

51.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2011-0113	Resolution	Introduced
	Resolution to approve a Section 3 Affirmative Action Plan for all Community Development Block Grant (CDBG) Programs.	
	Introduced: 4/19/2011	Controlling Body: Safety & Development Committee
		Sponsor(s): Safety & Development Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4/19/11</u>			Barczak				
			Czaplewski				
			Kopplin				
			Lajsic	✓			
	✓		Narlock	✓			
			Reinke	✓			
			Roadt	✓			
		✓	Sengstock				
			Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

[Signature]
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 19 2011</u>			Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock				✓
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>			<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0113

Final Action:
APR 19 2011

Sponsor(s): Safety & Development Committee

Resolution to approve a Section 3 Affirmative Action Plan for all Community Development Block Grant (CDBG) Programs.

WHEREAS, the City of West Allis is desirous of providing affordable housing; and,

WHEREAS, the City of West Allis receives an award of Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development (HUD) on an annual basis and receives other CDBG-related funds as awarded; and,

WHEREAS, certain contracts, funded by CDBG funds, require compliance with Section 3, which includes recruiting and promoting the use of Section 3 "business concerns," per HUD regulations; and,

WHEREAS, Section 3 promotes the use of local businesses that are either owned by or employ low-to-moderate income employees and promotes the hiring of low-to-moderate income individuals; and,

WHEREAS, attached as Exhibit 1 is the proposed Section 3 Affirmative Action Plan for all Community Development Block Grant (CDBG) Programs.

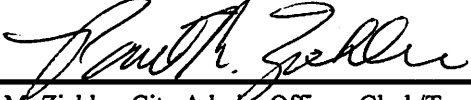
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis hereby approves the Section 3 Affirmative Action Plan for all Community Development Block Grant (CDBG) Programs.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to make substantive changes, modifications, additions and deletions to and from the various provisions of the Section 3 Affirmative Action Plan including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

Attachment: Exhibit 1 (Affirmative Action Plan)

Cc Department of Development

DEV-R-634-4-19-11

ADOPTED APR 19 2011

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.


APPROVED 4/25/11

Dan Devine, Mayor

EXHIBIT 1

COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF WEST ALLIS (CDA) SECTION 3 UTILIZATION AND AFFIRMATIVE ACTION PLAN FOR THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP), HOME PROGRAM AND CDBG HOUSING REHAB PROGRAM

The COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF WEST ALLIS (CDA) will implement the following affirmative action steps directed at increasing the utilization of Section 3-business concerns for the NSP, HOME and CDBG Housing Rehab Programs:

- A. To provide the attached table, Exhibit A, "Proposed Section 3 Contracts: Utilization Breakdown," to all awards. This will include:
 1. An approximate number and dollar value of contracts to be awarded over the duration of this project; and,
 2. Based on an analysis of available eligible business concerns and the estimated contract needs, a target number and value of contracts to be awarded to Section 3 business concerns.

- B. To provide a strategy for achieving the targets established (3% of total funds) for awards to Section 3 business concerns which will include the following steps:
 1. To insert this affirmative action plan in all bid documents;
 2. To identify the Section 3 covered project area as follows:
 - a. For purposes of job training and employment, the Section 3 area is the City of West Allis;
 - b. For purposes of contracts, the Section 3 area is the Milwaukee-Waukesha-West Allis Metropolitan Statistical Area (MSA) which includes Milwaukee, Waukesha, Ozaukee and Washington counties.
 3. To attempt to recruit from the appropriate areas the necessary number of lower income residents and/or Section 3 business concerns through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area to the greatest extent feasible.
 4. To prominently display a Section 3 Notice at the project site.
 5. To give preference to Section 3 contractors who are equally qualified as the lowest bid, even if their bid is 5% higher than the lowest qualifying bid.
 6. To require all bidders to submit a Section 3 Affirmative Action Plan including utilization goals and the specific steps planned to accomplish those goals.
 7. To take steps to secure the cooperation of contractors, subcontractors and unions in meeting goals and carrying out the affirmative action plan, including the following:
 - a. To require all contractors to sign the Section 3 Compliance Agreement, attached as Exhibit B;
 - b. To require all contractors to complete the Section 3 Compliance Report, attached as Exhibit C;
 - c. To required all contractors to complete the Section 3 Qualification Form, attached as Exhibit D; and,
 - d. To include Section 3 notices or requirements, or both, in the advertisement for bids, the Invitation to Bidders and the Contract.

**SECTION 3 UTILIZATION
AND AFFIRMATIVE ACTION PLAN**

EXHIBIT A

PROPOSED SECTION 3 CONTRACTS: UTILIZATION BREAKDOWN

Type of Contract (Business or Profession)	Name of Contractor or Subcontractor	Total Approx. Dollar Amt.	Estimated No. of Contracts/ Subcontracts to Section 3 Businesses	Est. Dollar Amt. To Section 3 Businesses	% of Total Contract That Goes to Section 3 Businesses

EXHIBIT B

**SECTION 3 CERTIFICATION
TRAINING EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESS
AND LOWER INCOME PERSONS
COMPLIANCE AGREEMENT**

- A. The project to be assisted under this Contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.-C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.
- B. Notwithstanding any other provision of this Contract, the applicant shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 Federal Register 29220, October 23, 1973) and all applicable rules and orders of, the Secretary issued thereunder prior to the execution of a Redeveloper's Agreement. The requirement of said regulations include but are not limited to development and implementation of an affirmative action plan for business concerns located within or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by Section 3; and incorporation of the Section 3 clause specified by Section 135, 20(b) of the regulation in all contracts for work in connection with the project. The applicant certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.
- C. Compliance with the provisions of Section 3 the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this (agreement) (contract) shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant, its successors and assigns. Failure to fulfill these requirements shall subject applicant, its contractors and subcontractors, its successors, and assigns to the sanctions specified by the Redevelopment Agreement and to such sanctions as are specified by 24 CFR Section 135.

DATE

SIGNATURE

NAME (TYPE OR PRINT)

TITLE

EXHIBIT C

SECTION 3 COMPLIANCE REPORT

Must be completed by every contractor or subcontractor awarded a construction contract on a Community Development Block Grant (CDBG) project.

Grantee: _____ Grant #: _____

Contractor: _____

Contract Amount: \$ _____

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

_____ Attempted to recruit low-income residents through local advertising media, signs prominently displayed at the project site, contracts with community organizations and public or private agencies operating within the metropolitan area or nonmetropolitan county in which the Section 3 covered program or project is located or similar methods.

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

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

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

_____ Other. Describe: _____

Job Category	Staff		New Hires/Trainees Total # of new hires/trainees that are Section 3 residents	Total # staff hours for new hires that are Section 3 residents	Total staff hours for Section 3 employee
	Total # Employees	Total # Section 3 Employees			
Professional	_____	_____	_____	_____	_____
Technician	_____	_____	_____	_____	_____
Office/Clerical	_____	_____	_____	_____	_____
Construction:	_____	_____	_____	_____	_____
List by trade:	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Submit to Grantee or Grantee's Representative within 15 days after your contract is complete.

EXHIBIT D



Community Development Block Grant Program (CDBG)
Department of Development
City of West Allis, 7525 W. Greenfield Ave.
West Allis, WI 53214
414-302-8460



Section 3 Qualification for Contractor Businesses And Minority Business Enterprise/Women Business Enterprise

* Please circle the most appropriate choice that best describes your Contractor Business Racial/Ethnic Code.

1. White Americans
2. Black Americans
3. Native Americans
4. Hispanic Americans
5. Asian/Pacific Americans
6. Hasidic Jews

What is your ethnicity? (Check only one box) Hispanic Non-Hispanic
 Is your Business (51% or more) Owned by a Woman: Yes No
 Type of Business: Corporation Partnership Joint Venture Sole Proprietorship
 Your Contractor Tax Identification Number: _____
 Your DUNS Number: _____

Individuals residing in Milwaukee, Waukesha, Washington and Ozaukee Counties who meet the income limits set forth below can qualify as a Section 3 Business.

Find your household size in the left hand column. Determine if your **TOTAL** household income is either **EQUAL TO OR BELOW** the income range listed for your household size. You **DO NOT** need to indicate your income or household size on this form, merely check to see if you fall below, within or above the range listed for your household size and check the box yes or no listed below.

Household Size	Income Limit
1	\$39,850
2	\$45,550
3	\$51,250
4	\$56,900
5	\$61,500
6	\$66,050
7	\$70,600
8	\$75,150

- Yes, I fall within or below the income range listed for my household size.
 No, my income is above the income range listed for my household size.
 I do not wish to provide this information.

I certify that this information is true and correct to the best of my knowledge.

Business Name _____
 Business Address _____

Please Print Name _____

Signature _____ Date _____

The information requested on this form regarding race and ethnicity status is needed to analyze and assure compliance with Federal Equal Opportunity laws and to meet the reporting requirements of those laws. Your cooperation in voluntarily giving this information is important to the success of our equal opportunity program.

4/FORM CDBG-Section 3 2009

SECTION 3 CLAUSE

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

- A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low-, and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD.s regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers representative of the contractors commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, and the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.
- D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon 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 of knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractors 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 (1) 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).