

**REQUEST For QUALIFICATIONS (RFQ)
REAL ESTATE PROFESSIONAL SERVICES**

Purpose of The Request – The Lower Rio Grande Valley Development Council (LRGVDC) is requesting submission of qualifications from Texas Licensed Real Estate Agents that desire to participate in the Homeowner Opportunity Program (HOP) as part of the Disaster Recovery Program funded by the General Land Office through the Lower Rio Grande Valley Development Council.

The LRGVDC will review respondent's qualifications to establish a pool of qualified real estate professionals (REP) based on submitted qualifications. Selected REP pool participants will assist the LRGVDC in accomplishing compliance with the Homeowner Opportunity Program developed by the Texas General Land Office. You may view the HOP guidelines at: <http://www.glo.texas.gov/GLO/documents/disaster-recovery/housing/hop-guidelines.pdf>.

The main purpose of the HOP is to provide eligible families participating in the HOP program with the opportunity to locate and purchase a property in an area of higher opportunity. You may go to the following link to view eligible areas of higher opportunity in the Cameron, Hidalgo and Willacy counties: <http://gisweb.glo.texas.gov/hop/>.

- I. **Background** – The LRGVDC, through Community Development Block Grant Disaster Recovery Program funding provided by the Texas General Land Office (GLO) and the U.S. Department of Housing and Urban Development (HUD), is implementing a Housing Reconstruction/Rehabilitation/Replacement program. The program consists of single family, owner occupied homes that received damage due to Hurricane Dolly located in the Tri-County area. The Homeowner Opportunity Program (HOP) is a Disaster Recovery Housing Program through which income-qualified applicants who live in FEMA-designated "High Risk" areas or areas of high minority and/or poverty concentration (as approved by the GLO) may elect to rehabilitate or reconstruct their existing home or relocate to a safer and higher opportunity area. This program will involve relocation counseling, conducted by Mobility Counselors, and the provision of licensed real estate professionals to explain the options and choices available.

II. **Scope of Work**

The LRGVDC is interested in contracting for a full range of Residential Real Estate Services, which may include, but are not limited to:

1. Coordinate with the Mobility Counselor assigned to the applicant in the presence of the applicant to review a list of desired property attributes the applicant desires, such as location of public transportation, hospitals, schools, etc. The Mobility Counselor and the realtor shall ensure that the homes

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presented to the applicant are located in eligible relocation areas. This may be done by using the GLO HOP Online Mapping Viewer.

2. Real estate professionals must be able to show properties in Cameron, Hidalgo and Willacy counties.
3. The real estate professional may show the applicant up to seven homes meeting the applicant's needs and budget located within the eligible areas. The Mobility Counselor shall be present at all showings.
4. Applicant's that do not locate a property may opt out of HOP and reconstruct their disaster-impacted home or withdraw from the program. The real estate professional's commission shall come from the property seller.

III. REP Qualifications:

This RFQ and its attachments describe the requirements under which the LRGVDC will approve the REP's. As noted in Section IV., the submittal must describe the REP's qualifications, prior experience, financial capability and previous experience with HUD funded programs.

Minimum Qualification Requirements includes:

- a. Qualifications and experience in providing professional real estate services in the Lower Rio Grande Valley.
- b. Have an active license as a Real Estate Broker or Salesperson with the Texas Real Estate Commission.
- c. 2 years of residential real estate experience.
- d. Local board of realtor's membership to ensure access to the Multiple Listing Service (MLS).
- e. Be able to show properties in Cameron, Hidalgo and Willacy counties.
- f. REP's experience in completing projects funded by HUD or GLO.
- g. Insurance in the following limits:
 - General Liability, \$1,000,000 Limit
 - Automobile Liability, \$1,000,000 Limit
 - Worker's Compensation, Statutory by Texas law.
- h. Be lien and judgment free;
- i. Respondents must disclose if Respondent and/or any other corporate entity in which the owners and/or principals of Respondent have any ownership interest has been debarred and/or terminated by any federal, state or local political entity.

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- j. Must be in good standing and not have any disciplinary actions against the licensee from previous dealings.
- k. Must not be debarred, suspended, or ineligible according to the U.S. General Services Administration's List of Parties Excluded from Federal Procurement or Non-Procurement Programs:

<https://www.sam.gov>

and according to the State of Texas Debarred Vendor's List:

<http://www.window.state.tx.us/procurement/prog/vendor/performance/debarred/>

Other Requirements:

- a. Whenever possible, LRGVDC will give opportunities to Historically Underutilized Businesses (HUBs) and will make an affirmative effort to encourage bids from such businesses.
- b. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development (HUD) and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- c. Whenever possible, opportunities shall be provided to locally owned businesses and low-income residents in the project area.
- d. LRGVDC may consider a respondents adherence to acceptable business practices and criminal history of unsatisfied judgments in determining whether the Contractor qualifies to participate in this program.
- e. s adherence to acceptable business practices and criminal history of unsatisfied judgments in determining whether the Contractor qualifies to participate in this program.

IV. Submission Requirements. Respondents submitting a response to this RFQ are **required** to use the following format and **tab** each section accordingly. **Do not** submit any additional information beyond what is requested in the format below. All responses to this RFQ must consist of **One Electronic (USB or CD), One Original (original signatures) and Fifteen (15) copies for a total of (17) seventeen. Each set of Seventeen (17) qualifications should be sealed in a**

box and the title of the RFQ (RFQ for Real Estate Professional Services) and the name of the submitting firm should be labeled on the outside of the box "Failure to provide the response in the required format will be reason for disqualification". Each qualifications should include the following information and have a tab identifying each of the following sections:

- a. **Table of Contents.** Provide a table of contents covering each section listed under these submission requirements.
- b. **Cover Letter.** Provide a signed cover letter stating the respondent's interest and commitment to participate in the program.
- c. **Request for Qualifications.** If applicable completely fill out **Attachment A**, providing a summary of your firm's qualifications as it relates to this RFQ. Ensure contact name, phone number, fax number, and e-mail address is provided for the primary contact of the company. Sign the sworn statement on the last page of Appendix A before a notary swearing that all information contained in Appendix A is true and accurate.
- d. **Letters of Reference.** Submit five (5) signed letters of reference for whom you have provided residential real estate services, of which at least two (2) references are limited to federally funded customers (Administrators of federal funding similar to GLO) for whom you have provided residential real estate services and such relationship should be identified in the letter.
- e. **Performance History.** Describe how many years you have worked in real estate and the approximate number of homes that have required TREC or Housing Quality Standard (HQS) inspections. Specifically indicate if you have provided work on HUD or other federally funded housing programs. Provide a list of projects completed in the last two years and the amount of each project. Identify those projects which were federally assisted.
- f. **Proof of Insurance.** Provide a current specimen insurance certificate including the types and amount of insurance you **currently maintain**. Insurance in the following limits will be required under this program:

General Liability, \$1,000,000 Limit
Automobile Liability, \$1,000,000 Limit (If the company owns autos)
Worker's Compensation, Statutory by Texas law.
- g. **Proof of Local Presence.** Provide a copy of your lease, ownership documentation or most recent utility bill in the name of the submitting firm showing a local address indicating somewhere the length of time in years your business has been located at the address provided. A local address is defined as one in Cameron, Hidalgo, or Willacy County.

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- h. **Section 3 Business Concerns.** According to GLO Section 3 Regulations 24 CFR 135, LRGVDC has a numerical goal to contract with Section 3 businesses on a minimum of 10% of all construction contracts and 3% of all non-construction contracts.
1. A section 3 business is defined as a business:
 - a. That is at least 51 percent or more owned by Section 3 residents,
 - b. Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents, or
 - c. That provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to a Section 3 business concern
 2. A section 3 resident is defined as:
 - a. Public housing residents
 - b. Low and very-low income persons who live in the metropolitan area or non-metropolitan county where a HUD-assisted project for housing or community development is located.

Please provide proof of Section 3 business status, if applicable, by completing the form attached as Appendix B, Certification of Section 3 Business.

- i. **Non-Debarment.** Provide Proof of non-debarment from federally funded programs including your Federal ID # or Social Security number if applicable. Locate, print and provide the certification from <https://www.sam.gov> in the exact name of your corporation or the name in which you are submitting your Request for Qualifications. Also, provide proof of non-debarment from state programs by printing the state debarred vendor's list http://www.window.state.tx.us/procurement/prog/vendor_performance/debarred/

V. **Evaluation Criteria: Request for Qualifications will be evaluated based on the scoring criteria stated below. Request for Qualifications must score 70% or above for the submitting firm to be considered for this program.**

- a. Organization of Request for Qualifications (0-5 Points)
 1. The score for Organization of Request for Qualifications will be based on the provisions stated under the Submission Requirements section of this RFQ.

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- a. 0 to 4 Points: If Request for Qualifications fails to meet any of the provisions stated in the Submission Requirements.
 - b. 5 Points: If Request for Qualifications meets all provisions stated in the Submission Requirements.
- b. Number of Years **incorporated** in Business under the name of the submitting firm (0-5 Points)
 - 1. How many years have you been engaged in the contracting business under your present firm name?
 - a. 0 Points: If the submitting firm was recently formed – less than 6 months from the due date of this Request for Qualifications.
 - b. 1 Point: If the submitting firm was formed more than 6 months but less than 2 years from the due date of this Request for Qualifications.
 - c. 2 Points: If the submitting firm was formed more than 2 years but less than 5 years from the due date of this Request for Qualifications.
 - d. 3 Points: If the submitting firm was formed more than 5 years but less than 7 years from the due date of this Request for Qualifications.
 - e. 4 Points: If the submitting firm was formed more than 7 years but less than 10 years from the due date of this Request for Qualifications.
 - f. 5 Points: If the submitting firm was formed more than 10 years from the due date of this Request for Qualifications.
- c. Letters of Reference (0-5 Points)
 - 1. Letters of Reference will be scored based on the documentation provided in the Letters of Reference section of each Request for Qualifications minimum 2 (two) letters from federally funded programs with (HUD) or (GLO).
 - a. 0 to 2 Points: If the submitting firm fails to provide 5 letters of reference for construction activities.
 - b. 3 to 4 Points: If the submitting firm provides 5 letters of references for construction activities but fails to provide 2 of those letters from a federally funded customer.
 - c. 5 Points: If the submitting firm provides 5 letters of references for construction activities of which 2 are from federally funded customers.
- d. Residential Real Estate Professional Services History (0-5 Points)
 - 1. Information concerning residential experience should be provided under the performance history section of each Request for Qualifications specifically with programs funded by (HUD) or (GLO).

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- a. 0 Points: If no residential real estate services have been completed by submitting firm.
- b. 1 Point: If at least 1 but less than 3 residential real estate services have been completed by submitting firm.
- c. 2 Points: If at least 3 but less than 5 residential real estate services have been completed by submitting firm.
- d. 3 Points: If at least 5 but less than 7 residential real estate services have been completed by submitting firm.
- e. 4 Points: If at least 7 but less than 10 residential real estate services have been completed by submitting firm.
- f. 5 Points: If 10 or more residential real estate services have been completed by submitting firm.

VI. Experience with GLO, HUD or other federally funded projects/Performance History (0-5 Points)

1. Information and Identification of HUD or other federally funded housing projects should be listed under the performance history section of each Request for Qualifications.

- a. 0 Points: If no HUD or other federally funded projects have been completed by submitting firm.
- b. 1 Point: If 1 HUD or other federally funded project has been completed by submitting firm.
- c. 2 Points: If 2 HUD or other federally funded projects have been completed by submitting firm.
- d. 3 Points: If 3 HUD or other federally funded projects have been completed by submitting firm.
- e. 4 Points: If 4 HUD or other federally funded projects have been completed by submitting firm.
- f. 5 Points: If 5 or more HUD or other federally funded projects have been completed by submitting firm.

b. Proof of Insurance (0-5 Points)

1. Proof of Insurance will be scored based on the documentation provided under the Proof of Insurance section of each Request for Qualifications.
 - a. 0 to 4 Points: If no documentation related to proof of Insurance is provided.
 - b. 5 Points: If all insurance specimens requested are provided in the Request for Qualifications.

c. Local Presence (0-5 Points)

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1. Local Presence will be determined based on the documentation provided under the Proof of Local Presence section of each Request for Qualifications.
 - a. 0 Points: If the submitting firm has less than 6 months from the due date of this Request for Qualifications.
 - b. 1 Point: If the submitting firm has more than 6 months but less than 2 years from the due date of this Request for Qualifications.
 - c. 2 Points: If the submitting firm has more than 2 years but less than 5 years from the due date of this Request for Qualifications.
 - d. 3 Points: If the submitting firm has more than 5 years but less than 7 years from the due date of this Request for Qualifications.
 - e. 4 Points: If the submitting firm has more than 7 years but less than 10 years from the due date of this Request for Qualifications.
 - f. 5 Points: If the submitting firm has more than 10 years from the due date of this Request for Qualifications.
- d. Section 3 Business (0-5 Points)
 1. Section 3 Businesses will be given this preference based on the information provided.
 - a. 0 to 3 Points: If no or unqualified documentation is provided.
 - b. 4 to 5 Points: If qualified documentation is provided.

VII. LRGVDC reserves the right to:

- a. Contract with the most qualified based on the criteria stated herein and their responses to RFQ's.
- b. Reject Request for Qualifications that fails to meet the stated criteria.
- c. Re-advertise this RFQ if adequate interest is not received.
- d. Not award a project to anyone merely because the person or firm meets the minimum qualifications to be included.
- e. Real Estate Professionals may be removed from participation for reasons including but not limited to:
 1. License becomes inactive
 2. A disciplinary action is made against a licensee by TREC;
 3. A complaint is received that warrants removal after investigation by the LRGVDC
 4. Failure to meet the requirements stated in this RFQ;

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5. Failure to provide services as detailed in the Homeowner Opportunity Program Guide
6. Inability to establish and maintain a consistent working relationship with applicants and HOP Counselor's;

VIII. LRGVDC Contact and Schedule

Complete **sealed** Request for Qualifications must be submitted in person, via U.S. Mail or other parcel carrier. Responses must be received in the LRGVDC's Offices on or before **Friday, June 28, 2013** by **12:00 noon**. LRGVDC strongly recommends all submitting firms to submit Request for Qualifications at least one hour early to ensure acceptance. The official time will be kept by LRGVDC. Each Request for Qualifications will need to be time and date stamped by an LRGVDC front desk representative before it is accepted. **NO LATE SUBMISSIONS WILL BE ACCEPTED.**

COMMUNICATION DURING THE PROCESS

It is not appropriate for you or your team members to have direct communication with any members of the Lower Rio Grande Valley Development Council (LRGVDC) staff outside of the formal in-session communications arranged by the Procurement Director.

Any attempt by one of the respondents to have direct or indirect communication with the Lower Rio Grande Valley Development Council (LRGVDC) staff outside of a committee session must be avoided and reported immediately to the Procurement Director.

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Request for Qualifications may be mailed or hand-delivered to:

**Lower Rio Grande Valley Development Council
Procurement Department
Attn: Victor Morales
301 West Railroad
Weslaco, TX 78596**

All decisions made by the LRGVDC of the approved list of REP's will be final. Any challenges or appeals should be made to GLO. Additional information can be requested by contacting Victor Morales at the address above, or by e-mail at vmorales@lrgvdc.org.

- IX. Open Records.** Information submitted to LRGVDC is public information and is available upon request with the Texas Information Act, chapter 552 of the Government Code (the "act").

An exception is stated in section 552.104 concerning information related to competition or bidding. This section states that "information is excepted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder." Pursuant to these sections of the Government Code, LRGVDC will only release the names of the bidders, the scoring criteria, and a scoring summary. Information concerning financial information that may be included in the scoring summary will be redacted pursuant to section 552.110 of the Government code which states that, "commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from the requirements of Section 552.021.

- X. Cost Incurred Responding.** All costs directly or indirectly related to the preparation of the response to this RFQ shall be the sole responsibility of and shall be borne by, the contractor.

XI. Protest Procedures

A written complaint must be sent by certified mail to LRGVDC's Procurement Director within (7) days after issuance of award letter and shall identify the following:

1. Name, mailing address and business phone number of the complainant.
2. Appropriate identification of the RFQ being questioned
3. A precise statement of reasons for the protest
4. Supporting exhibits, evidence or documents to substantiate any claims.

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The protest must be based on an alleged violation of LRGVDC's procurement procedures, a violation of Federal or State Law (if applicable), or a violation of applicable contract agreements to which LRGVDC is a party. Failure to receive a procurement contract award from LRGVDC, in and of itself, does not constitute a valid protest.

LRGVDC will provide a response to the protest within (30) thirty days that clearly states its position regarding the protest.

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Debarment Certification

(1) The CONSULTANT certifies to the best of its knowledge and belief, that it and its principals:

- (a) ARE NOT presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;
- (b) HAVE NOT within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, or destruction of records, making false statements, or receiving stolen property;
- (c) ARE NOT presently indicated for or otherwise criminally or civilly charged by a governmental entity* with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) HAVE NOT within a three-year period preceding this application/proposal had one or more public transactions* terminated for cause or default.

(2) WHERE the CONSULTANT is unable to certify to any of the statements in this certification, such CONSULTANT shall attach an explanation to this certification.

* Federal, state or local

Signature of Certifying Official

Title

Date

Form 1734 A 4-89

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ATTACHMENT A CONTRACTOR REQUEST FOR QUALIFICATIONS

All questions must be answered and the date given must be clear and comprehensive. **This Request for Qualifications must be typewritten and notarized.** If necessary, add separate sheets for items marked with an *.

1. Name of Firm or Business:
2. Permanent main office address:
Local office address:
a. Office Phone #: Cell #:
Email Address:
3. Year organized:
4. Year incorporated:
5. How many years have you been engaged in business under your present form name?
6. Number of employees and annual gross revenue of company:
Employees: Annual Gross Revenue: \$
7. *Contracts currently awarded or active: (List these, showing gross amount of each contract and the approximate anticipated dates of completion.)

Name of Project	Gross Amount	Approximate completion
	\$	
	\$	
	\$	
	\$	
	\$	

8. *General description of work performed by your company:
9. *Have you ever failed to complete any work awarded to you? Yes ☐ No ☐
If yes, please explain:
10. *Have you ever defaulted on a contract? Yes ☐ No ☐
If yes, please explain:
11. *List the most relevant type of projects recently completed (last 2 years) by your company, stating approximate cost for each, and the month and year completed.

Name of Project	Approximate Cost	Month/Year Completed
	\$	
	\$	
	\$	
	\$	
	\$	

12. *Experience in work similar to this project:
13. Furnish current Registration(s) and/or Licenses(s) held by company (include as attachment)

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STATEMENT OF BIDDER'S CONSTRUCTION EXPERIENCE

I, _____, swear under penalty of perjury under the laws of the State of Texas
(Printed Name of Bidder)
that the answers to the foregoing questions and all Statements therein contained are true and correct.

Sworn this _____ day of _____ 20____ at _____
(Date) (Month) (Year) (City & State)

(Signature of Bidder) (Title of Bidder)

State of _____

County of _____

On _____ before me _____ personally appeared. _____
is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name
is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her
authorized capacity and that by his/her signature on the instrument, the person or the entity upon behalf of
which the person acted executed the instrument. WITNESS my hand and official seal.

Notary Signature and Seal

***** THIS FORM MUST BE SUBMITTED WITH THE PROPOSAL *****

APPENDIX B

SECTION 3 FORMS ON THE FOLLOWING PAGES

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EXHIBIT A

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

Name of Business _____

Address of Business _____

Type of Business/Trade/Profession _____

Type of Business: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ Joint Venture

Please select the statement below (1, 2, and or 3) that best describes your business.

- ☐ 1. **51% (or more) of your business is owned by a Section 3 Resident(s).** A Section 3 Resident is a public housing resident or an individual who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended *and* who is considered to be a low-to very low-income person.

And provide:

☐ List if current ownership and percentage of ownership along with contact information

☐ Any of the following documents, if available:

☐ Copy of Article of Incorporation

☐ Assumed Business Name Certificate

☐ List of Business Name Certificate

% ownership of each

☐ Organization chart with names and titles
and brief function statement

☐ Certified of Good Standing

☐ Partnership Agreement

☐ Corporation Annual Report

☐ Latest Board minutes appointing officers

☐ Additional documentation

- ☐ 2. **At least 30% of your business workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of the date of first employment with your business.**

List the number of full- time employees, and provide one or a combination of the following regarding your employees:

☐ List of employees claiming Section 3 status with
Exhibit J or K completed for each employee

☐ PHA/IHA Residential lease less than 3
years from day of employment

☐ other evidence of Section 3 status less than
3 years from date of employment

- ☐ 3. **At least 25% of your total dollar award will be contracted to qualified Section 3 businesses:**
Provide:

☐ A list of previously contracted Section 3 business (es) and subcontracted amount and

☐ Agree to provide a list of subcontracted Section 3 business (es) and subcontract amount
when submitting bids for any HUD funded projects to meet this requirement.

Authorizing Name and Signature

Date

Witnessed by:

LRGVDC Staff Signature:

Certified Date:

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EXHIBIT B

ASSURANCE OF COMPLIANCE (Section 3, HUD ACT of 1968)

TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESS AND LOWER INCOME PERSONS

- A. The project assisted under this (contract) (agreement) is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.
- B. Notwithstanding any other provision of this (contract) (agreement), the (applicant) (recipient) shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this (contract) (agreement). The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing Section 3 business concerns located within or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulation, to provide training, employment and business opportunities required by Section 3; and incorporation of the "Section 3 Clause" specified by Section 135.38 of the regulation in all contracts for work in connection with the project. The (applicant) (recipient) certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.
- C. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this (contract) (agreement), shall be a condition of the Federal financial assistance provided to the project, binding upon the (applicant) (recipient), its successors and assigns. Failure to fulfill these requirements shall subject the (applicant) (recipient), its contractors and subcontractors, its successors, and assigns to the sanctions specified by the (contract) (agreement), and to such sanctions as are specified by 24 CFR 135.38 (f).

APPLICANT: _____

SIGNATURE: _____

ADDRESS: _____

DATE: _____

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EXHIBIT C

CONTRACTOR/SUBCONTRACTOR CERTIFICATION REGARDING SECTION 3 AND SEGREGATED FACILITIES

COMPANY'S NAME

PROJECT NAME

The undersigned hereby certifies that:

- (a) Section 3 provisions are included in the Contract.
- (b) The above stated company is a signatory to the developer's Section 3 Plan.
- (c) No segregated facilities will be maintained as required by Title VI of the Civil Rights Act of 1964.

NAME AND TITLE OF SIGNER (PRINT OR TYPE)

SIGNATURE

DATE

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EXHIBIT D

CONTRACTOR'S SECTION 3 PLAN

_____ agrees to implement the specific following affirmative action steps directed at increasing the utilization of lower income residents and businesses within the LRGVDC.

- A. 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.
- B. To attempt to recruit from within the city/county/MSA, 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 and servicing the project area.
- C. To maintain a list of all lower income 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.
- D. To insert this Section 3 plan in all bid documents and to require all bidders on subcontracts to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish these goals.
- E. To insure that subcontractors adhere to the Section 3 provisions that are applicable to the Contractor.
- F. To insure that all appropriate project area business concerns are notified of pending subcontractual opportunities.
- G. To maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- H. 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.
- I. To maintain records concerning the amount and number of contracts, subcontracts, and purchases which contribute to Section 3 objectives.
- J. To maintain records of all projected workforce needs for all phases of the project by occupation, trade, skill level, and number of positions and to update these projections based on the extent to which hiring meets Section 3 objectives.

As officers and representatives of _____(Company),

We the undersigned have read and fully agree to the Section 3 Affirmative Action Plan, and become a party to the full implementation of the program and its provisions.

Signature

Signature

Title

Date

Title

Date

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EXHIBIT E

Section 3 Clause

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

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD- assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low-and very low-income persons, particularly person 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 or 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 the 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 give 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).

Community Development Block Grant Disaster Recovery Program

EXHIBIT F

POSTED NOTICE TO PROJECT RESIDENTS

The project _____ is being funded by the U.S. Department of Housing and Urban Development under the LRGVDC - Disaster Recovery Funding Program. This notice complies with the LRGVDC Section 3 Plan and is intended to inform the public, in particular project residents, of the economic opportunities (jobs) created through the use of the federal award.

Contractor/subcontractor intends to hire for the following positions:

Number of Jobs	Title	Description of Qualifications/Licensure /Certification

Section 3 preferences:

1. Persons residing in the project area and who are of low- to very-low- income
2. Participants in HUD Youthbuild
3. Homeless Persons
4. Residents of the local Public Housing Authority
5. Residents of the local Section 8 Housing Assistance Program units

For more information including job applications, apprenticeships, training positions, and qualifications, contact:

Name of Contractor: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone: _____

Estimated construction start date: _____

Community Development Block Grant Disaster Recovery Program

EXHIBIT G

ESTIMATED WORKFORCE BREAKDOWN

NAME OF BUSINESS/CONTRACTOR/SUBCONTRACTOR _____

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
JOB CATEGORY	SPECIFIC JOB TITLE	TOTAL ESTIMATE POSITIONS	NO. POSITIONS CURRENTLY OCCUPIED BY PERMANENT EMPLOYEES	NO. POSITIONS NOT CURRENTLY OCCUPIED	NO. POSITIONS TO BE FILLED WITH SECTION 3 RESIDENTS/LOW INCOME PERSONS *
OFFICERS					
SUPERVISORS					
PROFESSIONALS					
TECHNICIANS					
HOUSING SALES/RENTAL MANAGEMENT					
OFFICE CLERICAL					
SERVICE WORKERS					
OTHERS					
TRADE:		Plumbing/Electrical/HVAC/Construction/Other: _____			
JOURNEYMEN					
COMMON LABORERS					
APPRENTICES					
MAXIMUM NO. OF TRAINEES					
TRADE:		Plumbing/Electrical/HVAC/Construction/Other: _____			
JOURNEYMEN					
COMMON LABORERS					
APPRENTICES					
MAXIMUM NO. OF TRAINEES					
TRADE:		Plumbing/Electrical/HVAC/Construction/Other: _____			
JOURNEYMEN					
COMMON LABORERS					
APPRENTICES					
MAXIMUM NO. OF TRAINEES					
TRADE:		Plumbing/Electrical/HVAC/Construction/Other: _____			
JOURNEYMEN					
COMMON LABORERS					
APPRENTICES					
MAXIMUM NO. OF TRAINEES					

*A Section 3 Resident is 1) a public housing resident; or 2) a low or very low income person residing in the metropolitan area or non-metropolitan county where the project is located.

FOR ALL NEW HIRES MUST COMPLETE AN INCOME DOCUMENTATION CERTIFICATION—SEE EXHIBITS J AND K.

For all new hires employer/contractor must contact their respective Workforce Board and access the WorkInTexas Site and verify that it was done.
(https://wit.twc.state.tx.us/WORKINTXAS/wtx?pageid=APP_HOME&cookiecheckflag=1)

Signature: _____

Date: _____

WORKFORCE CENTER INFORMATION

Workforce Solutions Cameron

Pat Hobbs – Executive Director

Brownsville Office

Lori Villarreal – Center Manager
851 Old Alice Road
Brownsville, TX 78520
Tel: (956)546-3414
Fax: (956) 544-6003

Harlingen Office

Belinda Olivarez – Center Manager
601 E. Harrison Street
Harlingen, TX 78550
Tel: (956)423-9266
Fax: (956) 423-3770

Satellite Office (Limited Services)

Lori Villarreal – Center Manager
5636 Southmost Road
Brownsville, TX 78550
Tel: (956) 621-3480
Fax: (956)621-3483

Workforce Solutions (Lower Rio Grande Valley)

Yvonne “Bonnie” Gonzalez – Chief Executive Officer

North Hidalgo County

Geri Escobar–Center Manager
2719 W. University Dr.
Edinburg, TX 78539
Tel: (956) 380-0008
Fax: (956) 316-2626

West Hidalgo County

Omar Treviño–Center Manager
901 Travis St. Ste. 7
Mission, TX 78572
Tel: (956) 519-4300
Fax: (956) 519-4388

Willacy County

Brenda Guerrero–Center Supervisor
700 FM 3168 Ste. 3
Raymondville, TX 78580
Tel: (956) 689-3412
Fax: (956) 690-0285

Starr County

Adrian Aguilar – Center Manager
5408 Brand St. Ste. 1
Rio Grande City, TX 78582
Tel: (956) 487-9100
Fax: (956) 487-9190

East Hidalgo County

Idalia Aleman – Felci – Center Manager
1600 N. Westgate, Ste, 400
Weslaco, TX 78596
Tel: (956) 969-6100
Fax: (956) 969-6190

Corporate Office

Yvonne “Bonnie” Gonzalez – CEO
3101 W. Business 83
McAllen, TX 78501
Tel: (956) 928-5000
Fax: (956) 664-8987

*****Centers are open Monday through Friday from 8:00 a.m. to 5:00 p.m., except on federal holidays. *****

Community Development Block Grant Disaster Recovery Program

EXHIBIT H

SECTION 3 MONTHLY COMPLIANCE FORM

Contractor and all subcontractor(s) must sign, date and deliver this form monthly to:

Lower Rio Grande Valley Development Council
301 W. Railroad Street
Weslaco, Texas 78596

Project Name: _____

Project Location: _____

For the Month of: _____

I. Hiring

Select one:

☐ I have not hired any new employees during the month specified.

☐ I have hired ☐ Section 3 employees, and/or ☐ non-Section 3 employees during the month.

II. Recruitment

I have taken one or more of the following recruitment steps to hire a Section 3 resident with the highest training and employment priority ranking: (check all that apply)

☐ I have made Texas Workforce Solutions Center, and/or WorkInTexas.com the initial contact for all new hires.

☐ I have advertised to fill vacancy(ies) at the site(s), where work is taking place, in connection with this project. Below, I have checked the steps I have taken to find Section 3 low-income residents, from the targeted groups and neighborhoods, to fill any vacancies.

☐ Placed signs or posters in prominent places at project site(s).

☐ Taken photographs of the above item to document that the above step was carried out.

☐ Distributed employment flyers to the administrative office of the local Public Housing Authority.

☐ Contacted LRGVDC employment referrals or Youthbuild Program referrals.

☐ Kept a log of all applicants and indicated the reasons why Section 3 residents who applied were not hired.

☐ Retained copies of any employment applications completed by Public Housing Authority, Section 8 certificate or voucher holders or other Section 3 residents.

☐ Sent a notice about Section 3 training and employment requirements and opportunities to labor organizations or to worker representatives with whom our firm has a collective bargaining or other agreement.

III. Verification

☐ I have attached proof of all checked items.

I hereby certify that the above information is a true and correct.

Signature

Title

Date

Business Name: _____

Community Development Block Grant Disaster Recovery Program

EXHIBIT I

MONTHLY EMPLOYMENT UTILIZATION REPORT

TO: LRGVDC

FROM: _____
(Contractor)

ADDRESS OF CONTRACTOR

NAME OF PROJECT: _____

Street

Bid No.: _____

City, State

GRANT NUMBER:

CONTRACTOR'S PHONE NUMBER:

() _____

REPORTING PERIOD: _____

PERCENTAGE OF PROJECT COMPLETION: _____

CLASSIFICATION	WORK HOURS OF EMPLOYMENT ON THIS PROJECT								
	TOTAL	BLACK	WHITE	ASIAN OR PACIFIC ISLANDER	HISPANIC	FEMALE	DISABLED	VETERAN	SECTION 3 RESIDENT
OFFICERS									
SUPERVISORS									
PROFESSIONALS									
TECHNICIANS									
HOUSING SALES/RENTAL MANAGEMENT									
OFFICE CLERICAL									
SERVICE WORKERS									
JOURNEYMEN									
COMMON LABORERS									
APPRENTICES									
TRAINEES									
TOTAL	0	0	0	0	0	0	0	0	0

% OF MINORITY EMPLOYEES 0 #DIV/0!

% FEMALE EMPLOYEES #DIV/0!

% LOW INCOME/SECTION 3 EMPLOYEES #DIV/0!

% HANDICAPPED EMPLOYEES #DIV/0!

SIGNATURE

TITLE OF COMPANY OFFICIAL COMPLETING REPORT

DATE SIGNED

****This form must be completed monthly by the General Contractor for all workers****

Community Development Block Grant Disaster Recovery Program

EXHIBIT J

SECTION 3 EMPLOYEE DATA & CERTIFICATION

The U.S. Department of Housing and Urban Development (HUD) requires that the LRGVDC document the income of newly hired persons working on federally-funded construction projects. This form may also be utilized as supportive documentation for Exhibit A (#2) and is intended to comply with HUD Community Development Block Grant requirements.

Section I

Applicant's Name: _____ Job Title: _____

Address: _____ Phone: _____

What is your race? (Circle one)

WHITE

BLACK/AFRICAN AMERICAN

ASIAN

AMERICAN INDIAN/ALASKAN NATIVE

NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER

ASIAN & WHITE

BLACK & WHITE

AM. INDIAN/ALASKAN NATIVE & BLACK

OTHER MULTIRACIAL

Is your family of Hispanic origin? (Circle one) **YES** **NO**

Do you currently reside in Public Housing? If yes, you do not need to fill out the rest of this form.
(Circle one) **YES** **NO**

Have you been unemployed in the last 3 years? If yes, you do not need to fill out the rest of this form.
(Circle one) **YES** **NO**

Section II

At the time of hire by your current employer were you low income/unemployed/ or a Section 3 resident within 3 years of the date of first employment? (Circle One) **YES** **NO**

How many people are in your family? (Circle one) **1 2 3 4 5 6 7 8+**

What is your family's gross annual income (before taxes)? _____

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

Employee's Signature

Date

Community Development Block Grant Disaster Recovery Program

EXHIBIT K

SECTION 3 EMPLOYEE DATA & CERTIFICATION

El Departamento de Vivienda y Desarrollo Urbano (HUD) requiere que el LRGVDC obtenga documentos de ingresos de las personas nuevamente empleadas que trabajan en los proyectos que reciben beneficios de programas federales. Este formulario se puede utilizar como documentacion de apoyo para el Anexo A (#2) pero tambien es requerida para cumplir con los requisitos de Subvención de Bloque de Desarrollo de Comunidad de HUD.

Seccion I

Nombre del Participante: _____

Titulo de Trabajo: _____

Direccion: _____

Telefono: _____

¿Cuál es su raza? (Circule uno)

AMERICANO

NEGRO/ AMERICANO AFRICANO

ASIÁTICO

INDIO AMERICANO/NATURAL DE ALASKA

NATURAL DE HAWAII/ EL OTRO ISLEÑO PACÍFICO

ASIÁTICO & AMERICANO

AMERICANO AFRICANO & AMERICANO

INDIA AMERICANO/NATURAL DE ALASKA & AMERICANO AFRICANO

EL OTRO MULTI-RACIAL

¿Está su familia de origen hispanico?(Circule uno)

Sí

No

¿ En la actualidad reside en una vivienda publica ? Si su respuesta es si, no tiene que terminar este formulario. (Circule uno) Sí No

¿ Ha estado desempleado en los ultimos tres años ? Si su respuesta es si, no tiene que terminar este formulario. (Circule uno) Sí No

Seccion II

Al momento de ser contratado por su empleador actual, ¿era usted una persona de bajos ingresos / desempleado / o un residente de la Sección 3 en los 3 años siguientes a la fecha de su primer empleo? (Circule uno) Sí No

¿Cuantos personas en su Familia ? (Circule uno) 1 2 3 4 5 6 7 8+

¿Cuál es dinero anual gruesa de su familia (antes de impuestos)? _____

Certifico que toda la información antedicha está verdad y correcta al mejor de mi conocimiento.

Firma del Empleado

Fecha

Community Development Block Grant Disaster Recovery Program

EXHIBIT L

Contractor Performance Evaluation Form for Reconstruction/ Rehabilitation Assignments

Contractor Name:

Date:

Evaluated by:

The following evaluation is for the period of _____. Contractor performance for the criteria identified below is based on a scale of 1 – 4, four (4) being the highest performance score. Preference in assignments will be given to contractor(s) with the highest total performance score.

1 – Unacceptable 2 – Needs Improvement 3 – Meets Expectation 4 – Exceeds Expectation

Performance Criteria	Score	Supporting Documentation/Observations
Section 3 Compliance 1 - No history with Section 3 hiring. 2 - Full compliance with Section 3 Plans without hiring. 3 - Meeting the targeted Section 3 goals 4 - Exceeding the targeted Section 3 goals, and/ or verification that 30% of hours worked by Section 3 residents, as highest priority award assuming all other performance is adequate.		•
Workmanship/Final Inspection 2 – Passes final inspection, with re-inspection. 4 – Passes final inspection, with no re-inspection needed.		•
Construction Build Time (days) 1 - >90 2 – 61 – 90 3 – 36 – 60 4 - <36 days		•
Customer Service for Contractor Performance Survey 1 – Average Contractor Performance Survey score is less than 2. 2 – Average Contractor Performance Survey score is 2 and 2.9. 3 – Average Contractor Performance Survey score is between 3 and 4. 4 – Average Contractor Performance Survey score is greater than 4.		•
Project Management (1 – 4 points) - Removes all construction debris from the site; leaves home move-in ready - Safe and secure worksite - Appropriate signage and notifications are posted at worksite - Timely submittal of all required documentation including inspection and draw requests		•
Bonus point for Certified Section 3 Business (1 point max)		
Total Performance Score		

Completed by Section 3 Coordinator:

Date:
