

RESOLUTION NO. 03042014-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLORENCE, TEXAS AUTHORIZING THE MAYOR OR HIS/HER DESIGNEE TO IMPLEMENT A SECTION 3 PROGRAM, WHICH TO THE GREATEST EXTENT FEASIBLE, WILL PROVIDE JOB TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR SECTION 3 RESIDENTS AND/OR BUSINESSES OF THE AREA IN WHICH THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG) PROGRAM/PROJECT IS BEING CARRIED OUT.

WHEREAS; the City of Florence has been funded under the Texas Community Development Program, and

WHEREAS; the City of Florence is required to adopt a Section 3 Program as part of the requirements of the grant(s), and

WHEREAS; a Section 3 resident is defined as a public housing resident and/or a low to very-low income person who lives in an area where a TxCDBG assisted project is located, and

WHEREAS; a Section 3 business is defined as a business that has a Section 3 resident own at least 51 percent or more of the business or have at least 30 percent of the permanent, full-time employees of the business identified as Section 3 residents:

WHEREAS; the City of Florence will strive to attain goals for compliance with Section 3 regulations;

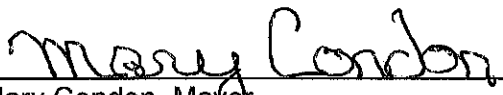
NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF FLORENCE, TEXAS:

1. The City has reviewed and hereby agrees to implement the following steps, which, to the greatest extent feasible, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the area in which the TxCDBG program/project is being carried out.
2. The City hereby agrees to strive to attain goals for compliance with Section 3 regulations by increasing opportunities for employment and contracting with Section 3 residents and businesses where feasible.
3. The City hereby agrees to assign duties related to implementation of this plan to the designated Section 504 and Equal Opportunity/Fair Housing Officer.
4. The City hereby agrees that the City will notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; local advertising media including public signage; and including Section 3 clauses in all TxCDBG solicitations and contracts.
5. The City hereby agrees to maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.

6. The City hereby agrees to maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
7. The City hereby agrees to require that all Prime contractors and subcontractors on TxCDBG projects with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required to the Grant Recipient.
8. The City hereby agrees to submit reports as required by the TxCDBG program regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.
9. The City hereby agrees to maintain records for the TxCDBG program, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Florence, we the undersigned have read and fully agree and become a party to the full implementation of this program.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Florence held on the 4th day of March, 2014.



Mary Condon, Mayor

ATTEST:


Amy L. Crane, City Secretary

Section 3 Policy

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Florence agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Equal Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDRA to the Grant Recipient.
- G. Submit reports as required by HUD or TDRA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section regulations.

As officers and representatives of the City of Florence, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Mary Condon
Signature

Mayor
Title

1-7-2011
Date

Fred Crane
Signature

City Secretary
Title

1-7-2011
Date

10.1.3 Compliance with Section 3 Requirements

In accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, Grant Recipients using TxCDBG funding for housing or other public construction are required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the project area.

Although Grant Recipients must comply with the State of Texas statutory requirements on competitive bidding, ("lowest and best bid"), the following steps should be taken regarding Section 3 compliance:

1. Prepare & make available to the public a written Section 3 policy (see **Form A1002-rev**).
2. Take affirmative steps to follow the Section 3 Policy and document those efforts.
3. Include the Section 3 Policy and *Equal Opportunity Guidelines for Construction Contractors (Form A1001-rev)* in any bid packets for contracts on TxCDBG projects. Notify all bidders that adherence to the Section 3 Policy will be required for contracts and sub-contracts in excess of \$100,000.

HUD Section 3 Goals

The following goals apply to TxCDBG contracts [see 24 CFR 135.30 and 24 CFR 570.487(d)]:

- a) 30% of the total number of new hires directly related to the TxCDBG-funded project should be Section 3 residents;
- b) 10% of the total dollar amount of all construction contracts directly related to the TxCDBG-funded project should be awarded to Section 3 business concerns; and
- c) 3% of the total dollar amount of all non-construction contracts directly related to the TxCDBG-funded project should be awarded to Section 3 business concerns.

Grant Recipients must further the Section 3 goals "to the greatest extent feasible." Section 3 regulations should not be construed to mean that recipients are required to hire Section 3 residents or award contracts to Section 3 businesses. Section 3 regulations also do not apply to the Grant Recipient's hiring and contracting activities *other than what is needed* to complete TxCDRG projects.

Definitions

Section 3 Residents:

- a) Residents of Public and Indian Housing; or
- b) Low- or very low-income persons that reside in the metropolitan area or nonmetropolitan county in which the TxCDBG funds are expended, or who identify themselves as Section 3 Residents.

Section 3 Business Concerns:

- a) Businesses that are 51 percent or more owned by Section 3 residents;
- b) Businesses 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 firm were Section 3 residents;
- c) Businesses that provide evidence of a commitment to subcontract in excess of 25 percent of the dollar amount of all subcontracts to be awarded to businesses that meet the qualifications described above; or
- d) Businesses located within the Grant Recipient's jurisdiction that identify themselves as Section 3 Business Concerns because they provide economic opportunities for low- and very low-income persons.