

City of Marianna
SECTION 3 AND AFFIRMATIVE ACTION POLICY

City of Marianna is committed to eliminating discrimination based upon- race, color, religion, sex, national origin, age, genetics or physical handicap. This local government will comply with requirements of Section 3 (Use of Small Project Area), Equal Employment Opportunity Act of 1978 (In-House Equal Employment Opportunity}, Executive Order 11246, as amended by- Executive Order 11375 (Equal Employment Opportunity on Federally Assisted : Construction Contracts) , and Executive Order 11625 Minority Entrepreneurship} .

Notice of the policy will be placed in plain sight on job location for the benefit of interested parties and all contractors and sub-contractors so notified. All Equal Opportunity Posters will be displayed as required.

Implementation

The Human Resource Director is appointed as Equal Opportunity Officer. Duties include coordinating local efforts in recruiting employees and resolving complaints, and submitting required reports. The Purchasing Director is responsible for soliciting bids.

In-House Program under Section 3

Employment

This local government will encourage the employment of local residents, especially those who have a low to moderate income, and those who are female and/or of a minority racial/ethnic classification. This will be accomplished through the following procedures.

- 1) Current employees will be encouraged to improve their job skills and qualification through training and education. Such improvements are to be considered for employee promotion.
- 2) All employment opportunities will be publicly advertised, including the equal opportunity employer designation. This is to provide an adequate opportunity for qualified individuals to apply for employment and to assure an adequate pool of qualified applicants from which to hire.
- 3) When appropriate, notification of employment opportunities will be issued to organizations such as local schools, employment services, minority organizations, and social service agencies who may refer qualified individuals for employment consideration.
- 4) Recruitment practices, "including those described in paragraphs 2 and 3, will be conducted in an effort to include; qualified minorities and females in all levels of responsibility and departments of government, in percentage in the population and/or available workforce.
- 5) When applicants are equally qualified preference will be given to hiring minorities and females in furtherance of the goal expressed in paragraph 4.

Procurement of Goods and Services

This local government will encourage the utilization of minority- and female-owned, and small businesses. This will be accomplished through the following procedures.

- 1) Quotes for small purchases will be solicited from businesses, when the required goods and/or services can be obtained economically.
- 2) Lists of minority- and female-owned businesses will be maintained for use in soliciting quotes and bids. Other directories of minority and female-owned businesses will be utilized in seeking bids when local competition is inadequate.
- 3) Requests for bids and proposals for services or goods will be advertised, although it may also be necessary to advertise some projects over a broader geographic area in order to obtain adequate competition.
- 4) Where applicable, Federal Section 3 and Affirmative Action language will be included in contracts and requests for bids. Attachment A details these clauses.
- 5) Contractors will be informed of Section 3 and Affirmative Action required and insure their compliance

The local government hereby established goals for minority and female hiring and participation in contracted services as follows: Minority 29.5% Females 6.9%

City of Marianna shall include requirements for M/WBE outreach in its CDBG procurement of goods and services so as to meet statutory requirements for minority and female participation. The Contractors shall be required to include list of subcontractors that were contacted for major activities of work and meet the criteria for M/WBE certification. Lists such as the State of Florida Office of Diversity Minority and Women business shall be used as the County's list. Other lists, such as the ADECA Office of Minority Business Enterprise, may also be used with City of Marianna bordering the Alabama border. The City shall also send information pertaining to procurement opportunities to the Small Business Administration Regional Office so that office may also forward procurement opportunities to the database of SBE/DBE/M/WBE vendors statewide.

Date Adopted

Mayor

Attachment A

FEDERAL FUNDS CLAUSES
FOR
AFFIRMATIVE CONTRACTING AND SUB-CONTRACTING

Anticipated contracts involving Federal funds to be awarded and to be bid are:

The Community Development Block Grant Program

All bids and contracts involving Federal funds will contain the required Section 3 language as follows:

- 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, to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the local government and contracts for work in connection with the project be awarded to business concerns which are located in or owned in substantial part by persons residing within the corporate limits.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulation 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 this 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. 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, 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, and all applicable rules and orders of the Department, issued thereunder 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, 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 Part 135.

The State Business Registry will be used as far as possible to fill subcontracting needs. Businesses within the corporate limits will be sought and informed of their need to be on the Business Registry.

- 1) Each contractor shall be informed of the affirmative action requirements and insure compliance.
- 2) All required reports will be submitted on time and will ensure that all contractors and subcontractors submit required reports as needed.
- 3) The prime contractor will assume responsibility for submission of both the prime contract and sub-contract Affirmative Action Plans.
- 4) The subcontractors' Affirmative Action Plan should be reviewed for adequacy by the prime contractor and evidenced in writing prior to submitting for approval.
- 5) The prime contractor and subcontractor shall set forth a method for the review of workforce needs, goals and recruitment methods.
- 6) Workforce recruitment methods shall be in compliance with the goals of the Section 3 clause regarding Equal Opportunity and notice of this policy will be placed in plain view on the job location for the benefit of all interested parties.
- 7) The prime contractor will specify all subcontractors indicating anticipated dollar amounts and set forth goals and objective, and where feasible award subcontractors to local small and disadvantaged businesses, the prime contractor and subcontractors will to the maximum extent feasible notify qualified local businesses of all pending contracts and/or subcontracts.
- 8) The prime contractor and subcontractors shall determine the approximate manpower needs on the basis of crafts needed for completion of various projects and through special outreach efforts make these needs known to public and private recruitment services and to the maximum extent feasible use lower income residents as trainees and workers (if qualified) to complete various projects.
- 9) All personnel actions on the part of the prime contractor and subcontractor shall be made on a non-discriminatory basis without regard to race, color, religion, sex or national origin. Racial mix of the total workforce will, to the extent possible, reflect the local racial mix.

