

IMPORTANT: PLEASE READ CAREFULLY

All required information and dates must be provided accurately and completely.

Should there be a change to the wage decision within 10 days of the bid opening an addendum must be issued to provide the new wage rates. Bid due date locks in the Davis-Bacon wage rates. Thus, it is imperative that we be kept informed of any changes. Wage Decision Lock-In Dates is 10 days prior to the bid opening date. Bid opening provided the contract is awarded within 90 days.

Exempting Projects < \$200,000: Section 3-Compliance Plan (pages 1 through 3) shall be completed by each Bidder (GC & Sub). Failure to submit the required documents contained in this package at the time of bid will render the bidder non-responsive.

Keep us abreast of any change to the bid due/opening date. Bid due date locks in Davis-Bacon wage rates for the life of the project unless there is a substantial change in the scope of work, or the contract's project completion date is extended. This means that if a revised wage determination from DOL is issued less than 10 calendar days before the opening of bids, a new wage decision is effective with respect to the solicitation and construction contract. Important: *If a contract is extended, the wages must also be updated accordingly.*

Important Note: According to a recent new Davis-Bacon federal regulation, if a contract is extended, the wages must also be updated accordingly. In light of this regulation, I recommend extending the estimated project completion date when planning and executing contracts with general contractors. By incorporating a longer timeline from the outset, we can mitigate the need for subsequent changes to the wage adjustments, ensuring a smoother process and compliance with the updated requirements.

Bid Solicitation/GC Selection Process

Before you advertise. Provide us with the complete "sealed" bid format solicitation package and your newspaper advertising draft, as you will deliver to potential bidders for our review and approval.

IFB **must** include OC Special Provisions, Section-3 Package, BABA, Human Trafficking Affidavit, required verbatim (in blue), detailed & specific SOW, bid due date & full address of the public bid opening date and time, project timeline, pre-bid meeting info, drawings, etc.

Provide proof of advertising(s) and keep us abreast of any changes to the bid due/opening date. Bid due date locks in Davis-Bacon wage decision (WD) rates for the life of this project, unless there is a substantial change in the SOW. Wage Decision from DOL is subject to change up to 10 days prior to the bid opening date.

Selection Process: Award will be made to the lowest responsive and responsible bidder in price. Minimum of two (2) bids are required. Preference to a qualified Section 3 business concern with the highest priority ranking and with the lowest responsive bid.

Once you have completed your bid selection, provide: 1) Copies of **ALL** bids packages received. 2) A written/signed request for bid approval letter (on your agency's letterhead) which includes each bidders' name, business address & bid amounts, AND the name of the contractor selected to perform this project.

Selected bidder & Construction Contract: Orange County will verify your selection, vetted the contractor and send you written authorization to proceed with construction contract. This contract must be awarded in 90 days from the bid opening date.

Selected GC must have an active registration with SAM.gov. This is mandatory for the selected bidder. Your agency **cannot** enter into a contract or begin work until we have vetted the contractor and give you the ok to proceed.

Construction contract **must** include Orange County Special Provisions. Once fully executed, send us copy and the invite for the mandatory pre-construction meeting.

BEFORE YOU ADVERTISE

Davis-Bacon Wage Determination (“Lock-In” Rule)

The Davis-Bacon wage determination is locked in **10 days prior to the bid opening date**, provided the contract is awarded within **90 days** of the bid opening. If:

- The contract is not awarded within 90 days, or
- There is a substantial change in scope, or
- The contract completion date is extended

An updated wage determination may be required.

If the Department of Labor issues a revised wage determination within 10 days of the bid opening, an addendum must be issued.

Please notify Orange County immediately of any changes to the bid opening date.

Project Completion Date: Recent Davis-Bacon regulations require wage updates if a contract is extended.

We strongly recommend building a realistic project timeline from the start to reduce the risk of wage adjustments later.

ADVERTISING REQUIREMENTS

Federal regulations require full and open competition.

- The project **must be advertised in the Orlando Sentinel**.
- Additional outreach (agency website, trade publications, social media, bulk email) is encouraged.
- A minimum of **two (2) responsive bids** is required.
- If fewer than two bids are received, the project must be re-advertised.

Your advertisement must include:

- Full address where bid documents may be obtained
- Deadline for obtaining bid documents
- Bid due date and time
- Exact location, date, and time of public bid opening
- Statement that late bids will not be accepted

Please provide copies of all advertisements once published, including proof of publication. We recommend advertising for approximately two (2) weeks.

SUBMIT BID PACKAGE FOR REVIEW

Before advertising, submit the complete IFB package to Orange County for review and approval, including:

- Advertisement
- Special Provisions (entire document)
- Davis-Bacon Wage Determination
- Section 3 language (verbatim)
- Compliance Plan

You must receive written authorization from Orange County before proceeding with advertisement.

CONFLICT OF INTEREST

Any contractor, consultant, vendor, or project manager who:

- Drafted specifications
- Prepared the scope of work
- Assisted in developing the IFB or procurement documents

Is prohibited from submitting a bid for the same project. This includes managing the bid process and bidding on the same project. his restriction prevents unfair competitive advantage.

ELIGIBLE COSTS (CDBG)

CDBG funds reimburse construction costs only.

The following are **not eligible construction expenses**:

- Owner’s Representative fees
- Project Manager fees
- Architectural or planning costs

SCOPE OF WORK (SOW)

The SOW must:

- Align with the CDBG Agreement
- Be detailed and specific
- Clearly define materials, quantities, standards, and performance expectations
- Cross-reference all work with the bid solicitation

A well-written SOW reduces change orders.

PRE-BID MEETING

We strongly recommend an in-person pre-bid meeting and site walkthrough.

If mandatory:

- State clearly that only attendees may submit bids.

Allow at least two (2) weeks between pre-bid meeting and bid due date. Submit the pre-bid sign-in sheet to Orange County.

SEALED BIDS

All bids must be sealed.

“Sealed” means the contents cannot be viewed prior to the submission deadline.

- Sealed bids may be mailed (USPS, UPS, FedEx) or hand-delivered, as specified in the solicitation.
- Email, fax, or telephone submissions are not allowed.
- Late bids must be returned unopened.

Public bid opening is required. Bids must be opened publicly at the specified date, time, and location and read aloud.

BID DUE DATE

The bid deadline may not be extended after it has passed.

If an extension is needed, issue a written addendum to all interested bidders before the original deadline.

BID REJECTION

Reject bids that:

- Are not sealed
- Are incomplete
- Do not include required forms
- Are received after deadline
- Are submitted electronically

Late bids must be returned unopened with written explanation.

AWARD REQUIREMENTS

Award must be given to the lowest responsive and responsible bidder. A minimum of two (2) responsive bids is required.

Prepare a bid tabulation listing:

- All bidders
- Bid amounts

Make it available within a reasonable time after opening.

SECTION 3 REQUIREMENTS

Section 3 applies to construction contracts exceeding \$200,000. If applicable:

- All bidders must submit a complete and signed Section 3 Compliance Plan.
- Failure to submit required Section 3 documents renders the bid non-responsive.

Section 3 Goals:

- 25% of total labor hours – Section 3 Workers
- 5% of total labor hours – Targeted Section 3 Workers

General Contractor must:

- Ensure subcontractor compliance
- Document outreach efforts
- Maintain labor hour tracking

DAVIS-BACON REQUIREMENTS

This is a federal CDBG project covered by Davis-Bacon.

Contractors must:

- Pay no less than the applicable wage determination rates
- Submit certified payroll weekly
- Ensure subcontractor compliance

Failure to submit payroll may result in payment withholding.

BABAA - BUILD AMERICA, BUY AMERICA ACT

Contractors and subcontractors must comply with 2 CFR Part 184.

All iron, steel, manufactured products, and construction materials must be produced in the United States.

A signed BABAA Certification Letter is required prior to construction.

Manufacturer certifications may be requested as supporting documentation.

For additional information, please follow the link:

<https://www.hudexchange.info/programs/baba/#:~:text=The%20Build%20America%2C%20Buy%20America,produced%20in%20the%20United%20States.>

POST-SELECTION - AGENCY ONLY: THIS SECTION IS FOR AGENCY USE ONLY, NOT PART OF THE SOLICITATION PACKAGE

After bid selection, submit:

1. Copies of all bids received
2. Explanation if low bid exceeds second low bid by 10% or more
3. Written contractor selection letter
4. Confirmation of no conflict of interest
5. Bid tabulation (if published)
6. Contractor registration verification (SAM.gov Active, SUNBIZ, DBPR)

Do not execute any contract until written authorization is received from Orange County. Contract must be awarded within 90 days of bid opening to maintain wage lock-in.

CHANGE ORDERS (CO):

Change Orders must be submitted and approved before work is authorized.

Approved only if caused by:

- Unforeseen site conditions
- Building or permitting requirements

Scope changes require re-bidding. Required documentation:

1. Written explanation of condition
2. Building department documentation (if applicable)
3. Signed change order reflecting cost adjustment

PAYROLL & CLOSEOUT

Certified payroll must be submitted weekly by:

- General Contractor
- Subcontractors
- Tiered subcontractors

Final reimbursement will not be released until:

- All payroll is submitted and approved
- All wage restitution (if applicable) is paid
- All inspections are passed
- All subcontract agreements are received

IMPORTANT REMINDERS

- No expenses may be incurred before fully executed BCC-approved agreement.
 - Prime contractors are responsible for subcontractor violations.
 - Debarment for Davis-Bacon violations is 3 years.
 - Wage determinations must be updated if substantial scope or time changes occur.
-

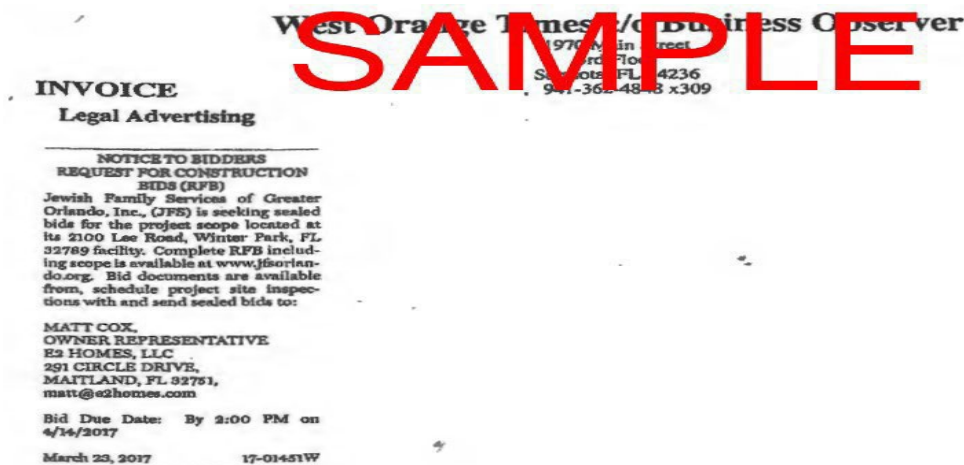
Below are some detailed instructions to assist you in preparing your bid documents:

Please forward your complete **Invitation for Bids (IFB)** packet/solicitation documents and Advertisement (as you would deliver to potential bidders) that includes the applicable Special Provisions (Federal Labor standards, Davis-Bacon wage rates and Section 3 requirements) for Orange County review and approval. **After we review your solicitation documents, your agency will receive authorization to proceed with the advertisement via email.**

1. **Newspaper formal advertisement:** This is a **competitive sealed bid formal advertisement**. The advertisement must be in a newspaper of general circulation (i.e. **Orlando Sentinel** and other local newspapers, social media, agency's website, bulk email to interested contractors-provide copy of bulk email, etc. to expand your search). **Please advise that federal requirements mandate that all projects are amply advertised in a public forum and for a sufficient period of time (24 CFR 85.36 (d)(2)).** Include bid due date, time and place on your adv.

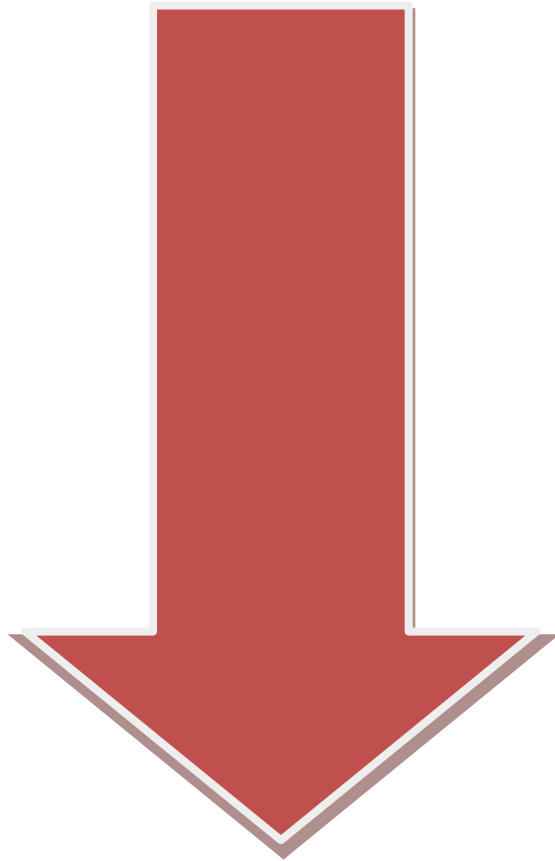
• **The advertised Notice of Invitation to Bid (sample copied below) and your bid solicitation must contain the following information:**

- Full address of the place where: Complete sets of the bid documents may be obtained and where and when and **where sealed bids will be opened** to the public and read aloud (date, time, and place). *Refer to item #6 for sealed bids.*
- The deadline for obtaining the bid documents.
- The bid due date and time of day of the bid opening and an admonition that late bids will not be accepted.
- The full address of the place where the bids will be opened.



Important: Please provide copies of all your advertisements once published. The length of time you choose to advertise is up to your agency, we recommend about two (2) weeks for potential bidders to have an opportunity to compete. The decision is up to your agency, as long as you make it available to all bidders. Please keep in mind that two (2) or more bids are needed when determining the lowest responsive and responsible bidder. Otherwise, reject bids and re-advertise the project. Also, please forward a copy of the Sentinel's email with the link for publication confirmation and tear-sheets of the ads placed in the newspapers for each ad day.

The following pages: Highlighted verbiage (in blue, next page) AND Compliance Plan (next 5 pages) must be included as part of your solicitation document(s).



This clause and the enclosed Special Provisions are part of the bid solicitation:

1. Bidders are advised that this is a federal project funded by the **Community Development Block Grant (CDBG)** and covered by **Davis-Bacon Act (DBA) and Section 3** (when assistance exceeds a threshold of \$200,000). Bidders are also advised to carefully review all SUPPLEMENTAL CONDITIONS/SPECIAL PROVISIONS and contract requirements prior to bidding. The selected bidder and any of its subcontractors shall be responsible for complying with the **enclosed** Supplemental Conditions, Section 3 and Davis-Bacon Act requirements, which are incorporated herein by reference. Bidders are responsible for verifying all revisions to the entire document and are required to follow all requirements without exception.
- Be aware of any DBA requirements before bidding. DBA wages must be paid, and contractors and sub(s) should include prevailing wage calculations in any bid or proposal.
2. The rates paid shall be not less than those contained in the enclosed Special Provisions regardless of any contractual relationship that may exist between the contractor and the workers hired to perform under the contract. For any classification of workers, the hourly rate paid must equal the sum of the base rate and the fringe benefit rates listed for that classification in the Davis-Bacon-Wage-Determination Schedule. **Paying below the wage rate and fringe benefit is not acceptable.**
3. **Pre-award:** Contractors are responsible for determining the appropriate staffing necessary to perform the contract work. **Contractors are also responsible for complying with the minimum wage and benefits requirements for each classification performing work on the contract. If a classification considered necessary by the contractor for performance of the work is not listed on the applicable wage determination, the contractor must initiate a request for approval of an additional classification along with the proposed wage and benefit rates for that classification, in accordance with the "Conformance Process" set forth at 29 C.F.R. § 5.5 (a)(1)(ii), without regard to skill.**
4. **Section 3** HUD Act of 1968: Economic opportunity shall, *to the greatest extent feasible*, be directed to low- and very low-income residents and businesses in that area. All Section 3 covered contracts, **more than \$200,000**, are subject to the Section 3 Clause, verbatim found at 24 CFR Part 75. Contractors and subcontractors that perform any work under a Section 3 covered contract for any federal project are required to comply with the Section 3 regulations. Section 3 applies to an entire project, regardless of whether the project is fully or partially assisted under HUD program that provides housing and community development financial assistance.
 - a) For any construction project that exceeds \$200,000: Compliance Plan and Section 3 Forms included in the attached Special Provisions (pgs. 35-40) **must be completed by all potential bidders and included in each bid proposal. Failure to submit the Compliance Plan will render the bidder(s) non-responsive.**
5. **Preference for Section 3 Business Concerns.** Preference in the award of Section 3 for covered contracts that are awarded under a sealed bid process shall be provided as follows: Bids shall be solicited from all businesses. (Section 3 business concerns, and non-Section 3 business concerns). An award shall be made to the qualified Section 3 business concern with the highest priority ranking and with the lowest responsive bid. If no responsive bid by a Section 3 business concern meets these requirements, the contract shall be awarded to the bidder responsible with the lowest responsive and responsible bid.
6. Selected contractor shall be required to provide **active status** for the following entities: SAM.gov registration, SUNBIZ.org and Florida DBPR (contractor's license) for the same business entity in compliance with State and Federal requirements prior to execution of Construction Contract.
7. Selected bidder shall provide to the Agency and Orange County Program Administrator a copy of all executed contracts with any sub-contractors, and tiered subcontractors all of which shall include Orange County Special Provisions requiring the respective sub-contractor or tiered sub to comply with the requirements of the Uniform Administrative Requirements and 2 CFR Part 200 Appendix II.
8. Selected bidder shall **not** enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246 and that it follows the requirements of 2 C.F.R. Part 180. Neither its principals, nor its subcontractors are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
9. **BABAA: Build America, Buy America Act (2 CFR 184)** as set forth in BABA to Federal awards for infrastructure projects: General Contractor, Subcontractors, tiered subcontractors must comply with Section 70914 of Public Law No. 117-58, §§ 70901, also known as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117 58, which includes the Build America, Buy America Act ("BABAA"). BABAA requires that all iron, steel, manufactured products, and construction materials used in federally funded projects for infrastructure must be produced in the United States. Once you have made this change, please resend the RFP for final approval.

SECTION 3 CONTRACTOR COMPLIANCE PLAN

Orange County Housing and Community Development (HCD)

**THIS PACKAGE MUST BE SIGNED AND RETURNED WITH YOUR BID
BY THE SUBMITTAL DEADLINE.**

FAILURE TO DO IT MAY BE CAUSE FOR REJECTION OF BID.

For more details about Section 3, please follow the link below:

<https://www.hud.gov/sites/documents/11SECFAQS.PDF>

Project Name: _____ DATE: _____

Company: _____

Contact Name: _____ Phone Number: _____ Email: _____

The general contractor is required to complete a *Section 3 Reporting Form* for any prime contract that is **over \$200,000**. The general contractor is responsible for obtaining information for the *Section 3 Compliance Packet* from all subcontractors, to include tiered-subcontractors.

Purpose Section 3 is of clause in the Housing and Urban Development Act of 1968. Its intent is to provide job training and employment opportunities from programs that receive HUD funding to local low-income residents and the businesses they own or that employ them.

Goals Section 3 residents will comprise 20% of Section 3 Worker Goal and 5% Targeted Section 3 Worker Goal. The contractor must provide documentation of how new employment and subcontracting opportunities have been directed *to the greatest extent feasible* to Section 3 residents and business concerns to try to achieve these goals. This documentation must include efforts made by subcontractors to direct hiring opportunities to Section 3 residents.

Contracting: To the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, recipients covered by this subpart shall ensure contracts for work awarded in connection with Section 3 projects are provided to business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the project is located.

(2) Where feasible, priority for contracting opportunities described in paragraph (b)(1) of this section should be given to:

- (i) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project, and
- (ii) YouthBuild programs.

Contractor Responsibilities

- The general contractor is to ensure their subcontractors adhere to their Section 3 responsibilities.
 - Section 3 outreach and contract requirements are necessary for all general contracts **of \$200,000** or more, along with all subcontractors under the general contract.
 - Section 3 reporting submitted by the general contractor is required on all subcontracts, to include tiered-subcontracts. The general contractor must ensure each subcontractor understands the Section 3 requirements and goals. The general contractor must document its own efforts and each subcontractor's efforts to comply with these requirements.
- For Section 3 covered contracts, document the outreach efforts to recruit potential Section 3 residents for employment opportunities for any subcontracting opportunities through methods such as: Local advertising, notices to professional associations and trade networks, signs placed at job site and local community organizations, Youthbuild.gov and use of local Section 3 Certified Business Concerns lists. Maintain documentation on the number of Section 3 residents that apply for new employment opportunities and the number of Section 3 business that bid on contracting opportunities.
- Complete the *Section 3 Compliance Packet* for all contracts.

Labor Hours

- Any new full-time employment opportunity that results from a Section 3 covered contract must be directed to Section 3 residents,
 - Section 3 Worker (as defined below)**
 - A low or very low-income resident (the worker’s income for the previous or annualized calendar year is below the income limit established by HUD);or
 - Employed by a Section 3 business concern; or
 - A YouthBuild participant.

 - Targeted Section 3 Worker (as defined below)**
 - Employed by a Section 3 business concern or
 - Currently meets or when hired met at least one of the following categories as documented within the past five (5) years:
 - Living within the service area or the neighborhood of the project, as defined in 24 CFR 75.5
 - A YouthBuild participant.
 - To be qualified as a Section 3 resident, an applicant must complete a *Section 3 Resident Certification* form.

Section 3 residents applying for new employment opportunities must still be qualified for the position in order to be hired.

- Contractors will post any new employment opportunities at the job site, local community organizations, local advertising, notices to professional associations and trade networks.
- When considering employment of a Section 3 resident and more than one qualified Section 3 applicant has applied, use this order of priority in considering the qualified applicants:
 - Residents of the properties located in the area of the construction project receive first priority, then other residents.
 - Current HUD Youthbuild participants, this priority should come before other Section 3 residents residing in the city where the construction project is located.
 - Other Section 3 residents residing in the city where the construction project is located.
 - Other Section 3 residents
- Properly document hours worked by Targeted and Section 3 Workers for the *Section 3 Compliance Packet*.
- Goal: Total Number of Hours Worked: _____ x 25% = Section 3 Goal _____
- Goal: Total Number of Hours Worked: _____ x 5% = Targeted Section 3 Goal _____
- Describe in the space below the strategies you will implement to hire Section 3 residents and log hours.

Contractor Acceptance

I certify that I have read this Section 3 Compliance Plan and will work to implement all aspects of this program.

Signature: _____

Date: _____

Print Name: _____

Section 3 Worker Self-Certification-Housing and Community Development	U.S. Department of Housing and Urban Development Office of Field Policy and Management	HUD FORM 4736C OMB Approval Number 2501-0041 (Exp. 03/31/2028)
------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

(In compliance with Section 3 of the HUD Act of 1968 and 24 CFR Part 75)

Public reporting for this collection of information is estimated to average 0.5 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 in order to ensure that a worker can be certified as an eligible Section 3 worker as outlined in 24 C.F.R. § 75.31. The information will be used by the Department to ensure compliance with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31, 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 to ensure they are complying with their recordkeeping requirements found in the regulation, and 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, the Chief Data Officer, REE, Department of Housing and Urban Development, 451 7th Street, SW, Room 8210, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2501-0041. 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.

The purpose of this form is to provide a template to support compliance with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31. To qualify as a Section 3 worker, any United States legal resident's annual income must not exceed the HUD income limits for the year before the worker was hired, or the individual's current income annualized on a full-time basis for the year must be below the HUD income limit. Additionally, an individual can qualify as a Section 3 worker if they are a YouthBuild participant or employee of a Section 3 Business concern.

Printed Name: _____

Street Address (Not a PO Box) Apt# City State Zip

Phone #: _____ Email: _____

To qualify as a Section 3 Worker, you must meet **one** of the following requirements **OR** have your employer certify that you are employed by a Section 3 Business concern:

<ul style="list-style-type: none">• Income for the previous calendar year is below the income limit*• A participant in a means-tested program such as public housing or Section 8-assisted housing• A YouthBuild Participant*	2025 Income limit \$28.39/hr
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------

*Currently or at the time of hire if hired within the past 5 years

I meet at least one of the requirements in the box above and therefore qualify to be counted as a Section 3 Worker under 24 CFR Part 75.

If applicable, please indicate which requirement you meet to be considered a Targeted Section 3 worker in the box below. If you select “Living within the service area or neighborhood of the project,” that selection will have to be confirmed by your employer. If you do not meet any of these requirements or do not know if you meet any of the requirements listed below, you may leave this section blank.

<p><input type="checkbox"/> Living within the service area or neighborhood of the project (requires employer confirmation)*</p> <p><input type="checkbox"/> YouthBuild participant*</p>

*Currently or at the time of hire if hired within the past 5 years

In addition to qualifying as a Section 3 Worker, I meet at least **one** of the requirements in the box above and therefore qualify to be counted as a Targeted Section 3 Worker under 24 CFR Part 75.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true, correct, and accurate and certifies that the worker identified above meets the definition of a Section 3 worker. **WARNING:** Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802)

Signature

Date

Section 3 Housing and Community Development Employer Certification Form	U.S. Department of Housing and Urban Development Office of Field Policy and Management	HUD FORM 4736A OMB Approval Number 2501-0041 (Exp. 03/31/2028)
----------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

(In compliance with Section 3 of the HUD Act of 1968 and 24 CFR Part 75)

Public reporting for this collection of information is estimated to average 0.5 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 in order to ensure that a worker can be certified as an eligible Section 3 worker as outlined in 24 C.F.R. § 75.31. The information will be used by the Department to ensure compliance with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31, 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 to ensure they are complying with their recordkeeping requirements found in the regulation, and 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, Office of the Chief Data Officer, REE, Department of Housing and Urban Development, 451 7th Street, SW, Room 41768210, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2501-0041. 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.

The purpose of this form is to comply with Section 3 of the HUD Act of 1968 employer certification requirements listed in 24 CFR § 75.31. To qualify as a Section 3 worker, the United States legal resident's annual income must not exceed the HUD income limits for the year before the worker was hired, or the individual's current income annualized on a full-time basis for the year must be below the HUD income limit. Additionally, an individual can qualify as a Section 3 worker and Targeted Section 3 worker, if an employee of a Section 3 Business Concern. To qualify as a Targeted Section 3 worker, an employer can confirm that the employee lives within the service area or neighborhood of the project.

Please provide the following information about the business/employer:

Name of Business: _____

Street Address _____ City _____ State _____ Zip _____

Phone #: _____ Email: _____

Please Provide the following information about the worker/employee:

Printed Name of Worker: _____

Street Address (Not a PO Box) Apt# City State Zip

Phone #: _____ Email: _____

Please indicate which of the following is true for the worker listed above: (Select all that apply)

<input type="checkbox"/> Worker's income from your employment is below the income limit based on a calculation of what the worker's wage rate would translate to if annualized on a full-time basis*	2025 Income limit
<input type="checkbox"/> Worker is employed by a Section 3 Business Concern (Select if your business qualifies as a Section 3 Business Concern)	\$28.39/ hr
<input type="checkbox"/> Worker's residence is within the service area or neighborhood of the project	

*Currently or at the time of hire if hired within the past 5 years.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true, correct, and accurate and certifies that the worker identified above meets the definition of a Section 3 worker. **WARNING:** Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 1014; 31 U.S.C. §3729, 3802)

Signature

Date

**ORANGE COUNTY HOUSING AND COMMUNITY DEVELOPMENT
NEW HIRES SECTION 3
MONTHLY COMPLIANCE FORM**

GC is required to provide this form to any subcontractor firm they hire for this project

This form is distributed to the General Contractor (GC) at the Pre-Construction Meeting.

Firm/Contractor Name: _____

Project Name: _____

Project Address: _____

Draw #: _____ Date: From: _____ To: _____

Check all that apply:

We have not hired any new employees during DRAW REQUEST #

During the above draw schedule and/or within the past five (5) years we have hired:

- | | | |
|------------------------------|-----------------------------|-----------------------------------------------------------------|
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | <input type="checkbox"/> Section 3 employees and/or |
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | <input type="checkbox"/> A low or very low-income worker and/or |
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | <input type="checkbox"/> Non-Section 3 employees and/or |
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | <input type="checkbox"/> A Youthbuild participant. |

We have taken one or more of the following recruitment steps to hire a Section 3 resident with the highest training and employment priority ranking: **(check all that applies below):**

- _____ We have advertised to fill any vacancies at the site(s), where work is taking place, in connection with this project. Below, I have checked the steps I have taken to find Section 3 low-income residents, from the targeted groups and neighborhoods to fill any vacancies.
- _____ Placed signs or posters in prominent places at each of the above listed development
- _____ Taken photographs of the above item to document that the above step was carried out
- _____ Distributed employment flyers to each of the residents and posted flyers at this development site
- _____ Contacted any HUD www.YouthBuild.org programs currently operating in Orange County for Youthbuild referrals
- _____ Kept a log of all applicants and indicated the reasons why Section 3 residents who applied were not hired
- _____ Retained copies of any employment applications completed by public housing, Section 8 certificate or voucher holders or other Section 3 residents.
- _____ Sent a notice about Section 3 training and employment requirements and opportunities to labor organization or to worker representatives with whom our firm has a collective bargaining or other agreement.
-

Contractor

Printed Name and Title

Signature

Date

ORANGE COUNTY, FLORIDA
BUILD AMERICA, BUY AMERICA ACT (BABA)
CONTRACTOR OR SUBCONTRACTOR CERTIFICATION LETTER

The Build America, Buy America Act (BABAA) requires that all iron, steel, manufactured products, and construction materials used in federally funded projects for infrastructure must be produced in the United States. In accordance with BABAA, Orange County, Florida must ensure that no federal financial assistance for “infrastructure” projects are awarded “unless all the iron, steel, manufactured products and construction materials used in the project are produced in the United States (Made in USA).”

An “infrastructure project” is defined as: “Any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project.” 2 C.F.R. § 184.3, § 184.4(d).

The following information is provided for BABAA compliance (effective May 14, 2022).

The undersigned certifies that for this project: _____

Located at: _____, Orlando, Florida _____

All the iron, steel, manufactured products, and construction materials used in this contract are in full compliance with the BABAA requirements including:

1. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. All manufactured products purchased with federal financial assistance must be produced in the United States.

For a manufactured product to be considered produced in the United States, the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

3. All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

If any of the above compliance statements change while providing material to this project, we will immediately notify Orange County.

“The, _____ [**Contractor or Subcontractor**], certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the _____ [**Contractor or Subcontractor**] understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.”

Signature of [**Contractor’s or Subcontractor’s**] Authorized Official

Date

Name and Title of [**Contractor’s or Subcontractor’s**] Authorized Official

Manufacturer Certifications: Although requesting manufacturer certifications is not required, as an additional step to ensure compliance when purchasing products for the project, Orange County may request a certification letter from the product manufacturer to demonstrate compliance with BABAA requirements. Orange County recommends this step as a best practice for documenting compliance with BABAA. The certification letter shall contain the following essential elements, which include: 1) specific product information, 2) location of manufacturer (country), 3) reference to the project, 4) compliance with BABAA reference. The certification should be maintained as part of this project record to be available to Orange County if requested.

HUMAN TRAFFICKING AFFIDAVIT

1. I am over the age of 18 and I have personal knowledge of the matters set forth except as otherwise set forth herein.
2. I currently serve as _____ (Role) of _____ (Company).
3. _____ (Company) does not use coercion for labor or services, as those terms are defined in Florida Statute 787.06.
4. This declaration is made pursuant to Florida Statute 92.525. I understand that making a false statement in this declaration may subject me to criminal penalties.

Under penalties of perjury, I _____ (Signatory Name and Title),
declare that I have read the foregoing Human Trafficking Affidavit and that the facts stated in it are true.

Further Affiant sayeth naught.

COMPANY

NAME OF BUSINESS ENTITY

SIGNATURE

TYPE NAME AND TITLE

**Certificate from Contractor Appointing
Officer or Employee to Supervise
Payment of Employee**

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

Project Name _____ Date (mm/dd/yyyy) _____

Location _____ Project No. _____

(I) (We) hereby certify that (I am) (we are) (the prime contractor) (a subcontractor) for _____

(specify "General Construction," "Plumbing," "Roofing," etc.) in connection with construction of the above-mentioned Low-Rent Housing Project,

and that (I) (we) have appointed _____, whose signature
appears below, to supervise the payment of (my) (our) employees beginning (Date: mm/dd/yyyy) _____ ;

That he/she is in a position to have full knowledge of the facts set forth in the payroll documents and in the statement of compliance
required by the so-called Kick-Back Statue which he/she is to execute with (my) (our) full authority and approval until such time as (I)
(we) submit to the (Name of Local Authority) _____

a new certificate appointing some other person for the purposes hereinabove stated.

(Identifying Signature of Appointee)

Attest (If required)

(Signature)

(Title)

(Date: mm/dd/yyyy)

(Name of Firm or Corporation)

By _____
(Signature)

(Title)

(Date: mm/dd/yyyy)

Note: This certificate must be execute by an authorized officer of a corporation or by a member of a partnership, and shall be executed
prior to and be submitted with the first payroll. Should the appointee be changed, a new certificate must accompany the first payroll for
which the new appointee executes a statement of compliance required by the Kick-Back Statue.

The Following Internal Instructions Are For Your Agency Use -ONLY- and NOT a part of the bid solicitation package:

These instructions apply to federally funded construction projects supported by the Community Development Block Grant (CDBG) program and subject to Davis-Bacon and Related Acts (DBRA) requirements.

I. Post-Bid Submission Requirements

After completing your bid selection process, submit the following:

1. Bid Documentation

- *Copies of all quotes/bids received.*
- *If the lowest bid exceeds the second lowest bid by 10% or more, provide a written explanation for the variance.*
- *If a bid is deemed non-responsive (missing required documents), you may reject it and select the next lowest responsive and responsible bidder.*
 - *Clearly state in your contractor selection letter that the lowest bidder was rejected for non-responsiveness and specify the reason.*

2. Contractor Selection Letter (Required)

Submit a written request for approval on agency letterhead that includes:

- *Name and address of each bidder*
 - *Bid amount for each bidder*
 - *Name of the selected contractor*
 - *Confirmation that all listed bid amounts match the submitted bids*
- Selection should typically be made to the lowest responsive and responsible bidder.*

3. Conflict of Interest Certification

Provide written confirmation that the recommendation is free of conflicts of interest.

A conflict includes any outside personal, business, or economic relationship that provides present or future financial benefit to:

- *An employee*
- *An employee's family member*
- *Individuals with whom the employee has business or financial ties*

II. Contractor Vetting & Approval Process

- *Upon receipt of your contractor selection request, Orange County will begin the vetting process.*
- *The selected contractor must meet all federal registration requirements, including:*
 - *Active registration in SAM.gov*
- *Approval will be delayed until all registration requirements are satisfied.*
- *Do not execute any construction contract until you receive written authorization via email from Orange County.*
- *Publishing a bid tabulation is optional at this stage; however, any award must clearly state that it is conditional pending County approval.*

III. Required Contract Language (Davis-Bacon Compliance)

The following language must be included verbatim in the construction agreement:

Contractors and subcontractors are advised that this is a federal project funded by the Community Development Block Grant (CDBG) program and is subject to the Davis-Bacon Act (DBA). The Contractor and all subcontractors, including any tiered subcontractors, must comply with all applicable federal regulations and requirements contained in the Special Provisions/Supplemental Conditions.

The General Contractor shall provide the Agency and Orange County Program Administrator with copies of all executed contracts with subcontractors and tiered subcontractors. Each contract must include the Orange County Special Provisions requiring compliance with federal regulations, requirements, and applicable wage determinations.

IV. Pre-Construction & Project Timeline

- *Notify Orange County of the mandatory pre-construction meeting.*
- *Provide:*
 - *Project timeline*
 - *Notice to Proceed date*
 - *Estimated completion date*

Important – Contract Duration & Wage Determinations

Under updated Davis-Bacon regulations:

- *If a contract is extended, wage determinations must be updated accordingly.*
 - *Agencies are encouraged to include reasonable timeline extensions at the outset to minimize future wage modification issues.*
- 90-Day Award Rule*
- *Contracts must be awarded within 90 days of bid opening to lock in the advertised wage determination.*
 - *If not awarded within 90 days, the most current wage determination must be incorporated unless an extension is granted by the federal agency.*

V. Procurement Restrictions

- *Contractors that develop or draft specifications, Statements of Work (SOW), IFBs, or RFPs must be excluded from competing for those procurements to avoid unfair competitive advantage.*

VI. Change Orders (COs)

- *Notify Orange County of all change orders before authorization.*
- *Provide a copy of the contractor's change order request.*
- *Only change orders resulting from:*
 - *Building code requirements*
 - *Permitting requirements*
 - *Unforeseen damage**may be approved.*

Changes to the scope of work (SOW) require rebidding.

Required Documentation for CO Approval:

1. *Documentation of unforeseen damage (if applicable)*
2. *Written documentation from the building department requiring additional work*
3. *Formal change order reflecting required modifications*

VII. Insurance & Documentation

- *Provide a Certificate of Insurance consistent with CDBG agreement requirements.*
- *Submit the bid recommendation letter and fully executed construction agreement within 90 days of bid opening.*

VIII. Certified Payroll & Labor Standards Compliance

- *All certified payrolls must be submitted weekly by:*
 - *General Contractor*
 - *Subcontractors*
 - *Tiered subcontractors*
- *Payrolls must be signed and certified.*
- *Failure to submit payrolls may result in non-compliance findings and withholding of payment.*

Final Payment Conditions

Final reimbursement to the Agency will be withheld until:

- *All certified payrolls are submitted and approved*
- *Worker classifications are verified*
- *Any underpayments are corrected with documented restitution*
- *All agreements between the GC and subcontractors (including tiered subs) are submitted*
- *All inspections are passed*

Before issuing final payment to the contractor, verify compliance with Orange County.

IX. Davis-Bacon Regulatory Updates (Effective October 23, 2023)

The Department of Labor issued updated regulations under the Davis-Bacon and Related Acts (DBRA), effective October 23, 2023.

Applicability

- *Applies to wage determinations revised on or after October 23, 2023.*
- *Applies to contracts entered into after October 23, 2023.*
- *Certain provisions (29 CFR § 1.6(c)(2)(iii)) apply to existing contracts where practicable and consistent with law.*

Key Updates

1. Prime & Upper-Tier Contractor Liability

- *Prime contractors may be liable for lower-tier subcontractor violations.*
- *Responsible for back wages and subject to debarment.*
- *Upper-tier contractors may be liable where intent is present.*

2. Weekly Certified Payroll Requirement

- *Payroll must be signed and submitted weekly.*

3. Wage Determination Updates

- *Required if there is a substantial change in scope or contract time.*

4. Withholding & Back Wages

- *Back wages may be withheld from any contract held by the same prime contractor.*
- *Interest is required and compounds daily.*
- *Back wages take priority over most other competing claims.*

5. Fringe Benefit Annualization

- *Fringe benefit contributions must be annualized to determine hourly equivalents.*
- *Administrative costs of the contractor are not creditable.*
- *Direct third-party administrative costs may be creditable.*

6. Debarment

- *Debarment period is 3 years for disregard of obligations.*
- *Early removal from the debarment list is no longer permitted for Related Acts debarment.*

X. Reimbursement Limitation

No expenses may be incurred prior to receipt of a fully executed, BCC-approved agreement if reimbursement from CDBG funds is intended.

Ongoing Communication

Agencies must keep Orange County informed throughout the project to ensure compliance with all federal, state, and local requirements.

Important: Final reimbursement to your agency will be withheld until all Davis Bacon requirements, to include approval of all certified payrolls & copies of all subcontracts, have been satisfied.

Updating the Davis-Bacon and Related Acts Regulations

New regulations have been issued under the Davis-Bacon and Related Act (DBRA). In this final rule, effective on **October 23, 2023**, the Department of Labor (DOL) updates the DBRA regulations, some are listed below. For more information of the final rule, please visit the following links:

<https://www.dol.gov/agencies/whd/government-contracts/construction/rulemaking-davis-bacon>

<https://www.federalregister.gov/documents/2023/08/23/2023-17221/updating-the-davis-bacon-and-related-acts-regulations>

Applicability date: The provisions of this final rule regarding wage determinations may be applied only to wage determination revisions completed by DOL on or after October 23, 2023. Except with regard to 29 CFR § 1.6(c)(2)(iii), the provisions of this final rule are applicable only to contracts entered into after October 23, 2023. Contracting agencies must apply the terms of § 1.6(c)(2)(iii) to existing contracts of the types addressed in that regulatory provision, without regard to the date a contract was entered into, if practicable and consistent with applicable law

- **Prime contractors and upper-tier contractors may be liable for lower-tier subcontractor violations.**
 - o Responsible for paying back wages and subject to debarment.
 - o Prime contractors are responsible for subs regardless of intent.
 - o Upper-tier contractors must have some degree of intent.
- Contractors and subcontractors must **certify payroll (by signature) and submit it on a weekly basis.**
- **Wage determinations must be updated after the contract is awarded in the case of a substantial additional scope of work or time period of obligation.**
- Workers' back wages can be withheld from any contract held by the same prime contractor, even if awarded by a different agency; back wages have priority over most other competing claims. Also, interest must be paid on back wages and monetary relief and the interest compounds daily.
- Contribution to fringe benefits must be annualized to calculate the hourly equivalent when workers perform work on projects that are subject to DBRA and those that are not.
 - o A Contractor's own admin costs are not creditable as fringe benefits, even if outsourced to a third party. Direct costs incurred by third parties to administer and deliver fringe benefits to the contractor's laborers and mechanics are creditable.
- **Debarment is imposed for 3 years** in the event of "disregard of obligations to workers or subcontractors". Contractors can no longer seek early removal from the debarment list for a Related Acts debarment.