed Profile of Firm Form must be submitted for each subcontractor.

Proposed Subcontractors					
Item	Company Name	Address	Phone	Specialty	S3/W/M/BE
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
I understand and agree that if awarded a contract as a result of this solicitation that the use of the above subcontractors is subject to the approval of LHA and becomes a part of the contract. I further understand that any change in subcontractors also requires the pre-approval of LHA.			_____ (Signature) _____ (Printed Name & Title)		

Note: A completed Profile of Firm Form must be submitted for each subcontractor

PROFILE OF FIRM FORM (Page 1 of 2)

(This Form must be fully completed by all Proposers and Subcontractors)

(1) Prime _____ Sub-contractor _____ (This form shall be completed by and for each).

(2) Name of Firm: _____ Telephone: _____ Fax: _____

(3) Street Address, City, State, Zip: _____

(4) Identify Principals/Partners in Firm

NAME	TITLE	% OF OWNERSHIP

(5) Please indicate the operating structure of your company.

- Publicly Held Corporation
 Privately Held Corporation
 Government Agency
 Non-Profit Organization
 Partnership
 Sole Proprietorship

(6) Respondent's Diversity Statement: You must check all of the following that apply to the ownership of this firm and enter where provided the correct percentage (%) of ownership of each:

Minority- (MBE), or Woman-Owned (WBE) Business Enterprises qualify by virtue of 51% or more Ownership and active management by one or more of the following:

- African American _____%
 **Native American _____%
 Hispanic American _____%
 Asian/Pacific American _____%
 Hasidic Jew _____%
 Asian/Indian American _____%

- Woman-Owned (MBE) _____%
 Woman-Owned (Caucasian) _____%
 Disabled Veteran _____%
 Caucasian American (Male) _____%
 Other (Specify): _____%

(7) Is the business 51% or more owned by a public housing resident? Yes If _____ No _____
 and address of the public housing facility: _____
 If yes, provide name

Facility Name: _____

Facility Address: _____

City: _____

SWMBE Certification Number: _____

Certification Agency: _____

(Note: A CERTIFICATION/NUMBER IS NOT REQUIRED – ENTER IF AVAILABLE)

Purpose:

The purpose of Section 3 of the Housing and Urban Development of 1968 (12 U.S.C. 1701u) (Section 3) is to ensure that employment and other economic and business opportunities generated by HUD Financial Assistance shall be directed to Lubbock Housing Authority (LHA) Residents and other low- and very low-income persons, particularly those who are recipients of government housing assistance and to business concerns which provide economic opportunities to LHA Residents and other low- and very low-income persons.

General Policy Statement:

It is the declared policy of the Lubbock Housing Authority (LHA) that Equal Employment Opportunities shall be provided for every employee and applicant for employment regardless of race, color, religion, sex, national origin, handicap, or economic status; and, that through the award of contracts to contractors, vendors, and suppliers, that employment and business opportunities be created for residents of LHA properties and other qualified low- and very low income persons residing within the geographical boundaries of City of Lubbock. This policy does not end with the mere prohibition of discriminatory practices by programs receiving HUD financial assistance or contractors, subcontractors, and vendors contracting with LHA. LHA recognizes its obligation as well as the obligation of potential contractors, subcontractors, to develop practical steps to achieve the goals of providing meaningful, full time employment opportunity, as well as business opportunities to LHA residents and other Section 3 eligible persons.

Such obligation shall be demonstrated not merely through inclusion of positive or “best effort” steps, but shall result in a reasonable level of success in the recruitment, employment, and utilization of LHA Residents and other Section 3 eligible persons and businesses in the workforce and subcontracting of work resulting out of the expenditure of HUD funding. The LHA’s Contracting Officer, through official resolution, shall examine and consider a contractor/vendor’s success in providing employment and business opportunities to LHA Residents prior to acting on any proposed contract award.

Numerical Goals for Section 3 Compliance:

Section 3 is a federal statute that expressly encourages, to the maximum extent feasible. To that end, LHA has adopted the following numerical goals for meeting the greatest extent feasible requirement to provide economic opportunities to section 3 Residents and Section 3 Business Concerns in the procurement and awarding of modernization-funded construction, maintenance and professional services contracts:

NUMERICAL GOALS FOR SECTION 3 COMPLIANCE

Areas of Focus (Applies to all contracts)	Numerical Goal
Contractor and Sub-Contractor Hiring (full-time, part-time, temporary, Seasonal) applies to construction and maintenance service contracts.	10%
Contract Awards (applies to Construction contracts).	10%
All other Contracts Awards (i.e., services, and professional services).	3%
These goals apply to all Contractors as well as any Tier Sub-contractor	

Recipients and Contractors may demonstrate compliance with the “greatest extent feasible” requirement of Section 3 by meeting the numerical goals set forth in this Section 3 Program for providing training, employment, and contracting opportunities to Section 3 Residents and Section 3 Business Concerns. Efforts to employ Section 3 Residents to the greatest extent feasible should be made at all job levels.

LHA in its own operations, shall endeavor to achieve the goals of Section 3 and shall provide equal responsibility to its contractors, vendors and suppliers to implement progressive efforts to also attain compliance. In doing so, LHA shall evaluate contractors’ compliance towards achieving the goals of Section 3 and ensure a system of Leveling sanctions against contractor, vendor or supplier for non-compliance.

The numerical goals established above represent minimum numerical targets and all prospective contractors shall be advised and encouraged to seek Section 3 participation to the greatest extent feasible. Any contractor that meets the minimum numerical goals set forth above will be considered to have complied with the Section 3 requirements. Any contractor that does not meet the numerical goals set forth above has the burden of demonstrating why it was not feasible to meet the numerical goals. In the event no competing contractors were successful in meeting the minimum goals set forth above, LHA shall consider documentation provided by the contractor evidencing impediments encountered despite actions taken to comply with the Section 3 requirements. Such evidence shall be subject to the satisfaction of LHA.

All contractors submitting bids/proposals to the Housing Authority shall be required to complete certifications, as appropriate, as acknowledgement of the Section 3 contracting and employment provisions as required by this selection. Such certifications shall be supported with adequate evidence to support representations made. The certifications required to be submitted with the bid/proposal consist of the following:

- h. Certification for business concerns seeking Section 3 preference.
- e. Contractor certification of efforts to fully comply with Employment and training provisions of Section 3.

Prior to the award of any contract, the contractor shall enter into negotiations with LHA for the purpose of incorporating into the contract a provision, to the greatest extent possible, hiring of Public Housing residents or other Section 3 residents to be trained or employed on the contract. Such resulting provision shall obligate the contractor toward the greatest extent possible, achieving the numerical goals listed above and shall be based on a detailed workforce analysis to be compiled by the contractor and submitted to LHA prior to award of contract

Definitions:

Annual Contributions Contract (ACC) means the contract under the U.S. Housing Act of 1937 (1937 Act) between HUD and the PHA, or between HUD and the IHA that contains the terms and conditions under which HUD assist the PHA or IHA in providing decent, safe, and sanitary housing for low-income families. The ACC must be in the form prescribed by HUD under which HUD agrees to provide assistance in the deployment, modernization, and/or operation, of a low-income housing project under the 1937 Act, and the PHA or IHA agrees to develop, modernize and operate the project in compliance with all provisions of the ACC and the 1937 Act, and all HUD

regulations and implementing requirements and procedures.

Applicant means any entity which makes an application for Section 3 covered assistance, and includes, but is not limited to, and State, unit of local government, public housing agency, Indian housing authority, Indian tribe, 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 (CHDO), resident manage corporation, resident council, or cooperative association.

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

Department or HUD means the Department of Housing and Urban Development, including its field offices to which authority has been delegated to perform functions under this part.

Employment opportunities generated by Section 3 covered assistance means all employment opportunities generated by the expenditure of Section 3 covered public and Indian housing Assistance (i.e., operating assistance, development assistance and modernization assistance, as described in § 135.3 (a) (1)).

Housing development means low-income housing owned, developed, or operated by public housing agencies or Indian housing authorities in accordance with HUD's public and Indian housing program regulations codified in 24 CFR Chapter IX.

HUD Youth build programs means 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. 12699), and provide disadvantaged youth with opportunities of 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.

TPA means the Job Training Partnership Act (29 U.S.C. 1579(a)).

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

New hires mean full-time employees for permanent, temporary or seasonal employment opportunities.

Other HUD programs means HUD programs, other than HUD public and Indian housing programs, that provide housing and community development assistance for "section 3 covered projects," as defined in this section.

Public housing resident has the meaning given this term in 24CFR part 963.

Recipient means 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, IHA, Indian tribe, 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.

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

Section 3-business concern means a business concern, as defined in this section:

- 1) That is 51 percent or more owned by section 3 residents; 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 subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) in this definition of "section 3 business concern."

Section 3 covered assistance means:

- 1) Public and Indian Housing development assistance provided pursuant to section 5 of the 1937 Act;
- 2) Public and Indian housing operating assistance provided pursuant to section 9 of the 1937 Act.
- 3) Public and Indian housing modernization assistance provided pursuant to section 14 of the 1937 Act.

Section 3 covered contract means 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 section 3-covered project.

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

Section 3 resident means:

- 1) A public housing resident; or
- 2) An individual who resides in the metropolitan area or non-metropolitan county in which the section 3 covered assistance is expended, and who is:
 - I. A low-income person, as this term is defined in section 3(b)(2) of the 1937 Act (42 U.S.C. 1437 a (b)(2)). Section 3(b)2 of the 1937 Act defines this term to mean families (including single persons) whose incomes do not exceed 80% 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 80% 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 cost or unusually high low-income families; or
 - II. A very low-income person, as this term is defined in section 3(b)(2) OF THE 1937 ACT (42 U.S.C. 1437 a (b)(2) defines this term to mean families (including single persons) whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments made for smaller or larger families, except that the Secretary's may establish income ceilings higher or lower than 50% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high low family incomes.

3. A person seeking the training and employment preference provided evidence by section 3 bears the responsibility of providing evidence (if requested) that the person eligible for the preference..

Service area means the geographical area in which the persons benefiting from the section 3-covered project reside.

Subcontractor means 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 of the performance of work generated by the

expenditure of section covered assistance, or arising in connection with a section 3 covered project.

Section 3 joint venture means an association of business concerns, one of which qualifies as a section 3 business concerns, formed by written joint venture agreement to engage in and carry out a specific business venture for which purpose the business concerns combine their efforts, resources, and skills for joint profit, but not necessarily on a continuing or permanent basis for conducting business generally, and for which the section 3 business concern:

- 1) Is responsible for a clearly defined portion of the work to be performed and holds management responsibilities in the joint venture; and
- 2) Performs at least 25% of the work and is contractually entitled to compensation proportionate to its work.

**Preference for Section 3 Business Concerns
(Contracting)**

LHA in accordance with Section 3 of the Housing and Urban Development Act of 1968, requires contractors and sub-contractors (including professional service contracts) to direct their efforts towards awarding contracts to section 3 business concerns in the following order of priority and expend greatest extent feasible efforts to achieve, at minimum, the numerical goals established in this section:

▪ **1st Priority – Category 1 Section 3 Businesses**

Business concerns that are 51% or more owned by residents of the housing development(s) for which work is performed, or whose full-time, permanent workforce includes 30% of these persons as employees.

▪ **2nd Priority – Category 2 Section 3 Businesses**

Business concerns that are 51% or more owned by residents of other Lubbock Housing Authority Public Housing developments other than the development(s) where the work is performed or whose full-time permanent workforce includes 30% of these person(s) as employees.

▪ **3rd Priority – Category 3 Section 3 Businesses**

Business Concerns that are designated HUD Youth-Build programs being carried out in the City of Lubbock.

▪ **4th Priority – Category 4 Section 3 Businesses**

Business concerns that are 51% or more owned by a section 3 resident(s) or whose permanent, full-time workforce includes no less than 30% Section 3 residents (category 4 businesses), or that subcontract in excess of 25% of the total amount of sub-contracts to Section 3 business concerns.

A section 3-business concern seeking a contract for a subcontract shall submit evidence to LHA, if requested,

sufficient to demonstrate to the satisfaction of the Contracting Officer that the business concern is responsible and has the ability to perform successfully under the terms and conditions of the proposed contract. Federal Regulations at 24CFR200.317-326, concerning the ability of the contractor to perform successfully, requires consideration of the contractor's record in complying with Public Policy requirements, technical capacity, financial capacity and integrity. Section 3 compliance is a matter of properly considered as part of this determination.

**Preference in Award of Section 3
Contracts**

Preference in the award of Section 3 contracts that are awarded under the competitive negotiation (qualification based) method of procurement shall be accomplished by providing an evaluation criteria specific to the Section 3 rule and assigning a value equivalent to not more than fifteen (15) percent of the total number of available rating points. Such Section 3 evaluation criteria shall be for the provision of the preference for Section 3 business concerns.

Preference for Section 3 Residents (Employment & Training)

LHA, in accordance with Section 3 of the Housing and Urban Development Act of 1968, requires contractors and sub-contractors (including professional service contracts) to direct their efforts toward providing training and employment opportunities to Section 3 residents in the following order of priority and expend greatest extent feasible efforts to achieve at minimum, the numerical goals established in this section:

- 1st Priority—Category 1 Section 3 Residents Residents of the development for which work is performed.
- 2nd Priority—Category 2 Section 3 Residents Residents of other Public Housing developments outside of the development(s) where the work is performed.
- 3rd Priority—Category 3 Section 3 Residents Residents of the City of Lubbock who are participants in HUD Youth-build programs being carried out in the City.
- 4th Priority—Category 4 Section 3 residents Other Section 3 Residents.

Certification Procedure:

LHA has its own program of self-certification for individuals and business concerns seeking recognition as a Section 3 resident or Section 3 business concern as defined in this Section 3 Program. Any Individual or business concern seeking Section 3 preferences in the awarding of the contracts or purchase agreements shall complete appropriate certification forms and provide adequate documentation as evidence of eligibility for preference under the Section 3 program. An individual or business concern may apply for certification as a Section 3 resident or Section 3 business concern either prior to bidding for LHA work or during the actual bidding process. Any business concern that submits certification for preference after receipt of bid will not be considered eligible for Section 3 preference in the evaluation of that specific bid award. Certifications for Section 3 preference for business concerns must be received by LHA prior to the submission of bids or along

with the bid Certification for eligibility as a Section 3 resident may be made at any time. Individuals or business concerns seeking to file for Section 3 preference shall contact: A resident seeking preference in training and employment shall certify that he/she is a Section 3 resident by completing the appropriate certification form and attaching adequate proof of Section 3 eligibility.

A business concern seeking preference in the awarding of a contract or purchase shall certify that the business concern is a Section 3 business by completing the appropriate certification form and attaching adequate proof of Section 3 eligibility as required.

Protest Procedure:

LHA desires to offer to concerned parties a procedure whereby complaints alleging non-compliance with the Section 3 Statute can receive prompt and equitable hearing and resolution. Protest surrounding LHA's Section 3 program may be submitted in writing to the Section 3 Coordinator:

All complaints of non-compliance with the Section 3 Statute shall conform with the following requirements.

6. Complaints shall be filed in writing and shall contain the name, address, and phone number of the person filing the complaint, and a brief description of the alleged violation of the regulations.
 - Complaints shall be filed within thirty (30) calendar days after the complaint becomes aware of the alleged violation.
7. An investigation as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by LHA's Section 3 Coordinator. These rules contemplate informal, but thorough investigations, affording all interested persons and their representative, if any, an opportunity to submit testimony and/or evidence as may be available and relevant to the complaint.
- g. Written documentation as to the validity of the complaint and a description of the findings or resolution, if any, will be issued by the Section 3 Coordinator no later than thirty (30) days after the filing of a complaint.

In cases where concerned parties wish to have its complaint considered outside of LHA, a complaint may be filed with the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, D.C., 20410. A complaint must be received no later than 180 days from the date of the action or omission upon which the complaints based, unless the time for filing is extended by the Assistant Secretary for good cause shown.

LHA FORM S3-1 SECTION 3 COMPLIANCE PLAN

All LHA Contractors for Section 3 covered contracts must submit this form.

Section 3 requires that, to the greatest extent feasible, employment and other economic opportunities generated by HUD funds be directed to low-income residents, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low-income persons.

We provide the following Section 3 Compliance Plan to outline how we will meet the requirements of Section 3.

Part I: Current Status as a Section 3 Business Concern (select one)

We are a Section 3 business concern and are submitting [LHA Form S3-2](#) and supporting documentation with our submission.

We are not a Section 3 business concern.

Part II: Subcontracting (select one)--

We commit to subcontracting at least 10% of the total dollar amount of this contract (for building trade contracts), or 3% of the total dollar amount of this contract (for non-building trade contracts), to qualifying Section 3 business concerns. [LHA Form S3-3](#) is attached.

We do not intend to subcontract the minimum threshold percentage of 10% of the total dollar amount of this contract (for building trade contracts), or 3% of the total dollar amount of this contract (for non- building trade contracts), to qualifying Section 3 business concerns.

Part III: Hiring (select one)

We anticipate needing to hire new employees to complete this project and commit that 30% of the new hires will be Section 3 residents. Attached is [LHA Form S3-4](#) outlining the specific hiring needs.

We anticipate needing to hire new employees to complete this project, but do not commit to hiring Section 3 residents. Attached is [LHA Form S3-4](#) outlining our specific hiring needs.

We do not anticipate needing any new hires to complete this project.

Part IV: Efforts That Will be Taken to Satisfy the Section 3 Requirements

Review Section I of [Appendix to 24 CFR 135](#). Attach a narrative description outlining which, if any, of the “Example Efforts to Offer Training and Employment Opportunities to Section 3 Residents” will be used to achieve the Section 3 requirements. The narrative must include a description of how each committed action will be implemented (for example, if flyers will be posted, discuss where they will be posted, or if agencies will be contacted, outline which agencies will be contacted). LHA is not accepting financial contributions to a Section 3 fund in lieu of efforts to comply with Section 3 requirements.

The undersigned company official does swear or affirm that the information on this form is true and correct to the best of his or her knowledge and there is no willful intent to mislead or commit fraud.

Signature _____ Company _____

Date _____