



GREATER DAYTON PREMIER MANAGEMENT

Request for Proposal

RFP # 23-03

PROJECT BASED RENTAL SUBSIDY

Issue Date	June 5, 2023
Questions from Proposers Due	June 14 @ 5:00 PM
Responses from GDPM to Be Posted By	June 16 @ 5:00 PM
Proposals Due	June 26 @ 5:00 PM ebid@dmha.org ; housingdevelopment@dmha.org
Anticipated Award Announcement	June 30

Pre-Proposal Meeting: there is no scheduled pre-proposal meeting

Bid-Opening: There is not be a scheduled public bid opening. On or near the Anticipated Award Announcement date, GDPM will post the award announcement on it's website at the following link:

<https://www.gdpm.org/development-construction/construction-opportunities/>

How to Submit Bids:

PROPOSALS MUST BE SUBMITTED ELECTRONICALLY TO:

ebid@dmha.org and housingdevelopment@dmha.org

THE SUBJECT LINE MUST STATE: **RFP 23-03 PROJECT BASED RENTAL SUBSIDY**

PLEASE REFER TO THE ENCLOSED INSTRUCTIONS FOR THE PROPOSAL PACKET FORMAT.

Questions about this Bid Shall be Submitted Electronically to: housingdevelopment@dmha.org and CC'd to ebid@dmha.org

Greater Dayton Premier Management reserves the right to reject any or all proposals, or waive any informality in the bidding. No proposals shall be withdrawn for a period of one hundred twenty (120) days of submission.

All awardees shall be required to meet Affirmative Action requirements and Equal Opportunity requirements and must insure that all employees and applicants for employment are not discriminated against because of race, color, religion, national origin, disability, age, ancestry, creed, or military status.



Greater Dayton Premier Management

RFP 23-03

Table of Contents

Overview

Section 1 Specifications

Section 2 Submission Requirements

*These items must be included in the **RFP Submission Packet***

Please submit items in order:

Item aStatement of Qualifications

Item b.....Proposed Project Information

Item c.....RFP Cover Form

Item d..... Non-Collusive Affidavit

Item e..... Section 3 Information (may or may not apply)

Item f..... W-9

Section 3 Selection Criteria

Section 4 Davis Bacon/Prevailing Wages

Section 5 Section 3

Section 6 Additional Information

Section 7 Reservation of Rights

Section 8 Questions

Attachment A- RFP Cover Form

Attachment B- Non-Collusive

Attachment C- Section 3 Documents & Instructions

Attachment D- W-9

Exhibit A – Rental Assistance Demonstration (RAD) Requirements

All Attachments must be included in the RFP Submission



Greater Dayton Premier Management

Enhancing Neighborhoods • Strengthening Communities • Changing Lives

RFP 23-03

Project Based Rental Subsidy

The Dayton Metropolitan Housing Authority dba Greater Dayton Premier Management (GDPM) is an Ohio political subdivision and is Montgomery County's largest landlord serving approximately 16,000 individuals annually. In addition to the Public Housing Program, GDPM administers the U.S. Department of Housing and Urban Development's (HUD) Housing Choice Voucher Program (HCV) program for Montgomery County, Ohio.

The HCV Project Based Voucher (PBV Program) is a component of the Housing Choice Voucher Program whereby a Housing Authority may choose to provide subsidy to selected projects. Unlike a Tenant-Based voucher that is awarded to a family, the Project Based Voucher is provided to the property and is available only to a qualifying family that chooses to reside in the designated property. Owners of participating properties enter into a PBV Housing Assistance Payments (HAP) Contract for a pre-determined number of units. PBV Program rules and regulations are set forth in 24 CFR 983 and the GDPM Housing Choice Voucher Administrative Plan.

GDPM may also make project based rental subsidy available through a conversion of subsidy under the Rental Assistance Demonstration (RAD) Program. The RAD program is a program established by HUD, to provide public housing authorities a tool to convert aging public housing into affordable housing. This can be done by transferring the original assistance from the public housing unit to a unit in the new 'project'. The selected 'project(s)' will receive the RAD-PBV subsidy through a Housing Assistance Payments (HAP) contract. Rental assistance will remain with the unit for the term of the contract. The term of the contract shall be for a period of up to 20 years, with an exclusive right by the GDPM to extend for additional periods.

General requirements:

- Proposed housing type may be new construction, rehabilitation or existing residential housing
- Proposed projects may serve any household classification (family, senior, veteran, etc), however, incomes must be at or below 80% area median income (AMI)
- The minimum number of total units permitted for a proposed project is 4, the maximum permitted is 200
- The minimum number of project based units for the project is 1 the maximum number is 50
- The total number of project based vouchers available under this RFP is 147. 100 through the HCV-PBV program and 47 through the RAD-PBV transfer of assistance program
- The rental subsidy term will be 20 years with the option to renew
- RAD requirements are included in Exhibit A

In accordance with 24 CFR Part 5, Subpart G, HUD housing must be maintained in decent, safe, sanitary condition, and in good repair. Any housing receiving HUD assistance must be maintained in a manner that meets the physical condition standards set forth in 24 CFR Part 5, Subpart G, and Section 5.703.A physical inspection will take place as soon as possible following the execution of the HAP contract. After the initial inspection, the schedule of subsequent physical inspections will be determined by 24 CFR Part 983.

I. Specifications:

Rental assistance subsidies must be provided while an eligible family occupies the rental housing unit and the unit meet other program standards. GDPM will maintain the waiting list and refer program participants to the project owner in order to fill vacant units. GDPM subsidy standards will determine the appropriate unit size for the family size and composition. A maximum of 147 Project Based Vouchers will be available under this RFP from two different HUD programs. RAD Transfer of Assistance requirements are included as Exhibit A of this RFP and may be used as an alternative or supplement.

Eligibility requirements for the HCV-PBV program are as follows:

- Be located in Montgomery County, Ohio;
- Serve families at or below 80% of the Area Median Income (AMI)
- Demonstrate evidence of site control
- Adhere to HUD Site and Neighborhood Standards for PBV developments
- Set aside units for extremely low income tenants (the number of units will depend on the number of PBVs received)
- Design includes amenities and a layout that meets the needs of the population served
- Demonstration of project financial feasibility
- Demonstration of capacity and prior experience

Certain types of housing units and/or developments are not eligible for PBV assistance including:

- Shared Housing
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution
- College or other school dormitories
- Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care
- Units that are owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution
- Manufactured homes
- Cooperative housing
- Transitional housing
- Owner-occupied housing units
- Units occupied by an ineligible family at the time of proposal submission or prior to execution of the Housing Assistance Payment (HAP) contract

II. Submission Requirements: To be considered, Proposer's response must be fully completed. Please read all the Instructions carefully and contact GDPM with any questions.

To provide objective criteria that can be used in determining Respondents' abilities, please address the following items in the same order as presented below.

Submissions must clearly address all of the requirements outlined in this Section. The Respondent may include any other general information that the Respondent believes is appropriate to assist the Authority in its evaluation. Such information should be included as an attachment to the Proposal.

A complete proposal packet will contain the following items:

A. *Statement of Qualifications:*

- i. Describe the applicant's experience in the development, ownership, and management of affordable rental property, and describe the experience of any proposed Management Agent or service provider. Ensure that the response includes details regarding the property management and maintenance structures, including organizational chart(s). If applicable, include information regarding subcontractors/consultants.
- ii. Identify the owner and other project principals and the names of officers, staff and principal members, shareholders, investors, and other parties having a financial interest in the project.
- iii. Provide a disclosure of any possible conflict of interest by any of these parties that would be a violation of the HAP contract. Information concerning any participant who is not known at the time of the application submission must be provided to GDPM as soon as the participant is known.
- iv. Proof of licenses and credentials, as applicable.
- v. Disclose any outstanding sanctions, debarments or violations related to affordable housing compliance such as fair housing, civil rights, uncorrected 8823s, bankruptcy or defaults.
- vi. A list of at least three professional references, including contact information.

B. *Proposed Project Information:* Provide details regarding the proposed project including:

- i. If the Respondent has recently submitted an application for funding through the Ohio Housing Finance Agency or similar funder, submit the application documents. The documents must also include an operating budget and proforma.
- ii. If the proposed project is an existing development and received past competitive funding, please include those application documents, along with a current operating proforma and most recent fiscal year budget.
- iii. If no prior funding application documents are available, please provide:
 1. Provide a general project description, including location, current condition of the property with photographs, description of the proposed new construction, funding sources, implementation schedule, unit mix, population to be served
 2. Evidence of site control
 3. Development and operating budgets, including proposed rents for each unit type

C. *RFP Cover Form*

D. *Non-Collusive Affidavit & Full Disclosure*

E. *Section 3 Information-* may or may not apply

F. *W-9*

Only email submissions will be accepted. The email shall be addressed to ebid@dmha.org and housingdevelopment@dmha.org. The subject line of the email shall state the Proposer's name and include the words "**RFP 23-03 Project Based Rental Subsidy**". No late submittals will be accepted. GDPM's forms are pdf fillable and electronic signatures are accepted.

III. Selection Criteria

GDPM intends to have a selection committee of at least three to evaluate proposals. Proposals will be evaluated using the following criteria:

No.	Evaluation Criteria	Value
1	Professional Qualifications, Experience, Technical Competence & Capacity as demonstrated in submitted proposal: Qualifications as demonstrated in response to all of the bullets detailed in the Submission Requirements- Section A	40
2	Proposed Project: Proposed projects are feasible, have site control, building design and current conditions meets the needs of today's families. This will be demonstrated by the documents submitted as detailed in the Submission Requirements- Section B	40
3	Priority for Existing Projects: If the proposed development is existing and can immediately execute an agreement for subsidy full points will be awarded.	20
	Total	100

IV. Davis Bacon/Prevailing Wages:

Davis Bacon applies to any developments greater than 9 units under new construction or rehabilitation.

Davis-Bacon requirements apply to existing PBV units when the nature of any work to be performed either before the execution of the Housing Assistance Payment (HAP) contract or within 18 months after execution constitutes project "development." The PBV program defines "development" as construction or rehabilitation of PBV housing after the selection date for a proposal. The scope and timing of the "development" work are important to determining whether Davis-Bacon requirements apply to existing housing under the PBV program.

"Scope" refers to specific activities being conducted. Remodeling work that alters the nature or type of housing units, reconstruction, or substantial improvements in the quality or kind of original equipment and materials constitutes "development." Further, any "development" initiated on existing units within 18 months after the effective date of the HAP contract on projects with nine or more units assisted under a PBV HAP contract triggers Davis-Bacon requirements.

Prevailing wage requirements of the Davis-Bacon and related Acts (DBRA) apply to laborers and mechanics on federal construction and most federally assisted construction projects in excess of \$2,000.

V. Section 3- May or may not apply

VI. Additional Information May Be Required:

If you are new to doing business with GDPM or it's been more than five years since you've worked on a GDPM related project, GDPM may require additional information including, but not necessarily limited to, references and evidence of capacity to perform. GDPM will request this information only if Proposer is selected for the award. Proposer will then have 72 hours to provide the requested information. If Proposer fails to provide the requested information, the information is inadequate or the information proves disqualifying in GDPM's discretion, GDPM will cancel the award and select the next lowest bidder for the Contract Award.

VII. Reservation of Rights:

GDPM reserves the right to reject a proposal, if, in its sole discretion, that bidder is determined not to be the best-qualified or to be deficient in experience, technical proficiency or unable to provide qualified manpower to meet the specifications. GDPM reserves the rights to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by GDPM to be in its best interests. GDPM reserves the right not to award a contract pursuant to this RFP. GDPM further reserves the right to award multiple awards. GDPM reserves the right to change, modify, amend, revise or alter any of the instructions, terms, conditions, and/or specifications identified in the RFP documents within any attachment or drawing, or within any addenda issued. All addenda will be posted to GDPM's website at www.gdpm.org.

VIII. Questions regarding this Solicitation:

If you have any questions or if you'd like to receive notifications concerning this solicitation, please send a request with your name and email address to both emails: ebid@gdpm.org and housingdevelopment@gdpm.org

ATTACHMENT A- COVER FORM
RFP 23-03-PROJECT-BASED RENTAL SUBSIDY

Number of Units in Project_____

Number of Units in Project to Receive Project-Based Vouchers_____

Applicant Name_____

Contact Person_____

Business Address Line 1_____

Business Address Line 2_____ Zip Code_____

Telephone (____)_____ Fax (____)_____

E-Mail_____

Tax ID# _____

D/B/A_____

Managing Agent (if other than Applicant) _____

Contact Person_____

Business Address Line 1_____

Business Address Line 2_____ Zip Code_____

Telephone (____)_____ Fax (____)_____

E-Mail_____

Tax ID# _____

D/B/A_____

Supportive Services Provider (If Applicable)

Contact Person_____

Business Address Line 1_____

Business Address Line 2_____ Zip Code_____

Telephone (____)_____ Fax (____)_____

E-Mail_____

Tax ID# _____

D/B/A_____

Estimated project construction completion/Certificate of Occupancy Date

(if applicable)_____

EXHIBIT A

What is a RAD PBV Transfer of Assistance? The RAD program is a program established by the HUD, which provides Public Housing Agencies a tool to convert aging public housing into affordable housing. This can be done by converting the existing public housing into affordable housing while simultaneously transferring the original assistance to a new 'project'. The selected 'project(s)' will receive the units of RAD subsidy and GDPM will enter into a Housing Assistance Payments (HAP) contract with the successful entity. Rental assistance will remain with the unit for the term of the contract. The term of the contract shall be for a period of up to 20 years, with an exclusive right by the GDPM to extend for additional periods.

GDPM intends to 'transfer' the assistance of the units from the current public units to affordable housing projects (the Covered Projects). Upon conversion, GDPM will enter into a long-term PBV HAP agreement. In order to facilitate the transfer of assistance (TOA) GDPM must maintain some level of ownership and control of the PBV units. GDPM will work to structure the RAD requirements in a manner acceptable to the successful Respondent, but within the HUD guidelines described as described below:

A. Ownership & Control: Except where permitted to facilitate the use of tax credits, during both the initial term and all renewal terms of the HAP Contract, HUD will require ownership or control of the Covered Project by a public or nonprofit entity. HUD may also allow ownership of the project to be transferred to a tax credit entity controlled by a for-profit entity to facilitate the use of tax credits for the Covered Project. The requirement may be fulfilled if GDPM:

- holds a fee simple interest in the real property of the Covered Project
- is the lessor under a ground lease with the Project Owner;
- has the direct or indirect legal authority (via contract, partnership share or agreement of an equity partnership, voting rights, or otherwise) to direct the financial and legal interests of the Project Owner with respect to the RAD units
- owns 51 percent or more of the general partner interests in a limited partnership or 51 percent or more of the managing member interests in a limited liability company with all powers of a general partner or managing member, as applicable
- Owns a lesser percentage of the general partner or managing member interests and holds certain control rights.
- Owns 51 percent or more of all ownership interests in a limited partnership or limited liability company and holds certain control rights.

* All property, both real and personal, acquired or owned by a metropolitan housing authority and used for the purposes of exercising the powers set forth in sections 3735.27 to 3735.50 of the Revised Code, shall be public property used exclusively for a public purpose within the meaning of Section 2 of Article XII, Ohio Constitution, and shall be exempt from all taxation.

B. Project Requirements: A maximum of 47 Project Based Vouchers will be available under this RFP. To qualify, the properties must:

- Contain units with similar bedroom distribution as the described in the Summary of Transferring Units below;
- Adhere to HUD Site and Neighborhood Standards for PBV developments;
- Provide GDPM with a preserved interest as listed above;
- Set aside units for extremely low income tenants (the number of units will depend on the number of PBVs received);
- Provide the current subsidized tenants with a right to occupy a unit in the Covered Project;
- Be capable of receiving all of the RAD subsidy available for each respective development. Specifically, subsidy within specific developments listed below cannot be broken apart, i.e. if Superba is of interest, respondents must be capable of accepting all 24 units from that development. Respondents can apply for more than one development.

C. Description Transferring Units and Rents: The developments available for transfer of subsidy are as follows:

Development Name	Address	Units	Estimated Contract Rent
Superba	3004-3005 Superba	24 total 20- 2 bedroom 4- 3 bedroom	2-bedrm: \$844 plus \$110 utility allowance (UA) 3- bedroom: \$1,107 with \$137 UA
Willow	619 Willow	6 (all 1 bedroom)	\$671.26 plus \$85 UA
Hoch	261 Hoch	6 (all 1 bedroom)	\$671.26 plus \$85 UA
Gettysburg	138 N. Gettysburg	5 (all 2 bedroom)	\$859.10 plus \$120 UA
Winters	436-440 Winters	6 (all 1 bedroom)	\$671.15 plus \$85 UA

The total rent payable to the owner for the RAD transfer unit consists of the tenant rent (the portion of the rent to owner paid by household) and the rental assistance paid by the GDPM. GDPM determines the RAD PBV rental subsidy in accordance with HUD and Program rules and regulation.

- D. Uniform Relocation Act & “Right to Return”:** According to RAD PBV Requirements the tenants that currently reside in the GDPM units in which the subsidy is transferred from have a “right to return” to the Covered Project. Therefore, current tenants must be given the opportunity to transfer to the Covered Project.

Furthermore, any individuals displaced as a result of the RAD program must be provided relocation assistance in accordance with all of the provisions of the Federal Uniform Relocation Act. The successful Respondent will be responsible for all relocation costs of existing tenants at the property that will receive RAD PBV subsidy to the extent the Uniform Relocation Act is triggered as a result of the RAD transfer of assistance to the property.

- E. Site and Neighborhood Standards:** All properties must comply with the Site and Neighborhood Standards and other site standards applicable to the RAD program. Transfers of assistance must generally occur in neighborhoods that have a lower concentration of poverty than the area in which the converting project is located. HUD undertakes a rigorous review of the location of the property to ensure that the transfer of assistance complies with all Federal Civil Rights and Fair Housing laws and must first sign off on the location of the property prior to entering a HAP contract with the owner of the property.
- F. Subsidy Layering Review:** A subsidy layering review may be required by HUD prior to award of any PBV HAP contract. The subsidy layering review is intended to prevent excessive public assistance for the housing by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits. Typically, HUD completes the Subsidy Layering Review.
- G. Environmental Review:** All properties selected for RAD PBV assistance are subject to the HUD environmental regulations 24 CFR Parts 50 and 58 and the RAD program requirements. As such, an environmental review must be conducted by the local responsible entity prior to HUD the award of any HAP contract.
- H. Rental Assistance Demonstration: Physical Condition Assessment:** Each property selected to receive a RAD transfer of assistance, will require a complete RAD Physical Condition Assessment (RPCA) performed on their property in accordance with the RAD Program requirements. This is a HUD requirement and needs to be provided by a third-party reviewer.
- I. Term of Contract:** Upon acceptance by GDPM and approval by HUD, a HAP contract will be executed by and between the successful Respondent and GDPM in the format prescribed by HUD. The HAP contract will be for a term of 20 years and will automatically renew upon initial expiration. The HAP contract will provide for annual Operating Cost Adjustment Factor (OCAF) adjustment of the rental amounts; subject to availability and HUD requirements.
- J. Tenant Selection & Choice Mobility:** All existing residents will have the right to return to any unit receiving RAD PBV assistance at the successful Respondent's property. If a resident does not accept the unit, GDPM will work with residents to provide various other housing. Tenant selection must be made in accordance with HUD requirements and in accordance with the Tenant Selection provisions provided for in GDPM's Housing Choice Voucher Administrative Plan.
- After one (1) year of occupancy in a RAD PBV unit, a tenant may request to be placed on GDPM's Choice Mobility Waitlist in order to receive a Tenant Based Voucher from GDPM. GDPM will maintain a waiting list for Choice Mobility based on the date of receipt of the request from the tenant and will provide the next available Tenant Based Voucher to the resident at the top of the waiting list.
- K. Ongoing Compliance Requirements:** The successful Respondent shall manage the units in accordance with all requirements of the HUD-approved management plan, the HAP contract, the RAD Use Agreement and the other HUD-required RAD documents.

Non-Collusive Affidavit and Full Disclosure Statement

Non-Collusive Affidavit: The undersigned party hereby certifies that this proposal/bid is genuine and not collusive or sham; that said offeror has not colluded, conspired, connived or agreed, directly or indirectly, with any offeror or person to put in a sham bid or 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 or any other offeror, or to fix any overhead, profit or cost element of said bid price, or of that of any other offeror, or to secure any advantage against the Greater Dayton Premier Management or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Disclosure: The undersigned certifies that I, nor any member of my immediate family does not now, and has not for the preceding two years, had any interest, whatsoever, whether direct, or indirect, in GDPM or any of its members or officials including but not limited to any interest which yields or has the potential of yielding directly or indirectly a monetary or other material gain or benefit with any employees, officers and commissioners of GDPM and members of their immediate family, or any interest arising from blood or marriage or from close business association, notwithstanding whether any financial interest is involved with any employees, officers and commissioners of GDPM members of their families or employment or services rendered as a member, official or officer of GDPM.

Signature: _____

Signature: _____

Title: _____

(Company Name)



Greater Dayton Premier Management

Enhancing Neighborhoods • Strengthening Communities • Changing Lives

Prospective Business Vendor:

Enclosed, you will find a variety of forms regarding Section 3 (Housing & Urban Development Opportunities Act of 1968, as amended). Please complete and attach the Section 3 forms with your bid submission. **Failure to submit the appropriate forms may jeopardize the proposal/bid up to and including the possibility of said proposal/bid being deemed non-responsive**

Anyone claiming to be a Section 3 Business Concern shall be required, as set forth by procedure, to provide evidence of such status. Section 3 Business Concerns claiming Section 3 Preference status must meet that status at the time the bid, quote or proposal is submitted to GDPM.

Section 3 Required Forms:

- 1) Section 3 Assurance of Compliance & Section 3 Clause
- 2) Section 3 Action Plan
- 3) Section 3 Certification for Preference
- 4) Preference Category Acknowledgement S3 Residents

If you need any assistance or help regarding Section 3, feel free to contact us. We look forward to assisting you with Section 3 implementation.

Procurement@dmha.org



Greater Dayton Premier Management Section 3 Assurance of Compliance Form

Training, Employment, and Contracting Opportunities for Section 3 Residents and Section 3 Business Concerns

- A. The project assisted 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. 170u. Section 3 requires that to the *greatest extent feasible, newly created opportunities* that are generated by the awarding of this contract be given to:
- Section 3 Workers upon their qualifications. 25% or more of all labor hours worked by all workers employed with PHA financial assistance must be Section 3 workers.
 - 5% or more of all labor hours worked by all workers employed with PHA financial assistance must be Targeted Section 3 workers.
- B. Notwithstanding any other provision of this contract, the applicant shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 75, and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this contract. The requirements of said regulations include but are not limited to development and implementation of a Section 3 Action Plan/Strategy for utilizing Section 3 Business Concerns; the making of a good faith effort, as defined by the regulation, to provide training, employment and business opportunities required by Section 3; and incorporation of the "Section 3 Clause" specified by Section 75.9 and 75.17 of the regulations in all contracts for work in connection with the project. The applicant and recipient agency, certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.
- C. Compliance with the provision of Section 3, the regulations set forth in 24 CFR Part 75, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application of this contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant, its contractors and subcontractors, its successors, and assigns to the sanctions specified by the contract, and to such sanctions as are specified by 24 CFR Section 75.

Applicant: _____

Signature: _____

Address: _____

Date: _____

Section 3 Clause

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 75, 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 75 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or 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 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 75.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 75.9 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 75.9
- F. Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. In the event of a determination by the Executive Director or his/her designee that the Contractor is not in compliance with the section 3 clause or any rule, regulation, or report submission requirements of the GDPM, this contract may be canceled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further GDPM contracts for a period of one to three years.



Contractor

Section 3 Action Plan Submission

The Section 3 Action Plan is a requirement for contracting opportunities with GDPM. The Section 3 Action Plan must indicate/describe the proposed strategies for achieving the Section 3 training and/or employment goals, and subcontracting numerical goals, when and if **newly created opportunities** are generated upon awarding of contracts. **Failure to submit the Section 3 Action plan may jeopardize the proposal/bid up to and including the possibility of said proposal/bid being deemed non-responsive.**

Please review the Section 3 Action Plan information attached. **All Sections need to be completed and signed.** This information will help to assist you in formulating your Section 3 Action Plan. You will need to address each question and check the appropriate boxes in regards to how your company will strive to achieve Section 3 Compliance to the “**greatest extent feasible**”.

Please identify individual(s) responsible for planning, implementing and tracking the projects’ Section 3 training, employment and/or contracting goals:

Name(s): _____

Contact Info: _____

Title(s): _____

Section 3 Subcontracting Opportunity Strategies

Please check any and all efforts from the below mentioned categories that your company will utilize to recruit, solicit, encourage, facilitate and contract with Section 3 Business Concerns when new subcontracting opportunities are generated through the awarding of the contract. **Some of the items will be mandatory as denoted with *required*.** Your acknowledgement is still needed, so please check accordingly.

*The Section 3 Action Plan is subject to audit at anytime during the awarding of the contract through the duration of the contract by the Section 3 Compliance Coordinator. **Required***

Commit that when subcontracting occurs, 10% of the total dollar amount subcontracted out by the company and/or by subcontractors will go to Section 3 Business Concerns. **Required**

Contact the GDPM Section 3 Compliance Department regarding all new subcontracting opportunities. **Required**

Provide the GDPM Section 3 Compliance Department with a monthly report listing all subcontracting opportunities. **Required**

Advertise new contracting opportunities in community (sites) and diversity newspapers/websites.

Maintain a file of eligible qualified Section 3 Business Concerns for future contracting opportunities.

Incorporate into contract (after selection of bidders but prior to the execution of contracts), a negotiated provision for a specific amount of work to be contracted with Section 3 Business Concern(s) during the contract.

Sponsor or participate in minority, women, small business expositions and or conferences in the Dayton, Ohio area to network and promote contracting opportunities with Section 3 Business Concerns.

Outreach to business assistance agencies, minority contracting associations, community organizations, to network and promote contracting opportunities with Section 3 Business Concerns.

Contact/Meet with Resident Associations informing them of new contracting opportunities.

Outreach to trade/labor organizations to network and promote contracting opportunities with Section 3 Business Concerns.

Host/Facilitate workshops geared to Section 3 Business concerns on contracting procedures and opportunities.

Other:

Note: You are required to provide opportunities to “the greatest extent feasible” in order to comply with the requirements of Section 3. In the event that you are not able to hire/train and/or contract with Section 3 Residents and/or Section 3 Business Concerns, you will be required to document why you were unable to meet the numerical goals.

Signature: _____

Date: _____



GREATER DAYTON PREMIER MANAGEMENT SECTION 3 CERTIFICATION FOR PREFERENCE

Please note that a contract with Greater Dayton Premier Management is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended **AND** to the Section 3 Action Plan submitted with the proposal for this project.

Type of Business: Corporation Partnership Sole Proprietorship Joint Venture LLC MBE WBE
(check all that apply)

Business Name: _____

Contact Person: _____ Phone: _____ Email: _____

You self-certify that your business is, documented within the last six months a Section 3 Business Concern based on one of the below eligibility criteria's. (Check the one that qualifies your business):

Category 1

51 percent or more owned and controlled by low- or very low-income persons (based on household income under HUD-income limits); **or**

Category 2

75 percent or more of the business labor hours to perform the business are performed by low-very low income persons; **or**

Category 3

51 percent owned and controlled by current residents of public housing or Section 8-assisted housing.

OR

My business does not meet the Section 3 eligibility criteria and wishes to forgo Section 3 preferences in the awarding of this contract, but understand that we are still responsible for meeting Section 3 compliance.

"I hereby certify that the information provided on this form is true and correct, and understand any falsification of any of the information could subject me to punishment under the law."

Signature _____ Date _____

Authorized Signer

Title: _____

If you would like more information or to register your business in the Section 3 program, please send an email to Procurement@dmha.org.

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 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low-or very- low income residents in connection with projects and activities in their neighborhoods.

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ► _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

OR

Employer identification number

____ - ____ - ____

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

Is your Bid Packet Complete?

Are the following items completed, signed and included in your Packet?

- ☐ Statement of Qualifications
- ☐ Proposed Project Information & Back up Documents
- ☐ RFP-Cover Form
- ☐ Non-Collusive Affidavit & Full Disclosure Form
- ☐ Section 3 Form
- ☐ W-9