

GREATER DAYTON PREMIER MANAGEMENT

Request for Proposal

RFP # 24-02

RAD Conversions Physical Needs Assessments

Issue Date	Wednesday, April 3, 2024
Pre-Proposal Meeting	N/A
Questions from Contractors Due	Wednesday, April 17th, 2024 at 5pm
Responses from GDPM to Be Posted By	Friday, April 19th, 2024
Proposals Due	Thursday May 9, 2024 at 10 am
Anticipated Award Announcement	Friday, May 17th, 2024

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:

housingdevelopment@dmha.org

THE SUBJECT LINE MUST STATE: **RFP 24-02 RAD Physical Needs Assessments**

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

Questions about this Bid Shall be Submitted Electronically to: housingdevelopment@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 No proposals shall be withdrawn for a period of one hundred twenty (120) days of submission.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 _____

Table of Contents

The below items are part of the RFP Packet. *Many of these items must either be completed or signed or both and submitted with your Proposal. Please submit forms in order.*

Item 1	Project Description & Specifications
Item 2	RFP Contractor Information Form
Item 3	Non-Collusive Affidavit and Full Disclosure
Item 4	Section 3 Application
Item 5	Section 3 Supplemental Instructions
Item 6	W-9
Item 7	Is Your Proposal Packet Complete?



Greater Dayton Premier Management

Enhancing Neighborhoods • Strengthening Communities • Changing Lives

RFP 24-02

RAD Conversion Physical Needs Assessment

Greater Dayton Premier Management (GDPM) is an Ohio political subdivision and is Montgomery County’s largest landlord serving approximately 16,000 individuals annually. GDPM received approval from the U.S. Department of Housing and Urban Development to convert 2,600+ affordable housing units from the public housing program to the Rental Assistance Demonstration (RAD) Project Based Voucher (PBV) Program. Under the RAD Program, HUD requires housing authorities to conduct a capital needs assessment (CNA) of its properties in order to determine both short term and long-term needs.

As required by the HUD Multifamily Processing (MAP) Guide, the CNA must be completed by a qualified third-party professional and such work includes, but isn’t necessarily limited to, conducting physical inspections, determining anticipated expected useful life of components, publishing an accompanying narrative report and completion of a Capital Needs Assessment Electronic Tool. GDPM intends to use the CNA as its primary tool for determining project scopes, development budgets, Annual Deposits to the Replacement Reserves and Initial Deposits to the Replacement Reserve.

The Capital Needs Assessment Electronic Tool (CNA e-Tool) automates and standardizes the initiation, preparation, submission, review, and approval of a capital needs assessment. The eTool is a cloud-based application that the awarded Contractor will be required to use. The following link provides information on the CNA e-Tool requirements including how to get registered with HUD https://www.hud.gov/program_offices/housing/mfh/cna.

GDPM seeks proposals from qualified individuals and/or firms to provide RAD Physical Needs Assessments for the following properties:

Development Name	# of units
Grand Hi-Rise	95
Metropolitan Hi-Rise	77
Short Helena	14
Triangleview	50
Wentworth Hi-Rise	146
Caliph Court	36
Cornell Ridge	31
Riverside	40

Development Name	# of units
Friden Whitmore	21
Westdale	126
Malden Hollencamp	21
Olive Hills	100
Riverview Terrace	60
Winters	6
Mount Crest	47
Rosemont	28
Smithville Monarch	22
Wilmington Hi-Rise	64
Woodview	58
Park Manor	181
Modena Limestone	26
Telford Corona	16
Total	1,265

PART I: PROJECT DESCRIPTION¹:

Contractor will be required to perform a detailed physical inspection to determine both short-term rehabilitation needs to be included as a Scope of Work that will be completed as part of the RAD conversion and long-term capital needs to be addressed through a Reserve for Replacement Account.

The CNA eTool is required as part of any RAD Financing Plan or application for FHA Firm Commitment. The CNA eTool contains two major components – the narrative (the description of each component and its condition and may include an energy audit) and the financial model (the 20-year schedule and associated determination of the Initial Deposit to Replacement Reserve, or IDRR, and the Annual Deposit to Replacement Reserve (ADRR)).

- I. **Introduction:** The scope of work listed below was drafted with the specific intention to not only meet the RAD Program requirements, but that it also be compliant with the requirements, as they may be modified from time to time, of HUD Multifamily Accelerated Processing (MAP) and the American Society of Heating, Refrigerating,

¹for the purposes of this RFQ, a RAD Physical Needs Assessment (PNA), Capital Needs Assessment (CNA), RAD Physical Condition Assessment and needs assessment contain the same meaning and may be used interchangeably.

and Air Conditioning Engineers, Inc. (ASHRAE) Procedures for Commercial Building Energy Audits, Second Edition 2011, Level II guidelines.

II. Qualifications: The contractor must:

- a. Have training and experience to evaluate building systems, health, and safety conditions, and physical and structural conditions, and to provide cost estimates for maintaining, rehabilitating, or improving deficiencies, using both traditional and Green principles. Must also have environmental expertise, as inspection will include environmental issues as well. Must have any required licenses.
- b. Have the designation of Leadership in Energy and Environmental Design Accredited Professional (LEED AP), in either the United States Green Building Council's LEED New Construction and Major Renovation or the LEED Existing Building Maintenance and Operations examination tracks, or an equivalent designation.
- c. Have completed 10-hours of education in the last calendar year in the areas of Green Building, Sustainability, Energy Efficiency, or Indoor Air Quality.
- d. Have knowledge of the requirements for the "green building" standard, if any, identified by the owner, which may include: Enterprise Green Communities, LEED-H, LEED-H Midrise, LEED-NC, ENERGY STAR New Homes, ENERGY STAR Multifamily High Rise, EarthCraft House, EarthCraft Multifamily, Earth Advantage New Homes, Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole Building label), and the National Green Building Standard (NGBS) or other industry- recognized green building standard deemed acceptable by HUD in its sole discretion.
- e. Have acceptably completed written evaluation reports for similar types of multifamily rental housing projects in similar physical condition and age in the subject market or in similar areas, preferably including two (2) or more buildings that were receiving Section 8 or public housing assistance when the report was prepared.
- f. Have an acceptable record of performance with HUD. Not be under suspension or debarment by HUD, or involved as a defendant in criminal or civil action with HUD.
- g. Have produced reports that are well regarded in the marketplace in terms of content, timeliness and responsiveness. The contractor should have this personal experience, not just the company.
- h. Have the capacity to complete the project inspection and prepare the report in a time frame acceptable to the Lender/Owner.

III. Statement of Work: The contractor shall Perform a Capital Needs Assessment (CNA) for each asset and report the findings in accordance with the following:

- a. The report shall be prepared according to the Fannie Mae document: “Physical Needs Assessment Guidance to the Property Evaluator” (Exhibit 1), except as modified herein. This standard is meant to meet or exceed ASTM E 2018-08, Annex 1.1 concerning multifamily properties as well as Appendix XI.1 concerning qualifications, XI.2 concerning verification of measurements and quantities based on as-built drawings when available or field counts or measurements when necessary, XI.3 concerning service company research. Appendix XI.5 concerning the recommended table of contents is also recommended. Further, this report must be “MAP-compliant,” fully meeting or exceeding the current requirements of HUD Multifamily Accelerated Processing.
- b. The report shall include color photographs and a detailed narrative describing the property’s exterior and interior physical elements and condition, including architectural and structural components, and mechanical systems.
- c. The Contractor shall conduct and document site inspections of enough dwelling units to be able to formulate an accurate estimate of repair, replacement and major maintenance needs and all office, community space, and common areas. In no event shall the inspection be of less than 25% of occupied units, and 100% of all vacant units and common areas.
- d. Units shall be randomly sampled while taking into consideration occupied and unoccupied units and the unit size mix, i.e. one bedrooms, two-bedrooms, etc. If a significant number of units are found to be in poor condition, additional units may need to be inspected.
- e. The inspection must document individual building write ups for all multi-building complexes,
- f. For older structures the Contractor should consider forensic investigations of primary building systems, including but not limited to structural, building envelope, conveyance, mechanical, electrical and plumbing systems, where visual or non-invasive examination alone may not be sufficient to support a conclusion about the condition or remaining useful life of system components.
- g. While recognizing that age and condition of structures are not always related, a guideline for use of forensic methods is structures 30 or more years of age. It is the responsibility of the Contractor to ensure that the Contractor employs investigative methods appropriate to the age, condition, physical composition of the property and the local environment.
- h. When undertaken, a forensic examination should result in a written report, attached to the CNA, which report should include at a minimum the following:

- A statement of the examiner’s particular experience, education, technical or trade certifications or other qualifications establishing the examiner’s expertise relevant to the matter examined.
 - A description of the physical component(s) or system examined including the portions, quantities, and/or locations examined and the relevant products and materials found installed.
 - A description of the trade or industry recognized techniques, tests or analytical methods of examination used.
 - A summary of the estimated age, condition, and serviceability of the products, materials or system examined.
 - The examiner’s recommendation of any repairs and/or replacements.
 - The examiner’s estimate of the remaining useful life of the system or component assuming any recommended repairs or replacements are completed.
- i. The report shall include:
- a. **Critical items:** Identify in detail, and report immediately any repair item(s) that represents a critical repair.
 - b. **Repair/Rehab items (Short Term Physical Needs):** Identify and estimate the cost of the repairs, replacements, and significant deferred and other maintenance items that will need to be addressed within 12 months of closing (do not include items that are not broken but may need replacement in the near future). The items evaluated (both recommended and not recommended) are explained in the narrative report and the recommended items are documented in the HUD CNA eTool. That data input automatically generates the rehab escrow needs that appear in the 20 Year Schedule worksheet.
 - c. **Market Comparable Improvements:** The inspector may include repairs or improvements that are necessary for marketability in the list of Repair/Rehab needs. The repairs/ improvements identified should be those necessary for the project to retain its original market position as an affordable project in a decent, safe and sanitary condition (recognizing any evolution of standards appropriate for such a project). The project should be able to compete in the non-subsidized market on the basis of rents rather than amenities. Where a range of options exists, the least costly options for repair or rehabilitation should be chosen, when both capital and operating costs are taken into consideration.
 - d. **Long-term Physical Needs/ Reserve Items:** Identify and provide an estimate of the major maintenance and replacement items that are required to maintain

the project's physical integrity over the next twenty (20) years. After inputting information into the eTool, the Contractor will generate a 20 Year Schedule worksheet. Review that worksheet to ensure the data input generated the correct result.

- e. **Reserve Costs.** The Contractor shall estimate the Initial Deposit to the Reserve for Replacement Account and the Annual Deposit to the Reserve for Replacement Account based on the cost of "Near Term" replacement and major maintenance needs of the Project.

f. **Environmental Concerns:**

1. This applies to all existing properties constructed prior to 1978 which have not been demonstrated to be LBP- and/or asbestos-free. For projects that contain LBP and/or asbestos, the Contractor is responsible for engaging the services of a qualified LBP and/or asbestos abatement contractor(s) to prepare a scope of work for the abatement of LBP and/or asbestos. Where the scope of abatement work consists of permanent enclosure or encapsulation, but not removal, of LBP and/or asbestos, the qualified abatement contractor(s) must also prepare, separate from the scope of abatement work, an Operations and Maintenance (O&M) Plan for LBP and/or asbestos. The O&M Plan contains ongoing maintenance activities for LBP and/or asbestos, to be followed for as long as the LBP and/or asbestos remains in place. All abatement work and ongoing maintenance activities for LBP and/or asbestos shall conform to the following Regulatory requirements: For LBP, 24 CFR Part 35; For asbestos, 40 CFR Part 61.
2. The report shall provide a description of directly observed potential on-site environmental hazards and include a completed Environmental Restrictions Checklist.
3. The report must meet HUD's requirements, as they may be modified from time to time, for the detection and remediation of radon. These requirements were initially described in HUD Mortgagee Letter 2013-07, issued January 31, 2013.

- g. **Green Building Principles:** An objective of the report is to identify all opportunities to improve energy efficiency, maximize water efficiency, use re-used and recycled materials where practical, safeguard the indoor air quality of the property, be of less harm to the environment generally, and remove/ re-use replaced materials and construction debris appropriately. The Contractor is required to evaluate all components in the building, all building systems, and all components on the property, and the property itself, to identify all opportunities to achieve the stated objective. The Contractor is expected to consider the most promising types of improvements being used generally in applicable green buildings, to identify all alternatives considered, to provide a justification for the green alternative recommended and a brief explanation of why the non- selected

alternatives are less appropriate for the subject property. Each line item must identify the:

1. costs of the traditional repair/replacement to meet local building code, as applicable, and the alternative using green building principles;
 2. cost estimate for both the traditional and green approaches; and
 3. expected benefits of the green alternative, both financial and non- financial.
- h.** The report shall identify any physical deficiencies as a result of, a visual survey; a review of any pertinent documentation; and interviews with the property owner, management staff, tenants, interested local community groups and government officials, where appropriate.
- i.** The report shall include the Contractor’s professional opinion as to whether tenant relocation is necessary to complete the recommended scope of work for rehabilitation.
- j.** The CNA must also include the following subcomponents:
1. Acknowledgements (who prepared report, the preparer’s qualifications or a certification that the preparer meets the HUD qualifications, when report was prepared, who received report, and when report was reviewed).
 2. Appendices (color photographs, site plans, maps, etc.).
- (viii) In addition, the contractor shall:
- a.** Recommend any additional professional reports needed, for example, to determine the presence or degree of structural defects, or to complete additional investigation into an environmental issue, such as radon testing that was not envisioned at the time of engagement.
 - b.** If requested, the Contractor will review the requirements of a particular “green building standard” and include in the CNA its professional opinion on whether the rehabilitation recommended in the CNA will meet the requirements of the particular “green building standard”.
- (i) If the services of a subcontractor were secured to inspect the property and complete the report, the contractor shall review the inspection for quality, consistency, and agreed upon format and conformance with these requirements.
- (ii) If requested, attend a formal kick-off meeting to clarify the requirements and scope of the work to be performed.

IV. Deliverables

- a.** A draft narrative report and CNA (with completion of these worksheets: Component Replacement Summary, Utility Types and Rates, Cap Needs Input, 20 Year Schedule, Detailed 20 Year Schedule, Rehab Escrow Needs, Utility

Savings, and the Reserves 20 Year Schedule) shall be submitted electronically, for review prior to completion of the final report.

- b. The final narrative report shall be completed and also be submitted electronically
- c. Completion of the HUD CNA eTool.
- d. Updating eTool and narrative as needed.
- e. Completing inspections of at least 25% of the total units within each development.
- f. Completion of all CNA items shall be in accordance with all HUD RAD Program Guidelines.

V. **Fee:** Fees will be based upon a fixed amount for each development. Contractor shall provide hourly rates for any anticipated additional services, i.e. re-inspection of units, providing updated reports.

VI. The Contractor is expected to provide all labor and materials necessary for the Scope of Services contained in Part I of this RFP.

VII. **Timeframes for Deliverables**

Contractor shall comply with the following timeframes:

Deliverables	Timeframes/Milestones
Physical Needs Assessment (PNA) – Draft Version	Within ninety (90) days after the effective date of the Notice To Proceed (NTP)
Physical Needs Assessment (PNA) – Final Version	Within thirty (30) days after receipt of comments on the “Draft Version” of the PNA

Part II. Evaluation and Selection

Basis for award: The contract will be awarded to the firm whose proposal GDPM determines to be the most advantageous, with price and other technical factors considered.

Technical factors include:

1. Experience. Firm's experience in performing physical needs assessments and/or energy audits. Emphasis should be placed on experience with public housing agencies, performing physical needs assessments and energy audits.
2. Qualifications. Identify the qualifications of the principals and staff performing work. Staff members performing the PNA or the EA must meet the qualifications listed under Part III.
3. Approach/Work Plan. Firms must identify how they plan to undertake the activities under the Scope of Services provided in Part II, and the proposed timeline.
4. Section 3 and Small, Minority- and Women-Owned Businesses. Firms must provide documentation regarding their status as either a Section 3 business concern or a small, minority- or woman-owned business concern.

Relative weight of technical evaluation factors:

<u>Factors</u>	<u>Points</u>
1. Experience.	30
2. Qualifications.	20
3. Approach/Work Plan.	20
4. Section 3/MBE.	10
5. Pricing.	20
Total Points	100

Price will be considered in conjunction with technical factors by the GDPM to determine the proposal that is most advantageous and offers the best value to GDPM.

Part III. Submission Requirements

Submission Requirements: To be considered, Proposer's bid packet must be fully completed. Please read all the Instructions carefully and contact GDPM if you have any questions. A complete proposal packet will contain the following completed items:

1. Request for Proposal Proposer Information Form
2. Statement of Qualifications:
 - a. An introduction to you/your firm
 - b. A listing of proposed project personnel with experience
3. Provide related experience, specially include experience as related to the evaluation criteria.
4. Completed Fee Proposal.
5. Completed Non-Collusive Affidavit & Full Disclosure
6. Completed Section 3 Form
7. Completed W-9, if not already provided.

Only email submissions will be accepted. The email shall be addressed to housingdevelopment@dmha.org. The subject line of the email shall state the Proposer's name and include the words "RFP 24-02 RAD Conversion Physical Needs Assessments". No late submittals will be accepted. Electronic signatures are accepted.

PART IV. OTHER RELEVANT INFORMATION

- a. **Davis Bacon/Prevailing Wages:** 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. If Davis Bacon applies, the Proposer shall follow all requirements including, but not limited to, submitting required documentation to evidence compliance.
- b. **Section 3:** The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons. GDPM provides preferences to business that are registered as Section 3. For more information on Section 3 or how to register to become a Section 3 business please visit:

<https://www.hud.gov/section3> or contact GDPM's Procurement Department at procurement@dmha.org.

For this solicitation, Section 3 Proposers and/or acceptable Section 3 Strategy Plans will receive up to 15 preference points.

c. **Contract Documents:** The contract executed pursuant to this RFP shall include:

- i. GDPM Professional Services General Terms & Conditions
- ii. This RFP in its entirety
- iii. Required HUD Forms:
 1. Form HUD 5369-A Instructing to Offerors – Non-Construction;
 2. Form HUD 5370-C General Conditions for Non-Construction Contracts, Section I

Please carefully read and review the relevant terms and conditions including, but not limited to, the GDPM insurance requirements, prior to submitting your proposal. GDPM's Professional Services General Terms and Conditions is available for review at <https://www.gdpm.org/development-construction/documents/>.

d. **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, prior to Contract Award 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.

e. **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 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.

f. 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 housingdevelopment@dmha.org

- g. Term:** The term of this contract is two years with an option to renew for an additional two years.

Fee Proposal

Please provide a fixed fee/amount not to exceed to provide the CNA and Energy Audit for each development project listed below. For additional services provided, GDPM will pay the selected contractor based on an hourly fee. Please provide hourly rates for the items listed below.

Development Name	# of units	Fixed Price CNA eTool/ Component
Grand Hi-Rise	95	
Metropolitan Hi-Rise	77	
Short Helena	14	
Triangleview	50	
Wentworth Hi-Rise	146	
Caliph Court	36	
Cornell Ridge	31	
Riverside	40	
Friden Whitmore	21	
Westdale	126	
Malden Hollencamp	21	
Olive Hills	100	
Riverview Terrace	60	
Winters	6	
Mount Crest	47	
Rosemont	28	
Smithville Monarch	22	
Wilmington Hi-Rise	64	
Woodview	58	
Park Manor	181	
Modena Limestone	26	
Telford Corona	16	
Total	1,265	

Please submit an hourly rates or flat fees for the following:

Re-Inspections - \$ _____

Hourly Rate for Additional Services: \$ _____

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)



SECTION 3 BUSINESS CONCERN APPLICATION

Are you a Section 3 business? Yes No

If you select 'No' to the above question you do not have to complete this form

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.

Name of Business:

Contact Name:

Contact Person's Title:

Street Address:

Street Address Line 2:

City:

State:

Zip Code:

Phone Number:

Other Phone:

E-mail Address:

Type of Business:

(please attach supporting documentations)

**Services Your
Business Provides:**

GDPM SECTION 3 BUSINESS CONCERN

I certify that _____ (company's name) is applying to become a bona fide Section 3 business concern, and that it will meet the following definition of a Section 3 business concern:

Check at least one of the following: Category 1 Category 2 Category 3 Category 4

Category 1

Business concerns that are 51 percent or more owned by residents of GDPM housing or developments for which the Section 3 covered assistance is expended, or whose full-time, permanent workforce includes 30 percent of GDPM Residents as employees.

Category 2

Business concerns that are 51 percent or more owned by residents of other housing developments or developments managed by the GDPM that is expending the Section 3 covered assistance, or whose full-time, permanent workforce includes 30 percent of these persons as employees.

Category 3

HUD YouthBuild programs being carried out in the metropolitan area (or non-metropolitan county) in which the Section 3 covered assistance is expended.

Category 4

Business concerns that are 51 percent or more owned by section 3 residents, or whose permanent, full-time workforce includes no less than 30 percent of employees who meet the low-income guidelines and live in the GDPM covered assistance area; or businesses that provide evidence of a commitment to subcontract in excess of 25 percent of the total dollar award of all subcontracts to be awarded to Section 3 business concerns.

Note: If you certify above that your business is a Section 3 Business, and you qualify for award of the contract based on the preference given to section 3 businesses and described in the solicitation, GDPM may request additional documentation and information as needed. If you have any questions about this form, please our Procurement Department at (937) 910-7500, or by send an e-mail to procurement@gdpm.org.

“I hereby certify the information provided by me to be true and correct, and understand any falsification of any of the information could subject me to punishment under the law.”

Signature of Chief Executive Officer

Date



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.

Is your Proposal Packet Complete?



Are the following forms completed, signed and in your Proposal Packet?

- 1. Request for Proposal Contractor Information Sheet**
- 2. Statement of Qualifications**
- 3. Statement of Strategy**
- 4. Fee Proposal**
- 5. Non-Collusive Affidavit & Full Disclosure Form**
- 6. Section 3 Form**
- 7. W-9 (if not already registered with GDPM)**