

# GREATER DAYTON PREMIER MANAGEMENT

---

## Invitation for Bid

IFB# \_\_\_\_\_

Issue Date	
Pre-Bid Meeting	
Questions from Contractors Due	
Responses from GDPM to Be Posted By	
Bids Due	
Bid Opening	

**Pre-Bid Meeting:** Pre-bid meeting will be located at \_\_\_\_\_ on the following date: \_\_\_\_\_.

**Bid-Opening:** The Bid-Opening will also be held virtually. Please use the following information in order to access the bid opening: \_\_\_\_\_

---

---

---

### How to Submit Bids:

**Option 1:** Mail to or drop off at GDPM. The envelope must be filled out exactly as follows:

GDPM

**ATTN: Procurement**

**SEALED BID** \_\_\_\_\_

400 Wayne Avenue

Dayton, Ohio 45410

**Option 2:** Email GDPM:

[ebid@dmha.org](mailto:ebid@dmha.org)

The subject line must state **SEALED BID** \_\_\_\_\_

**Questions about this Bid Shall be Submitted Electronically to:** [ebid@dmha.org](mailto:ebid@dmha.org).

Greater Dayton Premier Management reserves the right to reject any or all bids, or waive any informality in the bidding. No bids shall be withdrawn for a period of ninety (90) days subsequent to the opening of bids.

All bidders shall be required to meet Affirmative Action requirements and Equal Opportunity requirements. Each bidder 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

IFB 25-04 Riverview Utility Door Replacement

---

---

## Table of Contents

**The below items are part of the Bidder's Packet.** *Most of these items must either be completed or signed or both and submitted with your sealed bid. Please submit forms in order.*

Item 1 .....	Summary & Specifications
Item 2 .....	Invitation to Bid Form
Item 3 .....	Bid Form - With BABA
Item 4 .....	Bid Form - Without BABA
Item 5 .....	Representations, Certifications & Statement of Bidders
Item 6 .....	Bid Guaranty & Bond Form
Item 7 .....	Non-Collusive Affidavit and Full Disclosure
Item 8 .....	W-9
Item 9 .....	Section 3 Information
Item 10 .....	Is Your Bid Packet Complete?
Item 11 .....	Wage Determination



# Greater Dayton Premier Management

Enhancing Neighborhoods • Strengthening Communities • Changing Lives

---

## **Riverview Utility Door Replacement IFB 25-04**

Greater Dayton Premier Management (GDPM) is an Ohio political subdivision and an award-winning, nationally recognized public housing authority in Montgomery County, Ohio. Additionally, GDPM is Montgomery County's largest landlord and serves approximately 16,000 individuals annually.

GDPM seeks proposals from experienced contractors to complete the replacement of the utility doors at the property known as Riverview. Riverview is a 60 unit family development that was built in 1971. Work shall be completed within 365 days in accordance with the attached specifications.

As a result of this solicitation, GDPM intends to award one contract to the lowest, most responsible bidder and GDPM will give preference points to Section 3 Contractors (*see below*).

### **I. Project Description:**

<see attached specifications pg 7-8>

### **II. Bid Guarantee/Payment & Performance Bonds**

All bids must be accompanied by a bid guarantee equivalent to 5% of the bid price; and at least one of the following:

- A. A performance bond and payment bond for 100% of the contract price;
- B. A performance bond and a payment bond, each for 50% or more of the contract price;
- C. 20% cash escrow;
- D. A 10% irrevocable letter of credit with terms acceptable to GDPM;
- E. Any other payment method acceptable to GDPM.

The bid guarantee may be a certified check, bank draft, U.S. Government Bonds at par value, or a bid bond secured by a surety company acceptable to the GDPM and authorized to do business in the State of Ohio. Certified checks and bank drafts must be made payable to the order of GDPM. The guarantees shall insure the execution of the contract and the furnishing of a method

of assurance of completion by the successful bidder. Failure to submit a bid guarantee with the bid may result in the rejection of the bid. Guarantees submitted by unsuccessful bidders will be returned as soon as practicable after bid opening. For your convenience, a GDPM's Form of Bid Guarantee and Payment & Performance Bond is included in this packet.

### III. **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. Davis Bacon Wage Rates apply to this project. Therefore, the Contractor shall follow all requirements including, but not limited to, submitting required documentation to evidence compliance. A copy of the most recent wage determination is attached hereto. The Wage Determination in effect on the date of the bid opening will apply to this project.

### IV. **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 [ebid@dmha.org](mailto:ebid@dmha.org).

For this solicitation, **Section 3 Contractors will receive 5% price consideration added to their final bid amount.** (A Section 3 Contractor may be awarded the Contract and not be the lowest, most responsible, responsive bidder as long as the Section 3 Contractor is within 5% of the low bid amount).

### V. **BUILD AMERICA BUY AMERICIA BABA REQUIREMENTS:**

Pursuant to the Build America, Buy America Act (BABA), enacted as part of the Infrastructure Investment and Jobs Act (IIJA). Pub. L. 117-58, 41 U.S.C. § 8301 note, the Federal Financial Assistance used to fund this infrastructure project is required to apply a domestic content procurement preference (the "Buy America Preference" or "BAP") for all construction, alteration, maintenance, or repair of infrastructure, including buildings and real property, unless application of the BAP has been waived by HUD. Additional details on fulfilling the BABA requirements can be found at:

[https://www.hud.gov/program\\_offices/general\\_counsel/build\\_america\\_buy\\_america](https://www.hud.gov/program_offices/general_counsel/build_america_buy_america).

&

<https://www.gdpm.org/build-america-buy-america/>

BABA requires any "infrastructure project" funded by any "Federal Financial Assistance" (FFA) apply a domestic content procurement preference, meaning that all iron, steel, manufactured products, and construction materials used in the infrastructure project have been produced in the United States, unless the awarding agency has issued a waiver of this requirement. This is called the "Buy American Preference" (BAP).

In order to ensure compliance with BABA requirements, Contractor will be required to:

- Request waiver if the contractor cannot fulfill BABA requirements.
- Provide sufficient product purchase info to enable GDPM to comply with the documentation requirements. Sufficient documentation may include:
  - A certificate from the manufacturer or reseller that the product complies with BABA;
  - For products that cost less than \$100 per product, a copy of a label that indicates the product was made in the United States; or
  - For small purchases of product that are less than the simplified acquisition threshold either a copy of a product specification that provides sufficient detail to conclude that the product complies with BABA or a communication other than a certification from a manufacturer or reseller of a product that confirms that the product is BABA compliant.

In order to ascertain whether or not the project will be eligible for a waiver under the BABA requirements, GDPM requests each prospective bidder submit 2 bids with this solicitation. One bid will reflect the total bid price using BABA requirements and the other bid will reflect a total bid price while not complying with the BABA requirements. **GDPM will award the contract to the lowest proposed price using BABA requirements.**

#### **VI. Bid Preparation & Submission Requirements:**

To be considered, Contractor's bid packet must be fully completed. Please read all the Instructions carefully and contact GDPM if you have any questions. Prior to submission, ensure that the following forms are fully completed, signed and included in your Bid Packet:

- Invitation to Bid Form
- Bid Form
- Representations, Certifications, and Other Statements of Bidders
- Bid Guaranty
- Non-Collusive Affidavit & Full Disclosure
- Section 3 Form
- W-9

The Submission is in sealed bid form and may be mailed to **GDPM ATTN: Procurement BID Sealed Bid IFB 25-04 400 Wayne Ave, Dayton, Ohio, 45410**. The Submission may be made via the lockbox located outside the main entrance of GDPM. Bids may also be submitted electronically to [ebid@dmha.org](mailto:ebid@dmha.org). The subject line of the email must include the words: **SEALED BID IFB 25-04**. Electronic Bids shall be in pdf format. GDPM's bid packet is in a pdf fillable format and may be signed electronically.

#### **VII. GDPM General Terms & Conditions for Construction Services:**

Please carefully read and review the relevant terms and conditions prior to submitting your proposal. GDPM's General Terms and Conditions for Construction Services is available for review at <https://www.gdpm.org/development-construction/documents/>.

For this project, the construction contract will include GDPM's General Terms and Conditions for Construction Services. The terms and conditions are attached hereto and, by submitting a bid, Contractor agrees to the terms and conditions contained within.

**VIII. 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 Contractor is selected for the award. Contractor will then have 72 hours to provide the requested information. If Contractor 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.

**IX. Licensees & Permits:**

During the term of the Contract, the Contractor shall ensure that all required licensing requirements and permitting requirements are met. The Contractor and Contractor's employees and agents shall secure and maintain in force such licenses and permits as are required by law and shall conform to all Federal, State, and local laws, ordinances, and regulations covering the Work. Failure to maintain items such as licenses or permits during the term of the Contract shall constitute a material breach thereof.

**X. Reservation of Rights:**

GDPM reserves the right to reject the low bid, if, in its sole discretion, that bidder is determined not to be the best-qualified bidder or to be deficient in experience, technical proficiency or unable to provide qualified manpower to meet the specifications. GDPM reserves the rights to reject and or all bids, to waive any informality in the IFB process, or to terminate the IFB 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 IFB. GDPM reserves the right to change, modify, amend, revise or alter any of the instructions, terms, conditions, and/or specifications identified in the IFB documents within any attachment or drawing, or within any addenda issued. All addenda will be posted to GDPM's website at [www.gdpm.org](http://www.gdpm.org).

**XI. Questions regarding this Solicitation:**

**Any questions regarding this Invitation for Bid shall be submitted electronically to [ebid@dmha.org](mailto:ebid@dmha.org).**

## Summary

### PART 1 GENERAL

#### 1.1 DESCRIPTION / SUMMARY OF WORK

- A. Project Identification: As follows:
1. Project: GDPM OH5-15F AMP 3 Riverview Property  
3310 W Riverview Ave Dayton, Ohio
  2. Riverview Utility Room Door Replacement Project
- B. Contract Documents dated 1-5-26 as prepared by Greater Dayton Premier Management  
400 Wayne Avenue Dayton Ohio P.O. Box 8750 Dayton, Ohio 45401-8750.
- C. The property has five buildings, including 44 two-story and 12 one-story apartments and one Maintenance building. This request involves replacing 44 exterior utility room doors for the apartments and disposing of the doors off-site. It also includes replacing brick molding around the doors.
1. Remove and dispose of doors off-site. Remove cores before discarding the doors and retain them for the new doors.
  2. All door hardware shall be turned over to the owner.
  3. Install new doors, with pre-hung metal exterior doors which shall include the jamb and threshold. Doors shall be insulated, double 28 x 80, 1-3/4 thick, 24 gauge steel. Doors shall be Masonite 6-Panel or equal door.
  4. The exterior doors shall be field painted with Sherwin-Williams Pro Industrial SW 6122 Camelback and all painted surfaces shall have two coats.
  5. The contractor shall install an 8-inch stainless steel kick plate, on the outside of both doors.
  6. Install new Falcon D241 or equal Single Cylinder x Thumb turn Deadbolt with satin chrome finish or equal on the left door and a latch guard cover plate and two swing guards on the right door.
  7. Locks shall be type A keyed.
  8. The locksets shall include all hardware, striker plates, screws etc. to accomplish the installation.
  9. The doors shall be single-bored to receive a deadbolt lockset.
  10. The existing cores shall be installed into the new dead bolt locks.
  11. The contractor shall replace the brick molding and shall prime with exterior latex primer. The new molding shall be painted with exterior latex satin white paint. All painted surfaces shall have two coatings.

12. The contractor shall remove all caulking around brick molding and install new with new caulking.
13. The contractor shall verify the door swing.
14. The contractor shall be responsible for all permit/inspection fees and comply with all local, state, and federal codes/ regulations.
15. The units will be occupied during work.
16. The contractor shall be responsible for any and all damage caused by the execution of this work.
17. Manufacturer warranties will be applicable, and all work completed by the contractor will include a 1-year warranty starting from the date of acceptance.
18. Questions and site visits shall be arranged by contacting Kurt Beck at, [kbeck@gdpm.org](mailto:kbeck@gdpm.org) or by phone at (937)875-1701.



# INVITATION FOR BID GENERAL CONSTRUCTION SERVICES

IFB Name

Solicitation  
No.

Prevailing Wage?

Proposal Due Date

Contract Term

### Contractor Information

Name of Business:

Primary Contact

Street Address:

Street Address Line 2:

City:

State:

Zip Code:

Contact Number:

E-mail:\*

Check at Least one  
of the Following:\*

Section 3

MBE/WBE

Veteran

None Apply

Are you currently  
suspended,  
debarred or  
otherwise deemed  
ineligible for a  
federal contract  
award?

Check box if  
addendum was  
reviewed (*don't check if  
not applicable*)

Addendum 1

Addendum 2

Addendum 3

Addendum 4

Other

By signing below, Contractor attests that he/she has the legal power, right, and authority to make this Agreement. Contractor agrees that if selected for the Contract Award, Contractor is qualified to perform all work necessary to complete the services as specified in the Contract Documents at Contractor's quoted price. Further, Contractor has reviewed, acknowledges and accepts the provisions within the Contract Documents including, but not limited to, the Specifications, Contractor's bid, and the GDPM General Terms and Conditions for General Construction Services. Unless otherwise specified in writing by GDPM on GDPM letterhead and signed by both parties, during the term of the Contract, if any provision within the Contract Documents is in conflict with, or inconsistent with any provision with the GDPM General Terms and Conditions, the GDPM General Terms and Conditions shall prevail. Terms that conflict with and/or are inconsistent with the GDPM General Terms and Conditions are hereby revoked, rejected and void, even if the contract documents containing such terms are executed after the GDPM General Terms and Conditions, this includes, but is not limited to indemnification, warranty, payment, order of precedence, and integration provisions. By signing signing below, Contractor acknowledges that GDPM reserves it right to reject any and/or all bid or to cancel the solicitation at any time and for any reason(s). Contractor's bid shall be valid for at least 120 days subsequent to the bid opening date. GDPM Contract Documents are available at <https://www.gdpm.org/development-construction/documents/>.

\_\_\_\_\_  
Contractor Signature of Acceptance

\_\_\_\_\_  
Date

**Acceptance of Proposal:**

GDPM accepts your proposal and the Master Agreement containing the solicitation, General Terms and Conditions, and cost catalog are hereby in effect.

\_\_\_\_\_  
GDPM Signature of Acceptance

\_\_\_\_\_  
Date



# Bid Form

## IFB No. 25-04 Riverview Utility Door Replacement

**Total Bid Price: Project Conforming to Build America Buy America “BABA” Requirements<sup>1</sup>**

Total Bid Price of:	\$ _____ (Numeric amount)	
	_____ (Written amount)	
<i>Written amount prevails if any discrepancy exists.</i>		

**Bid Elements – The Total Bid Price includes the following elements:**

Item	Description	Amount
1	Labor	\$
2	Materials	\$
	<b>Contractor Base Bid</b>	<b>\$</b>
	<b>Permit Allowance</b>	<b>\$</b>
	<b>Contingency Allowance</b>	<b>\$</b>
	<b>Total</b>	

**This project is funded in part by the U.S. Department of Housing and Urban Development and is subject to the following contractor cost limits:** Profit: 6%; Overhead: 2%; General Requirements: 6% of hard construction costs.

**GDPM is tax exempt.**

By signing below, Contractor attests that he/she has the legal power, right, and authority to make this Bid. Contractor agrees that if selected for the Contract Award, Contractor is qualified to perform all work necessary to complete the services as specified in the Contract Documents at Contractor's quoted price. Further, Contractor has reviewed, acknowledges and accepts the provisions within the Contract Documents including, but not limited to, the Specifications, Contractor's bid, and the GDPM General Terms and Conditions for General Construction Services. Unless otherwise specified in writing by GDPM on GDPM letterhead and signed by both parties, during the term of the Contract, if any provision within the Contract Documents is in conflict with, or inconsistent with any provision with the GDPM General Terms and Conditions, the GDPM General Terms and Conditions shall prevail. Terms that conflict with and/or are

<sup>1</sup> Please see Section V of the Summary Specifications for Information concerning BABA requirements.



## Bid Form

inconsistent with the GDPM General Terms and Conditions are hereby revoked, rejected and void, even if the contract documents containing such terms are executed after the GDPM General Terms and Conditions, this includes, but is not limited to indemnification, warranty, payment, order of precedence, and integration provisions. By signing below, Contractor acknowledges that GDPM reserves it right to reject any and/or all bid or to cancel the solicitation at any time and for any reason(s). Contractor's bid shall be valid for at least 120 days subsequent to the bid opening date.

---

Signature

---

Date



# Bid Form

## IFB No. 25-04 Riverview Utility Door Replacement

**Total Bid Price: NOT Conforming to Build America Buy America Requirements<sup>1</sup>**

Total Bid Price of:	\$ _____ (Numeric amount)	
	_____ (Written amount)	
<i>Written amount prevails if any discrepancy exists.</i>		

**Bid Elements – The Total Bid Price includes the following elements:**

Item	Description	Amount
1	Labor	\$
2	Materials	\$
	<b>Contractor Base Bid</b>	<b>\$</b>
	<b>Permit Allowance</b>	<b>\$</b>
	<b>Contingency Allowance</b>	<b>\$</b>
	<b>Total</b>	

**This project is funded in part by the U.S. Department of Housing and Urban Development and is subject to the following contractor cost limits:**

**Profit: 6% Overhead: 2% General Requirements: 6%** of hard construction costs.

**GDPM is tax exempt.**

By signing below, Contractor attests that he/she has the legal power, right, and authority to make this Bid. Contractor agrees that if selected for the Contract Award, Contractor is qualified to perform all work necessary to complete the services as specified in the Contract Documents at Contractor's quoted price. Further, Contractor has reviewed, acknowledges and accepts the provisions within the Contract Documents including, but not limited to, the Specifications, Contractor's bid, and the GDPM General Terms and Conditions for General Construction Services. Unless otherwise specified in writing by GDPM on GDPM letterhead and signed by both parties, during the term of the Contract, if any provision within the Contract Documents is in conflict with, or inconsistent with any provision with the GDPM General Terms and Conditions, the GDPM General Terms and Conditions shall prevail. Terms that conflict with and/or are

<sup>1</sup> Please see Section V of the attached Summary Specifications for information regarding BABA.



## Bid Form

inconsistent with the GDPM General Terms and Conditions are hereby revoked, rejected and void, even if the contract documents containing such terms are executed after the GDPM General Terms and Conditions, this includes, but is not limited to indemnification, warranty, payment, order of precedence, and integration provisions. By signing below, Contractor acknowledges that GDPM reserves it right to reject any and/or all bid or to cancel the solicitation at any time and for any reason(s). Contractor's bid shall be valid for at least 120 days subsequent to the bid opening date.

---

Signature

---

Date

**U.S. Department of Housing  
and Urban Development**  
Office of Public and Indian Housing

**Representations, Certifications,  
and Other Statements of Bidders**  
**Public and Indian Housing Programs**

# Representations, Certifications, and Other Statements of Bidders

## Public and Indian Housing Programs

### Table of Contents

Clause	Page
1. Certificate of Independent Price Determination	1
2. Contingent Fee Representation and Agreement	1
3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions	1
4. Organizational Conflicts of Interest Certification	2
5. Bidder's Certification of Eligibility	2
6. Minimum Bid Acceptance Period	2
7. Small, Minority, Women-Owned Business Concern Representation	2
8. Indian-Owned Economic Enterprise and Indian Organization Representation	2
9. Certification of Eligibility Under the Davis-Bacon Act	3
10. Certification of Nonsegregated Facilities	3
11. Clean Air and Water Certification	3
12. Previous Participation Certificate	3
13. Bidder's Signature	3

### 1. Certificate of Independent Price Determination

(a) The bidder certifies that--

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this bid have not been and will not be knowingly disclosed by the bidder, directly or indirectly, to any other bidder or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a competitive proposal solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

(b) Each signature on the bid is considered to be a certification by the signatory that the signatory--

(1) Is the person in the bidder's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

\_\_\_\_\_ [insert full name of person(s) in the bidder's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder's organization];

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder deletes or modifies subparagraph (a)2 above, the bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

[ ] [Contracting Officer check if following paragraph is applicable]

(d) Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000)

(1) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

(2) A fully executed "Non-collusive Affidavit" [ ] is, [ ] is not included with the bid.

### 2. Contingent Fee Representation and Agreement

(a) Definitions. As used in this provision:

"Bona fide employee" means a person, employed by a bidder and subject to the bidder's supervision and control as to time, place, and manner of performance, who neither exerts, nor proposes to exert improper influence to solicit or obtain contracts nor holds out as being able to obtain any contract(s) through improper influence.

"Improper influence" means any influence that induces or tends to induce a PHA/IHA employee or officer to give consideration or to act regarding a PHA/IHA contract on any basis other than the merits of the matter.

(b) The bidder represents and certifies as part of its bid that, except for full-time bona fide employees working solely for the bidder, the bidder:

(1) [ ] has, [ ] has not employed or retained any person or company to solicit or obtain this contract; and

(2) [ ] has, [ ] has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(c) If the answer to either (a)(1) or (a)(2) above is affirmative, the bidder shall make an immediate and full written disclosure to the PHA/IHA Contracting Officer.

(d) Any misrepresentation by the bidder shall give the PHA/IHA the right to (1) terminate the contract; (2) at its discretion, deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

### 3. Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)

(a) The definitions and prohibitions contained in Section 1352 of title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The bidder, by signing its bid, hereby certifies to the best of his or her knowledge and belief as of December 23, 1989 that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the bidder shall complete and submit, with its bid, OMB standard form LLL, "Disclosure of Lobbying Activities;" and

(3) He or she will include the language of this certification in all subcontracts at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

(d) Indian tribes (except those chartered by States) and Indian organizations as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B) are exempt from the requirements of this provision.

#### 4. Organizational Conflicts of Interest Certification

The bidder certifies that to the best of its knowledge and belief and except as otherwise disclosed, he or she does not have any organizational conflict of interest which is defined as a situation in which the nature of work to be performed under this proposed contract and the bidder's organizational, financial, contractual, or other interests may, without some restriction on future activities:

- (a) Result in an unfair competitive advantage to the bidder; or,
- (b) Impair the bidder's objectivity in performing the contract work.

[ ] In the absence of any actual or apparent conflict, I hereby certify that to the best of my knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement.

#### 5. Bidder's Certification of Eligibility

(a) By the submission of this bid, the bidder certifies that to the best of its knowledge and belief, neither it, nor any person or firm which has an interest in the bidder's firm, nor any of the bidder's subcontractors, is ineligible to:

(1) Be awarded contracts by any agency of the United States Government, HUD, or the State in which this contract is to be performed; or,

(2) Participate in HUD programs pursuant to 24 CFR Part 24.

(b) The certification in paragraph (a) above is a material representation of fact upon which reliance was placed when making award. If it is later determined that the bidder knowingly rendered an erroneous certification, the contract may be terminated for default, and the bidder may be debarred or suspended from participation in HUD programs and other Federal contract programs.

#### 6. Minimum Bid Acceptance Period

(a) "Acceptance period," as used in this provision, means the number of calendar days available to the PHA/IHA for awarding a contract from the date specified in this solicitation for receipt of bids.

(b) This provision supersedes any language pertaining to the acceptance period that may appear elsewhere in this solicitation.

(c) The PHA/IHA requires a minimum acceptance period of [Contracting Officer insert time period] calendar days.

(d) In the space provided immediately below, bidders may specify a longer acceptance period than the PHA's/IHA's minimum requirement. The bidder allows the following acceptance period: calendar days.

(e) A bid allowing less than the PHA's/IHA's minimum acceptance period will be rejected.

(f) The bidder agrees to execute all that it has undertaken to do, in compliance with its bid, if that bid is accepted in writing within (1) the acceptance period stated in paragraph (c) above or (2) any longer acceptance period stated in paragraph (d) above.

#### 7. Small, Minority, Women-Owned Business Concern Representation

The bidder represents and certifies as part of its bid/ offer that it --

(a) [ ] is, [ ] is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

(b) [ ] is, [ ] is not a women-owned business enterprise. "Women-owned business enterprise," as used in this provision, means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

(c) [ ] is, [ ] is not a minority business enterprise. "Minority business enterprise," as used in this provision, means a business which is at least 51 percent owned or controlled by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals. For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- |                        |                              |
|------------------------|------------------------------|
| [ ] Black Americans    | [ ] Asian Pacific Americans  |
| [ ] Hispanic Americans | [ ] Asian Indian Americans   |
| [ ] Native Americans   | [ ] Hasidic Jewish Americans |

#### 8. Indian-Owned Economic Enterprise and Indian Organization Representation (applicable only if this solicitation is for a contract to be performed on a project for an Indian Housing Authority)

The bidder represents and certifies that it:

(a) [ ] is, [ ] is not an Indian-owned economic enterprise. "Economic enterprise," as used in this provision, means any commercial, industrial, or business activity established or organized for the purpose of profit, which is at least 51 percent Indian owned. "Indian," as used in this provision, means any person who is a member of any tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in the Alaska Native Claims Settlement Act.

(b) [ ] is, [ ] is not an Indian organization. "Indian organization," as used in this provision, means the governing body of any Indian tribe or entity established or recognized by such governing body. Indian "tribe" means any Indian tribe, band, group, pueblo, or

community including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

**9. Certification of Eligibility Under the Davis-Bacon Act** (applicable to construction contracts exceeding \$2,000)

(a) By the submission of this bid, the bidder certifies that neither it nor any person or firm who has an interest in the bidder's firm is a person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(b) No part of the contract resulting from this solicitation shall be subcontracted to any person or firm ineligible to be awarded contracts by the United States Government by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(c) The penalty for making false statements is prescribed in the U. S. Criminal Code, 18 U.S.C. 1001.

**10. Certification of Nonsegregated Facilities** (applicable to contracts exceeding \$10,000)

(a) The bidder's attention is called to the clause entitled **Equal Employment Opportunity** of the General Conditions of the Contract for Construction.

(b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.

(c) By the submission of this bid, the bidder certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The bidder agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the contract.

(d) The bidder further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will:

- (1) Obtain identical certifications from the proposed subcontractors;
- (2) Retain the certifications in its files; and
- (3) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities**

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause of the prime contract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

**Note:** The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

**11. Clean Air and Water Certification** (applicable to contracts exceeding \$100,000)

The bidder certifies that:

(a) Any facility to be used in the performance of this contract [ ] is, [ ] is not listed on the Environmental Protection Agency List of Violating Facilities:

(b) The bidder will immediately notify the PHA/IHA Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the bidder proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and,

(c) The bidder will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

**12. Previous Participation Certificate** (applicable to construction and equipment contracts exceeding \$50,000)

(a) The bidder shall complete and submit with his/her bid the Form HUD-2530, "Previous Participation Certificate." If the successful bidder does not submit the certificate with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the certificate by that date may render the bid nonresponsive. No contract award will be made without a properly executed certificate.

(b) A fully executed "Previous Participation Certificate" [ ] is, [ ] is not included with the bid.

**13. Bidder's Signature**

The bidder hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

\_\_\_\_\_  
(Signature and Date)

\_\_\_\_\_  
(Typed or Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Company Address)

# Greater Dayton Premier Management Bid Guaranty & Bond Form

*(Ohio revised Code Section 153.571)*

KNOW ALL PERSONS BY THESE PRESENTS, that we, the undersigned \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as **PRINCIPAL**, and \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as **SURETIES**, are hereby held and firmly bound unto **The Dayton Metropolitan Housing Authority d/b/a Greater Dayton Premier Management (GDPM)**, as Obligee, in the penal sum of the dollar amount of the bud submitted by the Principal to GDPM on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ to undertake the Project known as:

**PROJECT NAME:** \_\_\_\_\_

**Solicitation No.:** \_\_\_\_\_

The penal sum referred to herein shall be the dollar amount of the Principal's bid to GDPM, incorporating any additive or deductive alternate bids made by the Principal on the date referred to above to GDPM, which are accepted by GDPM. In no case shall the penal sum exceed the amount of \_\_\_\_\_ dollars. (If the foregoing blank is not filled in, the penal sum will be the full amount of the Principal's bid, including alternates. Alternatively, if the blank is filled in, the amount stated must not be less than the full amount of the bid including alternates, in dollars and cents. A percentage is not acceptable.) For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above-named Principal has submitted a bid for the above referenced Project.

**NOW, THEREFORE,** if GDPM accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, bills of material and all other solicitation documents; and in the event the Principal pays GDPM the difference not to exceed ten per cent of the penalty hereof between the amount specified in the bid and such larger amount for which GDPM may in good faith contract with the next lowest bidder to perform the work covered by the bid; or in the event GDPM does not award the contract to the next lowest bidder and resubmits the Project for bidding, the Principal pays to GDPM the difference not to exceed ten per cent of the penalty hereof between the amount specified in the bid, or the costs, in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be null and void, otherwise to remain in full force and effect; if GDPM accepts the bid of the Principal and the Principal within ten days after the awarding of the Contract enters into a proper Contract in accordance with the bid, plans, details, specifications, bills of material and all other solicitation documents which said Contract is made a part of this bond the same as though set forth herein;

**AND FURTHER,** if the said Principal shall well and faithfully do and perform the things agreed by GDPM to be done and performed according to the terms of said Contract; and shall pay all lawful claims of subcontractors, materials suppliers, and laborers, for labor performed and materials furnished in the carrying forward, performing, or completing of said Contract; we agreeing and assenting that this undertaking shall be for the benefit of any materials suppliers or laborer having a just claim, as well as for the obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

**AND FURTHER,** the Principal will correct or replace any defective work or materials discovered by GDPM within a period of one year from the date of acceptance of such work or material by GDPM, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

**THE SAID** Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of the said Contract or in the Plans and Specifications therefor shall in any wise affect the obligations of said Surety on its bond, and it does hereby waive notice of any such modifications, omissions, or additions, in or to the terms of the Contract, the Work or the Contract Documents, including, without limitation the Plans and Specifications.

*< Remainder of page intentionally left blank >*

**PRINCIPAL:**

\_\_\_\_\_  
Principal Signature

By: \_\_\_\_\_

Title: \_\_\_\_\_

**SURETY:**

\_\_\_\_\_  
Surety Signature

By: \_\_\_\_\_  
Attorney-in-Fact

***Surety Agent's Information:***

\_\_\_\_\_  
Agency Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City                      State      Zip

\_\_\_\_\_  
Telephone No.

(Attach hereto the current Power of Attorney of the person executing this bond for the Surety.)

## 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)

# Request for Taxpayer Identification Number and Certification

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

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

<b>Print or type.</b> See Specific Instructions on page 3.	<b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.		
	<b>2</b> Business name/disregarded entity name, if different from above		
	<b>3</b> Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.		<b>4</b> 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) _____  <i>(Applies to accounts maintained outside the U.S.)</i>
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate		
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <b>Note:</b> 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 <b>not</b> 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.		
	<input type="checkbox"/> Other (see instructions) ▶ _____		
	<b>5</b> Address (number, street, and apt. or suite no.) See instructions.		Requester's name and address (optional)
<b>6</b> City, state, and ZIP code			
<b>7</b> 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.

<b>Social security number</b>											
				-			-				
<b>or</b>											
<b>Employer identification number</b>											
				-							

## Part II Certification

Under penalties of perjury, I certify that:

1. 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
2. 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
3. I am a U.S. citizen or other U.S. person (defined below); and
4. 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.

<b>Sign Here</b>	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](http://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.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or “doing business as” (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity’s name as shown on the entity’s tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a “disregarded entity.” See Regulations section 301.7701-2(c)(2)(iii). Enter the owner’s name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner’s name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity’s name on line 2, “Business name/disregarded entity name.” If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys’ fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

### Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

### Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.**

You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.**

You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.**

You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

\*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records From Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.**

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

## What Projects or Contracts Does Section 3 Apply to?

### Housing and Community Development Financial Assistance

Section 3 applies to housing construction, housing rehab and public infrastructure projects that receive more than \$200,000 in HUD assistance. Section 3 also applies to projects that include Lead Hazard Control and Healthy Homes assistance that exceeds \$100,000.

### Public Housing Financial Assistance

Section 3 applies to any amount of assistance for development, operations and management, mixed-finance development projects, and in some cases, Rental Assistance Demonstration (RAD) and Choice Neighborhoods projects.

## What Are the Goals of Section 3?

Section 3 has goals that recipients, subrecipients, contractors and subcontractors must meet. The goals are as follows:

### Housing and Community Development Financial Assistance

- 25% or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers and 5% or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers.

### Public Housing Financial Assistance

- 25% or more of the total number of labor hours worked by all workers in a PHA's fiscal year are Section 3 workers and 5% or more of the total number of labor hours worked by all workers in a PHA's fiscal year are Targeted Section 3 workers.

## What Happens if the Section 3 Goals Are Not Met?

Recipients must report qualitative nature of Section 3 compliance efforts and the efforts of its contractors and subcontractors.

## How Can I Find Section 3 Opportunities in My Area?

Contact your local and state government and public housing authority to learn more about employment, training and contracting opportunities that may be available to you in your community.

## How Can I Learn More About Section 3?

Visit the following websites:

- <http://www.hud.gov/section3>
- <http://www.hudexchange.info/programs/section-3/>

Want to learn more about YouthBuild?

- <http://www.dol.gov/agencies/eta/youth/youthbuild>



# SECTION 3

*for Workers and Businesses*

Learn about employment, training and contracting opportunities that can be available to you under Section 3.

## What Is Section 3 and Why Does It Matter?

- Every year the Department of Housing and Urban Development (HUD) invests billions of federal dollars into distressed communities across the country for projects that provide **access to safe and affordable housing and improve public infrastructure**.
- These funds are passed down to public housing agencies, local and state governments or other recipients through grants or financial assistance.
- The financial assistance can be used to **maintain and build affordable housing and improve public infrastructure** in your community.
- **Employment, training and contracting** opportunities that result from the covered projects or contracts must be directed to persons who are low-income (**Section 3 workers**) and businesses that are owned by or employ persons who are low-income (**Section 3 businesses**) to help build economic wealth.
- Best efforts should be made to direct economic opportunities to persons and businesses in the **order of priority** outlined in the final rule requirements.

## Who Is Responsible for Providing Access to Economic Opportunities?

- Recipients and subrecipients of HUD assistance
- Contractors and subcontractors working on certain HUD-assisted projects or contracts

## How Can Contractors Help PHAs and Grantees Meet the Section 3 Goals?

Contractors can help PHAs and grantees meet the Section 3 goals by being a Section 3 business or employing Section 3 workers. Some grantees or PHAs may offer incentives to businesses that can demonstrate how they will meet the Section 3 goals.

## What Is a Section 3 Worker?

A **Section 3 Worker** is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories as documented:

- Person who is low-income
- Employed by a Section 3 business concern
- YouthBuild participant

## What Is a Targeted Section 3 Worker?

A **Targeted Section 3 Worker** is a Section 3 worker who is **employed by a Section 3 business concern** or is a worker that currently fits or when hired fit at least **one** of the following categories as documented within the past five years:

### Housing and Community Development Financial Assistance

- Lives within the neighborhood of the project
- YouthBuild participant

### Public Housing Financial Assistance

- Resident of public housing or Section 8-assisted housing
- Resident of other public housing projects or Section 8-assisted housing managed by the PHA that is providing the assistance
- YouthBuild participant



## What Is a Section 3 Business Concern?

A business that meets at least **one** of the following categories, within the last six-month period:

- At least 51% owned and controlled by persons who are low-income
- At least 51% owned and controlled by current public housing residents or residents who currently live in Section 8 assisted housing
- Over 75% of the labor hours performed for the business over the prior three-month period were performed by Section 3 workers



# Section 3 Job Aid

## for Contractors & Subcontractors

### 1 Understand How Section 3 Applies to Your Project or Contract

Section 3 applies to any amount of public housing financial assistance for development, operations and management, and mixed-finance development projects. In some cases, Section 3 may apply to Rental Assistance Demonstration (RAD) and Choice Neighborhoods projects. Material supply contracts are excluded.

### 2 Understand How to Meet the Section 3 Goals


#### Meet the Quantitative Goals

**25%** or more of all labor hours in a PHA's fiscal year must be worked by Section 3 workers, and **5%** or more of all labor hours in a PHA's fiscal year must be worked by Targeted Section 3 workers

*Professional service labor hours are excluded from the goals, but may be included by choice.*

#### Make Qualitative Efforts

Provide evidence that you made qualitative efforts to assist persons and businesses that provide opportunities to persons listed in the following order of priority: 1) Residents of public housing projects where assistance is expended, 2) Residents of other public housing projects managed by the PHA providing the assistance, 3) YouthBuild participants, 4) Persons who are low-income residing in the metro area (or non-metro county) where assistance is expended.

 **Helpful Tool:** The Section 3 Guidebook provides a list of qualitative efforts that contractors and subcontractors may undertake to document that they made qualitative efforts to assist persons who are low-income with employment and training opportunities.

### 3 Understand What a Section 3 Worker Is

**What is a Section 3 Worker?** A worker who **currently fits**, or **when hired** within the past five years fit, at least **one** of the following categories as documented:

- Worker who is low-income
- Employed by a Section 3 business concern
- YouthBuild participant

\*The five-year lookback period cannot date back further than 2020.

# 4

## Understand What a Targeted Section 3 Worker Is

**What is a Targeted Section 3 Worker?** A worker who is:

- Employed by a Section 3 business concern

Or a worker that **currently fits** or **when hired** within the past five years fit, at least **one** of the following categories as documented:

- Resident of public housing or Section 8 assisted housing
- Resident of other public housing projects or Section 8 assisted housing that is managed by the PHA that is providing the assistance.
- YouthBuild participant



### Helpful Tip:

- All Targeted Section 3 Workers are Section 3 Workers. However, not all Section 3 Workers meet the definition of a Targeted Section 3 Worker.

# 5

## Certify Your Section 3 and Targeted Section 3 Workers

### Select the Option(s) You Will Use to Certify Worker Eligibility

1. **Worker Self-Certification** - this option allows a worker to verify their own eligibility. A worker may use a self-certification form to certify that:

- Their income is at or below the low-income limit, or
- They are a YouthBuild participant, or
- They are a public housing resident or a resident of Section 8 assisted housing

2. **Employer Certification** - this option allows employers to certify that the:

- Worker's paid wage rate by the employer (if annualized on a full-time basis) is at or below the low-income limit, or
- Worker is employed by a Section 3 Business concern.

3. **PHA/Owner Certification** - this option allows a PHA or an owner or property manager of project based Section 8-assisted housing or administrator of tenant-based Section-8 assisted housing to certify that:

- The worker is a participant in one of their programs.



### Helpful Tip:

- If a person does not currently meet any of the categories above, the person or employer can look back five years (if hired within the last five years by the same employer) to verify the worker's status.

# 6

## Determine if Your Business Qualifies as a Section 3 Business

There are two different ways to qualify as a Section 3 business concern. Your business must meet one of the criteria below to be eligible.

**1. At least 51% of your business owned and controlled by a person(s) who are low-income OR by a public housing resident or resident living in Section 8 assisted housing.**

a. If your business meets the criteria, then you will need to self-certify ownership and income-levels of the qualifying owner(s).

**2. In the past 3 months, more than 75% of the labor hours worked for your business must be performed by Section 3 workers?**

a. How do I figure this out?

- **Divide** the *total number of labor hours* worked by **Section 3 Workers** over the last three-month period by the *total number of labor hours worked* by **all employees** over the last three-month period. **Multiply** the number by 100 to get the percentage. If the percentage is 75% or greater, your business qualifies. You may self-certify your eligibility.
- **Example:** Over the prior three month period, Contractor ABC had six employees on payroll. Two out of the six employees qualified as Section 3 Workers. The total number of hours that the six employees worked in the prior three month period was a total of 800 hours. The total number of hours that were worked by the Section 3 Workers were 500 hours. To determine eligibility, Contractor ABC divided 500 hours by 800 hours. Based upon the equation, 62.5% of the business' labor hours performed over the prior three month period were performed by Section 3 Workers. The contractor does not qualify as a Section 3 business.

## Helpful Resources

<https://www.hudexchange.info/programs/section-3/resources-and-tools/#section-3-tools>

## **Greater Dayton Premier Management**

### **HUD Section 3 Utilization Tool**

### **Public Housing Financial Assistance**

Public reporting for this collection of information is estimated to average 1.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information.

Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (Section 3), and 12 U.S.C. § 1701u ensure that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive government assistance for housing. The regulations are found at 24 CFR Part 75. This collection of information is required to ensure that Section 3 workers and Section 3 Business concerns participating in Housing and Community Development Projects and Public Housing Assistance Projects with HUD funding are documenting Section 3 labor hours to meet the requirements of Section 3 found in 24 CFR part 75. The information will be used by the Department to monitor program recipient's compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as a self-monitoring tool.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2501-0040. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. No assurances of confidentiality are provided for this information collection.

---

This Utilization Tool is a tool for the Dayton Metropolitan Housing Authority d/b/a Greater Dayton Premier Management (“**GDPM**”) and its contractors/subcontractors to document Section 3 labor hours for Section 3 workers and Section 3 business concerns. This document and accompanying Form 4737 and Form 4737A should be completed by businesses completing activities that utilize Public Housing funds. Please note that the procurement process and the Section 3 Worker or Section 3 business concern self-certification and verification process is completed outside of this plan.

#### **Applicable Law**

Section 3 rules apply on projects and expenses with the following public housing assistance, including:

- Development assistance pursuant to Section 5 of the Housing Act of 1937 (1937 Act),
- Operating funds pursuant to Section 9(e) of the 1937 Act,
- Capital funds for development, modernization, and management assistance pursuant to Section 9(d) of the 1937 Act,
- The entirety of a mixed-finance development project as defined in 24 CFR § 905.604, and/or
- Any public housing funding identified through a Notice of Funding Availability (NOFA) as outlined in 24 CFR 75.7.
  - Example: Choice Neighborhood implementation or planning grants or Jobs Plus/Family Self-sufficiency/Resident Opportunities and Self-Sufficiency Grants.
- Rental Assistance Demonstration (RAD) Projects

## SECTION I FUNDING INFORMATION

**HUD-funded entity:** Dayton Metropolitan Housing Authority d/b/a Greater Dayton Premier Management

**Name of HUD Funding Source:** Capital Fund Program

## SECTION II PRIORITIZATION REQUIREMENTS

### **Employment and Training**

GDPM and their contractors or subcontractors will provide their best efforts to give any employment and training opportunities in connection with Section 3 and should give priority to Section 3 workers in the following order of priority:

1. Residents of the public housing project(s) for which the public housing financial assistance is expended;
2. Residents of the public housing project(s) managed by the PHA that is providing the assistance or for residents of Section 8-assisted housing managed by the PHA;
3. Participants in YouthBuild program(s); and
4. Persons of low- and very-low income residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

*NOTE: No statement in this document is intended to require the contracting or employment of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of an available employment or training opportunity.*

### **Contracting**

GDPM and their contractors or subcontractors will provide their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers in connection with public housing financial assistance.

Contracted businesses should make best efforts to give priority in the following order listed:

1. Section 3 business concerns that provide economic opportunities for residents of the public housing project(s) for which the public housing financial assistance is expended;
2. Section 3 business concerns that provide economic opportunities for residents of the public housing project(s) or Section-8 assisted housing managed by the PHA that is providing the assistance;
3. Participants in YouthBuild program(s); and
4. Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the assistance is expended.

*NOTE: No statement in this document is intended to require the contracting or procurement of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of the bid or contract.*

### **SECTION III**

#### **IDENTIFICATION AND RECORDKEEPING FOR SECTION 3 BUSINESSES**

For each Section 3 Business that is completing construction or rehabilitation activities for the project identified in Section I, complete PHA Form 4737 for *each* contractor as instructed on the form. Certification will be documented prior to the execution of a contract. Certification documentation must be maintained by the recipient, subrecipient, contractor, or subcontractor for the appropriate record retention period found in 2 CFR Part 200.

*NOTE: Professional service providers and recipient or subrecipient information may be entered on the form.*

Form 4737 is intended to provide a template for PHAs, non-Section 3 businesses and Section 3 business concerns to record all labor hours to document compliance with Section 3 on the HUD-funded project. Each contractor must document the total number of labor hours and enter the specific amount of Section 3 business labor hours worked on the project.

*NOTE: A business can also use a separate form or internal system that includes the same information on PHA Form 4737.*

### **SECTION IV**

#### **CERTIFICATION OF SECTION 3 WORKER AND TARGETED SECTION 3 WORKER (PHA FORM B)**

PHA Form 4737A is intended to provide a template for PHAs, non-Section 3 Businesses, and Section 3 Businesses to record individual labor hours to document compliance with Section 3 on the HUD-funded project, should they choose to use this. The form tracks the total number of labor hours for each construction business and professional business that is contracted to complete work on the project.

*NOTE: A business can also use a separate form or internal system that includes the same information on Form 4737A.*

For each Section 3 Worker or Targeted Section 3 Worker that is contributing labor hours to complete construction or rehabilitation activities for the project identified in Section I, complete PHA Form 4737A for each worker with name and appropriate information. Individuals (Section 3 workers and Targeted Section 3 workers) only need to be verified once. Documentation and verification must be maintained by recipient or its designee(s) for the appropriate record retention period found in 2 CFR Part 200. (See PHA Form 4737A attached)

**SECTION V**  
**CERTIFICATION**

By signing this Section 3 Utilization Tool, [contractor/subcontractor] certifies that it meets the requirements of 24 CFR § 75.9 through § 75.17. [Contractor/subcontractor] agrees to make best efforts to ensure that employment, training, and contracting opportunities arising in connection with Section 3 are provided to Section 3 workers, Targeted Section 3 workers, YouthBuild participants, and Section 3 Business concerns that provide economic opportunities to Section 3 workers.

---

Printed Name of Signer

Date

---

Signature

*Note: This form must be signed by a representative, officer, or agent of the entity or business signing and certifying this information.*

## **Is your Bid Packet Complete?**



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

- 1. Invitation for Bid Form**
- 2. Bid Forms - with BABA and without BABA**
- 3. Representations, Certifications, and other Statements of Bidders**
- 4. Bid Guaranty & Bond Form**
- 5. Non-Collusive Affidavit & Full Disclosure Form**
- 6. Section 3 Form**
- 7. W-9**

**Wage Determination**  
**For work completed at**  
**Riverview**

"General Decision Number: OH20260018 01/02/2026

Superseded General Decision Number: OH20250018

State: Ohio

Construction Type: Residential

Counties: Greene, Miami, Montgomery and Preble Counties in Ohio.

RESIDENTIAL CONSTRUCTION PROJECTS (consisting of single family homes and apartments up to and including 4 stories).

Modification Number      Publication Date  
0                              01/02/2026

ENGI0018-027 05/01/2019

	Rates	Fringes
POWER EQUIPMENT OPERATOR (Bulldozer).....	\$ 37.02	15.20

-----  
ENGI0066-026 06/01/2023

	Rates	Fringes
POWER EQUIPMENT OPERATOR Crane.....	\$ 36.92	24.01

-----  
LAB00265-004 06/01/2024

	Rates	Fringes
LABORER (Mason Tender-Brick).....	\$ 25.90	18.40

-----  
PAIN0707-001 05/01/2025

	Rates	Fringes
PAINTER (Brush and Roller).....	\$ 33.95	20.20

-----  
PLAS0109-006 06/01/2025

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 33.48	24.81

-----  
SHEE0033-016 06/01/2025

	Rates	Fringes
SHEET METAL WORKER (HVAC Duct Installation Only).....	\$ 20.40	16.50

-----  
SUOH2012-020 07/20/2012

	Rates	Fringes
BRICKLAYER.....	\$ 28.40	11.78

CARPENTER.....	\$ 20.19	6.51
ELECTRICIAN.....	\$ 19.68	9.46
LABORER: Common or General.....	\$ 21.50	5.23
OPERATOR: Backhoe/Excavator.....	\$ 25.25	9.38
OPERATOR: Bobcat/Skid Steer/Skid Loader.....	\$ 29.49	11.16
PLUMBER.....	\$ 20.00	5.52
ROOFER.....	\$ 16.85	3.83

-----  
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

=====  
Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Note: Executive Order 13658 generally applies to contracts subject to the Davis-Bacon Act that were awarded on or between January 1, 2015 and January 29, 2022, and that have not been renewed or extended on or after January 30, 2022. Executive Order 13658 does not apply to contracts subject only to the Davis-Bacon Related Acts regardless of when they were awarded. If a contract is subject to Executive Order 13658, the contractor must pay all covered workers at least \$13.30 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2025. The applicable Executive Order minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under Executive Order 13658 is available at [www.dol.gov/whd/govcontracts](http://www.dol.gov/whd/govcontracts).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (iii)).

-----  
The body of each wage determination lists the classifications

and wage rates that have been found to be prevailing for the type(s) of construction and geographic area covered by the wage determination. The classifications are listed in alphabetical order under rate identifiers indicating whether the particular rate is a union rate (current union negotiated rate), a survey rate, a weighted union average rate, a state adopted rate, or a supplemental classification rate.

#### Union Rate Identifiers

A four-letter identifier beginning with characters other than ""SU"", ""UAVG"", ?SA?, or ?SC? denotes that a union rate was prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2024. PLUM is an identifier of the union whose collectively bargained rate prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2024 in the example, is the effective date of the most current negotiated rate.

Union prevailing wage rates are updated to reflect all changes over time that are reported to WHD in the rates in the collective bargaining agreement (CBA) governing the classification.

#### Union Average Rate Identifiers

The UAVG identifier indicates that no single rate prevailed for those classifications, but that 100% of the data reported for the classifications reflected union rates. EXAMPLE: UAVG-OH-0010 01/01/2024. UAVG indicates that the rate is a weighted union average rate. OH indicates the State of Ohio. The next number, 0010 in the example, is an internal number used in producing the wage determination. The date, 01/01/2024 in the example, indicates the date the wage determination was updated to reflect the most current union average rate.

A UAVG rate will be updated once a year, usually in January, to reflect a weighted average of the current rates in the collective bargaining agreements on which the rate is based.

#### Survey Rate Identifiers

The ""SU"" identifier indicates that either a single non-union rate prevailed (as defined in 29 CFR 1.2) for this classification in the survey or that the rate was derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As a weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SUFL2022-007 6/27/2024. SU indicates the rate is a single non-union prevailing rate or a weighted average of survey data for that classification. FL indicates the State of Florida. 2022 is the year of the survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 6/27/2024 in the example, indicates the survey completion date for the classifications and rates under that identifier.

?SU? wage rates typically remain in effect until a new survey is conducted. However, the Wage and Hour Division (WHD) has the discretion to update such rates under 29 CFR 1.6(c)(1).

## State Adopted Rate Identifiers

The ""SA"" identifier indicates that the classifications and prevailing wage rates set by a state (or local) government were adopted under 29 C.F.R 1.3(g)-(h). Example: SAME2023-007 01/03/2024. SA reflects that the rates are state adopted. ME refers to the State of Maine. 2023 is the year during which the state completed the survey on which the listed classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 01/03/2024 in the example, reflects the date on which the classifications and rates under the ?SA? identifier took effect under state law in the state from which the rates were adopted.

---

## WAGE DETERMINATION APPEALS PROCESS

1) Has there been an initial decision in the matter? This can be:

- a) a survey underlying a wage determination
- b) an existing published wage determination
- c) an initial WHD letter setting forth a position on a wage determination matter
- d) an initial conformance (additional classification and rate) determination

On survey related matters, initial contact, including requests for summaries of surveys, should be directed to the WHD Branch of Wage Surveys. Requests can be submitted via email to [davisbaconinfo@dol.gov](mailto:davisbaconinfo@dol.gov) or by mail to:

Branch of Wage Surveys  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

Regarding any other wage determination matter such as conformance decisions, requests for initial decisions should be directed to the WHD Branch of Construction Wage Determinations. Requests can be submitted via email to [BCWD-Office@dol.gov](mailto:BCWD-Office@dol.gov) or by mail to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

2) If an initial decision has been issued, then any interested party (those affected by the action) that disagrees with the decision can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Requests for review and reconsideration can be submitted via email to [dba.reconsideration@dol.gov](mailto:dba.reconsideration@dol.gov) or by mail to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210.

=====

END OF GENERAL DECISION

..