

**ADDENDUM NO. 3
FOR
CITY OF GREENFIELD
WASTEWATER TREATMENT PLANT SURFACE AERATOR ADDITION**

DATE: March 17, 2016

FROM: Doug Pike, PE, City Engineer
City of Greenfield
599 El Camino Real
Greenfield, CA 93927
Tel: (805) 331-3553

TO: Prospective Bidders

This addendum forms a part of the Contract Documents and modifies the original Procurement Documents dated February 2016, as noted herein. Each bidder shall acknowledge receipt of this Addendum by completing the acknowledgment at the end of this Addendum, and by confirming receipt of this addendum on the contract Bid Form. Failure to do so may subject Bidder to disqualification.

The following changes or clarifications have been made to the Bid Documents:

CHANGES TO PRIOR ADDENDA:

1. **Addendum No. 2: Equal Opportunity Requirements, including goals set forth for in Appendix 2 are hereby superseded as follows:**

Language in Addendum 1 references the Equal Opportunity requirements of Appendix G of the Contract Agreement in the specifications is accurate. "Section 3 of the Housing and Community Development Act of 1968" Requirements remains correct with the summary clarifications below (beginning page 2 of this addendum). In addition to the forms provided in Addendum 1 for organizing a Good Faith Effort, the Contractor may utilize any other desired forms of their own. Any further questions regarding these requirements can be answered by referring to Section 3 and associated CFR sub-references.

CHANGES TO PROCUREMENT REQUIREMENTS:

1. ***Bid Opening Date has changed to Thursday, April 7, 2016 AT 3:30 pm***
2. ***Addendum 4 is being prepared and may contain technical changes to the plans and specifications. Projected date of release of Addendum 4 is March 22, 2016.***

CDBG GRANT PROJECT FUNDING PROJECT REQUIREMENTS

Use of Local Businesses; Contracting with Small, Minority, and/or Women-Owned Businesses

Federal regulations require that contractors should make every effort to use local business firms and contract with small, minority-owned and/or women-owned businesses in the procurement process.

The term "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632). "Minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians.

The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located.

Specifically, the Contractor shall:

- The contractor must take **affirmative steps to use small firms, minority-owned firms, women-owned firms, or labor surplus area firms** in its this CDBG-financed project (24 CFR 85.36(e) or 84.44(b)). The efforts which a contractor should make include:
 - Incorporating such businesses in **solicitation lists** whenever they are potential sources.
 - Ensuring that **such businesses are solicited** when identified as potential sources.
 - **Dividing procurement requirements**, when economically feasible, to permit maximum participation of such businesses.
 - Requiring prime contractors, when **subcontracts** are let, to take affirmative steps to select such firms.
 - To the greatest extent feasible, the Contractor must attempt to reach the **numerical goals** set forth in Section 135.30 (See this section reprinted below)
- In conformance with the requirements of **Section 3 of the Housing and Community Development Act of 1968**, to the greatest extent feasible, contractors must award contracts for work to be performed to eligible **business concerns located in or owned by residents of the target area** to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed

toward low- and very low-income persons, particularly those who are recipients of governmental assistance for housing (see 24 CFR 570.607(b)).

§135.30 Numerical goals for meeting the greatest extent feasible requirement. (Applicable sections underlined with **numerical goals in bold**)

(a) *General.* (1) Recipients and covered contractors may demonstrate compliance with the "greatest extent feasible" requirement of section 3 by meeting the numerical goals set forth in this section for providing training, employment, and contracting opportunities to section 3 residents and section 3 business concerns.

(2) The goals established in this section apply to the entire amount of section 3 covered assistance awarded to a recipient in any Federal Fiscal Year (FY), commencing with the first FY following the effective date of this rule.

(3) For recipients that do not engage in training, or hiring, but award contracts to contractors that will engage in training, hiring, and subcontracting, recipients must ensure that, to the greatest extent feasible, contractors will provide training, employment, and contracting opportunities to section 3 residents and section 3 business concerns.

(4) The numerical goals established in this section represent minimum numerical targets.

(b) *Training and employment.* The numerical goals set forth in paragraph (b) of this section apply to new hires. The numerical goals reflect the aggregate hires. Efforts to employ section 3 residents, to the greatest extent feasible, should be made at all job levels.

(1) Numerical goals for section 3 covered public and Indian housing programs. Recipients of section 3 covered public and Indian housing assistance (as described in §135.5) and their contractors and subcontractors may demonstrate compliance with this part by committing to employ section 3 residents as:

(i) 10 percent of the aggregate number of new hires for the one year period beginning in FY 1995;

(ii) 20 percent of the aggregate number of new hires for the one period beginning in FY 1996;

(iii) 30 percent of the aggregate number of new hires for one year period beginning in FY 1997 and continuing thereafter.

(2) *Numerical goals for other HUD programs covered by section 3.* (i) Recipients of section 3 covered housing assistance provided under other HUD programs, and their contractors and subcontractors (unless the contract or subcontract awards do not meet the threshold specified in §135.3(a)(3)) may demonstrate compliance with this part by committing to employ section 3 residents as 10 percent of the aggregate number of new hires for each year over the duration of the section 3 project;

(ii) Where a managing general partner or management agent is affiliated, in a given metropolitan area, with recipients of section 3 covered housing assistance, for an aggregate of 500 or more units in any fiscal year, the managing partner or management agent may demonstrate compliance with this part by committing to employ section 3 residents as:

(A) 10 percent of the aggregate number of new hires for the one year period beginning in FY 1995;

(B) 20 percent of the aggregate number of new hires for the one year period beginning in FY 1996;

(C) 30 percent of the aggregate number of new hires for the one year period beginning in FY 1997, and continuing thereafter.

(3) Recipients of section 3 covered community development assistance, and their contractors and subcontractors (unless the contract or subcontract awards do not meet the threshold specified in §135.3(a)(3)) may demonstrate compliance with the requirements of this part by committing to employ section 3 residents as:

- (i) 10 percent of the aggregate number of new hires for the one year period beginning in FY 1995;
- (ii) 20 percent of the aggregate number of new hires for the one year period beginning in FY 1996; and
- (iii) 30 percent of the aggregate number of new hires for the one year period beginning in FY 1997 and continuing thereafter.

(c) *Contracts.* Numerical goals set forth in paragraph (c) of this section apply to contracts awarded in connection with all section 3 covered projects and section 3 covered activities. Each recipient and contractor and subcontractor (unless the contract or subcontract awards do not meet the threshold specified in §135.3(a)(3)) may demonstrate compliance with the requirements of this part by committing to award to section 3 business concerns:

(1) At least 10 percent of the total dollar amount of all section 3 covered contracts for building trades work for maintenance, repair, modernization or development of public or Indian housing, or for building trades work arising in connection with housing rehabilitation, housing construction and other public construction; and

(2) At least three (3) percent of the total dollar amount of all other section 3 covered contracts.

(d) *Safe harbor and compliance determinations.* (1) In the absence of evidence to the contrary, a recipient that meets the minimum numerical goals set forth in this section will be considered to have complied with the section 3 preference requirements.

(2) In evaluating compliance under subpart D of this part, a recipient that has not met the numerical goals set forth in this section has the burden of demonstrating why it was not feasible to meet the numerical goals set forth in this section. Such justification may include impediments encountered despite actions taken. A recipient or contractor also can indicate other economic opportunities, such as those listed in §135.40, which were provided in its efforts to comply with section 3 and the requirements of this part.

CHANGES TO SPECIFICATIONS:

- 2. None.

CHANGES TO DRAWINGS:

- 3. None.

Please acknowledge receipt of this Addendum No. 3 by signing where indicated below. **Please Email the signed and dated addendum to Mr. Doug Pike, City Engineer, City of Greenfield, to dpike@mnsengineers.com.**

Company Name

Date

END OF ADDENDUM