

# 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.



<b>Section 3 Worker Self-Certification-Housing and Community Development</b>	<b>U.S. Department of Housing and Urban Development</b> <b>Office of Field Policy and Management</b>	<b>HUD FORM 4736C</b> OMB Approval Number 2501-0041 (Exp. 03/31/2028)
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*(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"> <li>• Income for the previous calendar year is below the income limit*</li> <li>• A participant in a means-tested program such as public housing or Section 8-assisted housing</li> <li>• A YouthBuild Participant*</li> </ul>	2025 Income limit  \$28.39/hr
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\*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>
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\*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

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

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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: \_\_\_\_\_

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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.

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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](http://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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
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)

\_\_\_\_\_  
(Name of Firm or Corporation)

\_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
(Signature)

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

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

\_\_\_\_\_  
(Date: mm/dd/yyyy)

\_\_\_\_\_  
(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.