



## SECTION 3 AND EQUAL OPPORTUNITY CONTRACTING PROJECT UTILIZATION PLAN

### COVER SHEET

#### General Submittal Instructions:

Bidder/Proposer is to submit a completed Section 3 and Equal Opportunity Contracting Project Utilization Plan(s) in bid/proposal; and first-tier subcontractors are to also submit, when requested. If not submitted, Utilization Plan(s) must be submitted upon request by SDHC. A "non-responsive" determination may be made due to non-submittal.

Bidder/Proposer AND its first-tier subcontractors whose Utilization Plans indicate no intent to award subcontracts to certified Section 3 Business Concerns will be required to submit, upon request by SDHC, supporting documentation for review and approval verifying efforts to outreach to and invite Section 3 Business Concerns to submit bids/proposals during the solicitation phase. A "non-responsive" determination shall be made due to a lack of documented outreach to Section 3 Business Concerns, prior to the bid/proposal due date, by the Bidder/Proposer. Exception: Bid/proposal indicating no projected hiring and/or subcontracting opportunities.

Bidder/Proposer AND its first-tier subcontractors whose Utilization Plans indicate that existing employees do not meet the definition of a Section 3 Worker, and do not agree to make a documented good faith effort to hire Section 3 Workers (when there is a need to hire new employees), may be deemed "non-responsive." Exception: Bidders/proposers whose geographic location and industry preclude them from hiring County of San Diego residents.

#### Special Instructions for SDHC Developers:

Submit all completed Section 3 and Equal Opportunity Contracting Project Utilization Plans before construction begins and/or at the beginning of each project phase (to be determined on case-by-case basis). Developers submit completed Utilization Plans to: [Section3@sdhc.org](mailto:Section3@sdhc.org) (preferred) or San Diego Housing Commission, Section 3 Unit, 1122 Broadway, Ste. 300; San Diego, CA 92101.

Prime Contractor Name:

Bid/Solicitation # and Project Name:

☐ Contractor or ☐ Subcontractor Name and Address:

List if ELBE, DBE, DVBE, MBE, SB, SLBE or WBE (or mark "N/A" if non-applicable):

Email Address:

Contact Name and Telephone Number:

Proposed Dollar Value of ☐ Contract or  
☐ Subcontract: \$

#### Check All That Apply For This Project And Follow Instructions As Applicable

I am the Prime Contractor: ☐ I am a Subcontractor: ☐

There will be subcontracts as a result of this bid/proposal: ☐ Complete Cover Sheet and Attachment I.

There will be new hires as a result of this bid/proposal: ☐ Complete Cover Sheet and Attachment II.

There will be no subcontracts or new hires as a result of this bid/proposal: ☐ Complete Cover Sheet and Attachment II.

*Bidder for the above bid/solicitation number and project hereby understands and agrees to comply with all provisions of Section 3 as set forth in 24CFR75 and SDHC's Section 3 requirements, as applicable. Non-compliance with HUD's Section 3 regulations may result in sanctions, termination of the contract/agreement for default and debarment or suspension from future HUD- assisted contracts.*

Authorized Official's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

FOR ADDITIONAL INFORMATION, REGISTRY OF CERTIFIED SECTION 3 BUSINESS CONCERNS AND INSTRUCTIONS FOR COMPLETING FORMS  
GO TO: [WWW.SDHC.ORG/DOING-BUSINESS-WITH-US/SECTION-3/](http://WWW.SDHC.ORG/DOING-BUSINESS-WITH-US/SECTION-3/)



## SECTION 3 AND EQUAL OPPORTUNITY CONTRACTING PROJECT UTILIZATION PLAN

### ATTACHMENT I: SECTION 3 BUSINESS CONCERN UTILIZATION PLAN

If you plan to award subcontracts and your Utilization Plan does not indicate an intent to award subcontracts to certified Section 3 Business Concerns, you will be required to submit supporting documentation verifying your efforts, to the greatest extent feasible, to contact and invite Section 3 Business Concerns to submit quotes, bids or proposals. **AT A MINIMUM, YOU MUST CONTACT THE BUSINESSES LISTED IN SDHC'S REGISTRY OF CERTIFIED SECTION 3 BUSINESS CONCERNS.** Contact at least 15 calendar days prior to proposal/bid due date. For proposals/bids with a 2-week response time, contact must be made at least 7 calendar days prior to due date.

If the registry of certified Section 3 Business Concerns does not represent the trades/services that you are seeking, contact the SDHC Section 3 Unit at [section3@sdhc.org](mailto:section3@sdhc.org) or go to [www.sdhc.org/doing-business-with-us/section-3/](http://www.sdhc.org/doing-business-with-us/section-3/) to obtain "Examples of Efforts to Create Employment and Contracting Opportunities."

**Section 3 Business Concerns must be certified by SDHC.** For ELBE, SLBE, SB, DBE, MBE, WBE or DVBE firms, please attach a copy of their certification(s).<sup>1</sup> **List ALL** proposed subcontractors (including subconsultants) for this project on the table below.

<i>Name, City &amp; State</i>	<i>SDHC Certified Section 3 Business Concern (yes/no)</i>	<i>Identify if ELBE/SLBE/SB/ DBE/ MBE/ WBE/ DVBE</i>	<i>Subcontract Amount (\$) and Percentage (%) of Total Contract Amount</i>		<i>Trade/Category of Work</i>
			\$	%	
			\$	%	
			\$	%	
			\$	%	
			\$	%	
			\$	%	
Total Subcontract Amount - Dollars and Percentage of Total Contract Amount:			\$		%
Total Subcontract Amount Awarded to Certified Section 3 Business Concerns – Dollars and Percentage of Total Contract Amount:			\$		%

Owner/Authorized Officer and Title: \_\_\_\_\_ Company: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR ADDITIONAL INFORMATION, REGISTRY OF CERTIFIED SECTION 3 BUSINESS CONCERNS AND SECTION 3 WORKERS, AND INSTRUCTIONS FOR COMPLETING FORMS GO TO: [WWW.SDHC.ORG/DOING-BUSINESS-WITH-US/SECTION-3/](http://WWW.SDHC.ORG/DOING-BUSINESS-WITH-US/SECTION-3/)

<sup>1</sup> There are no numeric goals established for these certifications. However, affirmative efforts are required to ensure small businesses (SB), minority-owned (MBE) and woman-owned business enterprises (WBE) and other individuals and firms located in or owned by, in substantial part, persons residing in SDHC's and/or Labor Surplus Areas are used whenever possible.



## SECTION 3 AND EQUAL OPPORTUNITY CONTRACTING PROJECT UTILIZATION PLAN

### ATTACHMENT II: SECTION 3 WORKER UTILIZATION PLAN

Bidder/Proposer AND its first-tier subcontractors are to make their best efforts to provide employment and training opportunities generated by HUD financial assistance to low- and very low-income persons referred to as "Section 3 Workers." See attached FAQ.

2024 HUD INCOME LIMITS
\$84,900

#### Instructions:

Answer all questions. **Section 3 Worker Utilization Plans that indicate a "No" response for question #3 or "No" response for all three questions, may be deemed "non-responsive."** Exception: Bidders/proposers whose geographic location and/or industry preclude them from hiring County of San Diego residents.

<b>1.</b> Bidder/Proposer has employees who are residents of the County of San Diego whose annual income from the bidder/proposer is below the income limit? See HUD Income Limits table.			YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>When contract is subject to prevailing wage laws, at the time of contract execution, contractor shall provide the names of its qualifying employees on the Section 3 Workers List form provided by the San Diego Housing Commission.</i>				
<b>2.</b> Bidder/Proposer plans to hire new employees to perform on or support the contract, if awarded the contract?			YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>If "YES," at a minimum, you must contact the SDHC Section 3 Unit at <a href="mailto:Section3@sdhc.org">Section3@sdhc.org</a> and request referrals of certified Section 3 Workers.</i>				
<b>3.</b> Bidder/Proposer agrees that when there is a need to hire new employees, a documented good faith effort shall be made to hire Section 3 Workers?			YES <input type="checkbox"/>	NO <input type="checkbox"/>
<i>If "YES," at a minimum, you must contact the SDHC Section 3 Unit at <a href="mailto:Section3@sdhc.org">Section3@sdhc.org</a> and request referrals of certified Section 3 Workers when there is a need to hire.</i>				

Owner/Authorized Officer and Title: \_\_\_\_\_

Company: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR ADDITIONAL INFORMATION, REGISTRY OF CERTIFIED SECTION 3 BUSINESS CONCERNS AND SECTION 3 WORKERS, AND INSTRUCTIONS FOR COMPLETING FORMS GO TO: [WWW.SDHC.ORG/DOING-BUSINESS-WITH-US/SECTION-3/](http://WWW.SDHC.ORG/DOING-BUSINESS-WITH-US/SECTION-3/)



## ABRIDGED SECTION 3/EOC FAQ FOR BIDDERS/PROPOSERS

### 1. Who is a Section 3 Worker?

A Section 3 Worker is a County of San Diego resident who is low- or very low-income person according to HUD Income Limits; employed by a Section 3 Business Concern, or a YouthBuild participant. For additional information go to [www.sdhc.org/doing-business-with-us/section-3/](http://www.sdhc.org/doing-business-with-us/section-3/)

### 2. What is a Contractor?

A contractor is any entity, including a consultant, which contracts to perform services generated by the expenditure of Section 3-covered assistance.

### 3. What is a Section 3 Business Concern?

A Section 3 Business Concern means a business concern that meets one of the following criteria: (1) at least 51 percent owned and controlled by a Section 3 Worker or (2) over 75 percent of the labor hours performed for the business over the prior three-month period were performed by Section 3 Workers.

### 4. Who can become certified as a Section 3 Business Concern with the San Diego Housing Commission (SDHC)?

A business concern whose principal office is located in the County of San Diego and meets the eligibility criterion of (1) or (2) as set forth in the answer to question #2, "What is a Section 3 Business Concern?" can certify.

### 5. Do certified Section 3 Business Concerns have to comply with the Section 3 requirements?

Yes. Certified Section 3 Business Concerns that are awarded Section 3-covered contracts or subcontracts must comply.

### 6. How can I demonstrate Section 3 compliance in my proposal/bid/quote?

A bidder/proposer and its first-tier subcontractors demonstrate Section 3 compliance by submitting: (1) Section 3 and Equal Opportunity Contracting Project Utilization Plans (includes Attachments I and II) that project a commitment to award contracts to certified Section 3 Business Concerns, currently employ Section 3 Workers and/or hire certified Section 3 Workers when there is a need to award contracts and/or hire new employees; and (2) supporting documentation verifying that the bidder/proposer and its first-tier subcontractors outreached to Section 3 Business Concerns and Section 3 Workers.

### 7. What are examples of documentation verifying outreach to Section 3 Business Concerns and Section 3 Workers?

At a minimum, supporting documentation shall include a log of calls or copies of emails—with outcomes—to SDHC certified Section 3 Business Concerns; and notifying the SDHC Section 3 Unit of employment opportunities for SDHC certified Section 3 Workers. The registry of certified Section 3 Business Concerns and "Examples of Efforts to Create Employment and Contracting Opportunities" are available at [www.sdhc.org/doing-business-with-us/section-3](http://www.sdhc.org/doing-business-with-us/section-3). For referrals of certified Section 3 Workers, contact the SDHC Section 3 Unit at [section3@sdhc.org](mailto:section3@sdhc.org).

### 8. What happens if I do not submit, upon request, documentation verifying outreach to Section 3 Business Concerns?

A bid/proposal shall be deemed "non-responsive" and not eligible for award due to a lack of documented outreach to Section 3 Business Concerns prior to the bid/proposal due date.

### 9. Do I have to comply with Section 3 requirements, if I do not plan to hire new employees and I do not plan to award contracts/subcontracts?

Upon contract award, to the greatest extent feasible, contractors and/or subcontractors shall ensure that employment and training opportunities on Section 3 covered contracts and projects are provided to Section 3 Workers; and report total labor hours performed by Section 3 Workers as a percentage of total labor hours of all employees performing on the Section 3 covered contract or project.

### 10. Does SDHC monitor Section 3 Compliance?

Yes. SDHC Section 3 Unit monitors compliance by reviewing contractors' and subcontractors' certified payroll or quarterly labor hour reports which indicate the total labor hour worked by Section 3 Workers as a percentage of the total labor hours worked by all employees performing on the Section 3 covered contract or project. Contractors and subcontractors must seek to maintain their approved percentages of Section 3 participation throughout the term of the Section 3 covered contract or project.

### 11. Are there goals for Small Businesses (SB), Minority-Owned (MBE) and Woman-Owned Business Enterprises (WBE)?

There are no established numerical goals; however, affirmative efforts are required to ensure SB, MBE and WBE participation on all SDHC contracts and projects. "Examples of Efforts to Create Employment and Contracting Opportunities," are available at [www.sdhc.org/doing-business-with-us/section-3/](http://www.sdhc.org/doing-business-with-us/section-3/)