



SECTION 3 REQUIREMENTS

CONTRACTORS REQUIRED DOCUMENTATION

Email: communitydevelopment@cincinnati-oh.gov

P: (513) 352-6146



805 Central Avenue, Suite 700, Cincinnati, Ohio 45202
Phone: 513-352-6146 Fax: 513-352-6113 Website: www.cincinnati-oh.gov

To: Prime Contractor – HUD - Federal funded project

From: Community Development Analyst

Re: Section 3 Requirements

Attached please find the "City of Cincinnati's Section 3 requirements" documentation. Your company, as the contractor/developer, is responsible for completing all necessary sections that pertain to your role on this contract. You are also responsible for ensuring all of your subcontractors complete their sections of this packet with regard to the work they will be completing on this project.

Please complete all of the Section 3 information relative to your work on this project. Attach all necessary documentation as verification of statements you provide. Your subcontractors will need to follow the same procedure. You are required to verify their information and include their documents with your submission. You must return all completed Section 3 forms to our office, in one package, before you receive your "Notice to Proceed" on this project. If the City does not receive all required Section 3 documentation you will not be issued a "Notice to Proceed" on this project by the Department of Community Development (DCD).

The required documents/forms below need to be completed and submitted for all contracting and subcontracting in excess of \$100,000:

- ✓ Prior to start of project, Developer/Contractor/Subcontractor's core list of current employees, aside from the new hires.
- ✓ Each month, thereafter the start of project, submittal of payroll records that substantiate payment to and continuous employment of the Section 3 new hires and current employees aside from the new hires.
- ✓ A copy of the Section 3 project's current construction schedule, remitted as updated on a continuous basis (Required of Developer/Contractor only).
- ✓ Documentation of efforts to comply with Section 3 provisions
- ✓ List of Bidders for the project (Required of Developer/Contractor only).
- ✓ Section 3 Packet: Pages 7,9,12,13 + Pages 14,15, *17, and 19 (if new hire(s), Pages 20,21,*24 and 25 (if subcontracting).

*Affidavit if certification is necessary.

NOTE: Certified Section 3 Business Concerns meeting the \$100,000 threshold must also comply with Section 3 Requirements. A certified Section 3 Business Concern is not exempt from submitting the required Section 3 documents.

Should you have any questions or concerns regarding Section 3 or any of the attached forms, please contact our office at (513) 352-4627. We are available to serve you, weekdays from 8 a.m. – 5 p.m.

Return all Section 3 paperwork to:

Shannon Johnson, Administrative Specialist
Department of Community Development
805 Central Avenue, Suite 700
Cincinnati, OH 45202

Company is required by federal regulations to follow Section 3 provisions. Therefore, a lack of awareness with regard to the completion of these forms is not an acceptable justification for not following Section 3 requirements. Additionally, violations of Section 3 requirements may disqualify your company from receiving contract awards on this and future City of Cincinnati federal funded projects.

Contractor Name: _____

Section 3 Requirements

Bidder is required by the City of Cincinnati to carefully read the following pages and become familiar with them prior to bid submittal and Notice to Proceed.

SECTION 3 REQUIREMENTS

for

CINCINNATI, OH

The City of Cincinnati Department of Community Development is pleased to present this document that will assist all contractors/developers in complying with the requirements of Section 3 of the U.S. Department of Housing and Urban Development (HUD) Act of 1969, as amended in 1992.

These provisions apply to all contractors/developers working on projects funded in whole, or in part, by most programs of the U.S. Department of Housing and Urban Development (e.g. Community Development Block Grant, HOME, LEAD, etc.). They are designed to ensure that low- and very low-income persons and businesses are given employment, training and contract opportunities on all HUD-assisted projects. The creation of employment opportunities for lower income persons will assist in the rebuilding of our community.

This document is intended to provide contractors/developers a step-by-step guide on matters related to Section 3. The City of Cincinnati's Department of Community Development (DCD) will also make available staff to assist you with questions you may have on this matter.

As applicable to the particular contract or development, you must complete the attached forms prior to entering into a contract with the City, or a subcontract with a covered contractor or developer.

City of Cincinnati
Department of Community Development

SECTION 3 CLAUSE PART 135.38

- 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 1969, 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/developer 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 apprenticeships 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/developer 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/developer 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 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).

Contractor/developer is required to carefully read the following page dealing with Section 3 requirements *and* sign at the bottom prior to bid submittal.

CITY OF CINCINNATI SECTION 3 UNDERSTANDING

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to create job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 Policy. The purpose of the Section 3 Policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion or rehabilitation of housing, (including reduction and abatement of lead- based paint hazards, but excluding routine maintenance, repair and replacement) or other public construction which includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of materials, the contract constitutes a Section 3 covered contract.

Contractors and their subcontracts must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance of the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The employment goal for employment is 30 percent of new hires annually.

In addition, contractors/developers and subcontractors are required to show compliance with the goal that at least 10% of any building trade activity that is subcontracted, and 3% of non-building trade activity (construction management, etc.) is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the City of Cincinnati Section 3 Plan.

I certify that I have read the information above and understand the Section 3 requirements and numerical goals.

Name of Contractor/Developer _____

Signature, Title

Date

The following pages should be carefully read prior to bid submittal, but are not required to be Completed prior to bid opening. After the project's contract is awarded, the awarded Contractor/developer will be required to complete the necessary following pages. A "Notice to Proceed" will not be issued on the project until the required paperwork is completed and returned to the following:

Shannon Johnson, Administrative Specialist

Department of Community Development

805 Central Avenue, Suite 700

Cincinnati, OH 45202

(513) 352-4627

CURRENT WORKFORCE PROFILE AND HIRING PLAN

Name of Contractor/Developer: _____

JOB CATEGORY (A)	Total # of expected Positions needed for this project (B)	Total # of positions filled by existing EMPLOYEES in each category (C)	Total # of expected NEW HIRES in each category (D)	Total # of expected SECTION 3 NEW HIRES in each category (E)	Expected HIRE DATE(s) or new hires by category (note: there could be more than one date in each category (F)
Professionals*					
Technicians**					
Office/clerical					
Construction work by trade					
Trade					
Trade					
Trade					
Other					
Other					
Totals (G)					

*Professionals are defined as people who have special knowledge of an occupation (i.e. supervisors, surveyors, planners, and computer programmers).
 **Technicians are defined as people who work in direct support of engineers or scientists, utilizing theoretical knowledge of fundamental scientific, engineering, mathematical, or draft design principles.
 +Must be submitted with bid proposal

**This list is for the purpose of monitoring the hiring activity of the Developer/Contractor/Subcontractor.
 Please attach a list of current employees by names and titles.**

Date of Submission: _____

Signature: _____ Title _____

CURRENT WORKFORCE PROFILE AND HIRING PLAN

INSTRUCTIONS FOR COMPLETION

- COLUMN A** Indicate the type of trades or job positions to be used on this project.
- COLUMN B** Indicate the total number of person needed by position for this project.
- COLUMN C** Indicate the number of these positions to be filled by current employees of the bidder.
- COLUMN D** Indicate the number of new hires in each category expected as a result of this project.
- COLUMN E** Indicate the number of Section 3 qualified new hires estimated in each category. An eligible Section 3 new hire is (a) a public housing resident or (b) an individual who resides in the City of Cincinnati or the Cincinnati MSA and who is (i) a low-income person, as such term is defined in section 3 (b)(2) of the 1937 Act (income does not exceed 80% of the median income for the area) or (ii) a very low-income person, as such term is defined in section 3(b)(2) of the 1937 Act (income does not exceed 50% of the median income for the area).
- COLUMN F** Provide the estimated hire date(s) of qualified Section 3 new hires.

A similar form must be provided for each subcontract that exceeds \$100,000. This form must be submitted with all bids.

EXAMPLE

OUTREACH-RECRUITMENT LETTER EMPLOYMENT AND TRAINING POSITIONS

Robert Bell, Section 3 Compliance Coordinator
Cincinnati Metropolitan Housing Authority
16 West Central Parkway
Cincinnati, OH 45202

Subject: Section 3 Recruitment

Dear Mr. Bell:

Our firm is a contractor on a HUD financed project in the City of Cincinnati covered by Section 3 of the Housing and Community Development Act of 1968, as amended. Under this law we are required to ensure that employment and other opportunities be directed to low- and very low-income persons in the order specified on the attached Notice. Additionally, we are required to notify Section 3 residents about training and employment opportunities generated by Section 3 covered assistance.

Our firm is committed to complying with Section 3 and action steps necessary to achieve the goals of the Act. Accordingly, this letter is to request your assistance in notifying and referring qualified Section 3 residents for the job openings listed on the attached Section 3 Notice. Interested persons should contact:

Mr. John Smith
567 South Street
Cincinnati, OH 45223

Thank you for your assistance in this matter. Should you need additional information please call Mr. Smith at 513-111-2222.

Sincerely,

TRAINING PLAN

Will there be any training opportunities on this project?

YES _____ NO _____

If the response to the above was yes, please complete the attached form.

INSTRUCTIONS FOR COMPLETION OF TRAINING PLAN

- A Areas of anticipated Training in Connection with this Project: please list.
- B Number of Expected Training Hours Available by Training Area category: please list.
- C Type of Training Available: self-explanatory.
- D Opportunities Available by Training Area to Section 3 Residents: please respond with either a "yes" or "no" to indicate whether training will be available for low and very low-income individuals (Section 3 Residents) by training area category.
- E Comments: self-explanatory.

Contact Name: _____

Signature: _____

Phone Number: _____

SECTION 3 NOTICE – HOUSING AND COMMUNITY DEVELOPMENT PROJECTS

PURPOSE OF NOTICE: To comply with Section 3 of the Housing and Urban Development Act of 1968, as amended.

PREFERENCE REQUIREMENTS – EMPLOYMENT AND TRAINING

The statute requires that any new hire for this project be directed to qualified Section 3 residents in the following order of priority:

1. Section 3 residents residing in the service area (geographical area in which the persons benefiting from the Section 3 covered project resides) or neighborhood in which the Section 3 covered project is located (collectively referred to as a category 1 residents)
2. Participants in HUD Youthbuild programs (category 2 residents).
3. Where the project is assisted under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.), homeless persons residing in the service area or neighborhood in which the Section 3 covered project is located shall be given the highest priority
4. Other Section 3 residents.

POSITIONS SUBJECT TO HIRE FOR THIS PROJECT				
Position Title	Qualifications	Estimated Salary	Estimated Start Date	Estimated Completion Date
Contact Persons' Name				
Prime Contractor/Developer Name, Address, Phone Number				
Signature				

SECTION 3 RESIDENT AFFIDAVIT

For any new hire on a covered project the information on the attached Section 3 Resident Affidavit Form must be obtained if the person is to be claimed as an eligible Section 3 resident new hire.

INSTRUCTIONS FOR COMPLETION

1. Provide current address and telephone number
2. Indicate whether the applicant is a resident of public housing **or** a low- or very low- income person residing in the metropolitan area.
3. Please describe any job skills, training or certifications received
4. By using the table, indicate whether the annual income for the applicant's family for the last year was less than the amount specified on the table. If the family size is over 8, list the annual income for the family.
5. This to be signed by the applicant and notarized.

SAMPLE RECORD KEEPING FORMAT

Applicant and Hiring Flow Data

Contractor/Developer			Federal ID:	Time Period	
Contract person			Contract Award/Project No.		
Contract Person:					
(1) Date	(2) Name	(3) Position Applying For	(4) Referral Source	(5) Section 3 Preference	(6) Status
4/30	Jane Q. Public 1234 Job Street Section 3, 1156789 (513) 221-1111	Carpenter	Walk-in	1- 11 F/N	2 (5/5)
*Preference Order 1. Section 3 residents residing in the service area (geographical area in which the persons benefiting from the Section 3 covered project resides), or neighborhood in which the Section 3 project is located, collectively referred to as category 1 residents 2. Participants in HUD Youthbuild programs, category 2 residents. 3. Where the project is assisted under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.), homeless persons residing in the service area or neighborhood in which the Section 3 covered project is located shall be given the highest priority 4. Other low and very low income persons (Section 3) residents residing in the metropolitan area.			**Status Code 1 = Interviewed – Not hired 2 = Interviewed – Hired 3 = Interviewed – Offered – declined Race of Head of Household Code 11 = Black 12 = Black/African American 13 = Asian 14 = American Indian/Alaska Native 15 = Native Hawaiian/Other Pacific Islander 16 = American Indian/Alaska Native & White 17 = Asian & White 18 = Black/African American & White 19 = American Indian/Alaska Native & Black/African American 20 = Other Multi Racial Hispanic Code Y = yes N = no		
NOTE: Entries in Columns 5 and 6 means that the applicant was a Black, non Hispanic female who is a resident of the service area in which the covered project is located on May 5.					

RECORD KEEPING FORMAT

Applicant and Hiring Flow Data

Contractor:			Federal ID:	Time Period	
Prime Recipient:			Contract Award/Project No.		
Contact Person:					
(1) Date	(2) Name	(3) Position Applying For	(4) Referral Source	(5) Section 3 Preference	(6) Status
*Preference Order 1. Section 3 residents residing in the service area of neighborhood in which the Section 3 covered 2. Participants in HUD Youthbuild programs. 3. Where the project is assisted under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.), homeless persons residing in the service area or neighborhood in which the Section 3 covered project is located. 4. Other low and very low income persons (Section 3) residents residing in the metropolitan area.			**Status Code 1 = Interviewed – Not hired 2 = Interviewed – Hired 3 = Interviewed – Offered – declined Race of Head of Household Code 11 = Black 12 = Black/African American 13 = Asian 14 = American Indiana/Alaska Native 15 = Native Hawaiian/Other Pacific Islander 16 = American Indiana/Alaska Native & White 17 = Asian & White 18 = Black/African American & White 19 = American Indian/Alaska Native & Black/African American 20 = Other Multi Racial Hispanic Code Y = yes N = no		

SECTION 3 BUSINESS UTILIZATION PLAN

Will there be any other contracts or subcontracts on this project? Yes_____ No_____

If yes, complete the attached Section 3 Business Utilization Form.

COLUMN 1 Enter type of contract (e.g. excavating, paving, etc.)

COLUMN 2 Enter the number of proposed contracts for each contract by category.

COLUMN 3 Enter the estimated dollar amount of these contracts by category.

COLUMN 4 Enter the number of contracts estimated to go to a qualified Section 3 business (see bottom of form).

COLUMN 5 Enter estimated dollar value of contracts to go to eligible Section 3 business.

If the contractor decides later to subcontract some portion of the project a Subcontractor Activity Form may be required.

EXAMPLE

OUTREACH LETTER CONTRACTING OPPORTUNITIES

Mr. Robert Bell, Section 3 Compliance Coordinator
Cincinnati Metropolitan Housing Authority
16 West Central Parkway
Cincinnati, OH 45202

Subject: Section 3 Recruitment

Dear Mr. Bell:

Our firm is a contractor on a HUD financed project in the City of Cincinnati covered by Section 3 of the Housing and Community Development Act of 1968, as amended. Under this law we are required to ensure that the employment and other opportunities be directed to low- and very low- income persons in the order specified on the attached Notice. Additionally, we are required to notify Section 3 business concerns* about contracting opportunities generated by Section 3 covered assistance.

Our firm is committed to complying with Section 3 and action steps necessary to achieve the goals of the Act. Accordingly, this letter is to request your assistance in notifying and referring qualified Section 3 business concerns for the contracting opportunities listed on the attached Notice. Interested persons should contact:

Mr. John Smith
567 South Street
Cincinnati, OH 45222

Thank you for your assistance in this matter. Should you need additional information, please call Mr. Smith at 513-555-4444.

Sincerely,

*A Section 3 business means a business concern (1) that is 51 percent or more owned by Section 3 residents; or (2) 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 business concern were Section 3 residents; or (3) that provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in sections (1) and (2) or this paragraph.

SIGNAGE FOR SECTION 3 PROJECTS

NOTICE OF CONTRACTING OPPORTUNITIES

This notice must be posted at the job site and accessible for all to see

Contractor/Developer	Contact person
Location of Work	
Scope of Work	
Estimated Start Date	Estimated Completion Date
Special Requirements	

SECTION 3 BUSINESS CONCERN AFFIDAVIT

I. Basic Information

1. Name of Company: _____

2. Company Address: _____

Telephone number _____ Email Address: _____

3. Type of business (ex. General Contractor, Electrical, Plumbing, etc.),

4. Project name and address and type of contract: (If applicable for the 25% subcontracting):

II. Type of Section 3 Business Concern

A Section 3 business means a business concern that:

1. is 51 percent or more owned by Section 3 residents; or
2. 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 business concern were Section 3 residents; or
3. provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in subsections (1) and (2) of this section.

The Company qualified as a Section 3 business under category _____.

III. Verification

The Company hereby agrees to provide upon request documents verifying the information provided above.

I authorize the information above to be added to a database of Section 3 Business Concerns that will enable me to receive notice of employment and training opportunities for future Section 3 covered projects. I understand that this list may be accessed by Hamilton County staff, City of Cincinnati staff, Cincinnati Metropolitan Housing Authority staff, contractors, developers, and subcontractor working on Section 3 covered projects.

Under penalty of perjury, I certify that I have personal knowledge of the certifications made in this affidavit and that the same are true.

Name (signature) _____

Notary (signature) _____

SEAL:



**CITY OF CINCINNATI – DEPT. OF COMMUNITY DEV.
SUBCONTRACTOR UTILIZATION PLAN**

CD 2003
Revised 11/12/10

Contract Number _____

THIS DOCUMENT MUST BE ACCURATELY COMPLETED, SIGNED AND SUBMITTED PRIOR TO “NOTICE TO PROCEED”

PROCUREMENT DESCRIPTION:	DATE SUBMITTED:	TOTAL CONTRACT VALUE \$:
COMPANY NAME:	FEDERAL TAX ID#	ADDRESS/TELEPHONE:

THE ABOVE NAMED COMPANY PROPOSES TO USE THE SERVICES OF THE FOLLOWING LISTED FIRM (S) DEMONSTRATING SUFFICIENCY TO MEET OR EXCEED SUBCONTRACTING PARTICIPATION GOALS. PLEASE LIST ALL SUBCONTRACTORS, INCLUDING SUPPLIERS.

Name/Address/Telephone	Federal Tax ID#	Describe Exact Type Of Work /Supplier	Subcontract Dollars	Subcontract Percentage	<i>Certified Section 3 Business Concern Y/N</i>	<i>Certified SBE Y/N</i>

I certify that the above information is true to the best of my knowledge. I acknowledge and agree that any changes to the above information must be submitted in writing and inputted in SubConTrak.

Signature	Title	DATE
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SECTION 3

CONTRACTOR INFORMATION

PACKET

☀ **The following information has been provided to the contractor for use and reference. The contractor is not required to complete any paperwork contained in this section.**

SECTION 3 COMPLIANCE PLAN FOR THE CITY OF CINCINNATI

I. Mission Statement

This plan is developed in order to implement the provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended to date. The purpose is to ensure that employment and other economic opportunities generated by certain programs funded by the U.S. Department of Housing and Urban Development shall, to the greatest extent feasible and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low and very low income persons.

Under this Plan the City of Cincinnati is seeking to insure that opportunities for employment of low- and very-low income persons, and for the use of business concerns which provide economic opportunities for low- and very low- income persons are, at least to the extent set forth in Federal regulations, made available to qualified persons and businesses within the City of Cincinnati when it is expending funds under programs covered by the Section 3 regulations (24CFR Part 135). The covered Federal program expenditures include, but are not necessarily limited to, Community Development Block Grant (CDBG), HOME Investment Partnership program (HOME), and related funding sources when these funds are used for:

1. Housing rehabilitation (including reduction and abatement of lead based paint hazards, but excluding routine maintenance, repair and replacement);
2. Housing construction; and
3. Other public construction

II. Definitions

The definition of terms under the Plan is the same as those set forth in CFR 24 Part 135.5.

For the purposes of this Plan “neighborhood area” and “service area” mean, in all cases the legal boundaries of the City of Cincinnati. A partial listing of definitions is set forth in the attached Glossary.

III. Plan Goals and Selection Priorities

For expenditures covered by the Section 3 requirements it is the goal of the City to employ, or have sub-recipients and contractors employ, Section 3 residents (i.e. residents of the Cincinnati MSA) whose income is 80% or less than the median income of the Cincinnati MSA. The specific employment goals of the City of Cincinnati are as follows:

Employment: Thirty percent (30%) of the aggregate number of new hires during a one-year period of the project. (Example: A construction contractor hires 10 new workers. Three of the new workers should be Section 3 eligible persons).

The order of priority for selecting Section 3 new hires shall be, where feasible, as follows:

1. Section 3 residents residing in the service area or neighborhood in which the Section 3 covered project is located;
2. Participants in HUD Youthbuild programs;
3. Where the Section 3 project is assisted under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.), homeless persons residing in the service area or neighborhood in which the Section 3 covered project is located shall be given the highest priority;
4. Other Section 3 residents (Cincinnati MSA).

A Section 3 resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient, contractor or subcontractor, if requested that the person is a Section 3 resident, as defined in 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). Nothing in this part shall be construed to require the employment of a Section 3 resident who does not meet the qualifications of the position to be filled.

For expenditures covered by the Section 3 requirements it is the goal of the City to award contracts, or have sub-recipients and contractors award contracts to Section 3 business concern as follows:

Contracting: At least 10 percent (10%) of the total dollar amount of all Section 3 covered contracts for building trades work arising in connection with housing rehabilitation, construction, and other public construction with deferral funds; and (b) At least three percent (3%) of the total dollar amount of all other covered Section 3 contracts to eligible section 3 business concerns. trade activities (engineering, architecture, construction management, etc.).

The order of priority for selecting Section 3 business concerns shall be, where feasible, as follows:

1. Section 3 business concerns that provide economic opportunities for Section 3 residents in the service area or neighborhood in which the Section 3 covered project is located (City of Cincinnati); and
2. Applicants (as this term is defined in 42 U.S.C. 12899) selected to carry out HUD Youthbuild programs.
3. Other Section 3 business concerns (Cincinnati MSA).

A business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence, if requested, that the business concern is a Section 3 business concern as defined in 135.5.

A Section 3 business concern seeking a contract or a subcontract shall submit evidence to the recipient, contractor or subcontractor (as applicable), if requested, sufficient to demonstrate to the satisfaction of the party awarding the contract that the business concern is responsible and has the ability to perform successfully under the

terms and conditions of the proposed contract (the ability to perform successfully under the terms and conditions of the proposed contract is required of all contractors and subcontractors subject to the procurement standards of 24 CFR 85.36 (see 24 CFR 85.36(b)(8)). This regulation requires consideration of, among other factors, the potential contractor's record in complying with public policy requirements. Section 3 compliance is a matter properly considered as part of this determination.

IV. Application and Required Actions

A. Covered Activities

Section 3 covered projects are those projects that involve constructions, reconstruction, conversion of rehabilitation of housing, and other publicly-funded construction including other buildings or improvements, regardless of ownership. Therefore, some of the funding programs available through the County for community and economic development, and housing activities are covered by section 3. Section 3 covered projects include the reduction and abatement of lead-based paint hazards, but exclude routine maintenance, repair and replacement.

B. Dollar Thresholds

When HUD ("Grantor") funding to the City of Cincinnati ("Subgrantee") exceeds \$200,000, it has been determined that the City has met the required thresholds and that specific Section 3 requirements apply. Additionally, the City's recipient of HUD funds and their sub-contractors must also comply with Section 3 in instances where the aggregate (total) amount of City assistance for all projects exceeds \$100,000. Section 3 requirements apply to the entire project or activity, regardless of whether the project or activity is fully or partially funded with HUD assistance.

C. City of Cincinnati

Since the City, as a subgrantee receives HUD funding in excess of \$200,000, the city is subject to Section 3 requirements for activities involving construction projects, new housing projects, or housing rehabilitation projects. The City is required to pass these requirements on to all recipients and their subrecipients who receive \$100,000 or more in covered assistance.

As a recipient of covered Section 3 funds the City of Cincinnati will undertake the following actions in order to meet its obligations under the regulations.

1. Notify Section 3 residents and business concerns about training, employment, and contracting opportunities generated by Section 3 covered assistance.
2. Notify potential contractors for covered projects of Section 3 requirements.
3. Incorporate the Section 3 clause set forth in 24 CFR 135.38 in all solicitations and contracts.
4. Facilitate the training and employment of Section 3 residents
5. Facilitate the award of contracts to Section 3 business concerns.
6. Assist and actively cooperate with the Assistant Secretary in obtaining the compliance of contractors and subcontractors with Section 3 requirements.
7. Refrain from entering into any contract with any contractor where the recipient has notice or knowledge that the contractor has been found in violation of the Section 3 regulations.
8. Document actions taken to comply with Section 3, the results of actions taken and impediments, if any.
9. Submit required reports.

The City will pass these responsibilities on, via Agreement, to any covered sub-recipient. Covered sub-recipients are subject to the above requirements.

In addition, the City will undertake the following additional actions.

- Inform the Department of Community Development of Section 3 hiring requirements for the City of Cincinnati staff dealing with HUD funds, especially positions which deal directly with housing rehabilitation, housing construction or other construction.
- Establish procedures and informational material for affected developers/contractors (\$100,000 in HUD funds) as well as subcontractors in excess of \$100,000 with any level of HUD funding.
- Place Section 3 Clause in all covered solicitation and procurement. This would include all covered contracts in excess of \$100,000 regardless of the level of HUD funded assistance.
- Requirements may, at local discretion, be passed on to other contracts. Notice of Section 3 requirements will be included in all public advertisements or notices.
- Require timely submission of Section 3 reports from covered sub-recipients, contractors and sub-contractors. A Section 3 file shall be established for all covered contracts.
- Establish procedures to prevent award of funds to sub-recipients or contractors who fail to meet Section 3 Requirements (barred list).

D. Contractors

For all contractors, and subcontractors, covered by the Section 3 requirement, the City shall require them to undertake the following actions to implement the requirements.

1. Include the "Section 3 clause" set forth in 135.38 in every subcontract subject to the Section 3 regulations.
2. Send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding a notice advising them of the contractor's commitments under the Section 3 clause.
3. Post copies of the notice in "2" above 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
 - Set forth minimum number of job titles subject to hire
 - List the availability of apprenticeship and training positions, and the qualifications for each
 - Specify the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
4. Refrain from filling any vacant employment and training positions after the contractor is selected but before the contract is executed to circumvent the contractor's obligations under 24 CFR Part 135 of the Section 3 Regulations.
5. Refrain from entering into any contract with any subcontractor where the contractor has notice of knowledge that the contractor has been found in violation of the Section 3 regulations.
6. Direct efforts to award covering contracts to Section 3 business concerns in the order of priority set forth in the Statute.

7. Direct efforts to employ and train Section 3 residents in the order of priority set forth in the Statute.
8. Document actions taken to comply with Section 3 requirements.
9. Submit required reports.

Each covered sub-recipient, contractor and subcontractor shall be provided with a copy of this Plan and attached "Contractors Booklet".

IV. Technical Guidelines

A. Examples of Efforts to Offer Training and Employment Opportunities to Residents

1. Distribute flyers which identify positions to be filled, qualifications, and where to obtain additional information to:
 - Assisted housing developments and transitional housing in the neighborhood or service area of the Section 3 covered project.
 - Resident councils, resident management corporation, resident organizations, churches, or other neighborhood organizations
 - Agencies administering federal, state or locally funded training programs (JTPA, JOBS, School-to-Work), and employment services agencies and organizations.
2. Request the assistance of resident and community organizations in:
 - Notifying residents of training and employment positions to be filled
 - Conducting job interviews and completing and collecting job applications
3. Sponsor or participate in job informational meetings or job fairs in the neighborhood or service area of the Section 3 covered project.
4. Advertise vacancies through local media such as radio and newsletters.
5. Undertake job counseling, education and related programs in association with local institutions.
6. Hire Section 3 residents for training and employment positions.
7. Take actions to ensure the continued employment of Section 3 residents.
8. Sponsor a HUD-certified "Step-Up" employment and training program for Section 3 residents.
9. Establish pre-apprenticeship and apprenticeship training programs that are consistent with DOL requirements for Section 3 residents.
10. Request the assistance of agencies and administering HUD in administering HUD Youthbuild programs in recruiting HUD Youthbuild program participants for the contractor's training and employment positions.
11. Employ Section 3 residents directly on either a permanent or a temporary basis.

12. Maintain a file of eligible qualified Section 3 residents for future employment positions.
13. Incorporate into the contract (after selection of bidders but prior to execution of contracts), a negotiated provision for a specific number of other Section 3 residents to be trained or employed on covered projects.
14. Coordinate economic development plans (e.g., job training and business assistance for residents) with the plans for housing and community development.

B. Examples of Efforts to Award Contracts to Section 3 Business Concerns

1. Utilize procurement procedures for Section 3 business concerns similar to those provided in the Appendix to Part 135.
 2. Consider potential contractors record of Section 3 compliance in determining their ability to perform successfully under the terms and conditions of proposed Section 3 contracts (e.g., past actions and plans for the pending contract).
 3. Ensure that Section 3 business concerns are notified of pending contracting opportunities by taking such steps as:
 - Informing business assistance agencies, minority contractors associations, City of Cincinnati resident organizations, community organizations, and community organizations of opportunities.
 - Providing written notice to known Section 3 business concerns of contracting opportunities that contains information on where to obtain additional information.
 - Conducting pre-bid meeting with Section 3 business concerns
 - Advertising opportunities through trade association papers and local media (e.g., radio, newspapers and newsletters).
 - Notifying agencies administering HUD Youthbuild programs of opportunities.
 4. Request the assistance of contractors associations and resident community organizations in identifying Section 3 businesses that may solicit bids or proposals for contracts.
 5. Follow up with Section 3 business concerns that have expressed interest in contracting opportunities by providing additional information.
 6. Carry out workshops on contracting procedures and specific contract opportunities.
 7. Advise Section 3 business concerns of assistance resources for obtaining bonding, lines of credit, financing or insurance.
 8. Break out contract work items into economically feasible units to facilitate participation by Section 3 business concerns.
 9. Develop a list of eligible Section 3 business concerns.
 10. Establish programs designed to assist PHA residents in creating and developing resident-owned businesses.
 11. Link Section 3 business concerns to support services.
 12. Actively support joint ventures with Section 3 business concerns.
 13. Coordinate Section 3 business list development with the city.
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C. Examples of Records to be Maintained

1. Copies of training and employment advertisements.
2. List of Section 3 applicants and employees.
3. Copies of recruitment letters to resident and community organizations.
4. Copies of the required Notices and Posting.
5. Copies of solicitations or requests for proposals.
6. Record of bid evaluations and selections.
7. Pre-construction conference minutes and attendance roster.
8. Copies of notifications of awards to grantees and contractors.
9. Record of efforts taken to award contracts to Section 3 business concerns (e.g., outreach and procurement procedures).
10. Record of contracts awarded to Section 3 business concerns, including the dollar amounts of each.
11. Records of efforts taken to insure that contractors and subcontractors are informed of Section 3 requirements.
12. Records of efforts taken to ensure that Section 3 residents are informed of Section 3 requirements.
13. Core list of current employees, aside from the new hires.
14. Payroll records that substantiate payment to and continuous employment of the Section 3 new hires and current employees aside from the new hires.

PLAN ATTACHMENTS

1. Glossary
2. Section 3 Project Examples
3. Meet and Confer

ATTACHMENT 1: GLOSSARY

The following list is not all inclusive but contains especially relevant definitions:

Employment Opportunities Generated by Section 3 Covered Assistance means all employment opportunities arising in connection with housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacements), housing construction and other public construction management and administrative jobs (including architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups) and jobs directly related to the administrative support of these activities (e.g., construction manager, relocation specialist, payroll clerk, etc.).

Housing and Community Development Assistance means any financial assistance provided or otherwise made available through a HUD housing or community development program through any grant, loan, loan guarantee, cooperative agreement, or contract, and includes community development funds in the form of community development block grants, and loans guaranteed under section 108 of the Housing and Community Development Act of 1974 as amended. Housing and community development assistance does not include financial assistance provided through a contract of insurance or guaranty.

New Hires means full-time employees for permanent, temporary, or seasonal employment opportunities.

Recipient means any entity which receives Section 3 covered assistance, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian Tribe or other public body, public or private non-profit organization, private agency or institution, mortgagors, developers, limited dividend sponsor, builder, property manager, CHDO, RMC, RC or cooperative association. Recipient also includes any successor, assignee, or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies, and does not include contractors.

Section 3 Business Concern means a business concern (1) that is 51% or more owned by Section 3 residents; or (2) whose permanent, full-time employees includes persons, at least 30% of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or (3) that provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications of (1) and (2) in this definition.

Section 3 Covered Contract means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project. "Section 3 covered contracts" do not include contracts awarded under HUD's procurement program that are governed by the Federal Acquisition Regulation System (see 48 CFR, chapter 1) nor contracts for the purchase of supplies and materials. However, when a contract for supplies and

materials includes the installation of the materials, the contract constitutes a Section 3 covered contract (i.e. the installation of a furnace).

Section 3 Covered Project means the construction, reconstruction, conversion or rehabilitation of housing (including the reduction of lead-based paint hazards), other public construction, which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

Section 3 Resident means (1) a public housing resident; or (2) an individual who resides in the metropolitan area or City of Cincinnati MSA in which the Section 3 covered assistance is expended, and who is (i) a low income person (income does not exceed 80% of the median income for the area); or (ii) a very low-income person (income does not exceed 50% of the media income for the area).

Service Area means the geographical area in which the persons benefiting from the Section 3 covered assistance project reside. The service area shall not extend beyond the unit of general local government in which the Section 3 covered assistance is expended.

**ATTACHMENT 2
SECTION 3 PROJECT EXAMPLES**

ACTIVITY	PROGRAM	LOAN/GRANT AMOUNT	ASSISTANCE	ADDITIONAL CONTRACTORS AND SUBS	SECTION 3 AFFIRMATIVE DUTY APPLIES TO CONSTRUCTOR?	REASONING
Business Expansion (involving construction or rehabilitation)	CDBG Float Loan	\$500,000	Business	General Contractor (contract amount of \$400,000); Sucontractors (all subcontracts under \$100,000)	YES – for Business and General Contractor NO for subcontractors	Business and General Contractor: Both (1) the covered activity threshold (“other public construction which includes buildings or improvements” – 24 CFR 135.5 (definition of “Section 3 covered project”)) and (2) the monetary threshold (contract exceeds \$100,000 – 24 CFR 135.3 (a)(3)(ii)(B)) are met. Subcontractor: The monetary threshold is not met (contract does not exceed \$100,000 – 24 CFR 135.3(a)(3)(ii)(B)).
Building Rehab	Multi-Family Loan	\$870,000	Developer	General Contractor (contract amount of \$300,000); two (2) sub-contractors (Subcontractor A with contract amount over \$100,000 and Subcontractor B with amount less than \$100,000)	YES – for Developer, General Contractor and Subcontractor A. NO – for Subcontractor B.	Developer, General Contractor and Subcontractor A: both (1) the covered activity threshold (“other public construction which includes buildings or improvements” – 24 CFR 135.5 (definition of “Section 3 covered project”)) and (2) the monetary threshold (contract exceeds \$100,000 – 24 CFR 135.3(a)(3)(ii)(B)) are met. Subcontract B: The monetary threshold is not met (contract does not exceed \$100,000 – 24 CFR 135.3(a)(3)(ii)(B)).
Fair Housing Counseling	Delegate Agency Contract	\$25,000	Nonprofit Organization	None	NO – for Nonprofit Organization	This activity is not considered Section 3 covered assistance (24 CFR 135.5 (definition of “Section 3 covered assistance”).
Senior Center Construction	Delegate Agency Contract	\$250,000	Nonprofit Organization	General Contractor	YES for Nonprofit Organization and General Contractor	Both (1) the covered activity threshold (“other public construction which includes buildings or improvements” – 24 CFR 135.5 (definition of “Section 3 covered project”)) and (2) the monetary threshold (contract exceeds \$100,000 – 24 CFR 135.3(a)(3)(ii)(B)) are met.
Building Rehab	Multi-Family Loan	Profit amount is \$4,000,000. \$3,850,000 from corporate funds and \$150,000 from CDBG	Developer	General Contractor and Subcontractors	YES – for Developer, General Contractor and Subcontractors.	Both (1) the covered activity threshold (“other public construction which includes buildings or improvements” – 24CFR 135.5 (definition of Section 3 covered project”)) and (2) monetary threshold (contract exceeds \$100,000 – 24 CFR 135.5(a)(3)(ii)(B)) are met.
Building Rehab	Multi-Family Loan	\$150,000	Developer (with no other HUD-funded County projects)	General Contractor (contract amount is \$125,000)	YES – for Developer and General Contractor	Both (1) the covered activity threshold (“public construction which includes buildings or improvements” – 24 CFR 135.5 (definition of “Section 3covered project”)) and (2) the monetary threshold (contract exceeds \$100,000 – 24 CFR 135.3(a)(3)(ii)(B)) are met.

MEET AND CONFER DEPARTMENTAL POLICY & PROCEDURES

Department of Community Development
July 5, 2005

POLICY

It is the desire of the City of Cincinnati (City) to enhance economic opportunity by requiring any entity that received City funding for a project involving construction, to meet and confer with minority, female and locally owned contractors as well as the trade unions representing all of the crafts to be involved in the project. The intent of the Meet and Confer provision is to expand opportunities for those interested in participating in City assisted construction projects by providing for a Pre-Bid meeting to explain the use and extent of City funds in projects involving construction activity. Additionally, the Meet and Confer provision is intended to provide unsuccessful bidders a meaningful opportunity to review guidelines so that they can better compete in the future.

MEET AND CONFER POLICY

In October 1989, City Council passed resolution No. 93-1989, which established the Meet and Confer policy as follows:

That it is the policy of the City of Cincinnati to require all private developers who have entered into development agreements with the City, as a condition of those agreements, to subsequently meet and confer with the trade unions representing the crafts, in addition to minority, females and locally owned contractors and suppliers potentially involved in the project, within the timetable already in place for land conveyance, plan approval and construction startup, with the aim of reaching comprehensive and efficient project agreements covering all construction improvements constructed by the developer on behalf of a tenant, the meet and confer requirement shall apply to leases substantially negotiated 60 days prior to construction startup. Upon request of any participant the City Manager will promptly report the results of these meetings to City Council.

On May 1, 2002, City Council passed Ordinance No. 130-2002, supplementing Resolution 93-1989 that requires the following language to be included in all funding agreements between the City and developers who receive City funds:

The Developer prior to commencement of construction and/or prior to any expenditure of City funds, and with the aim of reaching comprehensive and efficient project agreements covering all work done by the Developer to or on the property, shall meet and confer with: the trade unions representing all of the crafts included in this redevelopment and minority, female and locally-owned contractors and suppliers potentially involved in this redevelopment. At this meeting, the Developer shall make available copies of the scope of work and if prevailing wage rates apply, the rates pertaining to all proposed work to or on

the property. Not later than ten days (10) days following the Developer's meet and confer activity, the Developer shall provide to the City, in writing, a summary of the Developer's meet and confer activity.

IMPLEMENTATION STRATEGY

The Department of Community Development (DCD) intends to centralize the implementation of Ordinance No. 130-2002 through the appointment on one department coordinator for Meet and Confer activities. Centralization will allow consistent internal controls throughout the Department, thereby ensuring that both the recipients and staff regularly adhere to the Meet and Confer requirements. This method of implementation will provide efficient and high quality services to all labor resources in our community without adding time or cost to City assisted construction projects.

EXEMPTIONS

It is the City's desire to provide an effective process that expands the opportunity for participation in City assisted construction projects that may or may not be subjected to the public bidding process. Therefore, the following are exempted from the Meet and Confer requirements:

1. All public projects bid directly by the City and meeting Federal, State and/or City legislation establishing a public Open Bid process.
2. Any project receiving City funds for construction activities and bid by the City for the fund recipient meeting Federal, State and/or City legislation establishing a public Open Bid process.

PROCEDURES

In order to ensure that the Meet and Confer policy is implemented consistently, the DCD will coordinate and conduct the Meet and Confer meetings in the following manner:

Pursuant to the legislation, the Meet and Confer requirement is applicable to all development agreements. Development agreements are hereby interpreted to include all City contracts whereby the City provides assistance to construction projects.

- a) Construction activity means any new construction, reconstruction, improvement, enlargement, alteration, repair, painting or remodeling.
- b) Recipient means the entity that receives City funding and includes but is not limited to developers, businesses, service providers, non-profit organizations, applicants and vendors.
- c) The Meet and Confer language from the controlling ordinance will be included in all instruments between the City and recipients of City funds thereby putting recipients on notice that any City assisted construction projects will require compliance with the Meet and Confer Policy.

2. The Meet and Confer meeting will be held on the second and fourth Tuesdays of each month at the Business Development and Permit Center located at 3300 Central Parkway. The meeting room will be available at 7:30 AM for the public to review project proposals. The formal Meet and Confer meetings to introduce each project will begin at 8:00 AM. Should a recipient require a meeting other than the established meeting dates, the coordinator will make the necessary arrangements for the additional meeting subject to a fee. The fee will be established by City Council.
3. One person within the DCD will be assigned to coordinate and conduct the Meet and Confer activities.
 - a) Prior to the final approval of any document providing City funding, the Project Manager or the Development Officer will assess the applicability of the Met and Confer regulations.
 - b) The Meet and Confer Coordinator will document the determination, along with other pertinent reporting information for each project.
 - c) In addition to the Meet and Confer activities, the Coordinator will be the official keeper of records for the Department's City assisted construction projects. As such, the Coordinator will be responsible for the preparation of reports on the Department's funding activity.
4. The following process will be implemented by the Coordinator:
 - a) The coordinator will set the agenda for each meeting in coordination with the Project Managers, Development Officers or any other staff responsible for arranging City funding to recipients.
 - b) Five (5) days prior to the Meet and Confer meeting, agenda packets will be sent either by mail or electronically to the Greater Cincinnati Building Trades Council, allied Construction Industries (ACI), South Central Ohio Minority Business Council, Greater Cincinnati Northern Kentucky African-American Chamber of Commerce, the Hispanic Chamber of Commerce, the City's list of Small Business Enterprises (SBE), and the Dodge Report. Notice of the meeting will also be published in the City Bulletin. In addition, the agenda packets will be sent to the fund recipients as well as the internal staff responsible for the project.
 - c) The agenda shall list the project name, the name of the recipient of the funds, the amount of City funds in the project, a brief description of what the funds will be used for on the project, qualifications and certifications required for bidders, whether prevailing wage rates apply, and the rates pertaining to all proposed work to and on the subject property.
 - 1) The funding recipient will be responsible for providing the coordinator with a written description of all construction activity to be performed and rates pertaining to all work to and on the subject property.
 - 2) The Department of Contract Compliance specialists will be responsible for supplying to the Meet and Confer coordinator the applicable prevailing wage rates for the project. A fully executed

Office of Contract Compliance Form 217 provides the prevailing wage determination.

- d) The Department Director, or his or her designee, will facilitate the Meet and Confer meeting along with the appropriate staff project managers.
 - e) All attendees will be documented through a sign-in registry that will be incorporated into the meeting minutes.
 - f) Should on-site meetings be available for the purpose of understanding the project scope, the dates and time of such on-site meeting/s will be presented at the Meet and Confer meeting and incorporated into the minutes becoming a part of the formal records.
 - g) Each meeting will be recorded and the coordinator will provide minutes of each meeting. All meeting minutes will be maintained by the coordinator and made available for public inspection.
 - h) The coordinator will provide copies of the minutes to the appropriate staff/project managers for the project files.
5. The Meet and Confer activities must be completed by a private entity prior to the release of public bid documents if the project is subject to the public Open Bid process. If the project is not subject to the Open Bid process, then the Meet and Confer activities must be completed prior to the commencement of construction activities and prior to the commencement of construction activities and prior to the release of City funds to the recipient.
- a) Should a construction project be bid prior to an agreement with City for funding, the recipient will be required to comply with the Meet and Confer requirements and to re-bid the project.

EARLY WARNING OF MEET AND CONFER REQUIREMENTS

Developers requesting information on programs that have to follow Meet and Confer provisions should be informed of such when the developers make their initial inquiries. All program applications in which the finding agreements require “meet and confer” provisions should detail the requirements of this provision. These two early warning devices are important because the Meet and Confer activities should take place before the developer is ready to advertise for bids, a situation that often occurs relatively early in the development process.

RE-BID

For all projects that are required to be re-bid, if the previous bid time exceeds 90 days, the Meet and Confer procedures detailed above need to be reapplied.