

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 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 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 75 regulations.

C. In accordance with the requirements of 24 CFR 75.19, the Contractor agrees to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations that the Contractor shall ensure that employment and training opportunities arising in connection with the Section 3 Project are provided to Section 3 Workers within the Newton area where the Section 3 Project is located. Where feasible, priority for opportunities and training described in this section should be given to: Section 3 Workers residing within the Newton area and/or the neighborhood of the project, and Participants in YouthBuild Programs. The Contractor further agrees to the greatest extent feasible and consistent with existing Federal, state and local laws and regulations, that priority contracting opportunities should be given to Section 3 Business Concerns that provide economic opportunities to Section 3 Workers residing within the service area of the neighborhood of the project, and YouthBuild Programs.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75.

The Contractor will post copies of a 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 the bench marks for labor hours worked by Section 3 Workers and Targeted Section 3 Workers, and availability of any labor positions, apprenticeships, and training positions and the qualifications for each; the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

E. Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

F. 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 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).

SECTION 3 PLAN

Section 3 is a provision of the Housing and Urban Development Act of 1968. The purpose of 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 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.

_____, Contractor, agrees to implement the following specific steps directed at increasing the utilization of Section 3 Workers and Section 3 Business Concerns within the Project Area (within a one-mile radius of the project site or, if fewer than 5,000 people live within one-mile of the project site, within a circle centered on the project site that is sufficient to encompass a population of 5,000 people according to the most recent U.S Census). See attachment A for details on the Section 3 Project Area.

- A.** To attempt to recruit from within the Project Area the necessary individuals to fill employment opportunities generated by Section 3 covered assistance through: local advertising media, signs placed at the proposed site for the project, and/or community organizations and public or private institutions operating within or serving the project area.
- B.** To fill vacant employment and training positions with the maximum number of Section 3 Workers and to attempt to contract with Section 3 Business Concerns.
- C.** To formally contact unions, subcontractors, and trade associations to secure their cooperation for this program.
- D.** To notify potential contractors about Section 3 requirements outlined in this plan and to incorporate the Section 3 clause in all solicitations and contracts.
- E.** To cooperate in obtaining the compliance of contractors and subcontractors with the requirements of Section 3.
- F.** To document utilization of Section 3 Workers and Targeted Section 3 Workers on the covered project by having employees (including those of all subcontractors) complete the Section 3 Worker Certification.
- G.** To document utilization of Section 3 Business Concerns on the covered project by having every contractor and subcontractor complete the Section 3 Business Concern Certification.
- H.** To complete a Section 3 Utilization Report prior to final payment for the covered project. This report will list all Section 3 Workers and Targeted Section 3 Workers documented on the Section 3 Worker Certifications.
- I.** To maintain any records, including copies of correspondence, income verification memoranda, etc., which document that all levels of the above steps have been taken.

Numeric Goals

_____, Contractor, 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 Workers as follows:

- 25 percent of the total number of labor hours worked shall be worked by Section 3 Workers.
Total Anticipated Labor Hours to be Worked: _____
Anticipated Labor Hours to be Worked by Section 3 Workers: _____
- 5 percent of the total number of labor hours worked shall be worked by Targeted Section 3 Workers.
Total Anticipated Labor Hours to be Worked: _____
Anticipated Labor Hours to be worked by Targeted Section 3 Workers: _____

As officer and representative of: _____
(Name of Contractor)

On behalf of the Company, I have read and fully agree to the Section 3 Plan and become a party to the full implementation of this program.

Name and Title of the Authorized Representative (print or type)

Signature of Authorized Representative

Date

Attachment A

“Project Area” or the “neighborhood of the project” means an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

The Project Area for this covered project has been defined as a _____ mile radius around the project site. Please see map below.



CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development

Ruthanne Fuller
Mayor



SECTION 3 WORKER CERTIFICATION

We are an Equal Opportunity Employer and fully subscribe to the principles of Equal Employment Opportunity. Applicants and/or employees are considered for hire, promotion, and job status without regard to race, color, religion, creed, sex, marital status, national origin, age, physical or mental disability.

Name: _____
Last First Middle

Address: _____ City: _____ State: _____ Zip: _____

Telephone number: _____

Company Name: _____

1. My income is currently below \$70,750 per year.

Yes No

2. If you answered "no" to question 1, was your income below \$70,750 on or after November 30, 2020?

Yes No N/A

If answer is yes to question 1, check N/A for question 2.

3. Are you currently, or were you when hired on or after November 30, 2020, a Youthbuild participant?

Yes No

4. Do you work for a Section 3 Business Concern? Your employer will inform you.

Yes No

5. Do you currently live within one mile of the project site?

Yes No

6. If you answered "no" to question 5, did you live within one mile of the project site on or after November 30, 2020?

Yes No N/A

If answer is yes to question 5, check N/A for question 6.

Employee Certification:

I understand that the information above relating to my residency and my annual income may require verification. Upon request, I agree to provide documents verifying this information. The City of Newton reserves the right to request and obtain additional information to verify Section 3 Worker eligibility. I also authorize my employer to release this information for the United States Department of Housing and Urban Development, the City of Newton, and the prime and/or subcontractors to verify my status as a Section 3 Worker. I certify that the above statements are true, complete, and correct to the best of my knowledge and belief.

Signature

Print Name

Date

Employer Certification:

I understand that the information above relating to my employee's residency and annual income may require verification. Upon request, I agree to provide documents verifying this information. The City of Newton reserves the right to request and obtain additional information to verify Section 3 Worker eligibility. I certify that the above statements are true, complete, and correct to the best of my knowledge and belief.

Signature

Print Name

Date

City of Newton Use Only – Section 3 Worker

- A. Did the employee answer yes to number 1 or 2? Yes No
- B. Did the employee answer yes to number 3? Yes No
- C. Did the employee answer yes to number 4? Yes No
- D. Does the employee qualify as a Section 3 Worker? Yes No

(If answers are yes to A, B, or C, the employee is a Section 3 Worker)

City of Newton Use Only – Targeted Section 3 Worker

- E. Did the employee answer yes to number 3? Yes No
- F. Did the employee answer yes to number 4? Yes No
- G. Did the employee answer yes to numbers 1 or 2 **and** answer yes to numbers 5 or 6? Yes No
- H. Does the applicant qualify as a Targeted Section 3 Worker? Yes No

(If answers are yes to E, F, or G, the employee is a Targeted Section 3 Worker)



CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development



Ruthanne Fuller
Mayor

MONTHLY SECTION 3 UTILIZATION REPORT

Name of Project: _____

Name of Prime Contractor: _____

Reporting Period: _____

A. SECTION 3 EMPLOYEE INFORMATION

This section should include employee information from the prime contractor and all subcontractors.

- a. Total hours worked by all employees during reporting period: _____
b. Total hours worked by Targeted Section 3 Workers: _____
c. Total hours worked by Section 3 Workers (including total hours worked by Targeted Section 3 Workers): _____

Please attach to this report Section 3 Worker Certifications for each Section 3 employee.

B. SECTION 3 COMPLIANCE

Using the information reported in section A, please determine whether Section 3 compliance has been met.

GOAL 1. Targeted Section 3 Workers comprised 5 percent or more of the total labor hours worked.

Total Number of Hours Worked by Targeted Section 3 Workers: [] = [] %
Total Number of Hours Worked during this Reporting Period: []

Compliance was: [] achieved
[] not achieved

GOAL 2. Section 3 Workers comprised 25 percent or more of the total labor hours worked. *

Total Number of Hours Worked by Section 3 Workers: = %

Total Number of Hours Worked during the Reporting Period:

Compliance was: achieved
 not achieved

**Total labor hours worked for Section 3 Workers should include all labor hours worked by Targeted Section 3 Workers and Section 3 Workers.*

If compliance was not achieved for either of the goals, please explain.

C. CERTIFICATION OF PRIME CONTRACTOR

As officer and representative of: _____
Name of Prime Contractor

Address: _____

Telephone Number: _____

On behalf of the Company, I hereby certify that the above information is true and accurate and is reported fully as required by the Section 3 Plan as part of the contract for this CDBG- and/or HOME-assisted project. It is further understood that final payment from the City of Newton for this project cannot be made until this report is submitted to the CDBG and/or HOME Grantee or authorized designee.

Name and Title of the Authorized Representative (print or type)

Signature of Authorized Representative

Date

Please e-mail report to:
Nika Sandal, Community Development Planner
City of Newton, Planning and Development Department
1000 Commonwealth Avenue, Newton, MA 02459



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development



Ruthanne Fuller
Mayor

SECTION 3 BUSINESS CONCERN CERTIFICATION

It is the policy of the City of Newton to utilize Section 3 Workers and Section 3 Businesses on projects that are partially or wholly funded with monies from the Department of Housing and Urban Development (HUD). Please complete the sections below for determination as a Section 3 Business Concern.

1. Business Information:

Company Name: _____

Business Address: _____

Phone: _____

Email: _____

Business Website: _____

Describe the business's trade or services: _____

Contact Name: _____

Contact Phone Number: _____

Contact Email: _____

2. Section 3 Status (check one category):

A. Business claims Section 3 status as 51% or more of the company is owned and controlled by low-income persons.

B. Business claims Section 3 status as over 75% of the total labor hours worked over the previous three-month period are performed by Section 3 Workers.

C. Business claims Section 3 status as at least 51% is owned and controlled by current residents of public housing or Section 8-assisted housing.

D. Business does not qualify as a Section 3 Business Concern.

3. Business Verification

For businesses that checked 2A, 2B or 2C, please provide documentation on the business structure and current standing.

Type of Business:

- Corporation/LLC – submit copy of Articles of Incorporation and Certificate of Good Standing
- Partnership/LLP – submit Partnership Agreement and Certificate of Good Standing
- Sole Proprietorship – submit Assumed Business Name Certificate/DBA
- Other- submit supporting documentation

4. Affidavit

I affirm that the above statements are true, complete, and correct to the best of my knowledge and belief. I understand that businesses who misrepresent themselves as Section 3 Business Concerns and report false information to the City of Newton may have their contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities. I hereby certify, under penalty of law, that the following information is correct to the best of my knowledge. I agree to provide, upon request, additional documents verifying the information submitted to qualify as a Section 3 Business Concern.

Owner Signature

Date

Print Name and Title

City of Newton
Planning and Community Development Department

HUD Reporting and Policy Guide

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Davis-Bacon Compliance Guide

What is Davis-Bacon?

The Davis-Bacon and Related Acts (DBRA) apply to contractors and subcontractors performing on federally funded or assisted contracts for the construction, alteration, or repair of public buildings or public works. The Davis-Bacon Act of 1931 and Related Acts require contractors and subcontractors to pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

The Davis-Bacon Act (DBA) directs the Department of Labor to determine such locally prevailing wage rates. Prevailing wage provisions apply to “Related Acts,” under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance. The Davis-Bacon Act also provides a fair opportunity to compete in building programs funded by the Federal government and prevents contractors from bidding below and area’s prevailing wages.

For prime contractors in excess of \$100,000, contractors and subcontractors must also, under the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a work week. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts.

What are the Related Acts?

Contract Work Hours & Safety Standards Act (CWHSSA)

For prime contractors in excess of \$100,000, contractors and subcontractors must also, under the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a work week. Projects must also comply with safety standards.

Copeland Anti-Kickback Act

The Copeland Anti-Kickback Act requires wages to be paid once per week and only permissible payroll deductions are allowed. Contractors and subcontractors must comply with these requirements where DBRA applies.

Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) sets the Federal minimum age and additional overtime requirements. Contractors and subcontractors must comply with these requirements where DBRA applies.

APPLICABILITY

The DBRA generally apply to contractors and subcontractors performing on federal and federally assisted contracts in excess of \$2,000 for construction, alteration, or repair (including painting and decorating).

For housing projects, DBRA apply differently when looking at the CDBG and HOME programs.

Davis-Bacon and Related Acts and the Community Development Block Grant Program

DBRA apply when federal funds pay in whole or in part for any direct costs of construction **and** the construction meets one of the following thresholds:

- Residential: property has 8 or more units
- Non-residential: any construction work valued at more than \$2,000.

CDBG funds **can** pay for non-construction costs, like architectural, engineering, or acquisition of real property costs, without triggering DBRA.

Davis-Bacon and Related Acts and the HOME Investment Partnerships Grant Program

DBRA applies if HOME funds used for project costs (construction or non-construction) for housing with 12 or more HOME-assisted units.

- A construction contract for 12 or more HOME-assisted units is covered by labor requirements even if the contract covers more than one HOME “project.”
- Multiple construction contracts within a single project does not avoid labor requirements.
- Once triggered, the wage provisions apply to the construction of the entire project, regardless of actual cost paid by HOME.

Other issues to consider:

- Group homes can be counted as a single unit for HOME assistance.
- If a pre-construction agreement is made with the owner and/or developer of a housing project **and** construction covers 12 or more HOME-assisted units, Davis-Bacon applies.

Exclusions that apply:

- Demolition, by itself, is not considered “construction, alteration, or repair” and Davis-Bacon does not apply;
- If subsequent construction at the site is planned as part of the same contract or subsequent contract, Davis-Bacon will apply to the entire project;
- Davis-Bacon will not apply to demolition unless followed by Davis-Bacon covered construction;
- Volunteer labor;
- Sweat Equity;
- And employees of a local grantee, also known as Force Account Labor.

EXEMPTIONS

Davis-Bacon **does not** apply to:

- Emergency Solutions Grant (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA)
- McKinney Act Homeless Programs (except Section 8)
- Self-Help Homeownership Opportunity Program (SHOP)

DEFINITIONS

Apprentice/Trainees

The only workers who can be paid less than the wage rate on the wage decision for their work classification are “apprentices” and “trainees” registered in approved apprenticeship or training programs. Approved programs are those which have been registered with the DOL or a DOL-recognized State Apprenticeship Council (SAC). Apprentices and trainees are paid wage rates in accordance with the wage schedule in the approved program.

Employee

Every person who performs the work of a laborer or mechanic is “employed” regardless of any contractual relationship which may be alleged to exist between a contractor or subcontractor and such person. This means that even if there is a contract between a contractor and a worker, the contractor must make sure that the worker is paid at least as much as the wage rate on the wage decision for the classification of work they perform. Note that there are no exceptions to the prevailing wage requirements for relatives or for self-employed laborers and mechanics.

Fringe Benefits

Fringe benefits can include health insurance premiums, retirement contributions, life insurance, vacation, and other paid leave as well as some contributions to training funds. Fringe benefits do not include employer payments or contributions required by other Federal, State, or local laws, such as the employer’s contribution to Social Security or some disability insurance payments.

Laborer/Mechanic

Anyone who is performing construction work on the project, including trade journeymen (carpenters, plumbers, sheet metal workers, etc.), apprentices, and trainees and, for CWHSSA purposes, watchmen and guards.

Overtime

Overtime hours are defined as all hours worked on the contract in excess of 40 hours in any work week. Overtime hours must be paid at no less than one and one-half times the regular rate of basic pay plus the straight-time rate of any required fringe benefits.

Piece Work

Some employees are hired on a piece-work basis, that is, the employee’s earnings are determined by a factor of work produced. For example, a Drywall Hanger’s earnings may be calculated based upon the square feet of sheetrock actually hung, a Painter’s earnings may be based upon the number of units painted. Employers may calculate weekly earnings based upon piece rates provided the weekly earnings are sufficient to satisfy the wage rate requirement based upon actual hours, including any overtime, worked. Accurate time records must be maintained for any piece-work employees. If the weekly piece rate earnings are not sufficient, the employer must recompute weekly earnings based upon the actual hours worked and the rate on the wage decision for the work classification(s) involved.

Prevailing Wages/Wage Rates

Prevailing wage rates are the wage rates listed on the wage decision for the project. The wage decision will list a minimum basic hourly rate of pay for each work classification. Some wage decisions include fringe benefits which are usually listed as an hourly fringe rate. If the wage decision includes a fringe benefit rate for a classification, you will need to add the fringe benefit rate to the basic hourly rate unless bona fide fringe benefits are provided to the contractors’ employees.

Site of Work

The “site of work” is where the Davis-Bacon wage rates apply. Usually, this means the boundaries of the project. “Site of work” can also include other adjacent or virtually adjacent property used by the contractor or subcontractor in the construction of the project like a fabrication site that is dedicated exclusively, or nearly so, to the project.

Working Foreman

Foremen or supervisors that regularly spend more than 20% of their time performing construction work and do not meet the exclusions (listed below) are covered “laborers” and “mechanics” for labor standards purposes for the time spent performing construction work.

COMPLIANCE AND RECORDKEEPING

Required Forms

After the project manager concludes that DBRA will apply to a particular project, the following forms will need to be attached to the contract and/or loan agreement:

- Contractor Certification Form (see Exhibit A)
- Subcontractor Certification Form, if applicable (see Exhibit B)
- Wage Rates (see instructions for gathering below)
- Certified Payroll Report (see Exhibit C)
- Fair Employment in Massachusetts poster (see Exhibit D)
- Employee Rights Under the Davis-Bacon Act poster (see Exhibit E)
- Equal Employment Opportunity poster (see Exhibit F)

Wage Rate Instructions

Before the start of the project, the project manager will need to pull the Wage Rates and add a cover page to the front. The Wage Rates can be found here: <https://sam.gov/content/wage-determinations>. Instructions are as follows:

1. Go to www.SAM.gov.
2. On the first page, click “Wage Determinations.”
3. If the project manager knows the wage determination number, they can enter this into the search bar and click enter. More than likely, the project manager will not know the number. In this case, under “I do not know the number,” click “Public Building or Works” for wage rates for laborers and mechanics or “Service Contracts” for wage rates for service employees. For the City’s purposes, the project manager will likely use the “Public Building or Works” category.
4. Under “Filter By,” select “Massachusetts,” the county where the site of work is, and the construction type.
 - a. Building: includes sheltered enclosures with walk-in access for the purpose of housing, persons, machinery, or supplies.
 - b. Heavy: Is a catch-all grouping that includes projects not properly classified under the other three types of construction.
 - c. Highway: Includes roads, streets, runways, highways, or other similar projects.
 - d. Residential: Includes construction, alteration, or repair of single-family houses or apartment buildings of no more than four stories in height.
5. The project manager will want to select the most up-to-date wage determinations from the list provided. Click on the wage determination number. The first digits will be MA and then the year in which the determinations are pulled (i.e., for the year 2021, the first six digits will be MA2021).

Once the wage rates have been pulled, the project manager should include a cover sheet that pulls out some of the applicable wages from the prevailing wages.¹ For example, if work on a single-family residential home includes insulating the house, the project manager should pull “insulator/asbestos worker” from the

¹ Project managers should continually check SAM.gov to ensure the wage rates have not been updated. The bid opening date will officially lock-in the wage decision provided that the contract is awarded within 90 days. If the contract is awarded more than 90 days after bid opening, the contract execution date locks-in the wage rates.

Residential Wage Rates Determination packet and put the title, rate, and fringe on the front. **This is done as a courtesy for the contractor. The contractor is still required to look through the completed wage rate packet to ensure they are appropriately labeling and paying all employees.**

The Contractor Certification Form and the Subcontractor Certification Form (if applicable) should be returned once the contract and/or loan agreement is signed by the contractor. The Certified Payroll Report should be filled out for each week worked on a project. **Though the contractor and/or subcontractor is not required to use the Certified Payroll Report attached to the contract, the second page needs to be filled out and signed for each week of work.** If the contractor and/or subcontractor uses their own payroll report, it is important that it is easily readable and understandable to the project manager.

The three posters should be hung in a place on the site of work for employees to see. When the project manager goes to visit the site of work for the employee interviews, they should take note of the posters.

Project Manager Duties throughout the Duration of the Project

In projects where DBRA applies, project managers will be required to conduct employee interviews using the HUD Employee Interview Form (see Exhibit G). This form collects information about the employee. HUD does not require a specified number of interviews to be completed per project. It is up to the project manager to determine how many employee interviews they should conduct based on the length of the project, the scope of work, and the amount of money allocated towards the project.

The Employee Interview Forms will then be used when the contractor sends in their Certified Payroll Reports. **Currently, neither HUD nor the City require contractors to send these forms in with any regularity.** Generally, contractors will send in all the weekly Certified Payroll Reports at the end of the project when it comes time for payment. Project managers should analyze these reports to ensure that the employees are being paid at least the amount stated in the Prevailing Wage Rates packet, which needs to include wage and fringe benefits.² Project managers will also compare the weekly Certified Payroll Reports to the Employee Interview Forms to make sure employees said they are making the correct wage and were on the job during the week of work.

REPORTING

The Davis-Bacon Labor Reports are required to be submitted semi-annually. Period 1 covers October 1 through March 31 and Period 2 covers April 1 through September 30. **The Period 1 report is due by April 15 and the Period 2 report is due by October 15.**

HUD Form 4710 is used for the Davis-Bacon Labor Reports. The first part of this form details the contracting activity.³ The Senior CD Planner will need to know each project's name, number, contract amount, wage decision number, and wage decision lock-in date for this portion. It is up to the project manager to input this information into the spreadsheet. The second portion is used for enforcement activities.⁴ Any complaints, investigations, or restitutions collected or paid.

² Often, fringe benefits will be paid in cash. In this case, project managers should add the rate and the fringe together to ensure the employee was paid the total amount (i.e., if the rate is \$50 and the fringe is \$30, the employee should be making \$80 per hour total).

³ This pertains ONLY to projects awarded during this period. Do not include contracts listed on previous reports.

⁴ This pertains to ALL projects, not just contract(s) awarded during this period.

Women and Minority-Owned Business Reporting

What is HUD Form 2516?

HUD Form 2516, otherwise known as the Women and Minority-Owned Business Report, monitors contract and subcontract activities of \$10,000 or more under the CDBG, ESG, and HOME grants. The report is completed by grantees annually. Contracts/subcontracts of less than \$10,000 may be reported only if it represents a significant portion of the grantee's total contracting activity.

This form comes from Executive Order 12432 which was signed into law by former President Reagan in 1983. This order directed each Federal agency that has a substantial procurement or grant making authority to:

- furnish an annual report regarding the implementation of their program to the Secretary of Commerce;
- encourage recipients of Federal grants and cooperative agreements to achieve reasonable minority business participation in contracts let because of its grants and agreements;
- establish MBE programs consistent with Section 211 of P.L. 95-507 to develop and implement incentive techniques to encourage greater minority business subcontracting by Federal prime contractors;
- and develop a minority business development plan and establish programs concerning provision of direct assistance, procurement assistance, and management and technical assistance to MBEs.

COMPLIANCE, RECORDKEEPING, AND REPORTING

All contracts and subcontracts totaling over \$10,000, or where the contract or subcontract is less than \$10,000 but represents a significant portion of the grantee's total contracting activity, should include a copy of the Data Collection Form (see Exhibit H). This form needs to be filled out by the contractor or subcontractor and should include the following pieces of information:

- Project name
- Contractor/subcontractor name
- Address
- Phone number
- Contact person
- Federal ID
- Contract/subcontract amount
- Racial/ethnic code of the majority of owners
- Women-owned business

The information taken from this form will then be input into HUD Form 2516, which can be found on HUD's website or on the F: drive here: F:\cd-planning\COMMDEV\HUD\HUD Report Submissions\MBE Form 2516 Reports. Project managers should input this information into HUD Form 2516 upon receiving the forms back with the contracts.

The reporting period for HUD Form 2516, or the WBE/MBE Report, is from October 1 to September 30, following the Federal Fiscal Year. The form should be submitted to HUD by October 15 each year.

Section 3 Compliance Guide

What is Section 3?

Section 3 of the Housing and Urban Development Act of 1968 (Section 3), as amended by Section 915 of the Housing and Community Development Act of 1992, requires that economic opportunities generated by HUD financial assistance for housing and community development programs be targeted toward low- and very low-income persons in the area where the financially assisted project is located. On September 29, 2020, HUD published the Final Section 3 Rules, which updated the 1995 Interim Rule. [Click here to view Section 3 legislation.](#)

When HUD assistance generates opportunities for employment or contracting, state and local grantees and other recipients of HUD housing assistance funds must, to the greatest extent feasible, provide these opportunities to low and very low-income persons and to businesses owned by or employing low and very low-income persons.

Section 3 requirements apply to job training, employment, contracting and subcontracting, and other economic opportunities arising from assistance provided for construction, reconstruction, conversion, or rehabilitation of housing, other buildings, or improvements assisted with housing or community development assistance, including HOME and CDBG. Section 3 applies to projects when HUD's share of project costs exceeds \$200,000. The threshold is \$100,000 when the assistance is from the Lead Hazard Control and Healthy Homes (LHCHH) programs.

APPLICABILITY

Section 3 requirements apply to work arising in connection with the new construction, demolition, or rehabilitation of a project. Once construction is complete, contracts related to the operation of the completed housing development are not subject to Section 3 requirements. Section 3 is not applicable when program funds are invested in direct assistance to homebuyers and administration because these are not construction activities.

Importantly, if the project is deemed a Section 3 Project, the *entire construction-portion of the project is subject to Section 3, regardless of funding source*. Practically, this means Section 3 applies to all construction contracts where HUD funds over \$200,000 of the project. *The HUD funded portion as well as the leveraged non-HUD funded portion is covered by Section 3. Section 3 does not apply to a construction project where HUD funds under \$200,000 of the project, even if the total construction budget is well over \$200,000.*

DEFINITIONS

Who is a Section 3 Worker?

A Section 3 Worker is a worker who *currently fits or when hired within the past five years fit*⁵ at least one of the following categories:

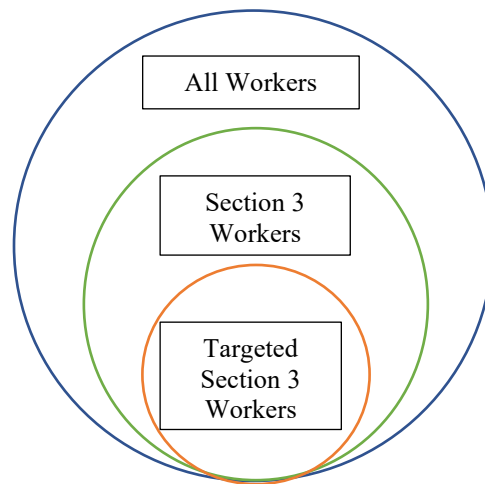
- met the income limits for the previous or annualized calendar year established by HUD (at or below 80% AMI).
- is employed by a Section 3 Business Concern,
- or is a Youthbuild participant.

⁵ The five-year time period does not begin until November 30, 2025. Until this time, a Section 3 Worker is a worker who currently or when hired on or after November 30, 2020 fit at least one of the categories listed above.

Who is a Targeted Section 3 Worker?

There are two definitions for a Targeted Section 3 Worker. Workers employed by a Section 3 business concern qualify under both definitions.

- The first definition applies to projects funded by public housing assistance. This defines targeted workers to include workers who currently or when hired (within the last five years) were residents of public or Section 8-assisted housing or Youthbuild participants.
- The second definition applies to projects funded by housing and community development assistance. For the City of Newton’s Planning and Community Development Department, this is the applicable definition. This defines targeted workers to include workers who:
 - are employed by a Section 3 Business Concern,
 - *currently or when hired within the last five years*⁶ live(d) within the service area or neighborhood of the project,
 - or is a Youthbuild Participant.



What is the service area?

“Service area” or the “neighborhood of the project” means an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

What is a Section 3 Business Concern?

A Section 3 Business Concern is a business meeting at least one of the following criteria, documented within the last six-month period:

- at least 51% owned and controlled by low-income persons (at or below 80% AMI),
- over 75% of the labor hours over the previous three-month period are performed by Section 3 Workers,
- or at least 51% owned and controlled by current residents of public housing or Section 8-assisted housing.

⁶ The five-year time period does not begin until November 30, 2025. Until this time, a Section 3 Worker is a worker who currently or when hired on or after November 30, 2020 fit at least one of the categories listed above.

COMPLIANCE AND RECORDKEEPING

Section 3 Reporting Benchmarks

For housing and community development financially assisted projects, the benchmarks are as follows:

- Section 3 Workers must comprise *25 percent or more* of the total labor hours worked by all workers on a Section 3 project.
- Targeted Section 3 Workers must comprise *5 percent or more* of the total labor hours worked by all workers on a Section 3 project.⁷

Section 3 Contract Clause

In each contract where Section 3 applies, there will be a Section 3 clause included (see Exhibit I).

Section 3 Forms

The Section 3 program requires that contractors, to the greatest extent possible, provide training, employment, contracting, and other economic opportunities to low- and very low-income persons. This includes and focuses on recipients of government assistance for housing and to businesses that provide economic opportunities to low- and very low-income persons. For all contracts where Section 3 applies, the City will require contractors to complete required forms in two different groups.

Group A refers to contracts ranging from \$10,000 to \$200,000. The required forms for this group include:

- Section 3 Business Concern Certification (see Exhibit J)

Group B refers to all contracts over \$200,000. The required forms for this group include:

- Section 3 Business Concern Certification
- Section 3 Plan (see Exhibit K)
- Section 3 Utilization Form (see Exhibit L)
- Section 3 Worker Certification (see Exhibit M)
- Copy of executed contract with “Section 3 Clause” included

In addition to completing the forms, contractors may be required to include documentation to prove the statuses stated in the self-certifications.

REPORTING

The data collected from the forms will be reported in IDIS under the project’s own activity number. The following information will be required:

- What percentage of the total labor hours worked were performed by Section 3 Workers?
- What percentage of the total labor hours worked were performed by Targeted Section 3 Workers?

If the appropriate thresholds are not met, IDIS will require an explanation in narrative form as to what work was done to attempt to meet the goals.

⁷ The 5 percent that is required for Targeted Section 3 Workers can be included as part of the 25 percent threshold for Section 3 Workers.

Federal Funding Transparency and Accountability Act (FFATA) Compliance Guide

What is FFATA?

The Federal Funding Transparency and Accountability Act (FFATA) was signed into law in September 2006. The intent of this act is to empower individuals Americans with the ability to hold the government accountable for each spending decisions and to reduce wasteful government spending. The legislation requires that information on federal awards be made available to the public via a searchable website, found here: <https://www.usaspending.gov/>.

As of October 1, 2015, subcontracts under federally awarded contracts and orders valued greater than or equal to \$30,000 should be reported online through www.fsrc.gov.

APPLICABILITY

FFATA applies to subawards valued at or over \$30,000. The Prime Awardee is required to report the required information for the subaward and first tier subaward. This regulation applies to all first tier subawardees, including state, local, or tribal governments.

DEFINITIONS

Who is the prime awardee?

The Prime Awardee is the entity receiving grant funding directly from the Federal agency.

What is a subaward?

The subaward is a legal instrument to provide support for the performance of the project and/or activity.

What is the first tier subaward?

The first tier subaward is the grant awarded to an entity one level below the prime awardee.

What is the first tier subawardee?

The first tier subawardee is the grantee one level below the prime awardee.

What is FSRS?

FSRS is the Federal Funding Accountability and Transparency Act Subaward Reporting System. This is the system where the Prime Awardee reports the subaward and the first tier subawards.

What is a DUNS number?

A DUNS, or Data Universal Numbering System, number is unique nine-character identification number provided by Dun & Bradstreet. This number is registered with the Official US Government's System for Award Management (SAM) on www.SAM.gov.

COMPLIANCE AND RECORDKEEPING

The prime awardee is required to report any subawards made by the end of the month following the month in which the subaward obligation is made. For example, if a subaward is obligated on September 12, the information must be reported in FSRS no later than October 31 of the same year.

FFATA Forms

FFATA forms should be collected for the CDBG, ESG, and HOME programs. The information collected should be the same on each; however, each program should have their own unique form to collect the data. Please see the following forms:

- CDBG FFATA Data Collection Form (Exhibit N)
- ESG FFATA Data Collection Form (Exhibit O)
- HOME Data Collection Form (Exhibit P)

These forms should be attached to the grant or loan agreement and be returned with the grant or loan agreement.

REPORTING

The prime awardee is required to collect the following information from the first tier subawardee:

- Name of the entity receiving the award
- Amount and date of the award
- Funding agency
- Catalog of Federal Domestic Assistance (CFDA) number
- Award title descriptive of the purpose of each funding action
- Location of the subrecipient receiving the award and primary location of performance under the award, including city, state, congressional district, and country
- DUNS number of subrecipient receiving the award and the parent entity of the subrecipient, should the entity be owned by another entity.

This data is collected on the FFATA form. Monthly, or as necessary, Project Managers should input the first tier subaward's FFATA form information into the spreadsheet, which can be found here: F:\cd-planning\COMMDEV\HUD\HUD Report Submissions\FFATA Reports. Select the applicable year and input the complete information to the sheet. Then, save the FFATA form into the "FFATA Forms" folder. The information will then be input and reported into FSRS before the end of the month by the Community Development Planner.

EXHIBITS

US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CITY OF NEWTON CONTRACTOR'S CERTIFICATION

CONCERNING LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS

A Contractor will not be eligible for award of a contract unless the following certification is submitted. The Contractor Certification Form is deemed a part of the resulting contract.

CERTIFICATION

Contractor's Name

1. Acknowledges that, having submitted a bid and/or executed a contract with the City of Newton for the construction of the previously-identified project:
 - a. The Labor Standards provisions are included in the contract;
 - b. Correction of any infractions of the Labor Standards, including infractions by any subcontractors and any lower tier subcontractors, is the responsibility of the contractor.
2. Certifies that:
 - a. Neither the contractor nor other firm, corporation, partnership or association in which the contractor has substantial interest is designated as an ineligible contractor by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of Labor (29 CFR, part 5) or pursuant to Section 3(a) of the Davis-Bacon Act, as amended (40 USC 276a-9(a)).
 - b. No part of the aforementioned contract has been or will be subcontracted to any subcontractor is such subcontractor or any firm, corporation, partnership or association in which the subcontractor has substantial interest is designated as an ineligible contractor by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of Labor (29 CFR, part 5) or pursuant to Section 3(a) of the Davis-Bacon Act, as amended (40 USC 276a-9(a)).
3. Agrees to obtain and forward to the City of Newton within ten days after the execution of any subcontract, including those executed by subcontractors and any lower tier subcontractors, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements executed by the subcontractors.
4. Certifies that:
 - a. The legal name, business address, ID # and kind of business of the undersigned are:

Business Name: _____

Business Address: _____

Federal ID #: _____

Kind of Business (circle one): _____

- a) A Corporation Organized in the State of
- b) A Single Proprietorship
- c) A Partnership
- d) Other Organization (describe): _____

b. The name, title and address of the owner, partners or officers of the undersigned are:

NAME	TITLE	ADDRESS

c. The names and addresses of all other persons, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest (if none, so state):

NAME	ADDRESS	NATURE OF INTEREST

d. The names and addresses and trade classifications of all other building contractors in which the undersigned has a substantial interest (if none, so state):

NAME	ADDRESS	TRADE CLASSIFICATION

e. Intends to use the following job classifications in the work under the contract:

CONSTRUCTION JOB CLASSIFICATION

5. Will comply with the federal labor regulations, minority manpower ratio, and specific affirmative action steps contained herein.

Signature of authorized representative of contractor

Date

Any contract for the provision of goods or services to the City of Newton or any of its departments is subject to the ordinance creating the Human Rights Commission, as it may be amended from time to time. Any complaints within the purview shall be sent to the Human Rights Commission; any complaints received by the contracting agency shall be forwarded to the contractor and a copy shall be sent to the Human Rights Commission.

US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CITY OF NEWTON SUBCONTRACTOR'S CERTIFICATION

CONCERNING LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS

A Subcontractor will not be eligible for award of a contract, unless such subcontractor has submitted the following certification. Prior to the award of any subcontract, regardless of tier, the prospective subcontractor must execute and submit to the Prime Contractor, the following certification, which is deemed a part of the resulting contract.

CERTIFICATION

Subcontractor's Name

1. Acknowledges that, having submitted a bid and/or executed a contract with the City of Newton for the construction of the previously-identified project:
 - a. The Labor Standards provisions are included in the contract;
 - b. Correction of any infractions of the Labor Standards, including infractions by any subcontractors and any lower tier subcontractors, is the responsibility of the subcontractor.
2. Certifies that:
 - a. Neither the subcontractor nor other firm, corporation, partnership or association in which the subcontractor has substantial interest is designated as an ineligible subcontractor by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of Labor (29 CFR, part 5) or pursuant to Section 3(a) of the Davis-Bacon Act, as amended (40 USC 276a-9(a)).
 - b. No part of the aforementioned contract has been or will be subcontracted to any subcontractor is such subcontractor or any firm, corporation, partnership or association in which the subcontractor has substantial interest is designated as an ineligible subcontractor by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of Labor (29 CFR, part 5) or pursuant to Section 3(a) of the Davis-Bacon Act, as amended (40 USC 276a-9(a)).
3. Agrees to obtain and forward to the City of Newton within ten days after the execution of any subcontract, including those executed by subcontractors and any lower tier subcontractors, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements executed by the subcontractors.
4. Certifies that:
 - a. The legal name, business address, ID # and kind of business of the undersigned are:

Business Name: _____

Business Address: _____

Federal ID #: _____

Kind of Business (circle one): _____

- a) A Corporation Organized in the State of _____
- b) A Single Proprietorship
- c) A Partnership
- d) Other Organization (describe): _____

b. The name, title and address of the owner, partners or officers of the undersigned are:

NAME	TITLE	ADDRESS

c. The names and addresses of all other persons, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest (if none, so state):

NAME	ADDRESS	NATURE OF INTEREST

d. The names and addresses and trade classifications of all other building contractors in which the undersigned has a substantial interest (if none, so state):

NAME	ADDRESS	TRADE CLASSIFICATION

e. Intends to use the following job classifications in the work under the contract:

CONSTRUCTION JOB CLASSIFICATION

5. Will comply with the federal labor regulations, minority manpower ratio, and specific affirmative action steps contained herein.

Signature of authorized representative of contractor

Date

Any contract for the provision of goods or services to the City of Newton or any of its departments is subject to the ordinance creating the Human Rights Commission, as it may be amended from time to time. Any complaints within the purview shall be sent to the Human Rights Commission; any complaints received by the contracting agency shall be forwarded to the contractor and a copy shall be sent to the Human Rights Commission.

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1235-0008
Expires: 04/30/2021

NAME OF CONTRACTOR			OR SUBCONTRACTOR			ADDRESS													
PAYROLL NO.		FOR WEEK ENDING				PROJECT AND LOCATION						PROJECT OR CONTRACT NO.							
(1)	(2)	(3)	OT	(4) DAY AND DATE							(5)	(6)	(7)	(8) DEDUCTIONS					(9)
NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	NO. OF WITHHOLDING EXEMPTIONS	WORK CLASSIFICATION	OR ST.	HOURS WORKED EACH DAY							TOTAL HOURS	RATE OF PAY	GROSS AMOUNT EARNED	FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS	NET WAGES PAID FOR WEEK	
				M	T	W	T	F	S	S	S	S	S	S	S	S	S	S	S
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

Date _____

I, _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ on the
(Contractor or Subcontractor)

_____;
(Building or Work)

_____ day of _____, _____, and ending the _____ day of _____, _____,
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the
applicable wage rates contained in any wage determination incorporated into the contract; that the classifications
set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship
program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and
Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered
with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

— in addition to the basic hourly wage rates paid to each laborer or mechanic listed in
the above referenced payroll, payments of fringe benefits as listed in the contract
have been or will be made to appropriate programs for the benefit of such employees,
except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

— Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
basic hourly wage rate plus the amount of the required fringe benefits as listed
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE	SIGNATURE
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THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE
31 OF THE UNITED STATES CODE.

FAIR EMPLOYMENT IN MASSACHUSETTS

Applicants to and employees of private employers with 6 or more employees*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases:

RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE

M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment on the basis of race, color, religion, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex (including pregnancy), gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose an undue hardship.

HARASSMENT

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. ***The law also prohibits harassment based on the protected classes set forth above.***

PARENTAL LEAVE

The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child has a mental or physical disability.

DISABILITY

M.G.L. c. 151B prohibits discrimination the basis of disability, a record of disability or perceived disability, in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment. Disability discrimination may include failing to reasonably accommodate an otherwise qualified person with a disability.

RETALIATION

It is illegal to retaliate against any person because s/he has opposed any discriminatory practices or because s/he has filed a complaint, testified, or assisted in any proceeding before the Commission. It is also illegal to aid, abet, incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to do so.

DOMESTIC WORKERS

M.G.L. c. 151B prohibits discrimination and harassment against certain domestic workers where the employer has one (1) or more employee.* While some exclusions apply, domestic workers generally include individuals paid to perform work of a domestic nature within a household on a regular basis, such as housekeeping, housecleaning, nanny services, and/or caretaking. Employers are prohibited from engaging in sexual harassment and harassment and/or discrimination based on the protected classes described above, i.e. race, color, etc. Domestic workers are also entitled to parental leave.

CRIMINAL HISTORY INQUIRIES

The law prohibits employers from asking applicants on an initial employment application for any criminal background information unless an exemption by statute or regulation exists.

MENTAL HEALTH FACILITY ADMISSION INQUIRIES

Employers may not refuse to hire or terminate an employee for failing to furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant's admission to such a facility.

IF YOU HAVE BEEN DISCRIMINATED AGAINST

If you feel you have been harassed or discriminated against, you should immediately file a charge of discrimination with the **Massachusetts Commission Against Discrimination**, www.mcad.gov, at one of the offices below.

An agreement with your employer to arbitrate your discrimination claim(s) does not bar you from filing a charge of discrimination.

Boston Office: 1 Ashburton Pl., Suite 601, Boston, MA 02108 – P: 617-994-6000 F: 617-994-6024

New Bedford Office: 800 Purchase St., Room 501, New Bedford, MA 02740 – P: 508-990-2390 F: 508-990-4260

Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 – P: 413-739-2145 F: 413-784-1056

Worcester Office: 484 Main St., Room 320, Worcester, MA 01608 – P: 508-453-9630 F: 508-755-3861

For more information, please see our website: www.mass.gov/mcad/

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT


Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

	<p>DANIELLE BAILEY Grants Manager</p> <hr/> <p>CITY OF NEWTON Planning & Development Department 1000 Commonwealth Avenue Newton, MA 02459-1449 Direct Phone (617) 796-1156 Office Phone (617) 796-1120 Fax (617) 796-1142 dbailey@newtonma.gov</p>
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or contact the U.S. Department of Labor's Wage and Hour Division.



For additional information:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

Record of Employee Interview

U.S. Department of Housing and Urban Development Office of Labor Relations

OMB Approval No. 2501-0009
(exp.09/30/2017)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information is collected to ensure compliance with the Federal labor standards by recording interviews with construction workers. The information collected will assist HUD in the conduct of compliance monitoring; the information will be used to test the veracity of certified payroll reports submitted by the employer. **Sensitive Information.** The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained. **The information collected herein is voluntary, and any information provided shall be kept confidential.**

1a. Project Name			2a. Employee Name		
1b. Project Number			2b. Employee Phone Number (including area code)		
1c. Contractor or Subcontractor (Employer)			2c. Employee Home Address & Zip Code		
			2d. Verification of identification? Yes <input type="checkbox"/> No <input type="checkbox"/>		
3a. How long on this job?	3b. Last date on this job before today?	3c. No. of hours last day on this job?	4a. Hourly rate of pay?	4b. Fringe Benefits?	4c. Pay stub?
				Vacation Yes <input type="checkbox"/> No <input type="checkbox"/> Medical Yes <input type="checkbox"/> No <input type="checkbox"/> Pension Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

5. Your job classification(s) (list all) --- continue on a separate sheet if necessary

6. Your duties

7. Tools or equipment used

CONFIDENTIAL

8. Are you an apprentice or trainee?	Y <input type="checkbox"/>	N <input type="checkbox"/>	10. Are you paid at least time and 1/2 for all hours worked in excess of 40 in a week?	Y <input type="checkbox"/>	N <input type="checkbox"/>
9. Are you paid for all hours worked?	Y <input type="checkbox"/>	N <input type="checkbox"/>	11. Have you ever been threatened or coerced into giving up any part of your pay?	Y <input type="checkbox"/>	N <input type="checkbox"/>

12a. Employee Signature	12b. Date
-------------------------	-----------

13. Duties observed by the Interviewer (Please be specific.)

14. Remarks

15a. Interviewer name (please print)	15b. Signature of Interviewer	15c. Date of interview
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Payroll Examination

16. Remarks

17a. Signature of Payroll Examiner	17b. Date
------------------------------------	-----------

***DATA COLLECTION FORM for
FEDERALLY-FUNDED CONTRACTS
(for projects & contracts \$10,000 and over)***

PROJECT:	
CONTRACTOR NAME:	
<i>(check one)</i>	<input type="checkbox"/> General Contractor/Prime Contractor <input type="checkbox"/> Subcontractor
ADDRESS:	
CITY, STATE, ZIP:	
PHONE:	
FAX:	
CONTACT PERSON:	
FEDERAL ID:	
CONTRACT/SUBCONTRACT AMOUNT:	

Please complete the following questions.

1. Please indicate the racial/ethnic code of the majority of the owners of the contractor business (check one):
 - White Americans
 - Black Americans
 - Native Americans
 - Hispanic Americans
 - Asian/Pacific Americans
 - Hasidic Jews

2. Is the business Woman-Owned:
 - Yes
 - No

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE
DATE

FOR DEPARTMENTAL USE ONLY

Trade Code: <i>(circle)</i>	New Construction	Education/Training	Other
-----------------------------	------------------	--------------------	-------

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 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 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 75 regulations.

C. In accordance with the requirements of 24 CFR 75.19, the Contractor agrees to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations that the Contractor shall ensure that employment and training opportunities arising in connection with the Section 3 Project are provided to Section 3 Workers within the Newton area where the Section 3 Project is located. Where feasible, priority for opportunities and training described in this section should be given to: Section 3 Workers residing within the Newton area and/or the neighborhood of the project, and Participants in YouthBuild Programs. The Contractor further agrees to the greatest extent feasible and consistent with existing Federal, state and local laws and regulations, that priority contracting opportunities should be given to Section 3 Business Concerns that provide economic opportunities to Section 3 Workers residing within the service area of the neighborhood of the project, and YouthBuild Programs.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75.

The Contractor will post copies of a 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 the bench marks for labor hours worked by Section 3 Workers and Targeted Section 3 Workers, and availability of any labor positions, apprenticeships, and training positions and the qualifications for each; the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

E. Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

F. 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 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).

SECTION 3 PLAN

Section 3 is a provision of the Housing and Urban Development Act of 1968. The purpose of 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 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.

_____, Contractor, agrees to implement the following specific steps directed at increasing the utilization of Section 3 Workers and Section 3 Business Concerns within the Project Area (within a one-mile radius of the project site or, if fewer than 5,000 people live within one-mile of the project site, within a circle centered on the project site that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census). See attachment A for details on the Section 3 Project Area.

- A.** To attempt to recruit from within the Project Area the necessary individuals to fill employment opportunities generated by Section 3 covered assistance through: local advertising media, signs placed at the proposed site for the project, and/or community organizations and public or private institutions operating within or serving the project area.
- B.** To fill vacant employment and training positions with the maximum number of Section 3 Workers and to attempt to contract with Section 3 Business Concerns.
- C.** To formally contact unions, subcontractors, and trade associations to secure their cooperation for this program.
- D.** To notify potential contractors about Section 3 requirements outlined in this plan and to incorporate the Section 3 clause in all solicitations and contracts.
- E.** To cooperate in obtaining the compliance of contractors and subcontractors with the requirements of Section 3.
- F.** To document utilization of Section 3 Workers and Targeted Section 3 Workers on the covered project by having employees (including those of all subcontractors) complete the Section 3 Worker Certification.
- G.** To document utilization of Section 3 Business Concerns on the covered project by having every contractor and subcontractor complete the Section 3 Business Concern Certification.
- H.** To complete a Section 3 Utilization Report prior to final payment for the covered project. This report will list all Section 3 Workers and Targeted Section 3 Workers documented on the Section 3 Worker Certifications.
- I.** To maintain any records, including copies of correspondence, income verification memoranda, etc., which document that all levels of the above steps have been taken.

Numeric Goals

_____, Contractor, 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 Workers as follows:

- 25 percent of the total number of labor hours worked shall be worked by Section 3 Workers.
Total Anticipated Labor Hours to be Worked: _____
Anticipated Labor Hours to be Worked by Section 3 Workers: _____
- 5 percent of the total number of labor hours worked shall be worked by Targeted Section 3 Workers.
Total Anticipated Labor Hours to be Worked: _____
Anticipated Labor Hours to be worked by Targeted Section 3 Workers: _____

As officer and representative of: _____
(Name of Contractor)

On behalf of the Company, I have read and fully agree to the Section 3 Plan and become a party to the full implementation of this program.

Name and Title of the Authorized Representative (print or type)

Signature of Authorized Representative

Date

Attachment A

“Project Area” or the “neighborhood of the project” means an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

The Project Area for this covered project has been defined as a _____ mile radius around the project site. Please see map below.



CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development



Ruthanne Fuller
Mayor

MONTHLY SECTION 3 UTILIZATION REPORT

Name of Project: _____

Name of Prime Contractor: _____

Reporting Period: _____

A. SECTION 3 EMPLOYEE INFORMATION

This section should include employee information from the prime contractor and all subcontractors.

- a. Total hours worked by all employees during reporting period: _____
b. Total hours worked by Targeted Section 3 Workers: _____
c. Total hours worked by Section 3 Workers (including total hours worked by Targeted Section 3 Workers): _____

Please attach to this report Section 3 Worker Certifications for each Section 3 employee.

B. SECTION 3 COMPLIANCE

Using the information reported in section A, please determine whether Section 3 compliance has been met.

GOAL 1. Targeted Section 3 Workers comprised 5 percent or more of the total labor hours worked.

Total Number of Hours Worked by Targeted Section 3 Workers: [] = [] %
Total Number of Hours Worked during this Reporting Period: []

Compliance was: [] achieved
[] not achieved

GOAL 2. Section 3 Workers comprised 25 percent or more of the total labor hours worked. *

Total Number of Hours Worked by Section 3 Workers: = %

Total Number of Hours Worked during the Reporting Period:

Compliance was: achieved
 not achieved

**Total labor hours worked for Section 3 Workers should include all labor hours worked by Targeted Section 3 Workers and Section 3 Workers.*

If compliance was not achieved for either of the goals, please explain.

C. CERTIFICATION OF PRIME CONTRACTOR

As officer and representative of: _____
Name of Prime Contractor

Address: _____

Telephone Number: _____

On behalf of the Company, I hereby certify that the above information is true and accurate and is reported fully as required by the Section 3 Plan as part of the contract for this CDBG- and/or HOME-assisted project. It is further understood that final payment from the City of Newton for this project cannot be made until this report is submitted to the CDBG and/or HOME Grantee or authorized designee.

Name and Title of the Authorized Representative (print or type)

Signature of Authorized Representative

Date



CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development

Ruthanne Fuller
Mayor



SECTION 3 WORKER CERTIFICATION

We are an Equal Opportunity Employer and fully subscribe to the principles of Equal Employment Opportunity. Applicants and/or employees are considered for hire, promotion, and job status without regard to race, color, religion, creed, sex, marital status, national origin, age, physical or mental disability.

Name: _____
Last First Middle

Address: _____ City: _____ State: _____ Zip: _____

Telephone number: _____

Company Name: _____

1. My income is currently below \$70,750 per year.

Yes No

2. If you answered "no" to question 1, was your income below \$70,750 on or after November 30, 2020?

Yes No N/A

If answer is yes to question 1, check N/A for question 2.

3. Are you currently, or were you when hired on or after November 30, 2020, a Youthbuild participant?

Yes No

4. Do you work for a Section 3 Business Concern? Your employer will inform you.

Yes No

5. Do you currently live within one mile of the project site?

Yes No

6. If you answered “no” to question 5, did you live within one mile of the project site on or after November 30, 2020?

Yes No N/A

If answer is yes to question 5, check N/A for question 6.

Employee Certification:

I understand that the information above relating to my residency and my annual income may require verification. Upon request, I agree to provide documents verifying this information. The City of Newton reserves the right to request and obtain additional information to verify Section 3 Worker eligibility. I also authorize my employer to release this information for the United States Department of Housing and Urban Development, the City of Newton, and the prime and/or subcontractors to verify my status as a Section 3 Worker. I certify that the above statements are true, complete, and correct to the best of my knowledge and belief.

Signature

Print Name

Date

Employer Certification:

I understand that the information above relating to my employee’s residency and annual income may require verification. Upon request, I agree to provide documents verifying this information. The City of Newton reserves the right to request and obtain additional information to verify Section 3 Worker eligibility. I certify that the above statements are true, complete, and correct to the best of my knowledge and belief.

Signature

Print Name

Date

City of Newton Use Only – Section 3 Worker

- A. Did the employee answer yes to number 1 or 2? Yes No
- B. Did the employee answer yes to number 3? Yes No
- C. Did the employee answer yes to number 4? Yes No
- D. Does the employee qualify as a Section 3 Worker? Yes No

(If answers are yes to A, B, or C, the employee is a Section 3 Worker)

City of Newton Use Only – Targeted Section 3 Worker

- E. Did the employee answer yes to number 3? Yes No
- F. Did the employee answer yes to number 4? Yes No
- G. Did the employee answer yes to numbers 1 or 2 **and** answer yes to numbers 5 or 6? Yes No
- H. Does the applicant qualify as a Targeted Section 3 Worker? Yes No

(If answers are yes to E, F, or G, the employee is a Targeted Section 3 Worker)

CITY OF NEWTON

FFATA REPORT

A. SUB-RECIPIENT/CONTRACTOR INFORMATION

Name of CDBG Sub-recipient or Contractor: _____

Name of Project/Activity: _____

Data Universal Number System (DUNS) Number: _____

A DUNS number is a unique nine-character identification number provided by the commercial company Dun & Bradstreet (D&B). If your business does not already have a DUNS number, the process to request a DUNS number takes about 10 minutes and is free of charge. Call D&B at 866-705-5711 or for persons with a hearing impairment, the TTY number is 866-814-7818.

B. CERTIFICATION OF SUB-RECIPIENT/CONTRACTOR

Question 1(a): In your business or organization's preceding completed fiscal year, did your business or organization receive (1) 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants and/or cooperative agreements; **and** (2) \$30,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants and/or cooperative agreements?

YES _____ NO _____

Question 1(b): Does the public have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

YES _____ NO _____

If the answers to question #1(a) and #1(b) are both yes, proceed to question #2. If the answers to question #1(a) and #1(b) are no, proceed to Section C of this form.

Question 2: List the names and total compensation of the five most highly compensated officers of the entity:

OFFICER	NAME	COMPENSATION
OFFICER 1		
OFFICER 2		
OFFICER 3		
OFFICER 4		
OFFICER 5		

CITY OF NEWTON

FFATA REPORT

A. SUB-RECIPIENT/CONTRACTOR INFORMATION

Name of ESG Sub-recipient or Contractor: _____

Name of Project/Activity: _____

Data Universal Number System (DUNS) Number: _____

A DUNS number is a unique nine-character identification number provided by the commercial company Dun & Bradstreet (D&B). If your business does not already have a DUNS number, the process to request a DUNS number takes about 10 minutes and is free of charge. Call D&B at 866-705-5711 or for persons with a hearing impairment, the TTY number is 866-814-7818.

B. CERTIFICATION OF SUB-RECIPIENT/CONTRACTOR

Question 1(a): In your business or organization's preceding completed fiscal year, did your business or organization receive (1) 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants and/or cooperative agreements; **and** (2) \$30,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants and/or cooperative agreements?

YES _____ NO _____

Question 1(b): Does the public have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

YES _____ NO _____

If the answers to question #1(a) and #1(b) are both yes, proceed to question #2. If the answers to question #1(a) and #1(b) are no, proceed to Section C of this form.

Question 2: List the names and total compensation of the five most highly compensated officers of the entity:

OFFICER	NAME	COMPENSATION
OFFICER 1		
OFFICER 2		
OFFICER 3		
OFFICER 4		
OFFICER 5		

WestMetro HOME Consortium
FFATA REPORT

A. SUB-RECIPIENT/CONTRACTOR INFORMATION

Name of HOME Sub-recipient or Contractor: _____

Name of Project/Activity: _____

Data Universal Number System (DUNS) Number: _____

A DUNS number is a unique nine-character identification number provided by the commercial company Dun & Bradstreet (D&B). If your business/organization does not already have a DUNS number, the process to request a DUNS number takes about 10 minutes and is free of charge. Call D&B at 866-705-5711 or for persons with a hearing impairment, the TTY number is 866-814-7818.

B. CERTIFICATION OF SUB-RECIPIENT/CONTRACTOR

Question 1(a): In your business or organization's preceding completed fiscal year, did your business or organization receive (1) 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants and/or cooperative agreements; **and** (2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants and/or cooperative agreements?

YES _____ NO _____

Question 1(b): Does the public have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

YES _____ NO _____

If the answers to question #1(a) and #1(b) are both yes, proceed to question #2. If the answers to question #1(a) and #1(b) are no, proceed to Section C of this form.

Question 2: List the names and total compensation of the five most highly compensated officers of the entity:

OFFICER	NAME	COMPENSATION
OFFICER 1		
OFFICER 2		
OFFICER 3		
OFFICER 4		
OFFICER 5		

C. CERTIFICATION OF SUB-RECIPIENT/CONTRACTOR

Officer and representative of: _____

Name of sub-recipient or contractor

Address: _____

Telephone Number: _____

On behalf of the Agency/Company, I hereby certify that the above information is true and accurate and is reported fully as required by the contract for this HOME assisted project. It is further understood that any payment from the WestMetro HOME Consortium for this project cannot be made until this report is submitted to the HOME Grantee.

Name and Title of the Authorized Representative (print or type)

Signature of Authorized Representative

Date

Please mail or e-mail report to:

Eamon Bencivengo, Housing Development Planner
Planning and Development Department
1000 Commonwealth Avenue
City of Newton
Newton, MA 02459
ebencivengo@newtonma.gov

FOR STAFF USE ONLY

Date of Contract:

Fiscal Year of Funds Used:

Contract Amount:

Contract/Project Number:
