



**QUAY COUNTY  
FISCAL YEAR 2012/2013  
RESOLUTION #5  
QUAY COUNTY SECTION 3 PLAN**

The Quay County Government is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The Quay County Government has appointed Darla Munsell as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the County of Quay. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the County of Quay shall:

1. Hiring
  - a. Advertise for all County positions in local newspapers
  - b. List all County job opportunities with the State Employment Service
  - c. Give preference in hiring to lower income persons residing in the City/County. This means that if two equally qualified persons apply and one is a resident of the City/County and one is not, the resident will be hired
  - d. Maintain records of county hiring as specified on this form

ANTICIPATED <u>Quay County Government</u> HIRING 200 <u>    </u>				
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income City or County Residents	# of Positions Filled	Positions Filled by Lower Income City/County Residents

## 2. Contracting

- a. The County will compile a list of businesses, suppliers and contractors located in the County.
- b. These vendors will be contacted for bid or quotes whenever the County requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the County and one from outside the County, the contract will be awarded to the business located within the community.

## 3. Training

The County shall maintain a list of all training programs operated by the County and its agencies and will direct them to give preference to County residents. The County will also direct all CDBG sponsored training to provide preference to County residents.

## 4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or

knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued there under prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The County shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the County's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The County will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

#### LOWER INCOME CLARIFICATION

A family who resides in Quay County and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Quay County. Information contained in our Section 3 Plan reflects the status of the County employees regarding lower income considerations based on their salary paid by the County.

PASSED, APPROVED, and ADOPTED this 27<sup>th</sup> day of August 2012.

#### BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Bill Curry, Commission Chairman

  
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Robert Lopez, Member

  
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Brad Bryant, Member

ATTEST:

  
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Ellen White, County Clerk