



This tool is an appendix to Chapter 5 of the Grants Management Manual (Procurement) to assist in developing procurement documents. When procurement requires the development of a formal procurement packet – use the following checklist to cross reference your local procurement documents to ensure all required provisions are included for compliant procurement. For more guidance on general procurement processes, please review Chapter 5 of the Grants Management Manual.

All procurements funded in whole or in part with CDBG funds must comply with the federal requirements found in 2 CFR Part 200. The goal in using these procurement procedures is to achieve maximum open and free competition. All Grantees of CDBG funds, including subrecipients, must follow the procurement standards in [§ 200.318](#) through [200.327](#). Detailed information on the procurement types and processes can be found in Chapter 5 of the Grants Management Manual.

### Types of Procurement

**Micro/Small Purchase:** Micro/Small purchase procedures entail relatively simple and informal processes that can be used when the cost of supplies or services, in the aggregate, do not exceed the federal simplified acquisition threshold, currently defined as \$250,000. This tool may not be applicable to Micro/Small purchase procurement, see Chapter 5 of the Grants Management Manual.

**IFB/Sealed Bid (Construction):**The IFB/sealed bid method is the preferred method for procuring construction. This procurement process is very detailed to ensure the most competitive price. Using this method, bids are publicly solicited, sealed bids are opened at a public meeting and the contract is awarded to the lowest bidder, who meets all bidding and contracting requirements.

**Competitive Negotiation:** A procedure for contracting for supplies, materials, equipment or contractual services, in which proposals are solicited from qualified suppliers by a request for proposals, and changes may be negotiated in proposals and prices after being submitted. Request for Proposal and Request for Qualifications are defined below. -

**Request for Proposals (RFP):** Under the competitive proposal method of procurement, the offeror's written solicitation to prospective firms to submit a proposal based on the terms and conditions set forth therein. Evaluation of the proposal is based on the factors for award as stated in the solicitation.

**Request for Qualification (RFQ):** A form of procurement of professional services by competitive proposals in which price is neither requested in the advertisement nor used as an evaluation factor. Only technical qualifications are reviewed and a fair and reasonable price is negotiated with the most qualified firm after said review. Request for qualifications may ONLY be used in the procurement of architectural or engineering services when utilizing CDBG funds.

**Request for Quotations:** Under the small purchase method of procurement, a brief written request for a price quotation from potential contractors.



**NOTE:** While the California Department of Housing and Community Development (HCD) has made every effort to provide timely and accurate information, HCD makes no claims, promises, or guarantees regarding the accuracy, completeness, or adequacy of the contents of this document, and expressly disclaims liability for errors and omissions in its contents. No warranty of any kind, implied, expressed, or statutory, including but not limited to the warranties of non-infringement of third-party rights, title, merchantability, or fitness for a particular purpose is given with respect to the contents of this website or its links to other Internet resources. It is the sole responsibility of the user to determine CDBG requirements and the appropriate language and actions required to address such requirements.



**Tool 5-9: Procurement Provisions Requirements Checklist**

<b>PROCUREMENT - REQUIREMENTS CHECKLIST</b> (This tool is not applicable to Micro and Small Purchases procurements)			
Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
Identification of Project Name or Activity		X	X
Description of the Project, inclusive of background and details regarding the objectives for seeking bids/proposals, and a statement regarding the source of funding for proposed Project activities		X	X
Description of the service(s) being requested, inclusive of details regarding any critical requirements		X	X
Federal Prevailing Wage Statement: "This project is funded in whole or in part with <i>Community Development Block Grant (CDBG Act funds)</i> provided by the U.S. Department of Housing and Urban Development (HUD). Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. In the event of a conflict between Federal and State wages rates, the higher of the two will prevail."		X	
Details regarding any required or optional pre-bid meetings, project site visits,		X	
Details regarding Section 3 requirements, when applicable to a construction project		X	X
Manner and date(s) of Notice/Request Publication		X	X
Contact information to obtain additional information, examine bid documents, or to obtain bid documents		X	X
Bid/Proposal submission requirements, inclusive of acceptable manner of submittal, location of submission, submission due date		X	X
Date and manner of bid opening		X	X

Instructions to Bidders, Proposal Requirements and Conditions			
Bid Proposal Requirements		X	X



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		IFB (Construction)	RFP / RFQ (Professional Services)
Procedure for obtaining Schedule of Work and any related plans, drawings, and collateral documents		X	X
Schedule of Work pricing requirements		X	X
Acceptable method of bid submittal		X	X
Statement regarding minimum qualifications (experience, years of experience, education, licensing, certifications required, etc.) required to submit a proposal, and supporting documentation required to be submitted			X
Statements regarding the required structure of bid proposals			X
Statements regarding the scope of services being requested			X
Statements regarding project approach or methodology(ies) to be adopted to complete the required tasks			X
Statements requesting a minimum of three (3) references from firms for which work of similar scope and scale have been provided within the last three (3) years, inclusive of name, address, contact information, dates services were performed and values of contracts			X
Request for pricing proposal inclusive of rate schedule, performance and deliverables schedule, key personnel designations			X
Designation of subcontractors by name, address, licensing information, work tasks to be performed and percentage of bid item subcontracted. Stipulations that subcontractors may not be substituted without the consent of the <i>soliciting entity</i>		X	
Declaration regarding unsolicited additive bids		X	X
Where additive bids are requested, specification of subcontractors, inclusive of name, address, licensing, work tasks to be performed and percentage of bid item subcontracted		X	
Provisions regarding bidder failure to identify a subcontractor in bid documents, and responsibility to perform that portion of the work themselves		X	



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Advisory to bidders regarding examination of the work site, contract documents, existing conditions and limitations, and requirement that bid shall include all work specified in the contract		X	
Insurance requirements (addressed for construction in other documents)			X
Business licensing requirements		X	X
Statement specifying payment terms under the contract (construction payments addressed in other documentation)			X
Bid Bond Requirements, inclusive of percentage of bid requirement, acceptable forms of payment, if payment is made by a corporate bid bond – state the bid bond company requirements, and provisions detailing conditions of return or forfeiture of bond payments		X	
Statements specifying that any costs incurred in the preparation of a proposal, presentations, travel in conjunction with such presentations, or samples of items shall be the responsibility of the respondent. The <i>soliciting entity</i> bears no responsibility and no liability for costs incurred by respondents prior to issuance of a contract or purchase order			X
Conditions under which bids are considered non-responsive		X	X
Allowable conditions of bid withdrawal		X	X
Procedures for requesting clarification or interpretation of plans, drawings, specifications, or bid documents		X	
Procedures for issuing bid addendums, inclusive of method of distribution, notification procedures for registered bidders, and bidder responsibility for obtaining addenda		X	X
Provisions regarding bidder responsiveness and conditions under which bids may be considered non-responsive		X	X
Provisions regarding bidder responsibility, inclusive of factors that may contribute to a bidder being determined to be non-responsive based on previous contract performance, previous demonstrations of integrity or honesty, work violations, etc.		X	X



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		IFB (Construction)	RFP / RFQ (Professional Services)
Provisions regarding debarment by the soliciting organization based on previous conduct		X	X
Specification of the manner, date, time and place of bid opening		X	X
Procedures for submitting a bid protest, inclusive of the bidder providing a statement regarding the basis for the protest, the details required to be contained in the bid protest submission, the time period by which bid protests must be submitted, the manner for submitting and submission location for bid protests, details regarding the protest review procedure and determination notification, appeal process, effect on contract award, and available remedies		X	X
Statements regarding the conditions of contract award and contract execution, inclusive of basis for award to the responsive and responsible Bidder who submitted the lowest bid in compliance with the proposal requirements and conditions and with the Notice Inviting Bids, the time and manner of contract award, and the reservation of the right to reject any and all bids or to waive any informality in bids received, if doing so is deemed to best serve the interest of the awarding party		X	X
<b>Award Conditions and Remedies</b> Statements addressing the soliciting agency's limitations on remedies, if any, in the solicitation, contractor selection, and/or contract award under this bid request, such as:			
Statements regarding the award, or rejection of all bids, and the contract execution, such as: a. Contract award not a binding obligation until signed by all parties and all submission requirements met (insurance, bonding, etc.).		X	X
b. The award of the contract, if it is awarded, will be to the responsive and responsible bidder who submitted the lowest bid complying with the proposal requirements and conditions and with the Notice Inviting Bids. The lowest bid shall be the lowest bid price on the base contract without consideration of the Additive Bid Items.		X	
c. An award, if made, will be made within <i>[number of days for award period in words]</i> (XX) calendar days after bid opening. (Davis Bacon wage decisions are good for 90 days after bid opening)		X	X



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d. The award period shall be subject to extension for such further period as may be agreed upon in writing between the soliciting agency and the bidder(s) concerned.		X	X
e. All bids will be evaluated based on the estimated quantities of work to be done as shown in the submitted proposal.		X	X
f. Prior to an award, the soliciting entity reserves the right to reject any and all bids or to waive any informality in bids received, if doing so is deemed to best serve the interest of the soliciting entity.		X	X
<b>Contracts and Bonds</b>			
Include language addressing contracting and bonding requirements, such as:			
The contract, which the successful bidder will be required to execute, is included in the contract documents and should be carefully examined by the bidder.		X	X
The successful bidder, simultaneously with his execution of the contract, is required to furnish a Payment Bond and a Performance Bond. Said bonds shall be in the form of the two (2) sample bonds included in these contract documents and based upon conditions specified in the Standard Specifications (indicate section numbers), "Contract Bonds," and as specified in the Special Provisions and shall be secured from a surety company satisfactory to the <i>soliciting entity</i> .	<a href="#">Civil Code §§9550-9566</a> <a href="#">2 CFR §200.326</a>	X	
Only bonds issued by companies admitted to do business in the State of California will be accepted, in accordance with Code of Civil Procedure §995.311 and Insurance Code §12090. Failure to submit acceptable Payment and Performance Bonds as required shall result in rejection of bid and forfeiture of the proposal guarantee.	<a href="#">Code of Civil Procedure §995.311</a>	X	
All alterations, extensions of time, extra and additional work, and other changes authorized by the contract documents will be made without securing the consent of the surety or sureties on the contract bonds.		X	
The contract shall be signed by the successful bidder and delivered to the <i>soliciting entity</i> within ten (10) days of the date specified in the Notice of Award issued by the <i>soliciting entity</i> , not including Saturdays, Sundays, and legal holidays. The contractor shall submit insurance			X



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certificates in accordance with Section (specify section number) of the Standard Specifications and as set forth in the contract.			
The contract shall be signed by the successful bidder and delivered to the <i>soliciting entity</i> together with the contract bonds within ten (10) days of the date specified in the Notice of Award issued by the <i>soliciting entity</i> , not including Saturdays, Sundays, and legal holidays. The contractor shall submit insurance certificates in accordance with Section (specify section number) of the Standard Specifications and as set forth in the contract.		X	
Failure of the lowest responsive and responsible bidder to execute the contract and file acceptable insurance certificates and any required bonds as provided herein within ten (10) days of award of the contract, not including Saturdays, Sundays and legal holidays, shall be just cause for the forfeiture of the bid bond.  The successful bidder may file with the <i>soliciting entity</i> a written notice, signed by the bidder or his authorized representative, specifying that the bidder will refuse to execute the contract if presented to him. The filing of such notice shall have the same force and effect as the failure of the bidder to execute the contract and furnish acceptable certificates of insurance and bonds within the time herein before prescribed.		X	X

<b>Work Requirements</b>			
Specify the due diligence responsibilities of the bidder to investigate the work to be performed, such as:			
Bidders are required to inform themselves fully of the conditions relating to construction and labor under which the work will be performed, and the contractor must employ, so far as possible, such methods and means in the carrying out of this work as will not cause any interruption or interference with any other contractor.		X	
Bidders are required to inform themselves fully of the conditions and requirements relating to the work that will be performed, and performance and other requirements under the contract.			X





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<b>Bidders Interested in More than One Bid</b> Specify limitations of submitting multiple bids, such as: No person, firm or corporation shall be allowed to make or file or be interested in more than one bid as prime contractor for the same work.		X	X
<b>Bid Deposits</b> Specify how the soliciting entity will address bid withdrawals and bid deposits, such as: No Bidder may withdraw its bid for a period of ninety (90) calendar days after the time set for bid opening. However, the <i>soliciting entity</i> will return all certified checks within fifteen (15) days, not including Saturdays, Sundays, and legal holidays, after award of the contract or rejection of the bids, as the case may be, to respective bidders whose bids are not accepted.		X	
<b>Non-Collusion Declaration</b> Specify provisions necessary to demonstrate compliance with the soliciting entity's non-collusion requirements, such as: All Bidders shall submit with their bids an executed non-collusion declaration on the form provided in the bidding documents. Failure to provide a completed form shall result in the bid being deemed nonresponsive.		X	X
<b>Construction Substitutions</b> Describe the procedures for requesting approval of substitutions to designated items, such as: Where the specifications or drawings specify any material, product, thing, or service by one or more brand names, whether or not "or equal" is added, and a Bidder wishes to propose the use of another item as being equal, he shall request approval therefor as specified in Section (enter section number) of the Standard Specifications and Special Provisions.		X	
<b>Suspected Impropriety, Gross Waste, Fraud and Other Acts</b> Specify any procedures in place for reporting suspected fraud, waste, or other bidding or purchasing improprieties, such as:		X	X



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<p>Any <i>soliciting entity</i> official, employee, and/or contractor who suspects any type of impropriety relating to purchasing or contracting activities, or gross waste, fraud, or abuse of <i>soliciting entity</i> funds or resources, a gross abuse of authority, a specified and substantial danger to public health or safety due to any act or omission of any <i>soliciting entity</i> official, employee, or contractor, or the use of a <i>soliciting entity</i> office or position, or of <i>soliciting entity</i> resources for personal gain, should report the act by contacting <i>soliciting entity's designated staff person</i>. All such reports shall remain anonymous if desired by the reporting party. Suspected fraudulent activities include bid rigging, product substitution, theft, overcharging, false certifications and representations, and the like. Any allegations of bribery, kickbacks, gratuities, and conflicts of interest involving <i>soliciting entity</i> employees should also be reported.</p>			
<p><b>Assignment Of Contract</b> Specify acceptable conditions of contract assignment, such as:  No assignment by the contractor of any contract to be entered into hereunder or of any part thereof, or of funds to be received thereunder by the contractor, will be recognized by the <i>soliciting entity</i> unless such assignment has had the prior written approval of the <i>soliciting entity</i> and the surety has been given due notice of such assignment in writing.</p>		X	X
<p><b>Other Submission Requirements</b></p>			
<p>Detail submission or potential submission requirements related to bid review or contract award, such as:  Prior to entering into a contract, the bidder to whom the contract has been awarded shall satisfy all insurance requirements in accordance with Section (enter section number) of the Standard Specifications and Special Provisions and such insurance shall be maintained in full force and effect at its own expense during the life of this contract.  Upon request, the successful Bidder shall furnish to the <i>soliciting entity</i> a statement of its financial condition, previous construction experience, or such other documentation supporting their qualifications.</p>		X	



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<b>Labor Code</b> Provide language addressing California Labor Code and the Department of Industrial Relations requirements, such as:			
<p><b>Public Works Contractor Registration Program</b></p> <p>All contractors and subcontractors who plan to bid on a public works project, as “public works” is defined at Labor Code Section 1720, et seq., when the project is for construction, alteration, demolition, installation, or repair work with a value exceeding \$25,000.00 must first be registered and pay an annual fee with the California Department of Industrial Relations (DIR).</p> <p>Additionally, all contractors and subcontractors who plan to bid on public works projects involving maintenance work with a value exceeding \$15,000.00 must first be registered and pay an annual fee with the DIR. The <i>soliciting entity</i> requires all contractors and subcontractors to be registered with the DIR prior to submitting a bid meeting these parameters. By submitting a bid for a <i>soliciting entity</i> public works project, the contractor acknowledges the above requirements and agrees to maintain a valid Department of Industrial Relations (DIR) Public Works Contractor registration during the term of this project.</p>	<p><a href="#">Labor Code §1720</a></p>	X	
<p>A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Business and Professions Code Section 7028.15, or by Public Contract Code Sections 10164 or 20103.5, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.</p> <p>Pursuant to Labor Code Section 1771.4, all bidders are hereby notified that this project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.</p> <p>In addition to the requirement for submittal of weekly certified payroll records to the <i>soliciting entity</i>, contractors and subcontractors shall furnish electronic certified payroll records to the Labor Commissioner of the State of California, Division of Labor Standards Enforcement.</p>	<p><a href="#">Public Contract Code §4104</a></p> <p><a href="#">Labor Code §1725.5</a></p> <p><a href="#">B&amp;P §7028.15</a></p> <p><a href="#">Public Contract Code §10164</a></p> <p><a href="#">Public Contract Code §20103.5</a></p> <p><a href="#">Labor Code §1771.4</a></p>	X	



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Contractors and subcontractors shall be responsible for complying and staying current with all DIR requirements and regulations. More information can be found at: <a href="http://www.dir.ca.gov/Public-Works/PublicWorks.html">http://www.dir.ca.gov/Public-Works/PublicWorks.html</a> .	<a href="#">DIR Public Works Website</a>		
Attention is directed to Labor Code Section 1735 of which stipulates that no discrimination shall be made in the employment of persons upon public works because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex of such persons, except as provided in Government Code Section 12940, and every contractor for public works violating this section is subject to all the penalties imposed for a violation of this chapter.	<a href="#">Labor Code §1735</a> <a href="#">Government Code §12940</a> <a href="#">Government Code §12926</a>	X	
The contractor shall abide by the provisions of the California Labor Code §§1770-1781, et seq. In accordance with the provisions of the California Labor Code §1773, the general prevailing rates of per diem wages and holiday and overtime work in the locality in which the work is to be performed has been obtained from the Director of the Department of Industrial Relations, a copy of which is on file in the office of the wage location of the <i>soliciting entity</i> and will be made available to any interested party upon request. The contractor shall post a copy of the prevailing rate of per diem wages at the job site. The contractor, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workers employed in the execution of the contract.  Failure to comply with the subject sections will subject the contractor to penalty and forfeiture provisions of the Labor Code Section 1775.  In accordance with of the Labor Code Section 1773.1, the contractor must make travel and subsistence payments to each worker employed in the execution of the contract.  The <i>soliciting entity</i> will not recognize any claim for additional compensation because of the payment by the contractor of any wage rate in excess of the prevailing wage rate set forth in the contract. The possibility of wage increases is one of the elements to be considered by the contractor in determining his bid, and will not under any circumstances be considered as the basis of a claim against the <i>soliciting entity</i> on the contract.	<a href="#">Labor Code §§1770-1785</a> <a href="#">Labor Code §3077</a> <a href="#">Labor Code §§1810-1815</a>	X	



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<p>The contractor shall familiarize itself with the provisions of the Labor Code Section 1777.5 regarding employment of apprentices, and shall be responsible for compliance therewith, including compliance by his subcontractors.</p> <p>The contractor and subcontractors shall comply with Labor Code Section 1777.6 which stipulates that it shall be unlawful to refuse to accept otherwise qualified employees as registered apprentices solely on the grounds of race, religious creed, color, national origin, ancestry, sex, or age except as provided in Labor Code Section 3077, of such employee.</p> <p>The contractor and subcontractors shall comply with Labor Code Sections 1810 and 1811 which stipulate that eight hours labor constitutes a legal day's work, and Section 1812 which stipulates that the contractor and subcontractors shall keep an accurate record showing the name of and actual hours worked each calendar day and each calendar week by each worker employed by him in connection with the work performed under the terms of the contract. Failure to comply with these sections of the Labor Code will subject the contractor to penalty and forfeiture provisions of the Labor Code Section 1813.</p>			
<p>If there is a difference between the prevailing wage rates predetermined by the Secretary of Labor and the general prevailing wage rates determined by the Director of the California Department of Industrial Relations for similar classifications of labor, the contractor and subcontractors shall pay not less than the higher wage rate. The <i>soliciting entity</i> will not accept lower State wage rates not specifically included in the federal prevailing wage determinations. This includes "helper" (or other classifications based on hours of experience) or any other classification not appearing in the federal wage determinations. Where federal wage determinations do not contain the state wage rate determination otherwise available for use by the contractor and subcontractors, the contractor and subcontractors shall pay not less than the federal prevailing wage rate which most closely approximates the duties of the employees in question.</p>		X	
<p><b>Reservation of Rights</b> Provide language addressing the soliciting entity's reservation of rights relative to the Invitation for Bids and the bidding process, such as:</p>			
<p>The <i>soliciting entity</i> reserves the right to:</p>		X	X



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<ul style="list-style-type: none"> <li>a. Disqualify any bidder in accordance with the instructions herein.</li> <li>b. Reject any bids, at its discretion, including bids found to be conditional or incomplete, contain irregularities, contain any interlineations or alterations, or found to be not responsive to this Invitation for Bids.</li> <li>c. Investigate the qualifications of any Bidder under consideration.</li> <li>d. Require confirmation or clarification of information furnished by the bidder.</li> <li>e. Require additional evidence of bidder's ability to perform the Work described in these bid documents.</li> <li>f. Contact the submitted references to confirm information provided in the bid.</li> <li>g. Postpone or cancel the entire Invitation for bids or a portion thereof.</li> <li>h. Postpone the bid opening or award for its own convenience.</li> <li>i. Award a contract in part or in combination of items.</li> <li>j. Issue subsequent Invitations for Bids.</li> <li>k. Seek the assistance of outside technical experts to review the bids.</li> <li>l. Disqualify a bid upon evidence of collusion, with intent to defraud, or other illegal practices on the part of the Bidder.</li> <li>m. Waive any errors or informalities in any bid to the extent permitted by law.</li> <li>n. Require bidder to provide proof as to the equality, substitutability, and compatibility of any items proposed as alternates or equals.</li> <li>o. Determine, at the <i>soliciting entity's</i> sole discretion, the equality, substitutability, and compatibility of any items proposed as alternates or equals.</li> <li>p. Exercise any other rights under the <i>soliciting entity's</i> charter or municipal code. The <i>soliciting entity</i> has no obligation to consider any bid unless it is responsive to this Invitation for bids and conforming in all respects to the form of contract. This Invitation for bids does not commit the <i>soliciting entity</i> to enter into a contract.</li> </ul>			



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<b>Federal Lobbying Restrictions</b> Include provisions which address the federal lobbying requirements of 24 CFR Part 87, such as:			
<p>United States Code Section 1352, Title 31, prohibits Federal funds from being expended by the recipient or any lower tier subrecipient of a Federal-aid contract to pay for any person for influencing or attempting to influence a Federal agency or Congress in connection with the awarding of any Federal-aid contract, the making of any Federal grant or loan, or the entering into of any cooperative agreement. If any funds other than Federal funds have been paid for the same purposes in connection with this Federal-aid contract, the recipient shall submit an executed certification and, if required, submit a completed disclosure form as part of the bid documents.</p> <p>A certification for Federal-aid contracts regarding payment of funds to lobby Congress or a Federal agency is included in the Proposal. Standard Form LLL, "Disclosure of Lobbying Activities," with instructions for completion of the Standard Form is also included in the Proposal. Signing the Proposal shall constitute signature of the Certification.</p> <p>The above referenced certification and disclosure of lobbying activities shall be included in each subcontract and any lower-tier contracts exceeding \$100,000. All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the designated staff person.</p> <p>The contractor, subcontractors and any lower-tier contractors shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by the contractor, subcontractors and any lower-tier contractors. An event that materially affects the accuracy of the information reported includes:</p> <ul style="list-style-type: none"> <li>a) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or</li> <li>b) A change in the person(s) influencing or attempting to influence a covered Federal action; or</li> <li>c) A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.</li> </ul>	<p><a href="#">24 CFR 87.110</a></p> <p><a href="#">GSA Form SF-LLL</a></p>	<p><b>X</b></p>	<p><b>X</b></p>
<b>Federally-Assisted Project</b>			



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Provide provisions that specify that this is a federally assisted project subject to compliance with specific regulatory requirements, such as:			
This project is a federally-assisted construction project funded in whole or in part with Community Development Block Grant-CV (CDBG-CV) funds from the U.S. Department of Housing and Urban Development, Catalog of Federal Domestic Assistance Number 14.225 Community Development Block Grants / State's Program, Grant Number XXXXXXXX.	<a href="#">FR 2020-18242</a>	X	X
The Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. A copy of the Federal Wage Decision applicable to this project is included in the Bid Document.	<a href="#">Davis-Bacon-Related Acts</a>	X	
Contractors shall be required to document their status as a Minority Business Enterprise (MBE), a Women- Owned Business Enterprise (WBE), or a non-MBE or WBE firm. The <i>soliciting entity's</i> CDBG-CV program encourages the participation of MBE and WBE businesses to the greatest extent feasible on CDBG-CV funded projects in accordance with Executive Order 11625 and Executive Order 12138.	<a href="#">24 CFR 570.506(g)(6)</a> <a href="#">Executive Order 11625</a> <a href="#">Executive Order 12138</a>	X	X
This is a Section 3 covered project. Section 3 projects means housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The Section 3 requirements apply to all contractors and subcontractors performing work in connection with a Section 3 covered project. Contractor means any entity entering into a contract with (a) a recipient to perform work in connection with work in connection with a Section 3 project; or (b) a subrecipient for work in connection with a Section 3 project. Subcontractor means any entity that has a contract with a Contractor to undertake a portion of the contractor's obligation to perform work in connection with a Section 3 project. The <i>soliciting entity</i> is required by HUD to implement Section 3 to the greatest extent feasible, which means that the <i>soliciting entity</i> and its subrecipients, contractors and subcontractors must undertake all reasonable measures to meet the established HUD Labor Hour Benchmarks for	<a href="#">24 CFR Part 75</a>	X	





Tool 5-9: Procurement Provisions Requirements Checklist

PROCUREMENT - REQUIREMENTS CHECKLIST (This tool is not applicable to Micro and Small Purchases procurements)			
Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
<p>Section 3 Workers and Targeted Section 3 Workers. The current HUD Section 3 minimum labor hour benchmarks are as follows:</p> <p>Section 3 Workers: 25%</p> <p>Targeted Section 3 Workers: 5%</p> <p>Upon completion of the contract, the successful bidder will be required to provide the Contractor's Section 3 Labor Report Summary, a document summarizing labor hour accomplishments and detailing all efforts made to create contracting, employment and training opportunities for low-income residents in connection with this project. This form is also included in this bid document on page [insert page number(s)]; however, it is to be submitted on July 1st or with your final Certified Payroll Report, whichever occurs first.</p> <p>A Section 3 Worker is a worker who currently fits or when hired within the past five years (as documented) fits at least one of the following <i>categories</i>:</p> <ol style="list-style-type: none"> <li>The worker's income for the previous or annualized calendar year is below the income limit established by HUD.</li> <li>The worker is employed by a Section 3 business concern.</li> <li>The worker is a YouthBuild participant.</li> </ol> <p>A Targeted Section 3 Worker is:</p> <ol style="list-style-type: none"> <li>A worker employed by a Section 3 business concern; or</li> <li>A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:               <ol style="list-style-type: none"> <li>Living within the service area or the neighborhood of the project, which is defined as an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census; or</li> <li>A YouthBuild participant.</li> </ol> </li> </ol> <p>A Section 3 Business is a business concern meeting at least one of the following criteria, documented within the last six-month period:</p>			



**Tool 5-9: Procurement Provisions Requirements Checklist**

<b>PROCUREMENT - REQUIREMENTS CHECKLIST</b> (This tool is not applicable to Micro and Small Purchases procurements)			
Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
<ul style="list-style-type: none"> <li>a. is at least 51 percent owned and controlled by low- or very low-income persons;</li> <li>b. over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or</li> <li>c. is a business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.</li> </ul>			
All federal CDBG-CV forms within the bid proposal packet [designate page numbers], shall be completed and submitted with the bid. If a specific form is not applicable to your business, indicate "Not Applicable" and return the form with the bid.		<b>X</b>	<b>X</b>
<b>ATTACHMENTS</b>			
<p><b>Bid Proposal Coversheet</b></p> <p>Cover sheet identifying the project, project number, and acknowledging examination of all relevant factors in the submission of the bid, signed and dated by the submitting bidder, and specifying language such as such as:</p> <p style="padding-left: 20px;">The undersigned, having carefully examined all of the contract documents, permit requirements by jurisdictional regulatory agencies, contract, contract addenda, instructions to bidders, proposal requirements and conditions, special provisions, plans, standard plans, standard specifications, reference specifications, and all other information provided by the <i>soliciting entity</i> for the construction listed above in and for the <i>soliciting entity</i>, is familiar with the conditions, having personally visited the site of the work, and hereby proposes to furnish all labor, materials and equipment, and all incidental work necessary to deliver all the improvements complete, in place and in strict conformity with the contract documents, for the unit prices named in the following schedule of work.</p>		<b>X</b>	
<p><b>Schedule of Work</b></p> <p>A detailed line item schedule of work to be performed, identifying the project name, project number, specifying unit measures, estimated quantities, the bidder's proposed unit and line item pricing, and bid total, for both a base bid, and added items, if any.</p>		<b>X</b>	
<b>Bidder's Instructions</b>		<b>X</b>	<b>X</b>



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		IFB (Construction)	RFP / RFQ (Professional Services)
A form detailing the bidding instructions for the project, and contact information to obtain clarifications or address bidding concerns.  If bids are to be submitted electronically, the instructions would specify the website location, the process for entering bids, and the contact information to obtain technical support information or to obtain clarifications or address bidding concerns.			
<b>Bidder Information Sheet</b>  A form which contains business information for the bidder, inclusive of firm name, contact person, address, phone and fax, and email contact information, the form of business concern (corp., individual, etc.), licensing information, years of operation, name of owners/principals, information and referrals regarding previous projects that were not completed, information and referrals regarding projects completed which are similar in type and scale to the project being bid upon, information and referrals regarding projects currently in progress which are similar in type and scale to the project being bid upon, certification regarding the inspection of the project site being bid upon, information regarding subcontractors inclusive of licensing, ownership, and DIR registration information.		X	
A form which contains business information for the bidder, inclusive of firm name, contact person, address, phone and fax, and email contact information, the form of business concern (corp., individual, etc.), licensing and certification requirements information, years of operation, name of owners/principals, information and referrals regarding projects completed which are similar in type and scale to the project being bid upon.			X
<b>Bid Deposit Cover Sheet</b>  A form which specifies the conditions of bid proposal deposit and contains the bidder's signed and notarized acknowledgement of acceptance of the conditions, specifies the type of deposit being provides (bid bond, cashier's check, certified check, other).		X	
<b>Authorization to Submit Bid Form</b>  A form which contains the name and address of the submitting bidder, and contains the name and notarized signatures of personnel authorized to submit on behalf of the company.		X	X
<b>List of Subcontractors</b>		X	



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Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
A complete list of all subcontractors that will be performing work or services on behalf of the project, inclusive of name and address, contractor license number, bid item number (from Schedule of Work), and respective percentage of work to be performed by each subcontractor.			
<p><b>Non-Collusion Affidavit</b></p> <p>A declaration form signed under penalty of perjury, that contains statements regarding the lack of collusion by the submitting bidder, such as:</p> <p>This bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose. Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.</p>		X	X
<p><b>Bid Bond Form</b></p> <p>A signed and notarized form containing the bidder conditions of submitting a bid bond, the amount of the bid bond, the conditions bound by the bond.</p>		X	
<p><b>False Claims Certification</b></p> <p>Form certifying that submitting bidder has not violated the False Claims Act.</p>	<a href="#">False Claims Act</a>	X	X
<p><b>Civil Litigation and Arbitration History Form</b></p> <p>Form that addresses bidder's 5-year history of civil litigation or arbitration, or a lack of such history.</p>		X	



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Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
<b>Criminal Conviction Form</b> Form that addresses bidder's 5-year criminal history, or a lack of such history.		X	
<b>Violation of Laws or Safety Regulations</b> A form certifying if a bidder has been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of a law or a safety regulation.		X	
<b>Worker's Compensation Certification</b> Certification of compliance with Labor Code Section 3700.	<a href="#">Labor Code §3700</a>	X	X
<b>List of Proposed Subcontractors or Sub-Tier Contractors</b> List of sub or sub-tier contractors, inclusive of name, address, contact information, licensing, Federal ID, SAM registration information, contract amount, Estimated start and completion dates for each respective contractor, and respective trades to be utilized.		X	
<b>Form HUD-4010</b> Federal Labor Standards Provisions Form	<a href="#">Form HUD-4010</a>	X	
<b>Federal Equal Employment Opportunity / Affirmative Action Provisions</b> Provides summary descriptions of each individual legislation/requirement, and descriptions of actions contractors are required to perform under the provisions of the contract for: <ol style="list-style-type: none"> <li>Equal Opportunity Clause (Executive Order 11246)</li> <li>Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) – also specifies goals and timetables</li> <li>Standard Federal Equal Employment Specifications (Executive Order 11246)</li> <li>EEO Specific Requirements – also addresses submission requirements</li> <li>Civil Rights Act of 1964</li> <li>Section 109 of The Housing and Community Development Act of 1974</li> </ol>	<a href="#">EO 11246</a>		



Tool 5-9: Procurement Provisions Requirements Checklist

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Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
g. Age Discrimination Act of 1975 h. Rehabilitation Act of 1973			
<b>Minority and Women’s Business Enterprise Reporting</b> Form providing definition of MBE/WBE and describing MBE/WBE reporting responsibilities under 2 CFR 200.321 to demonstrate utilization and efforts made to use MBE/WBE firms.	<a href="#">2 CFR 200.321</a>		

<p><b>Compliance with Clean Air and Water Acts</b> Form describes the required contractor/subcontractor compliance with the Clean Air and Water Acts, and includes language such as:</p> <p>During the performance of this contract, the contractor and all subcontractors shall comply with the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., as amended, the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at <b>40 CFR Part 15</b>, as amended.</p> <p>In addition to the foregoing requirements, all nonexempt contractors and subcontractors shall furnish to the owner, the following:</p> <ol style="list-style-type: none"> <li>1. A stipulation by the contractor or subcontractors, that any facility to be utilizes in the performance of any non-exempt contract or subcontract, is not listed on the List of Violating Facilities issued by the Environmental Protection Agency (EPA) pursuant to 40 CFR 15.20.</li> <li>2. Agreement by the contractor to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 USC 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended, (33 USC 1318) relating to inspection, monitoring, entry, reports and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued there under.</li> <li>3. A stipulation that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, EPA, indicating</li> </ol>	<p><a href="#">42 U.S.C. 85 (§§ 7401-7671q)</a></p> <p><a href="#">33 U.S.C. 26 (§§ 1251-1387)</a></p> <p><b>40 CFR Part 15</b></p>	<p>X</p>	
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**Tool 5-9: Procurement Provisions Requirements Checklist**

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Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
<p>that a facility utilized, or to be utilized for the contract, is under consideration to be listed on the EPA List of Violating Facilities.</p> <p>4. Agreement by the contractor that he will include, or cause to be included, the criteria and requirements in paragraph (1) through (4) of this section in every nonexempt subcontract and requiring that the contractor will take such action as the government may direct as a means of enforcing such provisions.</p>			

<p><b>Certification of Understanding and Authorization</b> A signed form certifying that the principal(s), and identifying and specifying that the authorized payroll officer, have read the “Contractor’s Guide to Prevailing Wage Requirements for Federally Assisted Construction” and the Federal Labor Standards Provisions (HUD-4010 form) and that both parties understand these requirements. The form further specifies that the designated payroll officer is authorized to sign the Statement of Compliance that will accompany each weekly Certified Payroll Report for the project.</p>	<p><a href="#">HUD Contractor's Guide Form HUD-4010</a></p>	X	
<p><b>Report of Additional Classification and Rate</b> Form used to request classifications and rates not addressed in the operative wage decision.</p>	<p><a href="#">HUD Form 4230A</a></p>	X	
<p><b>Non-Segregated Facilities Certification</b> Signed certification that the federally-assisted construction contractor certifies that he/she does not and will not:</p> <ol style="list-style-type: none"> <li>Maintain or provide, for his/her employees, any segregated facilities at any of his/her establishments.</li> <li>Permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained.</li> </ol>	<p><a href="#">EO 11246</a></p>	X	
<p><b>Past Performance Certification</b> DOL EEO certification that specifies if the bidder, and proposed sub-contractor, has or has not, participated in a previous contract or subcontract subject to the Equal Opportunity Clause, as</p>	<p><a href="#">41 CFR 60-1.7</a></p>	X	



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<b>PROCUREMENT - REQUIREMENTS CHECKLIST</b> (This tool is not applicable to Micro and Small Purchases procurements)			
Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
required by Executive Orders 10925, 11114, or 11246, and that they have or have not, filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.			
<b>Notice of Equal Employment Opportunity</b> Signed certificate committing to compliance with Executive Order 11246, inclusive of an obligation not to discriminate in employment including, but not limited to the following: <ol style="list-style-type: none"> <li>1. Hiring, placement, upgrading, transfer or demotion;</li> <li>2. Recruitment, advertising or solicitation for employment;</li> <li>3. Treatment during employment;</li> <li>4. Rates of pay or other forms of compensation;</li> <li>5. Selection for training, including apprenticeship; and</li> <li>6. Layoff or termination</li> </ol>	<a href="#">EO 11246</a>	<b>X</b>	<b>X</b>
<b>Minority and Women's Business Enterprise Reporting</b> Signed certification form that specifying business ownership demographics by race, and if not minority owned, specification of MBE and WBE subcontracting commitment, and contracting good faith efforts certification.		<b>X</b>	
<b>Federal Lobbyist Certification</b> Signed form certifying that: <ol style="list-style-type: none"> <li>1. No Federal appropriated funds have been paid by or on behalf of the above named firm to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of and Federal grant, loan or cooperative agreement, and any extension, continuation, renewal, amendment, or modification thereof, and;</li> <li>2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of</li> </ol>	<a href="#">U.S.C. Title 31 §1352</a>  <a href="#">GSA Form SF-LLL</a>	<b>X</b>	<b>X</b>





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		IFB (Construction)	RFP / RFQ (Professional Services)
<p>Congress in connection with this Federal contract, grant loan, or cooperative agreement, the above named firm shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions, and;</p> <p>3. The above name firm shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreement) and that all sub-recipients shall certify and disclose accordingly.</p>			
<p><b>Section 3 Contract Provision</b> Describes the critical 24 CFR Part 75 Section 3 provisions, such as:</p> <p>a. This is a Section 3 covered project. Section 3 projects means housing rehabilitation, housing construction, and other public construction projects assisted under U.S. Department of Housing and Urban Development (HUD) programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds \$200,000. The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.</p> <p>b. 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.</p> <p>c. The parties to this contract will comply with HUD's regulations as set forth in 24 CFR Part 75, 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 75 regulations.</p> <p>d. The Section 3 requirements apply to all contractors and subcontractors performing work in connection with a Section 3 covered project. Contractor means any entity entering into a contract with (a) a recipient to perform work in connection with work in connection with a Section 3 project; or (b) a subrecipient for work in connection with a Section 3 project. Subcontractor</p>	<p><a href="#">24 CFR Part 75</a></p> <p><a href="#">HUD Section 3 FAQ</a></p> <p><a href="#">HUD Section 3 Portal</a></p>	X	



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Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
<p>means any entity that has a contract with a Contractor to undertake a portion of the contractor's obligation to perform work in connection with a Section 3 project.</p> <p>e. The contractor agrees to include this Section 3 Clause in every subcontract subject to compliance with regulations in 24 CFR Part 75, 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 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of regulations under 24 CFR Part 75.</p> <p>f. 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 75 require employment opportunities to be directed, where not filled to circumvent the contractor's obligations under 24 CFR Part 75.</p> <p>g. Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.</p> <p>h. Contracts, subcontracts, grants, or subgrants subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)) or subject to tribal preference requirements as authorized under 101(k) of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4111(k)) must provide preferences in employment, training, and business opportunities to Indians and Indian organizations, and are therefore not subject to the Section 3 requirements of 24 CFR Part 75.</p>			
<p><b>Section 3 Pre-Bid Meeting Checklist</b></p> <p>Checklist document that serves as an agenda for the Section 3 pre-bid meeting, and to summarize applicable Section 3 requirements, inclusive of elements such as:</p> <p><b>Section 3 Employment, Contracting, and Training Opportunity Program</b></p> <p><input type="checkbox"/> Section 3 of the Housing and Community Development Act of 1968 requires that the local contracting agency implement an employment, contracting and training opportunity program in connection with its HUD-funded housing construction, housing rehabilitation, or other public construction contracts. The goal of Section 3 is to provide employment and training opportunities to low and moderate income Workers.</p>	<p><a href="#">24 CFR Part 75</a></p> <p><a href="#">HUD Section 3 FAQ</a></p> <p><a href="#">HUD Section 3 Portal</a></p>	<p><b>X</b></p>	



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Requirements	Citation	Type of Procurement	
		IFB (Construction)	RFP / RFQ (Professional Services)
<ul style="list-style-type: none"> <li><input type="checkbox"/> This is a Section 3 covered project. Section 3 projects means housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds \$200,000. The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.</li> <li><input type="checkbox"/> The Section 3 requirements apply to all contractors and subcontractors performing work in connection with a Section 3 covered project. Contractor means any entity entering into a contract with (a) a recipient to perform work in connection with work in connection with a Section 3 project; or (b) a subrecipient for work in connection with a Section 3 project. Subcontractor means any entity that has a contract with a Contractor to undertake a portion of the contractor's obligation to perform work in connection with a Section 3 project.</li> <li><input type="checkbox"/> A Section 3 Worker is a worker who currently fits or when hired within the past five years (as documented) fits at least one of the following categories:               <ul style="list-style-type: none"> <li>a. The worker's income for the previous or annualized calendar year is below the income limit established by HUD.</li> <li>b. The worker is employed by a Section 3 business concern.</li> <li>c. The worker is a YouthBuild participant.</li> </ul> </li> <li><input type="checkbox"/> For Housing and Community Development Financial Assistance – A Targeted Section 3 Worker is:               <ul style="list-style-type: none"> <li>a. A worker employed by a Section 3 business concern; or</li> <li>b. A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:                   <ul style="list-style-type: none"> <li>i. Living within the service area or the neighborhood of the project, which is defined as an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census; or</li> <li>ii. A YouthBuild participant.</li> </ul> </li> </ul> </li> </ul>			



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Requirements	Citation	Type of Procurement										
		IFB (Construction)	RFP / RFQ (Professional Services)									
<p><input type="checkbox"/> A Section 3 Business is a business concern meeting at least one of the following criteria, documented within the last six-month period:</p> <ul style="list-style-type: none"> <li>a. is at least 51 percent owned and controlled by low- or very low-income persons;</li> <li>b. over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or</li> <li>c. is a business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.</li> </ul> <p><input type="checkbox"/> The local contracting agency is required by HUD to implement Section 3 to the greatest extent feasible, which means that the local contracting agency and its subrecipients, contractors and subcontractors must undertake all reasonable measures to meet the established HUD Labor Hour Benchmarks for Section 3 Workers and Targeted Section 3 Workers. The current HUD Section 3 minimum labor hour benchmarks are as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Labor Hour Standard</th> <th style="text-align: left;">Ratio Formula</th> <th style="text-align: left;">Minimum %</th> </tr> </thead> <tbody> <tr> <td>Section 3 Workers</td> <td>Section 3 Workers ÷ Total Labor Hours</td> <td>25%</td> </tr> <tr> <td>Targeted Section 3 Workers</td> <td>Targeted Section 3 Workers ÷ Total Labor Hours</td> <td>5%</td> </tr> </tbody> </table> <p>Note that the Section 3 Labor Hours Worked reflected above should also include the Total Labor Hours worked for Targeted Section 3 Workers.</p> <p><input type="checkbox"/> Upon completion of the contract, the successful bidder will be required to provide the Contractor's Section 3 Labor Report Summary, a document summarizing labor hours worked on the project by all workers, Section 3 Workers, and Targeted Section 3 Workers, as well as details concerning all qualitative efforts made to create contracting, employment and training opportunities for low-income residents in connection with this project. The Section 3 Labor Report Summary is included in the bid document and must be submitted by the successful bidder (prime contractor) upon completion of the project.</p> <p><b>Contractor Eligibility</b></p> <p><input type="checkbox"/> All contractors' license status will be verified by the local contracting agency with the Contractors State License Board.</p>	Labor Hour Standard	Ratio Formula	Minimum %	Section 3 Workers	Section 3 Workers ÷ Total Labor Hours	25%	Targeted Section 3 Workers	Targeted Section 3 Workers ÷ Total Labor Hours	5%			
Labor Hour Standard	Ratio Formula	Minimum %										
Section 3 Workers	Section 3 Workers ÷ Total Labor Hours	25%										
Targeted Section 3 Workers	Targeted Section 3 Workers ÷ Total Labor Hours	5%										



Tool 5-9: Procurement Provisions Requirements Checklist

PROCUREMENT - REQUIREMENTS CHECKLIST (This tool is not applicable to Micro and Small Purchases procurements)			
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		IFB (Construction)	RFP / RFQ (Professional Services)
<input type="checkbox"/> The local contracting agency will verify the debarment status of all contractors through the U.S. General Services Administration’s System for Award Management (SAM). <input type="checkbox"/> The local contracting agency will verify that all contractors have appropriate insurance in conformance with contract requirements. <b>Federal Prevailing Wage:</b> <input type="checkbox"/> <b>Applicable</b> <input type="checkbox"/> <b>Not Applicable to this Project</b> <input type="checkbox"/> This is a federally assisted construction contract. The Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. In the event of a conflict between Federal and State wages rates, the higher of the two will prevail. <input type="checkbox"/> The Federal Labor Standards Provisions, “HUD-4010 form,” included in the Bid Document as a part of the prime contract, details the federal prevailing wage requirements applicable to this contract. <input type="checkbox"/> The applicable Federal wage decision will lock-in 10-calendar days prior to the physical bid opening date. <input type="checkbox"/> The hourly rate to be paid to each worker, as listed in the wage decision, may be higher than wages paid for private work. <input type="checkbox"/> The hourly Fringe Benefit rate listed in the wage decision must be added to and paid as part of the workers hourly rate, or paid into an approved plan, as documented on the “Fringe Benefit Statement” form. <input type="checkbox"/> The wage decision and notices must be posted at the job site in a place that is accessible to all employees. <input type="checkbox"/> The “Public Works Payroll Report” form (WH-347 form or similar format) must be submitted on a weekly-basis. <input type="checkbox"/> A “Statement of Compliance” form (WH-348 form or similar format) must be attached to each payroll report. <input type="checkbox"/> All work classifications used in the “Weekly Certified Payroll Report” (CPR) must be listed in the wage decision. <input type="checkbox"/> Classifications and rates used, but not listed in the wage decision must be approved in advance by HUD.			



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<input type="checkbox"/> "Other" deductions must be "Authorized" by the employee. A copy of this documentation must be attached to the first CPR where an "Other" deduction appears for an employee. <b>Equal Employment Opportunity</b> <input type="checkbox"/> Contractor(s) [\$10,000 or more] must implement the requirements outlined in the "EEO Clause" of your contract. <input type="checkbox"/> Notification will be made by the local contracting agency to the DOL Office of Federal Contract Compliance Programs of all contracts and subcontracts of \$10,000 or more.			
<b>Section 3 Business Certification Form</b> Form used to certify that a business is a Section 3 Business Concern and to designate the basis for qualification, and if not a Section 3 Business Concern, to commit to meeting the Section 3 project goals. The form generally provides project identification information, business identification information, contractor licensing, federal taxpayer ID, and SAM registration information, and contains certification entries such as: 1. The above-named business is a Section 3 Business Concern based on the following qualifications: <input type="checkbox"/> 51 percent owned and controlled by low- or very low-income persons Number of Low- or Very Low-income Owners _____ ÷ Number of Owners _____ = _____ % (Attach Section 3 Worker and Targeted Section 3 Worker Certifications for all Section 3 owners claimed and a list of all other non-income eligible owners) <input type="checkbox"/> Over 75 percent of the labor hours performed for the business over the prior three-month period were performed by Section 3 workers a. Total Number of Labor Hours for the prior three-month period _____ b. Number of Labor Hours for the prior three-month period performed by Section 3 Workers _____ c. $b \div a =$ _____ %	<a href="#">24 CFR Part 75</a>  <a href="#">HUD Section 3 FAQ</a>  <a href="#">HUD Section 3 Portal</a>	<b>X</b>	



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<p>(Attach Summary Labor Report Form for the prior three-month period)</p> <p><input type="checkbox"/> At least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing            Number of Section 8 Resident Owners _____ ÷ Number of Owners _____ = _____ %            (Attach Section 3 Worker and Targeted Section 3 Worker Certification for all Section 3 owners claimed)</p> <p><input type="checkbox"/> Making a Written Commitment            Our company declares its intention to incorporate Section 3 into our normal hiring practices beginning with all openings effective on or after the date of contract award, with the goal of becoming a Section 3 Business Concern; and comply with the employment and training and contracting prioritization efforts of 24 CFR 75.19. On this project, our company and its subcontractors will collectively meet the following Section 3 minimum labor hour benchmarks:</p> <p>Labor Hour Standard:    <b>Section 3 Workers</b>            Ratio Formula:            Section 3 Workers ÷ Total Labor Hours            Minimum %                25%</p> <p>Labor Hour Standard:    <b>Targeted Section 3 Workers</b>            Ratio Formula:            Targeted Section 3 Workers ÷ Total Labor Hours            Minimum %                5%</p> <p>We have attached the Statement of Section 3 Qualifications, and Business Certifications for all subcontracts claimed; and agree to conduct and document outreach efforts to hire Section 3 Workers and Targeted Section 3 Workers and collect Section 3 Worker and Section 3 Targeted Worker Certifications, and document their labor hours as well as total labor hours throughout the duration of the project.</p> <p>The undersigned declares that the above information is complete and correct.            Add date, printed name, and signature line</p>			



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<p><b>Sample Qualitative Outreach Efforts for Contractors Seeking to Hire Section 3 Workers and Targeted Section 3 Workers</b></p> <p>A form that provides a listing of outreach efforts to meet the Section 3 commitment made when a Statement of Section 3 Qualifications is submitted, such as:</p> <p>Reminder: All employees of a business/firm that work on a Section 3 Project count toward meeting your Section 3 goals—Section 3 New Hires do not have to be construction workers, they just have to work on the Section 3 Project.</p> <p>The following represent qualitative outreach efforts that can be undertaken to comply with Section 3:</p> <ul style="list-style-type: none"> <li>Engage in outreach efforts to generate job applicants who are Targeted Section 3 workers.</li> <li>Provide training or apprenticeship opportunities.</li> <li>Provide technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).</li> <li>Provide or connect Section 3 workers with assistance in seeking employment including: drafting resumes, preparing for interviews, and finding job opportunities connecting residents to job placement services.</li> <li>Hold one or more job fairs.</li> <li>Provide or refer Section 3 workers to services supporting work readiness and retention (e.g., work readiness activities, interview clothing, test fees, transportation, child care).</li> <li>Provide assistance to apply for/or attend community college, a four-year educational institution, or vocational/technical training.</li> <li>Assist Section 3 workers in obtaining financial literacy training and/or coaching.</li> <li>Engage in outreach efforts to identify and secure bids from Section 3 business concerns.</li> <li>Provide technical assistance to help Section 3 business concerns understand and bid on contracts.</li> </ul>	<p><a href="#">24 CFR Part 75</a></p> <p><a href="#">HUD Section 3 FAQ</a></p> <p><a href="#">HUD Section 3 Portal</a></p>	X	





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<ul style="list-style-type: none"> <li>• Divide contracts into smaller jobs to facilitate participation by Section 3 business concerns.</li> <li>• Provide bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.</li> <li>• Promote the use of business registries designed to create opportunities for disadvantaged and small businesses.</li> <li>• Outreach, engagement, or referrals with the state one-stop system as defined in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.</li> </ul> <p>Remember to document all of your efforts for retention within your project files and for submission to the local contracting agency.</p>			
<p><b>Statement of Section 3 Qualifications</b> A form which summarizes the firms past performance and current efforts in meeting Section 3 obligations</p>	<a href="#">24 CFR Part 75</a> <a href="#">HUD Section 3 FAQ</a>	<b>X</b>	
<p><b>Section 3 Worker and Targeted Section 3 Worker Certification for Community Development Financial Assistance</b> Section 3 and Targeted Section 3 Employee self-certification form with attached employer certification.</p>	<a href="#">24 CFR Part 75</a> <a href="#">HUD Section 3 FAQ</a>	<b>X</b>	
<p><b>Section 3 Summary Labor Report</b> Section 3 closeout report form to be submitted by the prime contractor upon project completion, representing all work hours on the project and all qualitative efforts implemented in connection with the project. Form identifies the project name and number, identifies labor hours for each respective contractor and subcontractor for total labor hours worked, Section 3 Worker labor hours, and Targeted Section 3 Worker labor hours. The form also provides for calculation of the Labor Hour Standards for both Section 3 Workers and Targeted Section 3 Workers top demonstrate compliance with the HUD Benchmark Targets for each respective category of worker. Certifications regarding prioritization of employment and training, and for contracting are also provided.</p>	<a href="#">24 CFR Part 75</a> <a href="#">HUD Section 3 FAQ</a>	<b>X</b>	



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Where Section 3 Benchmarks were not met, the form requires that the contractor report on all qualitative measures performed by the contractor or subcontractors be specified, and that documentation supporting these efforts be provided.			
<p><b>Federal Wage Decision</b></p> <p>Applicable Wage Decision identified by number and date, at the time procurement effort is conducted, with a disclaimer specifying that it is the sole responsibility of the Contractor to ascertain the latest rates and comply with those rates. Statements specifying that Weekly Certified payroll reports are required for all persons working on the project; and that the Federal Wage Decision that will be in effect for the project will be locked in 10 days prior to the Bid Opening date. Any updates to the Federal Wage Decision affecting this project will be addressed via an issued addendum.</p>	<a href="https://sam.gov">sam.gov - Wage Determinations</a>	X	
<p><b>Contractor Agreement</b></p> <p>Sets forth the requirements for completion of the project, and generally includes as attachments or references the special provisions, contract plans, standard plans, standard specifications, and reference specifications.</p> <p>The provisions of each construction contract will vary based on the type of construction being undertaken.</p>		X	
<p><b>Professional Services Agreement</b></p> <p>Sets forth the requirements for completion of the project, and generally includes rate schedules and deliverables requirements and schedule.</p> <p>The provisions of each professional services agreement will vary based on the type of services being provided.</p>			X
<p><b>Subrecipient Agreement</b></p> <p>Sets forth the requirements for completion of the project, and generally includes rate schedules and deliverables or accomplishment requirements and schedule.</p>			



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The provisions of each subrecipient agreement will vary based on the type of activity funded and services being provided.			
<b>Performance Bond Form</b> Formal performance bond agreement between soliciting entity, the contractor and surety company.	<a href="#">2 CFR 200.326</a>	X	
<b>Payment Bond Form</b> Formal payment bond agreement between soliciting entity, the contractor and surety company.	<a href="#">2 CFR 200.326</a>	X	
<b>General Provisions to the Contractor Agreement</b> Defines all critical condition of the construction to be performed including but not limited to: general contract provisions, definitions, scope and control of work, changes in work, control of work, control of materials, utilities, prosecution, progress and acceptance of work, contractor responsibilities, field facilities, measurement and payment, construction materials, concrete, mortar, and related materials, bituminous materials, metal items, traffic, striping, curb and pavement marking and pavement markers, construction methods for all classes of construction, temporary traffic control, work area traffic control, landscape and irrigation materials, site furnishings, etc.		X	
<b>Architectural Specifications</b> The architectural specification details that corresponds with the architectural, structural, mechanical, electrical, plumbing, and other drawings for the project.		X	
<b>Geotechnical Investigation Report</b> Geotechnical analysis of the site containing geotechnical considerations, site preparation recommendations, and construction recommendations.		X	