

Instructions: this checklist is a sample document of how a municipality can review the elements of their bid packages to ensure elements for compliance with 24 CFR 75, 2 CFR 200.321 and Davis Bacon and the Related Acts. This checklist will reference other tools that are available via link or via PRDOH's website. It is the responsibility of the subrecipient to verify and perform the review and completion of these additional tools. Use the boxes provided to confirm completion of each activity. The successfully completed checklist should have responses of yes to all elements listed below.

Procurement solicitation package Checklist

Confirmation of Completion	Key Item	Regulation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Included Language in the bid package that discusses Section 3 compliance.	Section 3, [24 CFR 75] Appendix A Below
<input type="checkbox"/> Yes <input type="checkbox"/> No	Included Language in the bid package that discusses MWBE Compliance	MWBE, [2 CFR 200.321] Appendix A Below
<input type="checkbox"/> Yes <input type="checkbox"/> No	Included language in the bid package that highlights HUD 4010 form for Davis Bacon and Related Acts	DBRA Appendix C Below
<input type="checkbox"/> Yes <input type="checkbox"/> No	Included language to authorize bonus points for Section 3 businesses or Minority or Women Owned Businesses.	Section 3, [24 CFR 75] Appendix B Below
<input type="checkbox"/> Yes <input type="checkbox"/> No	Used the applicability checklist to verify DBRA applies to my project and procurement	DBRA Applicability Checklist
<input type="checkbox"/> Yes <input type="checkbox"/> No	Used the wage determination checklist to verify which federal wage schedule should be included	DBRA wage determination checklist
<input type="checkbox"/> Yes <input type="checkbox"/> No	Included the actual HUD 4010 form in the package if the procurement is for construction https://www.hud.gov/sites/dfiles/OCHCO/documents/4710.pdf	DBRA HUD 4010 Form
<input type="checkbox"/> Yes <input type="checkbox"/> No	Used the Procurement and Contract checklist to verify which local prevailing wage rate based on EO's should be included in bid package as well	DBRA Procurement and Contract Wage determination checklist



Procurement Solicitation Checklist

<input type="checkbox"/> Yes <input type="checkbox"/> No	Included language for DBRA in the notice for Bid (RUS)	" This project is funded in whole or in part with CDBG-DR funds provide by the US Department of Housing and Urban Development (HUD). Federal labor standards provisions including prevailing wage reuirements of the Davis Bacon and Related Acts will be enforced. In the event of a conflict between the Federal and Puerto Rico Executive Order wage rates occurs, the higher of the two will prevail."
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Pre-Bid Meeting Checklist

Confirmation of Completion	Key Item	Regulation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Prepared a presentation or handout to draw awareness of requirements and resources for Section 3 on the PRDOH webpage including Section 3 plan templates, self-certification forms and documenting efforts templates.	Section 3, [24 CFR 75]
<input type="checkbox"/> Yes <input type="checkbox"/> No	Prepared a presentation or handout to draw awareness of requirements and resources for MWBE compliance on the PRDOH webpage including MWBE utilization plans and documenting efforts templates	MWBE, [2 CFR 200.321]
<input type="checkbox"/> Yes <input type="checkbox"/> No	Prepared a presentation or handout to draw awareness of requirements and resources for DBRA compliance including the PRDOH webpage.	DBRA

Evaluation Committee Review of Bonus Points Checklist

Confirmation of Completion	Key Item	Regulation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Used a checklist to verify if the businesses competing in the procurement fulfill the requirements for Section 3 Business or MWBE business	Section 3, [24 CFR 75] & MWBE, [2 CFR 200.321]



Procurement Solicitation Checklist

Contract Review of Selected Vendors/ Contractors prior to execution

Confirmation of Completion	Key Item	Regulation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Used the contract checklist to verify compliance requirements for DBRA are included	DBRA Contract Checklist
<input type="checkbox"/> Yes <input type="checkbox"/> No	Verified the contract will also contain language for Section 3 and MWBE compliance	Section 3, [24 CFR 75] & MWBE, [2 CFR 200.321]

Appendix A Language in Procurements for Section 3 and MWBE

Local Participation

The PRDOH encourages Proposers to engage local subcontractors, professionals and relevant service providers headquartered in Puerto Rico ("Local Parties") as Team Members and Key Staff to the greatest extent possible. Proposers are encouraged as part of this RFP to provide descriptions of their current and/or anticipated business arrangements with Local Parties and, in particular, Local Parties who are Team Members and Key Individuals for the Project, as applicable.

Minority and Women Owned Business Enterprises

The work to be performed under the contract resulting from this RFP shall be subject to the regulations set forth in the C.F.R. §200.321 require the non-federal entity to take necessary steps to ensure that all Subrecipients, Contractors, Sub-Contractors, and/or Developers funded in whole or in part with the CDBG-DR financial assistance ensure that, when possible, contracts and other economic opportunities are directed to small and minority firms, women owned business enterprises (WBEs), and labor surplus area firms. Consistent with Executive Orders No. 11625, 12138, and 12432, the subrecipient shall make every feasible effort to ensure that small businesses, minority-owned business enterprises (MBEs), WBEs, (together M/WBEs), and labor surplus area businesses participate in contracting.

The PRDOH recognizes its obligation to promote opportunities for maximum feasible participation of certified Minority and Women Owned Business Enterprises (MBE/WBE's), and the employment of minority group members and women in the performance of the contracts. All participating entities engaged with the PRDOH must make a commitment and demonstrate an acceptable "Good Faith Effort" toward the achievement of PRDOH's MBE/WBE's subcontracting goals of twenty percent (20%) of the entire contract value consisting of ten percent (10%) for MBE and ten percent (10%) for WBE participation. The PRDOH M/WBE policy guide is located: English: <https://cdbg-dr.pr.gov/en/download/mwbe-policy/>, English: <https://cdbg-dr.pr.gov/en/section-3/enterprise-woman-minority-mwbe/m-wbe-policy/> and Spanish: <https://cdbg-dr.pr.gov/seccion-3/empresa-de-mujeres-minorias-mwbe/politica-de-m-wbe/>.

An MWBE utilization plan template is available online on the PRDOH website: English: <https://cdbg-dr.pr.gov/en/section-3/enterprise-woman-minority-mwbe/utilization-plan/> and Spanish: <https://cdbg-dr.pr.gov/seccion-3/empresa-de-mujeres-minorias-mwbe/plan-de-utilizacion/>. Entities responding to this RFP should provide this completed template as part of their overall efforts for M/WBE compliance for evaluation



Procurement Solicitation Checklist

Section 3

The work to be performed under the contract resulting from this RFP shall be subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. §1701u and as implemented in 24 CFR 75 (Section 3). You can access PRDOH's Section 3 Policy requirements in English <https://cdbg-dr.pr.gov/en/section-3/> and in Spanish <https://cdbg-dr.pr.gov/seccion-3/>.

Section 3 Contractor Plan template is available online on the PRDOH site: Section 3 Contractor Plan: Spanish <https://cdbg-dr.pr.gov/seccion-3/negocios-y-contratistas/plan-contratistas-seccion-3/> and English <https://cdbg-dr.pr.gov/en/section-3/business-and-contractors/contractor-section-3-plan/>.

Specifically, for this contract, the Proposer shall indicate, if selected, how they will meet the Section 3 minimum benchmarks and will enforce these requirements with any subcontractors during the life of the contract with PRDOH:

HUD's current Section 3 Project safe harbor benchmarks as established in accordance with the provisions of 24 CFR 75.23, are:

Labor Hour Standard	Ratio Formula	Benchmark Percentage*
Section 3 Workers	Work Hours of Section 3 Workers ÷ Total Labor Hours	25%
Targeted Section 3 Workers	Work Hours of Targeted Section 3 Workers ÷ Total Labor Hours	5%

* Federal Register Doc. 2020-19183 Filed 9-28-20

1. For a worker to qualify as a **Section 3 worker**, one of the following must be maintained:

1	A worker's self-certification that their income is below the income limit from the prior calendar year;
2	A worker's self-certification of participation in a means-tested program such as public housing or Section 8-assisted housing;
3	Certification from a PHA, or the owner or property manager of project-based Section 8-assisted housing, or the administrator of tenant-based Section 8-assisted housing that the worker is a participant in one of their programs;
4	An employer's certification that the worker's income from that employer is below the income limit when based on an employer's calculation of what the worker's wage rate would translate to if annualized on a full-time basis; or
5	An employer's certification that the worker is employed by a Section 3 business concern.



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2. For a worker to qualify as a **Targeted Section 3 Worker**, under eligible Housing and Community Development financial assistance:

1	An employer's confirmation that a worker's residence is within one mile of the work site or, if fewer than 5,000 people live within one mile of a work site, within a circle centered on the work site that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census;
2	An employer's certification that the worker is employed by a Section 3 business concern; or
3	A worker's self-certification that the worker is a YouthBuild participant.

Appendix B Language in Procurements for Allocation of Bonus Points

Preference of 5 points Section 3 Business Concern and/or M/WBE

The PRDOH shall provide a preference of five (5) points in the evaluation criteria of the method of rating, for a greater participation of Section 3 Business Concern and/or M/WBE Registered Puerto Rico Business.

The Proposer seeking the Section 3 preference must be able to demonstrate that they meet one of the following criteria:

Section 3 Business:

Business concerns that are 51% or more owned by a low or very low-income person (using HUD income limits for Section 3 for this year or previous annualized calendar year).

Business concerns that are at least 51% owned by a current public housing resident or residents who currently live in Section 8 assisted housing.

Businesses with over 75% of the labor hours performed for the business over the prior 3-month period are performed by Section 3 workers.

MWBE Business:

Proposers seeking M/WBE preference should provide a copy of their MWBE certification from an agency to evidence their status.



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Appendix C Language in Procurement to Highlight DBRA Compliance

"As recipients of HUD financial assistance, PRDOH and its contractors and subcontractors working within the PRDOH CDBG-DR Program are subject to the requirements of the Davis-Bacon Act of 1931 (DBA), 40 U.S.C. § 3141 et seq., which guarantees fair wages, benefits, and overtime to employees while working on government-funded construction, alternation, or repair projects in excess of \$2,000. The Davis-Bacon and Related Acts (DBRA) determine applicability of Davis-Bacon to Federally-assisted construction contracts. The Housing and Community Development Act of 1974 (HCD), 42 U.S.C. § 5301 et seq., Section 110 of the Act, determines the DBRA applicability to CDBG-DR. The DOL sets forth the principal set of regulations for labor rules in 29 C.F.R. Parts 1-7: • 29 C.F.R. Part 1 – Regulates wage rate determination • 29 C.F.R. Part 3 – Copeland "Anti-kickback" Act of 1934, 18 U.S.C. § 874 and 40 U.S.C. § 3145, defines anti-kickback regulations; obligation of weekly payrolls and governs payroll deductions • 29 C.F.R. Part 5 – Defines Labor Standards Regulations • 29 C.F.R. Part 6 – Regulates administrative proceedings to enforce Labor standards • 29 C.F.R. Part 7 – Regulates non-compliance All covered contracts must include Davis-Bacon and other labor standards clauses and the applicable wage determinations found in the HUD 4010 form. <https://www.hud.gov/sites/documents/4010.PDF> Refer to the attachment "Federal Labor Standards Provisions" for full details.