



Section 3 Coordinator  
495 Upper Falls Blvd.  
Rochester, New York 14605  
Phone 585-232-1112 ext. 229  
Fax 585-362-8623

## SECTION 3 BUSINESS CONCERN CERTIFICATION APPLICATION

Dear Business Owner:

This is your invitation to become certified as a Section 3 Business Concern. As part of our effort to promote contract, employment and training opportunities for all business in Rochester Region in compliance with federal Section 3 regulations, the Rochester Housing Authority (RHA) has created a simplified Section 3 certification application process. RHA is seeking to extend the benefits of and to promote compliance with Section 3 by (1) identifying Section 3 Business Concerns; (2) targeting Section 3 Business Concerns for RHA business opportunity events and education programs.

All applicants seeking this recognition must complete and submit the enclosed Section 3 Application Business Concern Application form. If your company is qualified because it is owned by one or more Section 3 residents, then complete form S3-A, "*Section 3 Business Concern – Resident Business Owner(s)*". If your company is qualified because 30% or more of its full-time permanent workforce are Section 3 Residents as defined in the application, then complete form S3-B, "*Section 3 Business Concern – 30%+ Workforce*". **YOU NEED ONLY SUBMIT THE BUSINESS CONCERN APPLICATION (to include supporting documentation if required) WITH EITHER FORM S3-A OR S3-B TO BE ELIGIBLE FOR SECTION 3 CERTIFICATION.**

Please answer all questions and sign the forms. Please then forward the forms via mail to:

Melissa Berrien  
Section 3 Coordinator  
Rochester Housing Authority  
495 Upper Falls Blvd.  
Rochester, New York 14605

If you have any questions or concerns, please feel free to contact RHA's Section 3 Coordinator (Melissa Berrien) at 585-232-1112 ext. 229.

Rev. 4/2016



## **ROCHESTER HOUSING AUTHORITY SECTION 3 BUSINESS CONCERN APPLICATION**

It is the purpose of the Rochester Housing Authority (RHA) to provide safe, sanitary, accessible, decent, and affordable housing to the Rochester, NY community. A vital role of RHA in providing affordable housing is to provide and promote economic opportunities to the RHA residents and other low and very-low income residents of the five county area we serve.

The purpose of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal State, and local laws and regulations, be directed to low and very-low income individuals, especially recipients of government assistance for housing, and to business concerns which provide economic opportunities to low and very-low income individuals. (Section 3 means section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u).

Section 3 requirements apply to RHA and our contractors and subcontractors performing work in connection with projects and activities funded by public housing assistance covered by Section 3, regardless of the amount of the contract or subcontract. Section 3 covered contracts do not include contracts for the purchase of supplies and materials unless the contract includes the installation of the materials.

A business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence that the business concern qualifies as a Section 3-business concern. A Section 3 business must also be able to demonstrate its ability to complete the contract. The ability to perform successfully under the terms and conditions of the proposed contract is required of all contractors and subcontractors subject to the procurement standards of 24 CFR 85.36, 24 CFR 85.36b(8).

For Contractors that enter into contracts with the RHA, but do not qualify as Section 3 business concern, must agree to comply with certain general conditions of the RHA Section 3 Policy and 24 CFR part 135 (refer to Section 3 Clause). All contractors and subcontractors, including Section 3 businesses, must comply with these general conditions. Included in these conditions is the requirement that each contractor and subcontractor submit with each pay request a report of Section 3 compliance (refer to Section 3 Compliance Report). Failure to comply with these general conditions may lead to sanctions which can include termination of the contract for default and suspension or debarment from future HUD-assisted contracts (refer to Sanctions for Contractor's Noncompliance).

Please direct any questions you may have regarding the RHA Section 3 Program and any Business concerns seeking to file for Section 3 preference shall contact:

**Melissa Berrien, Section 3 Coordinator**  
495 Upper Falls, Rochester, NY 14605  
585-232-1112 ext. 229  
[section3@rochesterhousing.org](mailto:section3@rochesterhousing.org)

### **Evidence of Section 3 Business Concern Certification**

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with the RHA shall complete the Certification for Business Concerns Seeking Section 3 Preference in Contracting and Demonstration of Capability form, which can be obtained from the RHA Section 3 Coordinator. The business seeking Section 3 preference must be able to provide adequate documentation as evidence of eligibility for preference under the Section 3 Program.

### **Section 3 Business Certification Process**

The RHA has its own program of self-certification for business concerns seeking recognition as a Section 3 Business concern as defined in the Section 3 Program.

Any business concern seeking Section 3 preferences in the awarding of contracts or purchase agreements shall complete appropriate certification forms for preference under the Section 3 program.

A business concern may apply for certification as a Section 3 business concern either prior to bidding or at the time of submission of bids for the RHA. However, Section 3 preference cannot be given until Section 3 status is verified. **Any business concern that submits certification for preference after receipt of bid will not be considered eligible for Section 3 preference in the evaluation of the specific bid award.** Businesses seeking Section 3 preferences must attach an RHA Section 3 Certification Form and required attachments to their bid submission, otherwise, the bid will not receive the Section 3 preference.

**NOTE: Before a bid is awarded and if requested a Section 3 business shall submit sufficient evidence to the satisfaction of the RHA the contract that the Section 3 business is responsive and has the ability to perform successfully under the terms and conditions of the contract.**

### **Certification Procedure Overview**

- Contact RHA and request Section 3 Certification Packet
- Complete certification form and supply required documentation to RHA – (see form)
- Work with RHA in verifying Section 3 eligibility
- Receive certificate of Section 3 business status from RHA within thirty (30) days of receipt of eligibility verifications
- Submit certificate of Section 3 business status with bid packet
- Cooperate with RHA in meeting compliance requirements
- Notify RHA of any changes that could affect future certifications
- Certification will be reviewed on an annual basis



**CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3  
PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY**

Name of Business \_\_\_\_\_

Address of Business \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Type of Business:  Corporation  Partnership  Sole Proprietorship  Joint Venture

Attached is the following documentation as evidence of status:

**For Business claiming status as a Section 3 resident-owned enterprise:**

- Copy of resident lease  Copy of receipt of public assistance  
 Copy of evidence of participation in a public assistance program  Other evidence

**For Business entity as applicable:**

- Copy of Articles of Incorporation  Certificate of Good Standing  Assumed Business Name Certificate  
 Partnership Agreement  List of owners/stockholders and % ownership of each  
 Corporation Annual Report  Latest Board minutes appointing officers  
 Organization chart with names and titles and brief function statement  Additional documentation

**For Business claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business:**

- List of subcontracted Section 3 business(es) and subcontract amount  
 Sign affidavit committing to contract 25% of the total dollar amount awarded to a qualified Section 3 business

Information regarding bid prices or subcontract amounts shall only be submitted in the bid package. Contractors requesting a Section 3 preference prior to bid opening must exclude all job specific pricing information in the Section 3 Certification Request. Contractors that fail to meet this requirement may be determined to be non-responsive and their bid may be rejected.

**For Business claiming Section 3 status, claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:**

- List of all current full-time employees  List of employees claiming Section 3 status  
 PHA Residential lease less than 3 years from day of employment  Other evidence of Section 3 status less than 3 years from date of employment

**For all Businesses - Evidence of ability to perform successfully under the terms and conditions of the proposed contract:**

- Current financial statement  Statement of ability to comply with public policy  
 List of owned equipment  Copy of the RHA Vendor/Contractor Application  
 List of all contracts awarded under the alternative procurement method as stated in 24 CFR Part 963

**Company Signature**

**Notary Public**

\_\_\_\_\_  
Authorizing Name

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

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

\_\_\_\_\_  
My commission expires on



**SECTION 3 BUSINESS CONCERN FORM A  
Resident Business Owner(s)**

Name of Owner: \_\_\_\_\_

Home Address: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Percentage of Ownership: \_\_%

Check the appropriate box for your family size and income:

Check Box	# of Persons in Household	Gross Household Income Max.
		Low (80%)
<input type="checkbox"/>	1 Person	\$38,300
<input type="checkbox"/>	2 Persons	\$43,800
<input type="checkbox"/>	3 Persons	\$49,250
<input type="checkbox"/>	4 Persons	\$54,700
<input type="checkbox"/>	5 Persons	\$59,100
<input type="checkbox"/>	6 Persons	\$63,500
<input type="checkbox"/>	7 Persons	\$67,850
<input type="checkbox"/>	8 Persons	\$72,250

Source: Rochester, NY MSA as of FY2015 per HUD website

I certify that I am a resident of Monroe County. My Total Household Income last year was less than the amount shown above for my family size.

*If the business is owned by more than one Section 3 resident, each should submit a separate Resident Business Owner Verification Form. List each owner below:*

I certify that the Section 3 residents listed below own at least 51% of the business.

Name	Position	Percentage of Ownership

I certify that the information provided is true and accurate.

<b>PRINT NAME:</b>	<b>DATE:</b>
<b>Signature</b>	



**SECTION 3 BUSINESS CONCERN – 30%+ WORKFORCE FORM B**

A business can be certified as a Section 3 Business Concern if at least 30% of its permanent, full-time employees are Section 3 residents, or were Section 3 residents within three years of the date of first employment with the business. For your firm to be eligible UNDER THIS CRITERIA, you must provide the following information for all permanent FT employees.

**Copy this form if necessary.**

<b>LIST ALL EMPLOYEES NAME &amp; ADDRESS</b>	<b>DATE HIRED (MM/DD/YYYY)</b>	<b>CHECK IF SECTION 3 RESIDENT</b>	<b>JOB TITLE/TRADE</b>
Name: Address: City/Zip:		<input type="checkbox"/>	
Total Number of Employees:			
Number of Section 3 Residents:			
% of Total Workforce:			

***I certify that the above statements are true, complete, and correct to the best of my knowledge and belief.***

**Print Name:**

**Title:**

**Company Name:**

**Date:**

**Signature:** \_\_\_\_\_



**SECTION 3 RESIDENT INCOME ELIGIBILITY**

Check Box	# of Persons in Household	Gross Household Income Max.
		Low (80%)
<input type="checkbox"/>	1 Person	\$38,300
<input type="checkbox"/>	2 Persons	\$43,800
<input type="checkbox"/>	3 Persons	\$49,250
<input type="checkbox"/>	4 Persons	\$54,700
<input type="checkbox"/>	5 Persons	\$59,100
<input type="checkbox"/>	6 Persons	\$63,500
<input type="checkbox"/>	7 Persons	\$67,850
<input type="checkbox"/>	8 Persons	\$72,250