

**REVISED  
BID PROPOSAL FORM**

STATE OF NEW JERSEY  
DEPARTMENT OF TREASURY  
DIVISION OF PROPERTY MANAGEMENT & CONSTRUCTION  
P O BOX 034  
TRENTON NEW JERSEY 08625-0034

The bid proposal is to be returned in the pre-addressed envelope and will be accepted no later than 2:00 p.m.,  
April 5, 2016 after which time the bid proposals will be publicly opened and read.

FIRM NAME: Automatic Door Systems, LLC  
(Please Type or Print) T/A Joseph Hamilton Construction  
(Business Street Address ONLY - No P O 86 Perate Ave  
Box) North Amington N.J. 07031

PROJECT NO A1245-02

PROJECT: Demolition of Residential Dwellings

LOCATION: 263 Beachfront, 145 First Ave, 213 Second Ave, Manasquan Borough, Monmouth County, NJ; 1670 West End Dr., Point Pleasant Borough, Ocean County, NJ; 311 Carter Ave., 407 Elizabeth Ave., 107 Harvard Ave., 1431 Ocean Front Ave., 124 Randall Ave., Point Pleasant Beach, Ocean County, NJ

The undersigned Single Prime Contractor proposes to be responsible for all work shown in the contract plans and specifications.

Single Bid

lump sum all trades

\$ 171,000<sup>00</sup>

(Numerical Figures Only)

In accordance with N.J.S.A. 52:35-1 et seq., the Contractor will be classified with the Division of Property Management and Construction (DPMC) in one of the following trades: General Construction (C008) or General Construction/Alterations and Additions (C009)

The proposal is based upon the bid documents listed below.

1. General Conditions revised: December 2015
2. Specifications dated: March 2016
3. Drawing(s)#: Included in the Specifications Dated: Included in the Specifications

This project will be fully completed and ready for occupancy within 39 Calendar days.

Liquidated damages will be assessed at 1/20 of one percent (.05%) of the value of this contract (minimum of \$250.00).

The above price is good through sixty (60) days after the bid opening date.

Submit only one bid proposal and bid bond form.

A bid bond in the amount of fifty percent (50%) of the TOTAL bid, including alternates if applicable, must accompany this proposal form.

PROJECT NO.: A1245-02

The Contractor must include prices for the base bid and all alternates and unit prices when requested, otherwise the bid may be considered non-responsive.

Having examined the bid documents and the site of the proposed work and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, the Contractor hereby proposes to furnish all labor, materials and supplies, and to construct the project as submitted, within the time set forth therein, and at the price stated. This price is to cover all expenses incurred in performing the work required, of which this proposal is a part.

The Contractor acknowledges and affirms that it has personal knowledge of or has obtained and reviewed a copy of the valid prevailing wage rates for all trades involved in the project for the geographical location of the project as issued by the Commissioner of the Department of Labor, P O Box 389, Trenton, New Jersey, 08625 (609) 292-2259.

The Contractor acknowledges receipt of the following Bulletins:

<u>BULLETIN NUMBER</u>	<u>DATE OF BULLETIN</u>
Bulletin A	February 25, 2016
Bulletin B	March 22, 2016
Bulletin C	March 22, 2016
Bulletin D	March 24, 2016
Bulletin E	March 29, 2016
BULLETIN F	MAR 30, 2016

PROJECT NO.: A1245-02

The names and addresses of each Subcontractor included in this Single Bid proposal are listed below and are classified with DPMC in accordance with N.J.S.A. 52:35-1 et seq. at the time of the bid due date. If the Single Prime contractor intends to perform the work described under any of the listed trades sections of this bid proposal form, that Single Prime Contractor must be classified in that trade and listed in the appropriate Subcontractor section of this bid proposal. The Contractor acknowledges the failure to list classified Subcontractors as part of Single Bid proposals shall constitute a non-waivable material deviation resulting in a rejection of the bid.

DEMOLITION (C021) Automatic Door Systems, LLCNAME: H/n Joseph Hamilton ConstructionADDRESS: 86 Ponete Ave 07031

ASBESTOS REMOVAL/TREATMENT (C092)

NAME: All Pro Management, LLCADDRESS: 27 Outwater Lane 07028

PLUMBING (C030)

NAME: William J. Guarini Inc.ADDRESS: 132 MARY AVE 07307**ALLOWANCES**

There is an Allowance of \$2,500.00 for Municipal and Utility Disconnection and Inspection Fees to be included in the Lump Sum Base bid proposal number.

**EXECUTION OF CONTRACT**

Upon receipt of written notice of the acceptance of this bid, the Contractor shall execute the formal contract within 10 calendar days and deliver a Performance and Payment Bond as well as other information as required in the bid solicitation.

**COMMENCEMENT OF WORK**

Contractor acknowledges that the work is to commence upon receipt of the Notice to Proceed with the exception of permit activities.

**BID SECURITY**

Bid Bond is fifty percent (50%) of the TOTAL bid, including alternates if applicable, and is to become the property of the State in the event the contract and bond are not executed within the time set forth as liquidated damages for the delay and additional expense incurred by the Owner.

PROJECT NO.: A1245-02

**CERTIFICATION**

I certify that the below named firm is classified by the Division of Property Management and Construction in the approved amount of \$ 1,500,000<sup>00</sup> for (trade) CO09, CO21, CO26 until 10/08/17 (expiration date).

I further certify that this firm's bid for this project does not cause the firm to exceed its aggregate rating limit, including consideration of uncompleted construction work (please refer to N.J.A.C. 17:19-2.13, which describes how certain major trade subcontract work is discounted 85% for purposes of calculating whether a contractor is within its rating).

(Seal-if Bid proposal is by a corporation)

Respectfully submitted,

Automatic Door Systems, LLC

By: TA Joseph Hamilton Construction  
(Name of Firm)

(Signature)  
(Signature)

SECRETARY  
(Title)

86 Ponete Ave  
(Business Street Address ONLY - No P O Box)

H. Arlington N.J. Bergen 07031  
(City State County Zip)

Phone No. 201-955-0400

Fax No. [Redacted]

Federal Identification No. [Redacted]

Any change in ownership information since filing your Request for Classification (Form DPMC 27)

Yes

No

If yes, attach explanation.

PROJECT NO.: A1245-02

STATE OF NEW JERSEY  
DEPARTMENT OF TREASURY  
DIVISION OF PROPERTY MANAGEMENT & CONSTRUCTION

NON-COLLUSION AFFIDAVIT

PROJECT: Demolition of Residential Dwellings

2263 Beachfront, 145 First Ave, 213 Second Ave, Manasquan Borough, Monmouth County, NJ; 1670 West End Dr., Point Pleasant Borough, Ocean County, NJ; 311 Carter Ave., 407 Elizabeth Ave., 107 Harvard Ave., 1431 Ocean Front Ave., 124 Randall Ave., Point Pleasant Beach, Ocean County, NJ

Bid Due Date April 5, 2016 2:00 PM

STATE OF NEW JERSEY [ ]  
[ ] SS.

COUNTY OF [ ]

I, Joseph Hamilton of the City of Short Hills

in the County of Essex and the State of New Jersey

of full age, being duly sworn according to law on my oath depose and say that:

I am SECRETARY

of the firm of AUTOMATIC DOOR SYSTEMS, LLC  
719 JOSEPH HAMILTON CONSTRUCTION

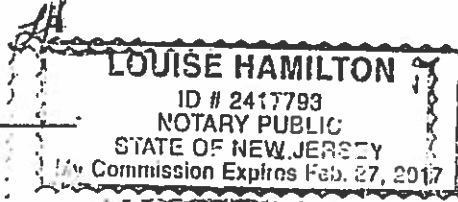
the Contractor making the Bid Proposal for the above named project, and that I execute the said Bid Proposal with full authority so to do; that said Contractor has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said bid proposal and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Bid Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

[Signature]  
SIGNATURE OF PRINCIPAL

Subscribed and sworn to before me this 4<sup>th</sup> day  
of April, 2016,

[Signature]  
Notary Public

My Commission expires Feb. 27, 2017



PROJECT NO.: A1245-02

**Public Law 2005, Chapter 92**

Formerly: Executive Order 129

In accordance with Public Law 2005, Chapter 92 (N.J.S.A. 52:34-13.2 et seq., superseding Executive Order 129 (2004)) all bidders submitting a proposal shall be required to submit a Source Disclosure Certification that all services will be performed in the United States. The bidder shall disclose the location by country where services under the contract will be performed and any subcontracting of services under the contract and the location by country where any subcontracted services will be performed.

SOURCE DISCLOSURE CERTIFICATION FORM

AUTOMATIC DDC? SYSTEMS, LLC

Bidder: T/A Joseph Hamilton CONSTRUCTION

I hereby certify and say:

I have personal knowledge of the facts set forth herein and am authorized to make this Certification on behalf of the Bidder.

The Bidder submits this Certification as part of a bid proposal in response to the referenced solicitation issued by the State of New Jersey, Department of Treasury, Division of Property Management and Construction (DPMC), in accordance with the requirements of Public Law 2005, Chapter 92, (N.J.S.A. 52:34-13.2 et seq., superseding Executive Order 129 (2004)).

The following is a list of every location where services will be performed by the bidder and all subcontractors.

Bidder or Subcontractor	Description of Services	Performance Location(s) by Country
ADS/JHC MILL-PAV	Remediation Asbestos	SCATTERED LOCATIONS in MONMOUTH + OCCAS COUNTIES
WILLIAM J. GUARINI	Plumbing	COUNTIES

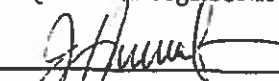
Any changes to the information set forth in this Certification during the term of any contract awarded under the referenced Project Number will be immediately reported by the Bidder to the Contract Compliance Unit in the DPMC, Department of Treasury, State of New Jersey, PO Box 034, Trenton, NJ 08625.

I understand that, after award of a contract to the Bidder, it is determined that the Bidder has shifted services declared above to be provided within the United States to sources outside the United States, prior to a written determination by the Director, Division of Property Management and Construction, that extraordinary circumstances require the shift of services or that the failure to shift the services would result in economic hardship to the State of New Jersey, the Bidder shall be deemed in breach of contract, which contract will be subject to termination for cause under its contract with DPMC.

I further understand that this Certification is submitted on behalf of the Bidder in order to induce DPMC to accept a bid proposal, with knowledge that the State of New Jersey and DPMC are relying upon the truth of the statements contained herein.

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Bidder: ADS/JHC  
[Name of Organization or Entity]

By: 

Print Name: Joseph Hamilton

Title: SECRETARY

Date: 4/4/16

PROJECT NO.: A1245-02

STATE OF NEW JERSEY  
DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION  
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

BIDDER ADS/JHC

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division of Purchase and Property's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. Failure to complete the certification may render a bidder's proposal non-responsive. If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, C. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

Part 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the box(es) below.


Name \_\_\_\_\_ Relationship to Bidder/Offeror \_\_\_\_\_  
Description of Activities \_\_\_\_\_  
Duration of Engagement \_\_\_\_\_ Anticipated Cessation Date \_\_\_\_\_  
Bidder/Offeror Contract Name \_\_\_\_\_ Contact Phone Number \_\_\_\_\_

List Additional Activities on Separate Sheet

PROJECT NO.: A1245-02

P.L. 2012 c. 25

CERTIFICATION: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): Joseph Hamilton Signature:   
Title: SECRETARY Date: 4/4/16



**CONTRACTORS CERTIFICATION OF ELIGIBILITY**  
To be submitted prior to award of contract

The bidder certifies that to the best of its knowledge and belief, neither it, nor any person or firm which has an interest in the contractor's firm, nor any of the contractor's subcontractors, is ineligible to:

- (1) Be awarded contracts by any agency of the United States Government of HUD, or,
- (2) Participate in HUD programs pursuant to 24 CFR part 24.

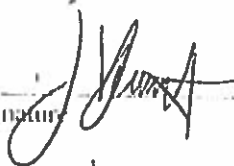
*Automatic Dec R Systems, LLC*

*T/A Joseph Hamilton Construction*  
Name of Bidder

*86 Pointe Ave*  
Address

By:

Signature



*Joseph Hamilton - Secretary*  
Print Name and Title

Date

*4/11/11*

**CERTIFICATION OF BIDDER REGARDING SECTION 3**  
To be submitted prior to award of contract

Aromatic Book Systems, LLC

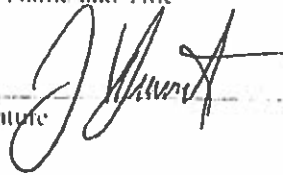
T/A Joseph Hamilton Construction  
Name of Bidder

A1245-02  
Project Number

The undersigned hereby certifies that:

1. Section 3 provisions are included in the Contract.
2. A written Section 3 plan in compliance with the Section 3 Plan Format and Utilization Plan Template (Attachments B and C hereto) will be prepared and submitted prior to the award of the contract (if bid equals or exceeds \$100,000).

Joseph Hamilton - Secretary  
Print Name and Title

X   
Signature

4/11/16  
Date

**SUCCESSFUL BIDDER SECTION 3 PLAN FORMAT**

To be submitted prior to award of contract

Automatic Door Systems, LLC

If award is received, TH Joseph Hamilton Construction (name of Bidder) agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and businesses within the Township of Manasquan Borough, Point Pleasant Borough and Point Pleasant Beach..

1. To ascertain from the locality's CDBG program official the exact boundaries of the Section 3 covered project area, and where advantageous, seek the assistance of local officials in preparing and implementing the affirmative action plan.
2. To attempt to recruit from within the municipalities the necessary number of lower income residents through local advertising media, signs placed at the proposed site for the project, and community organizations, and public or private institutions operating within or serving the project area, such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan, or the U.S. Employment Service.
3. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source, and to employ such persons, if otherwise eligible and if a vacancy exists.
4. To insert the Section 3 Contract Provisions clause in all subcontracts over \$100,000, to obtain all forms from said subcontractors, and to obtain all required documentation. (Loans, grants, contracts, and subsidies for less than \$100,000 will be exempt.)
5. To contact unions, subcontractors, and trade associations to secure their cooperation for this program.
6. To ensure that all appropriate project area business concerns are notified of pending sub contractual opportunities.
7. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
8. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.
9. To list information related to proposed subcontracts to be awarded to Section 3 businesses.
10. To list all projected workforce needs for all phases of this project by occupation, trade, skill level, and number of positions.

Automatic Door Systems, LLC

TH Joseph Hamilton Construction

Name of Bidder

X [Signature]  
Signature

Joseph Hamilton - Secretary  
Print Name and Title

4/11/16  
Date

CERTIFICATION OF PROPOSED SUBCONTRACTOR REGARDING SECTION 3  
To be submitted prior to award of contract

All PRO MANAGEMENT  
Name of Subcontractor

Demolition of Residential  
Properties  
A1245-02  
Project Name and Number

The undersigned hereby certifies that:

1. Section 3 provisions are included in the Contract.
2. A written Section 3 plan in compliance with the Section 3 Plan Format and Utilization Plan Template (Attachments B and C hereto) will be prepared and submitted prior to the award of the contract (if the subcontract equals or exceeds \$100,000).

Joseph Hamilton - SECRETARY  
Print Name and Title

x [Signature]  
Signature

4/11/16  
Date

ATTACHMENT "C"

Section 3 Utilization Plan  
Template

**SECTION 3 PLAN**

This document serves as the Section 3 Plan for A-1245-02 (insert Project Name) in compliance with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended.

The purpose of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3), is to ensure that training, 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 the greatest extent possible to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns, which provide economic opportunities to low- and very low-income persons.

**NUMERICAL GOALS FOR TRAINING AND EMPLOYMENT OPPORTUNITIES**

Agricultural Tech Systems, LLC  
7/2 Joseph H. Hest Contract (insert Bidder's name) will, to the greatest extent feasible, when awarding contracts or providing training and/or employment opportunities for activities or projects subject to the requirements of Section 3, strive to comply with the goals established in this section.

The numerical goals established in this section represent minimum numerical targets.

Training and employment opportunities will be made available to Section 3 residents as follows:

- (i) 30 percent of the aggregate number of new hires/training opportunities resulting from funds awarded.

**PREFERENCE FOR SECTION 3 RESIDENTS IN TRAINING AND EMPLOYMENT OPPORTUNITIES**

In providing training and employment opportunities, generated from the expenditure of Section 3 activities to Section 3 residents, the following order of preference will be followed:

*Highest Priority:* Low- and very-low income residents certified as Section 3 eligible residing in the services area or municipality where the project is located.

*Second Priority:* Section 3 residents of the County in which the project is taking place.

*Third Priority:* Participants of public and social service programs.

*Third Priority:* Other Public Housing residents.

*Fourth Priority:* Participants in Youth build programs.

*Fifth Priority:* Other Section 3 residents, including residents of the Metropolitan area or non-Metropolitan county.

**LIST OF STRATEGIES TO BE ADOPTED FOR COMPLIANCE WITH THE STATED EMPLOYMENT, TRAINING AND CONTRACTING GOALS**

In compliance with the Section 3 Plan requirements, the Bidder must submit specific information about their current workforce (payroll reports, etc.) as of the date the Section 3 Plan is submitted for approval along with anticipated new hires. A list of employees can be submitted on the Existing Worker Utilization Report Form or an official company form that includes the same information requested on the Existing Worker Utilization Report Form.

The Bidder must also develop a list of strategies to be adopted for compliance with the stated employment, training and contracting goals.

Contracts in excess of \$100,000 must include the Section 3 Clause.

PLAN FOR SECTION 3 TRAINING AND EMPLOYMENT

Automatic Door Systems, LLC

Name of Bidder:

T/A Joseph Hamilton Construction

Project Name:

Installation of Residential Porchies - A1245-02

Job Category	Total Estimated Positions Needed for Project	Number of Positions Occupied by Permanent Employees	Number of Positions to be filled with Section 3 Residents
operators	2	2	0
laborers	2	2	0



EXISTING WORKER UTILIZATION REPORT FORM

Name of Bidder: AUTOMATIC DEOR SYSTEMS, LLC  
T/A JESLOH HAMILTON CONSTRUCTION

Project Name: A 1245 - 02

COMPLETE THE INFORMATION FOR ALL EMPLOYEES				HUD Section 3 Resident		Trade	Classification					
Name of Employee	Employee ID (If SSN, last four Digits)	Address (street address and zip code)	Date of Hire	Yes	No		Journey man	Helper	Apprentice	Trainee	Other	
[REDACTED]			1/15	X		Dem	X					
			7/85	X		Dem	X					
			1/02	X		Dem	X					
			4/12	X		Dem	X					
			10/14	X		Dem	X					
			8/14	X		Dem	X					
WORKFORCE GOALS: SECTION 3 - 30% OF NEW HIRES												

**NUMERICAL GOALS FOR CONTRACTING ACTIVITIES:**

These goals apply to contract awards in excess of \$100,000 in connection with a Section 3 eligible project, and it applies to contractors, subcontractors, developers, and/or sub-recipients.

*Automatic Door Systems, LLC*  
✓/A Joseph Hamilton Construction (insert Bidder's name) commits to award to Section 3 business concerns:

1. At least 10 percent of the total dollar amount of all Section 3 covered construction contracts.
2. At least 3 percent of the total dollar amount of all other Section 3 covered contracts.

**PREFERENCE FOR SECTION 3 BUSINESS CONCERNS**

The following order of preference will be followed when providing contracting opportunities to Section 3 businesses:

*Highest Priority:* Section 3 business concerns that provide economic opportunities for Section 3 residents in the service area or municipality in which the Section 3 covered project is located.

*Second Priority:* Participants of public and social service programs.

*Third Priority:* Other Section 3 residents.

PLAN FOR SECTION 3 SUB-CONTRACTING

Name of Bidder: Automatic Door Systems, LLC  
The Joseph Hamilton Construction

Project Name: A-1245-02 - renovation of Residential Apartments

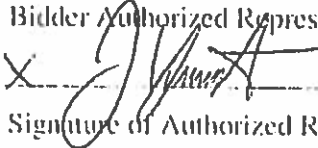
Total Contract Bid Value (\$)	Number of Sub-Contracts	Total Subcontracts Dollar Value (\$)	Total Section 3 Subcontracts Dollar Value (\$)	Section 3	
				Percent Proposed	Percent Required
\$171,000 <sup>00</sup>	2	\$35,150 <sup>00</sup>	0	10	10

STATEMENT OF SECTION 3 UTILIZATION COMMITMENT

In compliance with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, I the undersigned certify that I am fully empowered to enter into this Statement of Section 3 Utilization Commitment on behalf of this company I am certifying that the information contained within this Section 3 Utilization Plan is accurate and correct and that I understand that the NJ DPMC may impose penalties and sanctions for the submission of any false and inaccurate statements within this document.

Joseph Hamilton

Bidder Authorized Representative

X 

Signature of Authorized Representative

SECRETARY

Title

Bidder Section 3 Coordinator

(Leave blank if the same as authorized representative)

MADAMS@JHCNTJ.COM

201-955-0400

E-mail Address AUTOMATIC DOCS SYSTEMS, LLC Phone

THE JOSEPH HAMILTON CONSTRUCTION

Bidder Name

86 PORTE AVE 07031

Bidder Complete Address

## SECTION 3 CLAUSE

All contracts subject to the Section 3 requirements will include the following clause:

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701n (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).