Davis Bacon & Section 3 Information Sheet

- Payroll Package Sample
  - GLO’s forms can be found here:
  - Contractors and their subs must submit weekly payroll reports on a weekly basis to the Prime Contractor to ensure they are on track throughout the project. It is the prime contractor’s responsibility to ensure Davis Bacon compliance throughout the project.
  - General questions can be sent to RM Jackson at rm.jackson.ctr@recovery.texas.gov
  - Delinquent or projects with significant DB and Section 3 concerns could result in delayed payment

- Additional Classifications: contact RM Jackson as soon as you know an additional classification is needed.
  - Additional Classification Requests are requests sent to the Department of Labor requesting a work classification and wage rate be added and approved by DOL. These are used in cases where a work classification is not included on the original wage determination.
  - RM must receive approval from the State if the classification is not listed on the wage rate (the State usually approves what is already being paid)

- Employee Interviews - interviews must be performed during the project
  - Employee Interviews (EIs) are conducted by either the developer or outside firm not associated with the Prime Contractor or their subs.
  - EIs are conducted to ensure proper compliance with Davis Bacon and that if there are any complaints by any employee, they are properly addressed.
  - Any issues found during the EI process must be documented from notification of the issue to resolution.

- Prime contractors are required to retain originally signed payrolls for three years; this includes payrolls of subs.

Subcontractors

- All service providers and subcontractors must be searched on the System for Award Management (https://www.sam.gov/SAM/) and eligibility status verified (not suspended or debarred). This documentation must be kept in the payroll file.
- Must collect payroll from Subcontractors as well - we encourage review of payrolls
- Subcontractors who are owner-operators must be reported on prime contractor’s payroll
- Owner/Locality must be notified of subcontractors by Prime prior to work start of construction
- Prime is responsible for all subcontractor payroll

Payments and Contract Amount:

- Because these funds flow from the federal government to the state, it can take from 30-60+ days for payment/reimbursement
- Only costs listed in the state contract will be reimbursed, unless a modification is requested and approved by GLO.
- Payment Cycle: Supplier/Construction Timesheets => Pay Estimate to Developer => Pay Estimate and Developer Letter of Recommendation to pay to GLO => Comptroller => Contractor/Reimbursement
Job Site Postings and Project Sign

- Project job site posters provided in Payroll Packet
- Please provide a photo of the project sign onsite as soon as possible. GLO may not release grant funds for any construction line item, including funds for materials, without it.
- The required project sign must be at the construction site for the duration of the project and may need to remain permanently.

Project Completion Documents – Retainage will be held until these items are complete

- Contractor’s Affidavit of Bills Paid
- Certificate of Construction Completion – should not be signed until work has been completed in accordance with the plans and specifications (including labor standards compliance with all certified payrolls from the Prime and Subcontractors received by GrantWorks) and all amendments, change orders, and supplemental agreements.
- Labor Standards/ wage compliance verification
- Project Record/ As-built drawings

Section 3

This project is federally funded and Section 3 compliance and reporting applies to all executed prime or subcontractor contracts over $100,000.

The GLO expects every Developer—as well as their contractors, vendors, and suppliers—to help, and direct jobs and business opportunities to low-and very low-income individuals to the greatest extent feasible.

ABOUT SECTION 3

Section 3 of the Housing and Urban Development Act of 1968, as amended, requires the GLO to ensure that training, employment and other economic opportunities generated by certain HUD financial assistance shall be directed, to the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, to low- and very low-income persons.

WHO ARE SECTION 3 RESIDENTS?

- Public housing residents including persons with disabilities; and/or
- Resident of metro area in which the Section 3 covered assistance is expended and who qualifies as a low-income person defined as families (including single persons) whose household incomes do not exceed 80% of the median income for the area.

If you or an employee meet the requirements and would like to self-identify as Section 3, please contact GLO for the GLO Exhibit A Form.

WHAT IS A SECTION 3 BUSINESS?

A Section 3 business is one:
- 51% or more owned by Section 3 Residents;
- At least 30 percent of its full-time employees include persons that are currently Section 3 residents, or were Section 3 residents within three years of the date of first hire; or
• Provides evidence, as required, of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to business concerns that meet one of the first two qualifications above.

CONTRACTOR RESPONSIBILITIES

What am I required to do as a contractor?
• Submit New Hires* Section 3 Report monthly.
  o Please note that monthly reporting is required regardless of any job vacancies or new hires.
• Post any job vacancies at www.workintexas.com
• Keep a log of all applicants and indicate why Section 3 Residents who applied were not hired
• Retain copies of any employment applications completed by public housing, Section 8, voucher holders, or Section 3 Residents

*New Hires — a full-time employee for a new permanent, temporary, or seasonal position that is created during the expenditure of Section 3 covered financial assistance working on the federally funded project.

How to Post Job Vacancies
As required by the GLO Section 3 Policy, all Grantees and contractors receiving DR funding must post all job vacancies with the state’s free job matching system - WorkInTexas.com. There are two ways to do this. Self-register with an employer account and post jobs directly online or contact your local Workforce Solutions Office. Staff is available to assist with account registration and/or can post jobs on your behalf at Workintexas.com. The job title and job description must include the word SEC3.

More ways to find Section 3 Applicants
• Advertising in other publications such as newspapers and websites
• Placing posters in prominent places in target areas
• Distributing flyers to the local Public Housing Authority

Where can I find my local Workforce Solution Center?
You may search for one here: http://www.twc.state.tx.us/dirs/wdas/directory-offices-services.html

Section 3 reporting forms have been provided in the payroll packet and must be distributed to subs. Please let RM Jackson know as soon as possible if you anticipate any new hires as a result of this project.

ADDITIONAL QUESTIONS

Contact Fair Housing and Equal Opportunity representative at your nearest HUD Office.

APPLICABLE GLO SECTION 3 FORMS

Exhibit A: HUD Section 3 Resident Form – form to self identify as an individual, contact GrantWorks for copy

Exhibit B: HUD Section 3 Certification for Business Concerns – form to self identify as a business in Bid Packet

Exhibit C: Contractor Certification of Efforts to Fully Comply – form to identify efforts prime contractor will take to encourage hiring Section 3 employees or subs to be included in Bid Packet. Only report for subcontractor contracts over $100,000
Exhibit D: Examples of Efforts – additional GLO examples of Section 3 outreach efforts

Exhibit F: Section 3 Clause – in construction contract. Contractor is in compliance by signing the Local Opportunity Plan

Exhibit I: New Hires Section 3 Monthly Compliance Report – Monthly report filled out by prime contractor and subcontractors with a contract over $100,000 even if one new is hired. If new employee is hired, please fill out the second page and indicate all steps taken during the hiring process. Please submit by 5th of each month to GrantWorks.

Exhibit L: Posting Job Vacancies – additional GLO examples
COMMITTEE DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Appointment of Labor Standards Officer

Subrecipient: ________________________________ Contract Number: ________________________________

Reset Form

Labor Standards Officer:
I, ________________________________ hereby appoint ________________________________ as the Labor Standards Officer for the aforementioned contract. The appointed Labor Standards Officer is assigned to oversee the labor portion of the contract and will be responsible for assuring compliance with all requirements under Title 1 of the Housing and Community Development Act of 1974 which requires the payment of Davis-Bacon Act prevailing wage rates (which are determined by the DOL) to all workers on GLO-CDR construction projects exceeding $2,000 (42 USC §5310) and all other governing regulations.

The appointed Labor Standards Officer's contact information is:

______________________________
Address, City, State, and Zip Code

______________________________
Phone Number

______________________________
Email

I acknowledge the appointment and duties of Labor Standards Officer.

______________________________
Signature of Labor Standards Officer

______________________________
Date

Appointed Alternate Labor Standards Officer for the aforementioned contract. Note that an Alternate Labor Standards Officer is optional, but recommended.

The appointed Alternate Labor Standards Officer is

______________________________
Name of Designated Alternate Officer

______________________________
Address, City, State, and Zip Code

______________________________
Phone Number

______________________________
Email

I acknowledge the appointment and duties of Labor Standards Officer.

______________________________
Signature of Alternate Labor Standards Officer

______________________________
Date

______________________________
Signature of Elected Official

______________________________
Title:
(Mayor/County Judge)

______________________________
Date

Effective September 2018
The Davis-Bacon Act requires a valid Wage Decision be included in the bid package and construction contract specifications before bids are opened and be in effect on the date of the construction contract award. Obtain the most current Davis-Bacon wage decisions at www.wdol.gov.

Subrecipient: ___________________________ Contract Number: ____________

Date: ___________________________

Labor Standards Officer Name: ___________________________

I have determined the following General Wage Decision to be applicable for this construction work:

Wage Decision Number: ___________________________ Published Date: ____________

Type of Work (check one): □ Heavy □ Highway □ Building □ Residential

Distributed by LSO: ___________________________ Date distributed: ____________

Description of Bid Activity: ___________________________

Estimated Bid Opening Date: ____________

Issued by:

Labor Standards Officer Name: ___________________________

Address: ___________________________ City: ___________________________ State: ____________ Zip Code: ____________

Phone Number: ___________________________ Email: ___________________________

Effective September 2018
Ten (10) days or less before the bid opening date, confirm that the initial wage decision inserted in the bid package is still current. Count the 10 days to include the weekends - 10 calendar days before the bid opening date. Wage rates are not "locked-in" and may be modified until bids are opened. If wage rates are modified after the Ten-Day Confirmation but before bid opening, and the LSO is unable to contact all bidders, contact the DR Division Labor Standards Specialist.

### Ten-Day Confirmation Information:

| Description                        | 
|------------------------------------|---|
| Confirmed Wage Decision:          | 
| Published Date:                   | 
| Bid Activity:                     | 
| Labor Standards Officer Confirming: | 
| Date of Ten-Day Confirmation:     | 
| Bid Opening Date*                 | 

(*If the Small Purchase method of procurement is used the above entry will be the bid tabulation date.)

If Wage Decision was modified, describe action taken by Labor Standards Officer to distribute the updated Wage Decision to all interested parties:

### Ten-Day Call Action Taken:

| Action                                      | 
|---------------------------------------------|---|
| None                                        | 
| Faxed                                       | 
| Emailed                                     | 
| Mailed                                      | 

Signature of Labor Standards Officer:

Date:

Comments:

**Attach Wage Decision to this form and retain in local files. Do not send a copy to GLO-CDR.**

Effective September 2018
COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office

Pre-Construction Conference Report

This Form should be completed by the Subrecipient's Designated Labor Standards Officer.

Subrecipient: ___________________________ Contract Number: ___________________________
Date: ________________ Time: ________________

A Pre-Construction Conference was held at the above date, time and place; a copy of the sign-in sheet for attendees is attached.

The following subjects were discussed:

This project is subject to the Davis-Bacon Act (DBA), Copeland Act, Contract Work Hours Safety Standards Act (CWHSSA), and the Fair Labor Standards Act (FLSA). DBA specifies the minimum wages to be paid the various classes of laborers and mechanics employed on the project. The Copeland Act prohibits kickbacks being paid by the employee to the employer and sets the requirement for submission of payrolls on a weekly basis. CWHSSA sets a uniform standard of a 40-hour work week with time and a half the basic rate of pay for all work in excess of 40 hours. FLSA sets the requirement for payment of minimum wages, maximum hours, overtime pay, and child labor standards and prohibits wage discrimination on the basis of sex. The requirements for compliance with these legislative acts include:

- The suggested payroll form is the WH-347. Any other payroll used must contain the same information and be accompanied by a WH-348,
- Statement of Compliance. Payrolls must contain an original signature by the owner, partner, officer or individual authorized in writing by one of the above.
- Payrolls must be original and must be submitted weekly within seven days following the end of the work week to the labor standards officer. A pay period is seven consecutive days.
- Payrolls should be numbered consecutively, with the first one being marked "initial" and the last being marked "final".
- All persons working on the job site must be shown on the payroll. The address and identification number (ex. last four of social security number) of the worker must be shown on the first payroll on which that individual appears.
- Payment of overtime at 1.5 times the regular rate of pay must be made for all hours in excess of 40 hours in a seven-day work week.
- The rate of pay must be at least equal to that in the wage decision that is contained in the contract documents. The decision that is applicable to this project is.
- Only deductions that are required by law, or voluntarily authorized by the workers in accordance with Copeland Act, may be made from paychecks of the workers. Authorization by the employee for all deductions not required by law must be submitted.
- Apprentices may be employed on the project, however, they must be certified by the Bureau of Apprenticeship & Training and the ratio of apprentices to journeymen must not be exceeded. A certificate for each apprentice must be included in the local files.
- Employees must be classified in accordance with the applicable wage decision. Unless a "helper" classification is found in the decision, "helpers" may not be used on the project. Employees must be classified and paid based on the work they perform. Generally speaking, only journeymen may use the tools of a trade.
- Any classification that does not appear on the wage decision must be requested through the DR Program Labor Standards Specialist and approved by the U.S. Department of Labor prior to the use of that classification on the project.
- The wage decision, posters, and any additional classifications provided must be posted in a prominent place on the job site for the duration of the construction project.
- Liquidated Damages may be assessed for failure to pay the proper overtime rate. The liquidated damages liability equals $10 per day per worker per violation. Additionally, wage restitution must be made to any worker who is underpaid.
- Failure to comply with the labor standards requirements can result in the withholding of sufficient payments to insure the proper payment of all workers and any liquidated damages.
- The general contractor will be required to certify that all laborers and mechanics employed on the project have been paid hourly rates as prescribed by the applicable laws.

Effective September 2018
COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Pre-Construction Conference Report

☐ If the owner of a company performs work on the project, the owner must list him/herself on the payroll and must show the hours worked each day and total hours for the week.

☐ Any person who is employed on a piece-work basis must be shown on the payroll. The hours worked each day and total hours for the week must be shown. The hourly rate of the piece worker must equal or exceed the prescribed hourly rate for the particular work classification.

☐ Sub-contractors must be cleared prior to the execution of the sub-contract, and any sub-contracts must include the labor standards provisions (HUD 4010) and the applicable wage rate.

☐ In accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992, if an executed contract exceeds $100,000, Section 3 goals and reporting apply and the Contractor must report all new employment, contracting, or training opportunities directly related to the GLO-DR funded project to the grantee.

☐ Subcontracts that exceed $100,000 must also report all new employment, contracting, or training opportunities directly related to the GLO-DR funded project to the prime contractor to be included in the prime's report to the grantee.

☐ Prime and subcontractors are encouraged to hire Section 3 residents when feasible.

The person who will monitor this project for compliance with the labor requirements is:

Additional items addressed at the Pre-Construction Conference:

Prepared by: ________________________________ Date: ________________

(LSO Name)

Signature of Labor Standards Officer: ________________________________

LSO phone: ________________________________ LSO email: ________________

**Attach Wage Decision to this form and retain in local files.**

Effective September 2018
# Labor Standards Record

**Subrecipient:**

**Contract Number:**

**Date Submitted:**

<table>
<thead>
<tr>
<th>Activity Code</th>
<th>Project Name</th>
<th>Project Task</th>
<th>Description (of Activity)</th>
<th>Qty</th>
<th>Metric</th>
<th>+/- Rows</th>
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**Wage Decision Issued (Download from www.wdol.gov)**

**Issue Date:**

**Wage Decision Number:** TX

**Confirmed Wage Decision Number:** TX

**Published Date:**

**Confirmed Published Date:**

**10-Day Confirmation Date:**

**Type of Work:**

- [ ] Heavy
- [ ] Highway
- [ ] Building
- [ ] Residential

**Contractor Eligibility Verification - Contractor Clearance (http://www.sam.gov)**

**Prime Contractor:**

**Date Cleared:**

**Principal and Title:**

**List Sub-Contractors:**

<table>
<thead>
<tr>
<th>Name of Sub-Contractor</th>
<th>Date Cleared</th>
<th>Name of Sub-Contractor</th>
<th>Date Cleared</th>
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**Construction Contract Amount:**

**Bid Opening Date:**

**Contract Execution Date:**

**Construction Start Date:**

**Verified by:**

Signature of Labor Standards Officer (LSO)

**Date Verified:**

**LSO email:**

**LSO phone:**

---

Effective September 2018
CONTRACTOR ELIGIBILITY VERIFICATION FORM
Fill out one form per subcontractor

GLO Contract No. ____________________________  Locality: ____________________________

Company Name: ____________________________

Address: __________________________________

City: ____________________________  State: ____________________________  Zip Code: ____________________________

EIN: ____________________________  Telephone No: ____________________________

Email Address: ____________________________

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<tr>
<th>PRINCIPAL(S):</th>
<th>TITLE(S):</th>
<th>Gender (M/F)</th>
<th>Race/Ethnicity</th>
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Subcontract Amount: ____________________________  $ ____________________________

Prime Contractor: ____________________________

Describe the work to be completed: ____________________________

Applicable Wage Decision: ____________________________

Potential Additional Classifications: ____________________________

Contract Execution Date: ____________________________

Are you a Section 3 business?  □ Yes  □ No

Section 3 Business Concerns:

- Businesses that are 51 percent or more owned by Section 3 residents;
- Businesses whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the firm were Section 3 residents;
- Businesses that provide evidence of a commitment to subcontract in excess of 25 percent of the dollar amount of all subcontracts to be awarded to businesses that meet the qualifications described above; or
- Businesses located within the Grant Recipient's jurisdiction that identifies themselves as Section 3 Business Concerns because they provide economic opportunities for low- and very low income persons.
This form must be submitted to GLO-CDR for all contracts of $2,000 or more. For Prime Contractors, form is due within 30 days of executing the construction contract. For Subcontractors, this Financial Interest Report (FIR) is due before the final draw.

This form must be submitted to GLO-CDR for all contracts of $2,000 or more. For Prime Contractors, form is due within 30 days of executing the construction contract. For Subcontractors, this Financial Interest Report (FIR) is due before the final draw.

Effective September 2018
### PAYROLL

For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

<table>
<thead>
<tr>
<th>PAYROLL NO.</th>
<th>FOR WEEK ENDING</th>
<th>PROJECT AND LOCATION</th>
<th>PROJECT OR CONTRACT NO.</th>
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<tr>
<th>NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER</th>
<th>WORK CLASSIFICATION</th>
<th>WORKING EACH DAY</th>
<th>TOTAL HOURS WORKED EACH DAY</th>
<th>TOTAL HOURS</th>
<th>RATE OF PAY</th>
<th>GROSS AMOUNT EARNED</th>
<th>FICA</th>
<th>WITHHOLDING TAX</th>
<th>OTHER</th>
<th>TOTAL DEDUCTIONS</th>
<th>NET WAGES PAID FOR WEEK</th>
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contracts and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations as 29 C.F.R. § 5.5(a)(3)(i) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 30 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S2502, 200 Constitution Avenue, N.W., Washington, D.C. 20210
(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

<table>
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<tr>
<th>EXCEPTION (CRAFT)</th>
<th>EXPLANATION</th>
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REMARKS:

NAME AND TITLE | SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 31 OF THE UNITED STATES CODE.
### Record of Employee Interview

**COMMUNITY DEVELOPMENT & REVITALIZATION**  
The Texas General Land Office  
**Record of Employee Interview**  

<table>
<thead>
<tr>
<th><strong>Project Name &amp; Contract No. (Proyecto # y Nombre de Proyecto):</strong></th>
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<thead>
<tr>
<th><strong>Contractor or Subcontractor (Employer) (Nombre de Compañía):</strong></th>
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<th><strong>Date:</strong></th>
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<table>
<thead>
<tr>
<th><strong>1. Name of employee (Nombre):</strong></th>
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<table>
<thead>
<tr>
<th><strong>2. Home address and zip code (Dirección):</strong></th>
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<tr>
<th><strong>3. Last date you worked on project before today? (¿Último día que trabajó en este proyecto antes de el día de hoy?)</strong></th>
<th><strong>Number of hours worked on Project on that date? (¿Cuántas horas trabajó en este proyecto ese día?)</strong></th>
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<tr>
<th><strong>4. Your hourly pay rate? (¿Pago por hora?)</strong></th>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5. Your duties? (¿Su clasificación de trabajo - carpintero, peón, albañil, otro?)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th><strong>Apprentice? (¿Es un aprendiz?)</strong></th>
</tr>
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<tbody>
<tr>
<td>Yes (sí)</td>
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</table>

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<thead>
<tr>
<th><strong>6. Your job classification? (¿Cuales son sus funciones u obligaciones?)</strong></th>
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</table>

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<tr>
<th><strong>7. Tools or equipment used? (¿Cuales herramientos u equipo utilizó en este trabajo?)</strong></th>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>8. Paid at least time and one half for all hours worked in excess of 40 in a week? (¿Le pagan por lo menos tiempo y medio por todas horas trabajadas en exceso de cuarenta (40) horas por semana?)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes (sí)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>9. Ever threatened, intimidated, or coerced into giving up any part of your pay? (¿Alguna vez ha sido amenazado(a) u intimidado(a) a entregar cualquier parte de su pago?)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes (sí)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>10. Duties observed by interviewer:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th><strong>Conform to classification?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>11. Remarks (continue on reverse if necessary):</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th><strong>12. Signature of Interviewer:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</tbody>
</table>

### Payroll Examination

<table>
<thead>
<tr>
<th><strong>13. Remarks (continue on reverse if necessary):</strong></th>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Signature of Payroll Examiner:</strong></th>
</tr>
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<tbody>
<tr>
<td></td>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th><strong>Signature of Employee:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

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**Effective September 2018**

Page 1 of 2
# COMMUNITY DEVELOPMENT & REVITALIZATION

The Texas General Land Office

*Final Wage Compliance Report*

---

**Submit one for each construction contract over $2,000**

<table>
<thead>
<tr>
<th>Subrecipient:</th>
<th>Contract Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Construction Completion Date:</th>
<th>Contract Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prime Contractor:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sub-Contractor(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

## PART I - Wage Restitution

**Were any workers paid less than the Davis-Bacon rates that applied to this project?** If yes, fill in the box below.  
[ ] Yes  [ ] No

**Were any workers paid less than the correct overtime payments?**  
[ ] Yes  [ ] No

If YES, liquidated damages at the rate of $25 for each calendar day for each worker must be calculated and the contractor notified of his liability. Provide information concerning the nature of the overtime violations. This should include:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Names of Affected Employees</th>
<th>Amount of Davis-Bacon Restitution Paid</th>
<th>Amount of CWHSSA (overtime) Restitution Paid</th>
<th>Davis-Bacon Wage Violation? (Yes or No)</th>
<th>CWHSSA (overtime) Violation? (Yes or No)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

## PART II - Liquidated Damages

Attach copies of all correspondence relative to any Liquidated Damages (i.e. letter from subrecipient to company assessing liquidated damages, copies of payrolls showing discrepancies, copies of evidence of back wages paid like canceled checks or other acceptable evidence, and copy of waiver request letter).

**Did the Contractor seek a reduction or waiver of the liquidated damages?**  
[ ] Yes  [ ] No

If YES, was the request approved?  
[ ] Yes, reduction  [ ] Yes, waiver

<table>
<thead>
<tr>
<th>Total amount of Liquidated Damages paid:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of workers owed restitution but unfound:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total restitution owed to unfound workers:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Submitted by:

<table>
<thead>
<tr>
<th>Labor Standards Officer Name:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

Effective September 2018
The Davis-Bacon Act requires a valid Wage Decision be included in the bid package and construction contract specifications before bids are opened and be in effect on the date of the construction contract award. Obtain the most current Davis-Bacon wage decisions at www.wdol.gov.

<table>
<thead>
<tr>
<th>Subrecipient:</th>
<th>Contract Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Description:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Construction Location (include county):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Contract Execution Date:</th>
<th>Construction Start Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Applicable Wage Decision Number:</th>
<th>Publication Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Prime Construction Contractor:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone Number:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Additional Classification</th>
<th>Hourly Rate</th>
<th>Fringe Benefits</th>
</tr>
</thead>
</table>

Describe duties to be performed in this classification:

Describe duties to be performed in this classification:

I agree the above classification is commensurate with the hourly rate and fringe benefits:

<table>
<thead>
<tr>
<th>Contractor's Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Company Name:</th>
<th>Phone Number:</th>
</tr>
</thead>
</table>

I agree with the above classification, hourly rate, and fringe benefits:

<table>
<thead>
<tr>
<th>Worker's Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

(Worker should not sign if the above classification and wage is not agreed upon.)

<table>
<thead>
<tr>
<th>Subrecipient's Labor Standards Officer:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone Number:</th>
</tr>
</thead>
</table>

GLO-CDR Recommendation:  □ Approve  □ Disapprove

<table>
<thead>
<tr>
<th>GLO-CDR Labor Standards Officer:</th>
<th>Date:</th>
</tr>
</thead>
</table>

Effective September 2018
Subrecipient: ___________________________ Contract No: ___________________________
Contract Award Date: ___________________________

Section 3 Coordinator Information:

Appointed Section 3 Coordinator: ___________________________ (Print Name)

I will serve as the Section 3 Coordinator for the aforementioned contract. I understand Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701 u) and the GLO-CDR Section 3 Policy. My contract information is as follows:

Address: ___________________________
City: ___________________________ State: _________ Zip: _________

Phone No: ___________________________ E-mail Address: ___________________________

Section 3 Coordinator Signature: ___________________________ Date: ___________________________

Authorized Subrecipient Representative: ___________________________ (Print Name)

Authorized Subrecipient Representative: ___________________________ Date: ___________________________

(Signature)

Effective September 2018
Economic Opportunities for Low - and Very Low -Income Persons

1. Grantee / Subrecipient Name and Address

2. GLO Contract Number

3. Contact Person/ Section 3 Coordinator

4. Phone (Include area code)

5. Email

6. Total Amount of Award:

7. Year

8. Quarter Being Reported

9. Executed Contracts This Quarter

10. Date Report Submitted

11. Program Code: (Use separate sheet for each program code.)

8 = CDBG-State Administered

Part I: Employment and Training (**Columns B, C and F are mandatory fields. Include New Hires in E & F)

<table>
<thead>
<tr>
<th>Job Category</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td>Professionals</td>
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<tr>
<td>Clerical</td>
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<tr>
<td>Case Management</td>
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<tr>
<td>Facilities/Maintenance</td>
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<tr>
<td>Technical (Bookkeeping, IT, etc.)</td>
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<tr>
<td>Carpentry</td>
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<tr>
<td>Masonry</td>
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<tr>
<td>Plumbing</td>
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<tr>
<td>Electrical</td>
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<tr>
<td>Administrative</td>
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<tr>
<td>Other (Describe)</td>
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</tbody>
</table>

Total

Effective September 2018
### Part II: Contracts Awarded

1. Construction Contracts
   - A. Total dollar amount of construction contracts awarded
   - B. Total dollar amount of construction contracts awarded to Section 3 businesses
   - C. Percentage of total dollar amount that was awarded to Section 3 businesses
   - D. Total number of Section 3 businesses receiving construction contracts

2. Non-Construction Contracts
   - A. Total dollar amount of all non-construction contracts awarded
   - B. Total dollar amount of non-construction contracts awarded to Section 3 businesses
   - C. Percentage of total dollar amount that was awarded to Section 3 businesses
   - D. Total number of Section 3 businesses receiving non-construction contracts

### Contracts Executed During Reporting Quarter (Report all contracts executed during the reporting quarter.)

#### 1. Construction Contracts (10% of all awarded construction contracts, awards to Section 3 Business Concerns-represents minimum goals)

<table>
<thead>
<tr>
<th>Prime Contractor</th>
<th>Construction Contract Amount</th>
<th>Section 3 Bus.</th>
<th>Contract Award Date</th>
<th>Posted Job Notice in Work-in-Texas/Local Workforce Solut.</th>
<th>No. of New Hires (Section 3 Residents)</th>
<th>No. of New Hires (Section 3 Residents)</th>
<th>Total No. of New Hires (Section 3 Residents)</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Subcontractor (Name)</th>
<th>Contract Amount</th>
<th>Section 3 Bus.</th>
<th>Contract Award Date</th>
<th>Posted Job Notice in Work-in-Texas/Local Workforce Solut.</th>
<th>Contractor Type: Plumbing, Electoral, etc.</th>
</tr>
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<tbody>
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</table>

#### 2. Non-Construction Contracts (3% of all awarded non-construction contracts, awards to Section 3 Business Concerns-represents minimum goals)

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Contract Amount</th>
<th>Section 3 Bus.</th>
<th>Contract Award Date</th>
<th>Posted Job Notice in Work-in-Texas/Local Workforce Solut.</th>
<th>Section 3 Contract Amount</th>
<th>Reason/Contract Type</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>
Part III: Summary Of Efforts

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

(Select Yes to all. If a Section has not been made, default is No)

☐ Recruited low-income residents through: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within the metropolitan area (or non metropolitan county) in which the Section 3 covered program or project is located, or similar methods.

☐ Participated in a HUD program or other program which promotes the training or employment of Section 3 residents.

☐ Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.

☐ Coordinated with Youthbuild Programs administered in the metropolitan area in which the Section 3 covered project is located.

☐ Other Efforts, Please describe below.

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, mandates that the Department ensures that employment and other economic opportunities generated by its housing and community development assistance programs are directed toward low- and very-low income persons, particularly those who are recipients of government assistance housing. The regulations are found at 24 CFR Part 135. The information will be used by the Department to monitor program recipients’ 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 self-monitoring tool. The data is entered into a database and will be analyzed and distributed. The collection of information involves recipients receiving Federal financial assistance for housing and community development programs covered by Section 3. The information will be collected annually to assist HUD in meeting its reporting requirements under Section 808(e)(6) of the Fair Housing Act and Section 916 of the HCDA of 1992. An assurance of confidentiality is not applicable to this form. The Privacy Act of 1974 and OMB Circular A-108 are not applicable. The reporting requirements do not contain sensitive questions. Data is cumulative; personal identifying information is not included.

Effective September 2018
Texas General Land Office  
Community Development Block Grant (CDBG)  
Disaster Recovery Program

SECTION 3  
RESIDENT EMPLOYMENT OPPORTUNITY DATA  
ELIGIBILITY FOR PREFERENCE

Economic Opportunities for Low and Very Low-Income Persons

**Grantee/Subrecipient:**  
**Contract Number:**  
**Date:**

---

**ELIGIBILITY FOR PREFERENCE**

A Section 3 Resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the Subrecipient, Grantee, Contractor or Subcontractor, if requested, that the person is a Section 3 Resident, as defined in Section CFR 135.5. (An example of evidence of eligibility for the preference is evidence of receipt of public assistance, or evidence of participation in a public assistance program.)

---

**Section 3 Resident Certification**  
*for Worker Seeking Preference in Training and Employment*

**RESIDENT COMPLETES THIS SECTION:**

I, ____________________________, am a legal resident of the ____________________________ and meet the income eligibility guidelines for a low- or very-low-income person as published on HUD'S income limits [www.huduser.org/portal/datasets/il.html](http://www.huduser.org/portal/datasets/il.html) and documented on the reverse side of this form.

My permanent address is: ______________________________________________________________________

---

I have attached the following documentation as evidence of my status:

- [ ] Copy of Lease  
- [ ] Copy of evidence of participation in a public assistance program  
- [ ] Copy of receipt of public assistance  
- [ ] Other Evidence

---

Resident Signature: ____________________________  
Date: ____________________________

---

Print Name: ____________________________
SECTION 3 INCOME LIMITS

All residents of public housing developments of the Housing Authority of

Qualify as Section 3 Residents. Alternatively, individuals residing in the
City of ____________________________
or County of ____________________________

Who meet the income limits set forth below, can also qualify for Section 3 status.

A picture identification card and proof that illustrates applicant is a current resident of the subject area.

HUD updates area median income (AMI) annually and income limits vary by county. To find the latest income limits visit HUD's website: www.huduser.org/portal/datasets/il.html

Eligibility Guideline

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Very Low Income (50% AMI)</th>
<th>Low Income (80%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Individual</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Individuals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Individuals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Individuals</td>
<td></td>
<td></td>
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<tr>
<td>5 Individuals</td>
<td></td>
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<tr>
<td>6 Individuals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Individuals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Individuals</td>
<td></td>
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</tr>
</tbody>
</table>

Signature Field ____________________________ Date ____________________________

Print Name ____________________________
Texas General Land Office
Community Development Block Grant (CDBG)
Disaster Recovery Program

CERTIFICATION FOR BUSINESS CONCERNS
Seeking Section 3 Preference in Contracting and
Demonstration of Capability

Economic Opportunities for Low and Very Low-Income Persons

Grantee/Subrecipient: ________________________________ Contract Number: ________________________________ Date: ________________________________

CONTRACTOR INFORMATION

Name of Business: ________________________________
Address of Business: ________________________________

Type of Business:  □ Corporation  □ Partnership  □ Non-Profit
□ Sole Proprietorship  □ Joint Venture  □ Consortium

Attach the following documentation as evidence of Section 3 eligible status:
(Definition of “Section 3 Business Concern” in 24 CFR 135 describes the three alternative qualifications.)

For Business claiming status as a Section 3 resident-owned enterprise:

□ Copy of resident lease  □ Copy of receipt of public assistance
□ Copy of evidence of participation in a public assistance program  □ Other evidence

For business entity as applicable:

□ Copy of Articles of Incorporation  □ Certificate of Good Standing
□ Assumed Business Name Certificate  □ Partnership Agreement
□ List of owners/stockholders and % ownership of each appointed officers  □ Corporation Annual Report
□ Organization chart with names and titles and brief function statement  □ Latest Board minutes
□ Additional documentation

For business entity claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business(es):

□ List of subcontracted Section 3 business(es) and subcontract amount

For business claiming Section 3 status, by claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:

□ List of all current full-time employees  □ List of employees claiming Section 3 status
□ PHA/IHA Residential lease less than 3 years from date of employment  □ Other evidence of Section 3 status less than 3 years from date of employment

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

□ Current financial statement  □ Statement of ability to comply with public policy
□ List of owned equipment  □ List of all contracts for the past two years

Authorized Name and Signature: ________________________________
Date: ________________________________

Attested By: ________________________________ (Corporate Seal)
Texas General Land Office
Community Development Block Grant (CDBG)
Disaster Recovery Program

Contractor Certification of Efforts to Fully Comply
with Employment and Training Provisions of Section 3

Economic Opportunities for Low and Very Low-Income Persons

THE BIDDER REPRESENTS AND CERTIFIES AS PART OF ITS BID/OFFER THAT IT:

☐ Is a Section 3 Business Concern. A Section 3 Business Concern means a business concern:
   1. That is 51% or more owned by Section 3 Resident(s); or
   2. Whose permanent, full-time employees include persons, at least 30% of whom are currently Section 3 Residents, or
   3. That provides evidence of a commitment to subcontract in excess of 25% of the dollar value of all subcontracts to be awarded to
      Section 3 Business Concerns, that meet the qualifications set forth in paragraphs 1 or 2 herein.

☐ Is NOT a Section 3 Business Concern, but who has and will continue to seek compliance with Section 3 by certifying the following efforts to
   be undertaken.

EFFORTS TO AWARD SUBCONTRACTOR TO SECTION 3 CONCERNS
(Check ALL that apply)

☐ By contacting business assistance agencies, minority contractors associations and community organizations to inform them of the
   contracting opportunities and requesting their assistance in identifying Section 3 businesses which may solicit bids for a portion of the work.

☐ By advertising contracting opportunities by posting notices, which provide general information about the work to be contracted and where to
   obtain additional information, in the common areas of the applicable development(s) owned and managed by the Housing Authority.

☐ By providing written notice to all known Section 3 Business Concerns of contracting opportunities. This notice should be in sufficient time to
   allow the Section 3 Business Concerns to respond to bid invitations.

☐ By following up with Section 3 Business Concerns that have expressed interest in the contracting opportunities.

☐ By coordinating meetings at which Section 3 Business Concerns could be informed of specific elements of the work for which subcontract
   bids are being sought.

☐ By conducting workshops on contracting procedures and specific contracting opportunities in a timely manner so that Section 3 Business
   Concerns can take advantage of contracting opportunities.

☐ By advising Section 3 Business Concerns as to where to seek assistance to overcome barriers such as inability to obtain bonding, lines of
   credit, financing, or insurance and aiding Section 3 Businesses in qualifying for such bonding, financing, insurance, etc....

☐ Where appropriate, by breaking out contract work into economically feasible units to facilitate participation by Section 3 businesses.

☐ By developing and using a list of eligible Section 3 Business Concerns.

☐ By actively supporting and undertaking joint ventures with Section 3 Businesses.

EFFORTS TO PROVIDE TRAINING AND EMPLOYMENT TO SECTION 3 RESIDENTS

☐ By entering into a "first source" hiring agreements with organizations representing Section 3 Residents.

☐ By establishing training programs, which are consistent with the requirements of the Department of Labor, specifically for Section 3
   Residents in the building trades.

☐ By advertising employment and training positions to dwelling units occupied by Category 1 and 2 residents.

☐ By contacting resident councils and other resident organizations in the affected housing development to request assistance in notifying
   residents of the training and employment positions to be filled.

☐ By arranging interviews and conducting interviews on the job site.

☐ By undertaking such continued job training efforts as may be necessary to ensure the continued employment of Section 3 Residents
   previously hired for employment opportunities.

☐ By posting job vacancies in Work-In-Texas or with my local Workforce Solutions Center.

Contractor Name/Business Name: ____________________________ Date: ______________

Authorized Representative Name: ____________________________

Signature: ____________________________
I. EXAMPLES OF EFFORTS TO OFFER TRAINING AND EMPLOYMENT OPPORTUNITIES TO SECTION 3 RESIDENTS

(1) Entering into "first source" hiring agreements with organizations representing Section 3 residents.

(2) Sponsoring a HUD-certified "Step-Up" employment and training program for section 3 residents.

(3) Establishing training programs, which are consistent with the requirements of the Department of Labor, for public and Indian housing residents and other section 3 residents in the building trades.

(4) Advertising the training and employment positions by distributing flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) to every occupied dwelling unit in the housing development or developments where category 1 or category 2 persons (as these terms are defined in Sec. 135.34) reside.

(5) Advertising the training and employment positions by posting flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) in the common areas or other prominent areas of the housing development or developments. For HAs, post such advertising in the housing development or developments where category 1 or category 2 persons reside; for all other recipients, post such advertising in the housing development or developments and transitional housing in the neighborhood or service area of the section 3 covered project.

(6) Contacting resident councils, resident management corporations, or other resident organizations, where they exist, in the housing development or developments where category 1 or category 2 persons reside, and community organizations in HUD assisted neighborhoods, to request the assistance of these organizations in notifying residents of the training and employment positions to be filled.
(7) Sponsoring (scheduling, advertising, financing or providing in-kind services) a job informational meeting to be conducted by an HA or contractor representative or representatives at a location in the housing development or developments where category 1 or category 2 persons reside or in the neighborhood or service area of the section 3 covered project.

(8) Arranging assistance in conducting job interviews and completing job applications for residents of the housing development or developments where category 1 or category 2 persons reside and in the neighborhood or service area in which a section 3 project is located.

(9) Arranging for a location in the housing development or developments where category 1 persons reside, or the neighborhood or service area of the project, where job applications may be delivered to and collected by a recipient or contractor representative or representatives.

(10) Conducting job interviews at the housing development or developments where category 1 or category 2 persons reside, or at a location within the neighborhood or service area of the section 3 covered project.

(11) Contacting agencies administering HUD Youthbuild programs, and requesting their assistance in recruiting HUD Youthbuild program participants for the HA's or contractor's training and employment positions.

(12) Consulting with State and local agencies administering training programs funded through JTPA or JOBS, probation and parole agencies, unemployment compensation programs, community organizations and other officials or organizations to assist with recruiting Section 3 residents for the HA's or contractor's training and employment positions.

(13) Advertising the jobs to be filled through the local media, such as community television networks, newspapers of general circulation, and radio advertising.

(14) Employing a job coordinator, or contracting with a business concern that is licensed in the field of job placement (preferably one of the section 3 business concerns identified in part 135), that will undertake, on behalf of the HA, other recipient or contractor, the efforts to match eligible and qualified section 3 residents with the training and employment positions that the HA or contractor intends to fill.

(15) For an HA, employing section 3 residents directly on either a permanent or a temporary basis to perform work generated by section 3 assistance. (This type of employment is referred to as "force account labor" in HUD's Indian housing regulations. See 24 CFR 905.102, and Sec. 905.201(a)(6).)

(16) Where there are more qualified section 3 residents than there are positions to be filled, maintaining a file of eligible qualified section 3 residents for future employment positions.

(17) Undertaking job counseling, education and related programs in association with local educational institutions.

(18) Undertaking such continued job training efforts as may be necessary to ensure the continued employment of section 3 residents previously hired for employment opportunities.

(19) After selection of bidders but prior to execution of contracts, incorporating into the contract a negotiated provision for a specific number of public housing or other section 3 residents to be trained or employed on the section 3 covered assistance.

(20) Coordinating plans and implementation of economic development (e.g., job training and preparation, business development assistance for residents) with the planning for housing and community development.
§ 135.38 Section 3 clause.

All section 3 covered contracts shall include the following clause (referred to as the section 3 clause):

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD’s regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).
Exhibit L

Posting Job Vacancies at WorkInTexas.com

And Connecting Section 3 Residents with Section 3 Jobs
Posting Job Vacancies at WorkInTexas.com

Required Language for Job Title and Job Description

Grantees and Subrecipients:

As required by the GLO Section 3 Policy, all Grantees, Subrecipients and their contractors who are receiving DR funding must post their job vacancies with the state’s free job matching system – WorkInTexas.com. There are two ways to do this. You can self-register an employer account and post jobs directly online or you can contact your local Workforce Solutions Office. Staff is available to assist with account registration and/or can post jobs on your behalf at WorkInTexas.com.

Specifically, Grantees, Subrecipients and Contractors must:

- Register with WorkInTexas.com;
- Register with their Local Workforce Solutions Center and/or Work-in-Texas Website;
- Post all DR related job postings at WorkInTexas.com; and
- Include the word SEC3 in the job title and job description.

-SAMPLE-

**Job Title**

SEC3 Construction Laborer

**Job Description**

SEC3

Looking for a general laborer to work in housing construction. Construction experience a plus.

Included with this document is a list of tips that Grantees, Subrecipients and contractors can use in posting job vacancies provided by Texas Workforce Commission.
Tips for Employers Posting Jobs in WorkInTexas.com
Provided by Texas Workforce Commission

WorkInTexas.com is a job matching site rather than a job lead generation site. We compare required job posting qualifications and job seeker qualifications with data in WorkInTexas.com to find quality matches. We believe we’re providing better customer service by making sure your jobs attract qualified candidates before providing contact information to you or the job seeker. Recruiting can be difficult and expensive and we don’t want to waste anyone’s time. So, ensuring your job posting is as good and complete as possible is rule #1.

Rule #1 – Take the time. Quality in means quality out, so spend the extra time up front making sure you’ve included as much detail as possible. The more complete your job posting, the better your matching results will be. And, a good job posting will keep you from missing out on good matches down the road.

Rule #2 – Choose occupations wisely. Job “matching” is based on behind-the-scenes computer logic, but it all boils down to the occupations you choose. The more occupations you select, the more job seekers you’ll attract (match) to your job posting, and vice versa.

Rule #3 – Include pay, even if you choose to suppress it from job seeker view. It will narrow your results, and possibly increase the quality of your matches. Also, job matches are based on minimum salary, even if maximum salary is provided, so consider posting the actual salary amount you’re willing to pay to ensure better job matches (matches will be restricted if the pay is too low).

Rule #4 – Using “Keywords” can help you reduce the number of job seekers matched with your job posting. Keywords are single words or phrases you can enter to clarify specific qualifications you’re looking for, such as computer languages, licenses, or certifications.

Rule #5 – Use “Screening Questions.” These are questions you can add to your posting that job seekers must answer before they contact you or apply. Answers do not limit anyone’s ability to apply, but the information does offer you a unique opportunity to pre-screen and evaluate interested applicants.

Rule #6 – View your job posting to see what job seekers will see. This is a great self-test of the quality and completeness of your job opportunity. If it looks short on detail to you, imagine what a job seeker will think. Take the time to go back and enter more information.

Rule #7 – Use Site Help. It’s our version of a “tutorial” and explains in general terms the major functions in WorkInTexas.com.

If you’re looking for Veterans (only)

- All jobs entered in WorkInTexas.com are automatically made available to veterans only for the first two days.
- When posting your job, you can choose to make it available to veterans only for the lifetime of the posting by selecting “Veterans Only – Yes.”
- Veteran applicants who apply for your job will be marked with an American Flag icon, indicating that they are eligible U.S. Military Veterans in good standing.
Registering and Searching For Job Vacancies at WorkInTexas.com

For Section 3 Residents

Dear Section 3 Resident,

As required by the GLO Section 3 Policy, all Grantees, Subrecipients and their contractors who are receiving DR funding post their job vacancies with their Local Workforce Solutions Center and/or Work-in-Texas.

To help connect you to these job opportunities you must:

- Register as a job seeker with WorkInTexas.com and/or contact the local Workforce Solutions Office for assistance with registration;
- After you complete basic registration, it is important you add a Section 3 related keyword to your profile. To do so follow these steps:
  1. Click on the My Portfolio tab, in the top navigation
  2. Click on Keywords in the Job Matching Criteria section
  3. In the Keyword to add field enter: sec3  Enter 0 for both years and months experience
  4. Click the Add Keyword button

In addition, you can search for existing Section 3 job vacancies by selecting the Browse Jobs menu on the title bar then by Text. In the Enter Text line type the word: “SEC3”, then hit search.

If you need help, please contact your local Workforce Solutions Center. You may search for one here:
http://www.twc.state.tx.us/dirs/wdas/directory-offices-services.html?mid=0.07262226541835678