

General Order No. 560 Establishing  
A Supplier Diversity Action Plan

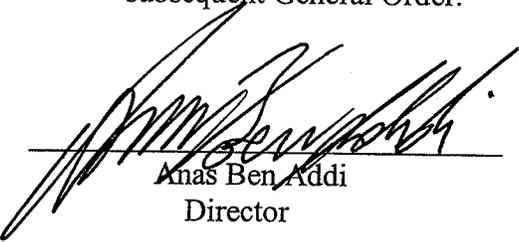
WHEREAS, Governor's Executive Order No. 14, Council on Housing Resolution No. 398, and existing U.S. Department of Housing and Urban Development regulations provide the framework for the Supplier Diversity Action Plan; and

WHEREAS, the Delaware State Housing Authority (DSHA) desires to adopt its Supplier Diversity Action Plan to ensure that minority and/or women business enterprises are afforded full, equitable, and fair opportunities to compete for DSHA purchasing dollars; and

WHEREAS, this Supplier Diversity Action Plan updates and replaces DSHA's previous Minority and Women Business Enterprise Program.

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

1. The attached DSHA Supplier Diversity Action Plan is adopted effective 8/1/10.
2. All substantive revision to the Supplier Diversity Action Plan will be accomplished via a subsequent General Order.

  
\_\_\_\_\_  
Anas Ben Addi  
Director

8/11/2010  
\_\_\_\_\_  
Date

Delaware State Housing Authority (DSHA)  
Supplier Diversity Action Plan

Purpose and Definitions

- The purpose of DSHA's Supplier Diversity Action Plan is to ensure that minority and/or women business enterprises are afforded full, equitable, and fair opportunities to compete for DSHA purchasing dollars.
- A minority and/or women business enterprise means a for profit business which is at least 51 percent owned and managed by a minority and/or women business enterprise certified by the State Office of Minority and Women Business Enterprise (OMWBE).
- The definition of a minority follows that of the U.S. Census Bureau.
- This DSHA Supplier Diversity Action Plan has been drafted in accordance with Governor's Executive Order No. 14, Council on Housing Resolution No. 398, and U.S. Department of Housing and Urban Development (HUD) requirements.

Scope of Plan

- The scope of DSHA's Supplier Diversity Action Plan includes all direct procurement accomplished by the agency, both federal and non-federal. For specific HUD requirements see in particular legislative mandates (Attachment C), including 24 CFR Part 85.36, 24 CFR Part 92.351, and HUD CPD Notice 2010-005.
- It is recognized that DSHA reporting of its supplier diversity efforts will necessarily be a combination of expenditures in both the state system and DSHA's internal accounting system.
- DSHA will also encourage its partners in non-direct assistance programs to also provide opportunities for Minority and Women Business Enterprises, consistent with the intent of Council on Housing Resolution No. 398.

Supplier Diversity Outreach Efforts

- DSHA will participate in annual state events such as the Governor's Enterprise Conference and the Delaware Economic Development Office's Diversity Summit, and will research the opportunities to organize similar type events to the state's housing providers consistent with the intent of Council on Housing Resolution No. 398.
- DSHA will disseminate information on state supplier diversity initiatives to its contractors.

- DSHA will identify and recruit minority and women business enterprises for certification by the OMWBE.
- DSHA will also consult the OMWBE Directory in its own procurement.

#### Reporting

- DSHA will track the participation of minority and women business enterprises, and annually evaluate DSHA's efforts. HUD goals are currently 5 percent participation of Minority and Women Business Enterprises.
- DSHA submits HUD Form 2516 on contractor/subcontractor MBE/WBE activity by federal fiscal year basis in October for HUD Public Housing and Community Planning and Development programs.
- A copy of DSHA's annual evaluation of all DSHA programs will be provided to OMWBE on a state fiscal year basis.

#### Procurement Procedures

- For procurements paid through the state financial system, notices for proposals/bids will be posted on the state central portal [www.bidsdelaware.gov](http://www.bidsdelaware.gov), as well as DSHA's web site [www.destatehousing.com](http://www.destatehousing.com), and qualified MBE/WBE contractors will be notified using the State MBE/WBE Directory.
- For procurements paid through DSHA's internal financial system, notices for proposals/bids will be posted on DSHA's web site, and qualified MBE/WBE contractors will be notified using the State MBE/WBE Directory.
- Notices for all procurements will encourage proposals from minority and women business enterprises.

#### DSHA Liason/Contact

- John Conley, State Contract Procurement Officer, is the appointed liaison/contact for minority and women business enterprise contracting.

#### Attachments

- A: Governor's Executive Order No. 14
- B: Council on Housing Resolution No. 398
- C: Federal Requirements

**ATTACHMENT A:**

**GOVERNOR'S EXECUTIVE ORDER NO. 14**

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

**EXECUTIVE ORDER  
NUMBER FOURTEEN**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: INCREASING SUPPLIER DIVERSITY INITIATIVES WITHIN STATE  
GOVERNMENT

WHEREAS, the State is committed to assuring that all practices in all areas of State procurement provide suppliers equal access to procurement opportunities; and

WHEREAS, the State benefits from an inclusive business environment that includes the creation and expansion of minority and/or women business enterprises; and

WHEREAS, in a December 2007 report titled Economic Development State Policies for Minority and Women Business Development, the Insight Center for Community Economic Development noted that business inclusive initiatives have been recognized by the Federal Government and a majority of states in our nation as strategic and good for sustained economic growth; and

WHEREAS, the State of Delaware benefits from a successful Women and Minority Business community as a part of the general public, in addition to being a procurer of goods and services from a competitive marketplace wherein successful Women and Minority Businesses prosper; and

WHEREAS, the State has made significant advances in transparency through the online posting of bid opportunities as well as the establishment of the online checkbook; and

WHEREAS, publishing awarded advertised contracts will further increase transparency, accountability and competitiveness in State procurement; and

WHEREAS, the coordinated efforts of the public and private sectors are necessary to significantly increase the participation of minority and/or women business enterprises in all aspects of State contracting and procurement.

NOW THEREFORE, I JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER the following:

1. Definition. As used in this order "Minority and/or women business enterprise" means a for profit business which is at least 51 percent owned and at least 51 percent managed by a minority and/or woman certified by the Office of Minority and Women Business Enterprise or DeIDOT's Disadvantaged Business Enterprise ("DBE") Program.

2. The Executive Branch will provide leadership and support to ensure that all minority and/or women business enterprises are afforded full, equitable and fair opportunities to compete for State purchasing dollars.

3. The Office of Minority and Women Business Enterprise within the Office of Management and Budget shall have, as its mission, to assist minority and/or women business enterprises in competing for the provision of commodities, services, and construction to State departments, agencies, authorities, school districts, higher education institutions and all businesses.

4. The Office of Minority and Women Business Enterprise shall have the following powers, duties and functions:

(a) The Executive Director of the Office of Minority and Women Business Enterprise will be responsible for providing strategic advice to the Director of the Office of Management and Budget and the Governor pertaining to supplier diversity;

(b) Monitor and evaluate each respective Executive Branch Agency Supplier Diversity Action Plan;

(c) Certify minority and/or women business enterprises and create and maintain a State directory of minority and/or women business enterprises that have been certified; and

(d) Educate minority and/or women business enterprises on how to conduct business with the State of Delaware.

5. Each Department and Agency within the Executive Branch (collectively "Executive Branch Agencies") shall designate, within thirty (30) days of the issuance of this Order, a Minority and Women Business Enterprise Liaison, who shall have direct access to his or her Secretary, department head, or similar cabinet-level official concerning minority and/or women business enterprise program matters.

6. Minority and Women Business Enterprise Liaisons shall:

(a) Assist the Executive Director of the Office of Minority and Women Business Enterprise and the Governor's Supplier Diversity Council, as created in this Executive Order, in their efforts to maximize supplier diversity among State agencies:

(b) Direct and coordinate supplier diversity initiatives within their respective agency, including but not limited to discussing best practices and educating staff;

(c) Assist in the development and implementation of their agency's Supplier Diversity Action Plan, as identified in this Executive Order;

(d) Prepare reports for the Governor's Supplier Diversity Council; and

(e) Undertake such additional tasks relating to this Executive Order as required from time to time by the Governor.

7. The Office of Minority and Women Business Enterprise, in conjunction with Government Support Services of the Office of Management and Budget, shall develop the format and best practices content of a Supplier Diversity Action Plan. The goal of the Supplier Diversity Action Plan shall be to maximize the contracting opportunities for minority and/or women business enterprises, as well as increase transparency for subcontracting opportunities. Each Executive Branch Agency is responsible for expanding upon this framework for agency-specific interests and fulfilling the tasks within its respective finalized plan. Agencies' completed plans shall be submitted to the Office of Minority and Women Business Enterprise and Government Support Services in the Office of Management and Budget for final approval no later than July 30th of each calendar year. Agencies' approved Supplier Diversity Action Plans shall be filed annually with the Governor no later than September 30th of each calendar year.

8. In an effort to further increase transparency in State procurement practices, the Director of the Office of Management and Budget and the Secretary of State shall develop policies and procedures that provide for a central, online publication of all advertised and awarded State contracts, including information on whether such contracts were awarded to minority and/or women owned businesses.

9. The Governor's Public Works and Procurement Opportunity Council is abolished, and the Governor's Supplier Diversity Council (hereinafter "Council") is hereby created.

10. The purpose of the Council shall be to:

(a) Advocate for the State of Delaware's supplier diversity initiatives;

(b) Offer training and information on the tools necessary for successfully doing business with the State of Delaware as a minority and/or women business enterprises;

(c) Help maximize supplier diversity among the State agencies, and help increase contracting opportunities for qualified minority and/or women business enterprises;

(d) Develop criteria for evaluation of supplier diversity initiatives pursuant to this Executive Order.

(e) Identify potential impediments if any, concerning supplier diversity within State government, and develop strategies to eliminate these impediments;

(f) Provide advice and recommendations to the Governor concerning supplier diversity strategies; and

(g) Research and report back to the Governor no later than December 31, 2010 on the feasibility of conducting a disparity study to evaluate the buying practices of the State of Delaware, focusing on the use of minority and/or women business enterprises.

11. The Council shall consist of eleven (11) members who shall be citizens of the State and shall be appointed by the Governor. The Governor shall appoint a Chairperson from among its members who shall serve at the Governor's pleasure. The members of the Council shall be appointed subject to the following qualifications:

(a) Two members of the Council shall be representatives of local, private or federal minority and/or women business assistance programs or community development programs;

(b) Five members of the Council shall be representatives of the minority and/or women private business sector, among whom at least two shall be women and at least two (2) shall be minority persons;

(c) One representative shall be from a private sector company located in the State of Delaware that administers a supplier diversity program;

(d) The Executive Director of the Office of Management and Budget ("OMB") or his/ her designee;

(e) The Executive Director of the Delaware Economic and Development Office ("DEDO") or his/her designee; and

(f) One representative of the Governor's Office.

12. Each appointed Council member shall serve for a term of four (4) years from the date of appointment. Vacancies on the Council for any cause shall be filled by the Governor for the unexpired term and until a successor shall qualify. The Governor may appoint members for terms shorter than four (4) years where that is necessary to ensure that no more than three

Council members' terms expire in one given year. The Council shall adopt internal procedures or bylaws necessary for efficient operations.

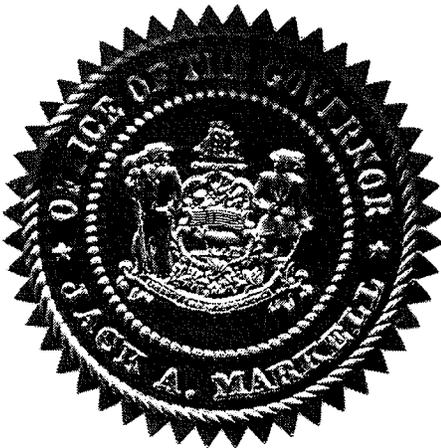
13. OMB shall provide technical assistance and strategic support, as may be necessary. OMB shall provide an Executive Director for the Council who shall be the Executive Director for the Office of Minority and Women Business Enterprise.

14. These directives are not intended in any way to limit the application of additional creativity at the agency level. They are designed to promote economic growth and eliminate any potential impediments to an equitable procurement process. Each cabinet secretary shall evaluate the performance of his or her agency in implementing these directives. Accordingly, the Office of Minority and Women Business Enterprise, in cooperation with each cabinet secretary and through the Director of the Office of Management and Budget, shall provide semiannual reports to the Governor regarding the State of Delaware's progress in enhancing opportunities for minority and/or women business enterprises. The reports shall delineate the State of Delaware's spending in detail by gender, ethnicity, industry classification, and agency.

15. Executive Order No. twenty-three (23) dated December 10, 2001 is hereby rescinded.

16. No provision of this Order shall be intended to create any individual right or legal cause of action, which does not currently exist under State or Federal law.

APPROVED this 22 day of December, 2009



Jack Marshall  
Governor

ATTEST:

[Signature]  
Secretary of State

**ATTACHMENT B:**

**COUNCIL ON HOUSING RESOLUTION NO. 398**

COUNCIL ON HOUSING

RESOLUTION NO. 398

WHEREAS, despite the accelerated growth in the number of minority-owned firms in recent years, minority businesses remain significantly under-represented in the State of Delaware; and

WHEREAS, the State of Delaware's minority and women business enterprise spending for fiscal year 2009 amounted to \$41 million which represents an extremely small amount of the State's procurement budget; and

WHEREAS, minorities now comprise nearly 45% of the Delaware population, but represent only 7% of the State's businesses and receive 2.2% of total sales; and

WHEREAS, the Council on Housing is committed to encouraging equal employment opportunities to all Delawareans; and

WHEREAS, the Council on Housing is committed to maintaining a high quality workforce that draws upon the talents of the state's diverse citizens to participate in the state's economy; and

WHEREAS, the Delaware State Housing Authority (DSHA) is actively engaged in the administration of the American Recovery and Reinvestment Act of 2009 (ARRA) funds as well as other federal and state funds; and

WHEREAS, the Council on Housing's long-term strategy is the promotion of safe and affordable housing, both rental and homeownership, but understands that minority business enterprise development presents an historic and dynamic growth opportunity for the State's economy and should not be marginalized, under-utilized or ignored.

NOW, THEREFORE, the Council on Housing encourages DSHA to do the following:

1. DSHA shall strive through its outreach efforts and coordination with the Council, and the Office of Minority and Women-Owned Business Enterprises to maximize the number of qualified minorities and women as components of its supply chain.
2. Each project administered by DSHA, and being developed by not-for profit and for profit developer partners shall, in accordance with applicable federal and state executive orders and laws, attempt to maximize the participation of women and minority-owned construction firms and professional service firms during the course of a project.
3. Increase diversity of: contractors and their subcontractors, public funding recipients, vendors in the purchasing of materials, non-professional services, professional services or a combination thereof by requesting all contractors and their subcontractors and public funding recipients to actively solicit quotes from minority and/or women business enterprises in a good faith effort to satisfy supplier diversity.

Adopted  
12/9/09

**ATTACHMENT C:**  
**FEDERAL REQUIREMENTS**

**Small and Disadvantaged Business Utilization**

Marketing to HUD  
Outreach Events  
News  
Goals & Accomplishments  
Small Business Policies  
About OSDBU  
Forms

**HUD news**

**Homes**

**Resources**

**Communities**

**Working with HUD**

**Tools**

Webcasts  
Mailing lists  
RSS Feeds  
Help



## OSDBU Legislative Mandates

The Office of Small and Disadvantaged Business Utilization (OSDBU) is governed by and administers a number of laws, regulations and policy directives. A brief summary and of these and their application to OSDBU follows:

[Information by State](#)  
 [Print version](#)

### 1. Public Law 95-507, The Small Business Act

On October 24, 1978, President Carter signed Public Law 95-507 amending the Small Business Act and the Small Business Investment Act of 1958, making federal procurement contracting more readily accessible to all small businesses. PL 95-507 stipulates that it is the policy of the Government to provide maximum practicable opportunities in its acquisitions to small businesses, small disadvantaged businesses and women-owned businesses. This stipulation also extends to having the maximum practicable opportunity to participate as subcontractors in contracts awarded by any executive agency.

The head of each agency is responsible for effectively implementing the small business programs within his agency, including setting and achieving yearly procurement opportunity program (POP) goals for small and small disadvantaged business contracting.

Office of Federal Procurement Policy (OFPP) Letter No. 79-1, dated March 7, 1979 on the implementation of Section 15(k) of the SBA Act requires each agency with contracting authority to establish an OSDBU, and appoint a director, who reports to the agency head (or deputy), and who will have responsibility for carrying out the purposes of the Act. Specifically the OFPP directs that the position of OSDBU director include the following:

- o Responsibility for the implementation and execution of the functions and duties of Section 8 and 15 of the SBA Act. [Section 15 states that a fair proportion of the total purchases and contracts for property and services for the Government are to be placed with small business concerns. Because the law requires the Government to buy at competitive prices, contracts are set-aside only when at least two qualified small businesses are expected to bid. Section 8(a) of the SBA Act authorizes the SBA to enter into contracts with other Federal agencies to supply needed goods and services. SBA then subcontracts the actual performance of the work to small businesses owned and controlled by socially and economically disadvantaged individuals. The objective of the 8(a) program is to assist eligible small firms to become independently competitive.]
- o Assigning a small business technical advisor who shall be a full time employee of the procuring activity and whose principal duty shall be to assist the SBA procurement representative in his duties related to Section 8 and 15.
- o Cooperate and consult on a regular basis with SBA with respect to carrying out the functions and duties of Sections 8 and 15.
- o Developing systematic procedures for insuring the effective execution of the SBA Act, as amended.
- o Recommending agency goals.
- o Training and education of agency staff whose duties and functions relate to Sections 8 and 15.
- o Conducting outreach, liaison, source listings and seminars for small and disadvantaged business.
- o Publishing required information brochures and documents.
- o Interagency liaison of program procurement activities relating to small and disadvantaged businesses.
- o Oversight of the implementation of Section 223(a) of P.L. 95-507.

[This section requires that for any contract being let by a Federal agency, the agency will provide to any small business upon request a copy of the bid specifications; the name and telephone number of an employee to answer questions with respect to the contract and adequate citations to each major Federal law or agency rule to which the business must comply in performing the contract.

In addition to these duties, Section 211 of P.L. 95-507 requires the OSDBU to review all subcontractor plans submitted by prime contractors to ensure compliance. This Section directs that the successful offeror or bidder on contracts valued at \$500,000 or more must submit, before an award is made, a subcontracting plan setting percentage and dollar goals for the award of subcontracts to small and disadvantaged businesses.

## **2. Public Law 100-656, The Business Opportunity Development Reform Act of 1988**

Public Law 100-656 amends the SBA Act for the purpose of reforming the Capital Ownership Development (Section 8(a) Program). This legislation basically tightened the requirements of the 8(a) program to among other things, reduce the time it took to enter the program, established time frames for staying in the program and established requirements for GAO program reviews and periodic SBA reviews of 8(a) certified firms. The law established civil penalties in response to documented cases of kickbacks, misrepresentation of minority status and manipulation of the program by majority controlled firms participating in the 8(a) program. , P.L. 100-656 refocused the intent of the program as one of making small and disadvantaged firms more competitive in the marketplace as opposed to merely one of facilitating the award of contracts. The law also set \$5 million and \$3 million as thresholds for competitive 8(a) grants, established a requirement that agencies publicize to the small business community their annual contracting forecasts and set government wide contracting goals of 20% for small business (increased to 23% by the SBA Reauthorization Act of 1999) and 5% for small disadvantaged business.

## **3. Federal Acquisition Streamlining Act (FASA)**

The FASA repeals or substantially modifies more than 225 provisions of law to reduce paperwork burdens, facilitate the acquisition of commercial products, enhances the use of simplified procedures for small purchases and introduces an initiative for doing procurement through electronic data interchange. Specific references to small businesses include:

- o An increased thresholds for small business set-asides. All Federal purchases greater than \$2,500 but not greater than \$100,000 will be reserved for small businesses, unless the contracting officer is unable to obtain offers from two or more capable small firms.
- o A new 5% government wide procurement goal is established for women-owned businesses.
- o The authorization to create a government-wide initiative to give civilian agencies authority to set-aside certain contracts for small disadvantaged businesses (SDB) or to apply a 10% price evaluation for SDBs in unrestricted procurement.
- o Creation of a "Small Business Advisory Council", composed of representatives from Federal agencies to give high level attention and focus to small business procurement issues.

## **4. Executive Order 11625**

President Nixon issued Executive Order 11625 on October 13, 1971 authorizing the Secretary of Commerce to coordinate plans, programs and operations of the Federal government which would affect Minority Business Enterprises (MBE). Heads of Federal agencies are to furnish information, assistance and reports on MBE activity as requested by the Secretary of Commerce as well as develop and implement systematic data collection processes which will provide the Office of Minority Business Enterprise Information Center current data helpful to evaluating and promoting MBE

efforts.

#### 5. **Executive Order 12138 (WBE)**

On May 18, 1979, President Carter issued Executive Order 1238 creating a National Women's Business Enterprise Policy and prescribing arrangements for developing, coordinating and implementing a national program for Women's Business Enterprise. The Order directs each Federal agency to take appropriate action to facilitate, preserve and strengthen women's business enterprise by ensuring their participation in all business related activities including procurement. The head of each agency is to designate a high level official to have responsibility for the participation and cooperation of that agency in carrying out the Order.

In addition, the Order established the Interagency Committee on Women's Business Enterprise, with a Chairperson to be appointed by the President and members to include a representative of a number of listed Federal agencies, one of which is HUD. The Committee is to meet quarterly to promote, coordinate and monitor the plans, programs and operations of the departments and establish policies and procedures for implementation, interpretation and application of the Order.

In regard to grants making and cooperative agreements, this Executive Order 12138 directs Federal agencies to issue regulations requiring the recipient of such assistance to take appropriate affirmative action in support of Women's Business Enterprise and to prohibit actions or policies which discriminate against women's business enterprise on the basis of sex.

#### 6. **Executive Order 12432**

President Reagan signed Executive Order 12432 on July 14, 1983 directing each Federal agency having substantial procurement or grant making authority to:

- o develop a minority business development plan and establish programs concerning provision of direct assistance, procurement assistance and management and technical assistance to MBEs.
- o 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.
- o encourage recipients of Federal grants and cooperative agreements to achieve reasonable minority business participation in contracts let as a result of its grants and agreements.
- o furnish an annual report regarding the implementation of their program to the Secretary of Commerce.

#### 7. **Executive Order 12928**

President Clinton signed Executive Order 12928 on September 16, 1994 promoting procurement with small businesses owned and controlled by socially and economically disadvantaged individuals, Historically Black Colleges and Universities (HBCU) and Minority Institutions (MI). Federal agencies are to assist these entities to develop viable, self sustaining businesses capable of competing on an equal basis in the mainstream of the economy. The Executive Order establishes a contracting goal of 5% for these entities but mainly reaffirms existing laws, Executive Orders and regulations relevant to minority participation while chastising some Federal agencies for not aggressively supporting them. The Order devotes an entire Section to OSDBU, reaffirming the legal requirement that it report to the Secretary or Deputy and that agencies comply with OFPP letter No. 79-1 which provides guidance on Sec 15k of the SBA Act and the organizational placement and functions of the OSDBU.

#### 8. **Historically Underutilized Business Zone (HUBZone) Program**

The HUBZone Act of 1997, Title VI of Public Law 105135, created the

HUBZone Program. This program provides Federal contracting opportunities for qualified small business concerns located in economically distressed communities. The goal of the HUBZone Program is to provide federal contracting assistance for qualified small business concerns located in HUBZone areas in order to increase employment opportunities, stimulate capital investments in those areas, and empower communities through economic leveraging. HUDZone areas, which roughly correspond with the census tracts for which there are low income housing tax credits, are determined by census track data including income levels, unemployment rates and Native American reservation boundaries. In order to qualify as a HUBZone business, the business must be small; owned by a US citizen; the principal office must be located in a HUBZone; and at least 35% of the employees must reside in a HUBZone. The SBA formally certifies firms as HUBZone businesses. HUBZone businesses can receive sole-source or set-aside federal contracts or receive a price preference up to 10% when competing for full and open competition procurements. A HUBZone firms must have its principal office in the HUBZone. The principal office must be the location where the greatest number of the company's employees works. The HUBZone program is race, ethnicity and gender neutral. The federal goal for HUBZone contracts was 1% for Fiscal Year 1999, rising by one half percent per year to a maximum of 3% in 2003.

#### **9. Veteran-owned Small Businesses**

Public Law 106.50, the Veterans Entrepreneurship and Small Business Development Act of 1999, amended the Small Business Act by adding Small Businesses owned and controlled by service-disabled veterans to the categories of small businesses for which the federal agencies develop prime contract goals. Federal agencies also establish goals and collect data regarding subcontracts awarded by prime contractors to veteran-owned small businesses. Small businesses owned by service-disabled veterans are small businesses that are at least 51 percent owned and controlled by one or more service-disabled veterans or in the case of a veteran with permanent or severe disability, the spouse or permanent caregiver of such veteran. P.L. 106.50 established a 3% goal for government contracting with businesses owned by service disabled veterans. No specific goal is identified for sub contracting with businesses owned by veterans.

#### **10. Federal Acquisition Regulation (FAR)**

The FAR establishes uniform policies and procedures for acquisition (procurement). FAR Part 19 establishes policy regarding small businesses and small disadvantaged businesses including subcontracting requirements for contracts valued at \$500,000 or more and actions necessary to strengthen WBEs. While the FAR elaborates on P.L. 95-507, it cites one significant additional role in discussing OSDBU responsibilities. Specifically, OSBDU is to make recommendations as to whether a particular acquisition should be awarded as a set-aside or 8(a) award. Furthermore, the contracting officers shall consider recommendations of the OSDBU and will document the contract file whenever the OSDBU Director's recommendations are not accepted.

#### **11. HUD Acquisition Regulations (HUDAR)**

HUDAR, dated January 21 2000, Parts 2419 and 2426 describe HUD's procurement policy regarding small and small and disadvantaged businesses, set-asides for small businesses, subcontracting with small businesses and small disadvantaged businesses and contracting opportunities for women-owned businesses. In regard to MBE participation in its procurement programs, the HUDAR describes HUD policy toward voluntary certification by contractors, bidders, or offerors as to their MBE status and the role of the OSDBU.

#### **12. 24 CFR, Part 85 Section 36(e), dated May 1996**

This portion of the CFR provides the required affirmative steps HUD grantees and subgrantees shall take to assure that minority firms are used when possible.

## 85.36 Procurement

(e)"Contracting with small and minority firms, women's business enterprise and labor surplus area firms. (1)The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. (2) Affirmative steps shall include:

- (i)Placing qualified small and minority business enterprises on solicitation lists;
- (ii)Assuring that small and minority businesses are solicited whenever they are potential sources;
- (iii) Dividing total requirements, when economically feasible to permit maximum participation by small and minority business and women's business enterprises;
- (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.
- (v) Using the services of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e) (2)(i) through (v) of this section.

**13. HUD Handbook 2210.3 Revision 3, "Procurement Policies and Procedures"**

Chapter 3 of the Handbook contains implementing policies and procedures regarding socioeconomic procurement programs.

**14. Minority Media**

The Department buys advertising for Fair Housing billboard displays, the Property Disposition Program, Section 202 Housing for the Elderly and other program activities. The total expenditures for advertising under these activities and the portion of total dollars spent with the minority media is reported semi-annually to OSDBU.

**15. Regulatory Flexibility Act, Public Law 96-354**

Congress passed P.L. 96-354 on September 19, 1980. Its purpose is to encourage Federal agencies to utilize innovative administrative procedures in dealing with individuals, small businesses, small organizations and small governmental bodies that would otherwise be unnecessarily adversely affected by Federal regulations. The Act defines "small business" as having the same meaning as is found in the Small Business Act; "small organization" as any not for profit enterprise which is independently owned and not dominant in its field and; "small governmental jurisdiction" as the government of cities, counties, towns, townships, villages, school districts or special districts with a population of less than fifty thousand.

Unless the agency head certifies that the proposed rule will not have a significant impact on any small business or organization or that uniform requirements are mandated by statute, the Act requires Federal agencies to add the following information to that currently required when an agency publishes in the Federal Register general Notice of Proposed Rulemaking:

- o a description of an estimate of the number of individuals, businesses, organizations and governmental jurisdictions to which the proposed rule would apply;
- o a statement that the agency will seek and consider alternatives to the proposed rule which would substantially reduce the economic impact on individuals, small businesses, small organizations and small governmental jurisdictions;
- o an agency prepared analysis of the proposed rule which constitutes a preliminary agency assessment of the impact of the proposed rule on individuals, small businesses, small organizations and small governmental jurisdictions. The analysis must contain a description of alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize the significant

economic effect of the rule on such individuals, businesses, organizations and governments. [The final rule requires "a description of any alternative proposals to the proposed rule which were considered and a statement of the reasons for adopting the final rule rather than any of the alternative proposals which would have had a lesser adverse economic impact".]

- o a statement as to the record keeping requirements the agency anticipates requiring, including their purpose, form, length, proposed use, the skills necessary to prepare the information and an estimate of the time required to comply.

Congress passed P.L. 96-354 because it felt Executive Order 12044, issued in March 1978 on the subject of "Improving Government Regulations" didn't go far enough to reduce the burden of regulation on small entities since the Order did not improve public participation in the process or provide for an assessment of alternative regulatory strategies in light of their impact on small concerns. regulations.

#### **16. The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)**

On March 29, 1996 President Clinton signed Public Law 104-121, the SBREFA. The Act reinforces the requirements of the Regulatory Flexibility Act (RFA) with the significant addition of the provision that permits judicial review of agencies' compliance with the RFA. Since the RFA's passage, small business advocates have told Congress that many agencies neglected to comply with the law because there were no provisions in the original legislation for enforcement. The SBREFA now provides that if an agency fails to comply with the RFA in its Rulemaking, a small business that is adversely affected or aggrieved may seek review by the courts. The court can invalidate rules with inappropriate regulatory flexibility analyses or rules that have been improperly certified as having no significant effect on small businesses.

To bolster a small business' access to information, agencies are required to establish a program for responding to small business requests for informal guidance on specific rules, and to develop "small entity compliance guides". As the name implies, the guides are intended to explain the actions a small entity is required to take to comply with a rule. The program for informal guidance is to be established by March 29, 1997 with a progress report due to Congress by March 29, 1998. Both the informal guidance and the compliance guides may be considered as evidence of the reasonableness of any proposed fines or penalties in any civil or administrative action challenged by a small entity.

Section 223 of the SBREFA requires each agency regulating the activities of small entities to establish a policy or program by March 29, 1997, to reduce or, where appropriate, waive civil penalties against small entities for violations of a statutory or regulatory requirement. It also requires a progress report to Congress by March 29, 1998 on the scope of the policy or program, the number of enforcement actions that qualified or failed to qualify for the policy or program and the total amount of penalty reductions and waivers. In practice, the programs mostly likely to have a regulatory impact on small business are Manufactured Housing, RESPA, Interstate land sales, Lead Based Paint Abatement and Fair Housing.

#### **17. Executive Order 12866**

President Clinton signed Executive Order 12866, "Regulatory Planning and Review" on September 30, 1993 with the intent of making the regulatory process more efficient. In addressing the Principles of Regulations, Section 1 (11) states that each agency shall tailor its regulations to impose the least burden on society including individuals, businesses of differing sizes and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, the cost of cumulative regulations.

#### **18. Section 3 of the Housing and Community Development Act of 1992.**

Section 3 requires that when HUD Federal assistance generates the need for the recipient of HUD funding to increase internal employment or let contracts, the recipient must give preference in hiring to low and very low income persons and must give preference in contracting to businesses owned by these persons or that substantially employ low and very low income persons.

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worship, employment centers, fair housing groups, or housing counseling agencies);

- iv. Records that will be kept describing actions taken by the participating jurisdiction and by owners to affirmatively market units and records to assess the results of these actions; and
  - v. A description of how the participating jurisdiction will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.
3. A State that distributes HOME funds to units of general local government must require each unit of general local government to adopt affirmative marketing procedures and requirements that meet the requirement in paragraphs (a) and (b) of this section.
    - b. *Minority outreach.* A participating jurisdiction must prescribe procedures acceptable to HUD to establish and oversee a minority outreach program within its jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities of the participating jurisdiction to provide affordable housing authorized under this Act or any other Federal housing law applicable to such jurisdiction. Section 85.36(e) of this title describes actions to be taken by a participating jurisdiction to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.

### § 92.352 Environmental Review

- a. *General.* The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed in HUD's implementing regulations at 24 CFR parts 50 and 58.
- b. *Responsibility for review.*
  1. The jurisdiction (e.g., the participating jurisdiction or State recipient) or insular area must assume responsibility for environmental review, decisionmaking, and action for each activity that it carries out with HOME funds, in accordance with the requirements imposed on a recipient under 24 CFR part 58. No funds may be committed to a HOME activity or project before the completion of the environmental review and approval of the request for release of funds and related certification, except as authorized by 24 CFR part 58.
  2. A State participating jurisdiction must also assume responsibility for approval of requests for release of HOME funds submitted by State recipients.

6. *Program administration records.*
  - i. Records demonstrating compliance with the written agreements required by § 92.504.
  - ii. Records demonstrating compliance with the applicable uniform administrative requirements required by § 92.505.
  - iii. Records documenting required inspections, monitoring reviews and audits, and the resolution of any findings or concerns.
7. *Records concerning other Federal requirements.*
  - i. *Equal opportunity and fair housing records.*
    - A. Data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with HOME funds.
    - B. Documentation of actions undertaken to meet the requirements of 24 CFR Part 135 which implements section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701u).
    - C. Documentation of the actions the participating jurisdiction has taken to affirmatively further fair housing.
  - ii. *Affirmative marketing and MBE/WBE records.*
    - A. Records demonstrating compliance with the affirmative marketing procedures and requirements of § 92.351.
    - B. Documentation and data on the steps taken to implement the jurisdiction's outreach programs to minority-owned (MBE) and female-owned (WBE) businesses including data indicating the racial/ethnic or gender character of each business entity receiving a contract or subcontract of \$25,000 or more paid, or to be paid, with HOME funds; the amount of the contract or subcontract, and documentation of participating jurisdiction's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services.
  - iii. Records demonstrating compliance with the environmental review requirements of § 92.352 and 24 CFR part 58, including flood insurance requirements.
  - iv. Records demonstrating compliance with the requirements of § 92.353 regarding displacement, relocation, and real property acquisition, including project occupancy lists identifying the name and address of all persons occupying the real property on the date described in § 92.353(c)(2)(i)(A),

HUD > Program Description > Small and Disadvantaged Business Utilization

## Small and Disadvantaged Business Utilization

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### Summary:

This program ensures that small and disadvantaged businesses, minority firms, and women-owned businesses can compete for and win a fair share of the contracts that HUD awards.

### Purpose:

HUD's Office of Small and Disadvantaged Business Utilization (OSDBU) serves as an ombudsman for small businesses, minority firms, businesses owned by disadvantaged persons, and women-owned firms ("target businesses") to make sure that they get a fair share of HUD's Federal contract awards—as mandated by the Small Business Act (SBA). Under this Act, every Federal agency must have an OSDBU that pursues this contracting goal.

### Type of Assistance:

The Federal Government's goal under SBA is to award 23 percent of its prime contracts to small businesses. Within this goal, there is a subgoal of 5 percent for small, disadvantaged businesses and minority businesses, and 5 percent for women-owned small businesses.

To meet these SBA goals, HUD's program for small and small disadvantaged businesses and women-owned businesses includes many activities. The program:

- Sets and tracks progress toward HUD's SBA contracting goals.
- Ensures that all contracts over \$500,000 (\$1 million if public facility construction) include subcontracting goals.
- Implements contract set-aside procedures for each HUD program.
- Oversees HUD staff insofar as their duties relate to SBA.
- Serves as a liaison with businesses of all sizes to ensure that target businesses are adequately considered for HUD procurement.
- Coordinates SBA enforcement with HUD procurement staff.
- Serves as a Federal intra- and interagency representative for target business matters.
- Evaluates HUD's performance under SBA and reports to the SBA and other Federal agencies.
- Helps target businesses understand SBA requirements.
- Conducts assertive outreach to the small business community.
- Participates in Government-industry conferences to assist target businesses.
- Helps develop, implement, and review automated contracting systems for SBA compliance.
- Assists HUD's program managers and contracting officers in complying with SBA.
- 1.0 percent of prime contracts for HUBZone small businesses for FY1999 and not less than 1.5 percent for FY2000, 2 percent for FY2001, and 2.5 percent for FY2002 and 3 percent for FY2003 and each year thereafter;
- 3 percent of prime and subcontracts for service-disabled veteran-owned small businesses.

Along with these basic activities, the program also puts a priority on women-owned businesses and coordinates HUD's efforts regarding the Small Business Regulatory Enforcement Act. OSDBU reviews HUD regulations for their potential impact on small businesses and serves as an ombudsman and honest broker for small businesses in clarifying and applying these regulations.

### Eligible Grantees:

Not applicable

### Eligible Customers:

Owners, managers, and staff members of small and disadvantaged businesses, minority firms, and women-owned businesses can benefit from this program's activities.

### Application:

Not applicable.

### Funding Status:

Not applicable.

### Technical Guidance:

This program is authorized by Sections 8 and 15 of the Small Business Act, as amended (15 U.S.C. 637(a)). Program regulations are in 24 CFR 85.36 and Parts 241 and 242b of the HUD Acquisition Regulation. The program is administered by HUD's Office of Small and Disadvantaged Business Utilization. The contact persons are Meishoma Hayes and Arnette McGill-Moore at (202) 708-1428.

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U.S. Department of Housing and Urban Development

Los Angeles Field Office, Region IX  
611 W. 6<sup>th</sup> Street, Suite 1100  
Los Angeles, CA 90017

HUD  
Office of Community Planning and Development

Information Bulletin  
Issue No. CPD-2010-005  
Date: November 30, 2009

MEMORANDUM FOR: All Consolidated Plan Coordinators

// s //

FROM: William Vasquez, Director, Office of Community Planning and Development, 9DD

SUBJECT: Minority Business Enterprise Contract and Subcontract Activity  
Report HUD-2516 and Section 3 Reporting  
Due Date: December 30, 2009

The Department of Housing and Urban Development (HUD) is committed to supporting minority business growth and development. By acknowledging our grantees' support of minority business enterprises, we can recognize the importance of a growing number of successful minority entrepreneurs. The Office of Community Planning and Development (CPD) provides data on the amount of minority contracting entered into by grantees to HUD's Office of Small and Disadvantaged Business Utilization (OSDBU). OSDBU consolidates the data on a Department-wide basis for submission to the Minority Business Development Agency of the Department of Commerce. In addition, this information has been valuable to OSDBU when responding to Congressional and interest group inquiries.

#### I. Minority Business Enterprise (MBE) Reporting

Community Planning and Development activities to be reported include public works, economic development, affordable housing, and special needs assistance. Grantees are required to report contract and subcontract activities of \$10,000 or more on the HUD 2516 form. Contracts/subcontracts of less than \$10,000 may be reported only if it represents a significant portion of the grantee's total contracting activity.

The report must cover contracts executed during the recently completed Federal Fiscal Year (October 1, 2008 – September 30, 2009). This report summarizes the racial/ethnic codes, racial/ethnic categories, contract amount and number of contractors identified in the HUD-2516 form. If there has been no contract activity during the reporting period, please submit a negative summary report. This report is required to be completed and submitted to the our Office by December 30, 2009.

Grantees are advised to access the form from the website cited, copy and save the form to their hard drives, complete data input, and then submit the completed forms via e-mail or mail to their local HUD Field Office.

The HUD form 2516 is in excel format to assist grantees in providing accurate calculations of their accomplishments.

<http://www.hud.gov/offices/osdbu/forms.cfm>

Please be aware of the following when completing the HUD 2516 form:

Column 7a – Grantees should use the applicable CPD grant number based on which program year’s funds were expended. Grantees are erroneously using all types of numbers like the IDIS project number, FHA or PIH grant numbers, etc.

Column 7b - Grantee should only report the part of the contract amount that reflects CPD funds.

Column 7c - There are only three options to choose from for this category (i.e., education training, new construction and other). The “other” categories include: supply, professional services, rehabilitation, Architectural/ Engineering, and all other activities except construction and educational/training activities.

Column 7d - OMB changed its racial and ethnic categories. In effect, grantees had to collect race *and* ethnic data for Hispanic persons. HUD 2516 does not appear to be updated to reflect the new OMB requirements. The form as it is asks for either race *or* ethnic, but not race *and* ethnic data.

The Office of Small and Disadvantaged Business Utilization has not yet revised form 2516 to reflect racial and ethnic categories. Therefore, grantees must select one of the options provided.

Grantees are reminded that 24CFR Part 85.36 (e) (1) Contracting with small and minority firms, Women’s business enterprise and labor surplus area firms states that: The grantee and sub-grantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, and affirmative steps shall include:

1. Placing qualified small and minority business enterprises on solicitation lists;
2. Assuring that small and minority businesses are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.
5. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraph e (2) (i) through (v) of this section.

The completed HUD form 2516 and Summary Report should be submitted to the attention of:

[Frank.Caballero@hud.gov](mailto:Frank.Caballero@hud.gov) or

U.S. Department of Housing and Urban Development  
Los Angeles Field Office  
ATTN: Frank G. Caballero, Senior Financial Analyst,  
Office of Community Planning and Development, 9DD  
611 W. Sixth Street, Suite 1000  
Los Angeles, CA 90017-3127  
Phone 1-213-534-2559

## II. Section 3. Employment and Business Opportunity for Low Income Persons-Reporting requirements.

Section 3 contract reports are required when a grantee's project exceeds \$200,000 and a prime or subcontract exceeds \$100,000. Both thresholds have to be met for the same project. These requirements are in accordance with 24CFR Part 135.3. Grantees using HUD-2516 form to report Section 3 contract data must also use Part I of form HUD-60002, Section 3 Summary Report, for reporting employment and training opportunities data. The Section 3 Summary Report System is an online system designed to simplify the submission of form HUD-60002.

The web site is <http://www.hud.gov/offices/fheo/section3/section3.cfm>

If you do not have access to the Internet or are using a browser other than Netscape 4.x or higher, then a hardcopy of the completed form HUD-60002 must be submitted to HUD Washington D.C. via FAX to 202-708-1286. If you have questions regarding the submission of the Section 3 Summary Report, please contact Anna Gutierrez, Program Compliance, Office of Fair Housing and Equal Opportunity at (213) 534-2594.

J: team 2 , fomula correspondence, MBE information notice 2009



This report is to be completed by grantees, developers, sponsors, builders, agencies, and/or project owners for reporting contract and subcontract activities of \$10,000 or more under the following programs: Community Development Block Grants (entitlement and small cities); Urban Development Action Grants; Housing Development Grants; Multifamily Insured and Noninsured; Public and Indian Housing Authorities; and contracts entered into by recipients of CDBG rehabilitation assistance.

Contracts/subcontracts of less than \$10,000 need be reported only if such contracts represent a significant portion of your total contracting activity. Include only contracts executed during this reporting period.

This form has been modified to capture Section 3 contract data in columns 7g and 7i. Section 3 requires that the employment and other economic opportunities generated by HUD 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 government assistance for housing. Recipients using this form to report Section 3 contract data must also use Part I of form HUD-60002 to report employment and training opportunities data. Form HUD-2516 is to be

#### Community Development Programs

1. **Grantee:** Enter the name of the unit of government submitting this report.
3. **Contact Person:** Enter name and phone of person responsible for maintaining and submitting contract/subcontract data.
- 7a. **Grant Number:** Enter the HUD Community Development Block Grant Identification Number (with dashes). For example: B-32-MC-25-0034. For Entitlement Programs and Small City multi-year comprehensive programs, enter the latest approved grant number.
- 7b. **Amount of Contract/Subcontract:** Enter the dollar amount rounded to the nearest dollar. If subcontractor ID number is provided in 7i, the dollar figure would be for the subcontract only and not for the prime contract.
- 7c. **Type of Trade:** Enter the numeric codes which best indicates the contractor's/subcontractor's service. If subcontractor ID number is provided in 7i, the type of trade code would be for the subcontractor only and not for the prime contractor. The "other" category includes supply, professional services and all other activities except construction and education/training activities.
- 7d. **Business Racial/Ethnic/Gender Code:** Enter the numeric code which indicates the racial/ethnic/gender character of the owner(s) and controller(s) of 51% of the business. When 51% or more is not owned and controlled by any single racial/ethnic/gender category, enter the code which seems most appropriate. If the subcontractor ID number is provided, the code would apply to the subcontractor and not to the prime contractor.
- 7e. **Woman Owned Business:** Enter Yes or No.
- 7f. **Contractor Identification (ID) Number:** Enter the Employer (IRS) Number of the Prime Contractor as the unique identifier for prime recipient of HUD funds. Note that the Employer (IRS) Number must be provided for each contract/subcontract awarded.
- 7g. **Section 3 Contractor:** Enter Yes or No.
- 7h. **Subcontractor Identification (ID) Number:** Enter the Employer (IRS) Number of the subcontractor as the unique identifier for each subcontract awarded from HUD funds. When the subcontractor ID Number is provided, the respective Prime Contractor ID Number must also be provided.
- 7i. **Section 3 Contractor:** Enter Yes or No.
- 7j. **Contractor/Subcontractor Name and Address:** Enter this information for each

Previous editions are obsolete.

completed for public and Indian housing and most community development programs. Form HUD-60002 is to be completed by all other HUD programs including State administered community development programs covered under Section 3.

A Section 3 contractor/subcontractor is a business concern that provides economic opportunities to low- and very low-income residents of the metropolitan area (or nonmetropolitan county), including a business concern that is 51 percent or more owned by low- or very low-income residents; employs a substantial number of low- or very low-income residents; or provides subcontracting or business development opportunities to businesses owned by low- or very low-income residents. Low- and very low-income residents include participants in Youthbuild programs established under Subtitle D of Title IV of the Cranston-Gonzalez National Affordable Housing Act.

The terms "low-income persons" and "very low-income persons" have the same meanings given in the terms in section 3(b)(2) of the United States Housing Act of 1937. Low-income persons mean families (including single persons) whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary

firm receiving contract/subcontract activity only one time on each report for each firm.

#### Multifamily Housing Programs

1. **Grantee/Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report.
3. **Contact Person:** Same as item 3 under CPD Programs.
4. **Reporting Period:** Check only one period.
5. **Program Code:** Enter the appropriate program code.
- 7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.
- 7b. **Amount of Contract/Subcontract:** Same as item 7b. under CPD Programs.
- 7c. **Type of Trade:** Same as item 7c. under CPD Programs.
- 7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d. under CPD Programs.
- 7e. **Woman Owned Business:** Enter Yes or No.
- 7f. **Contractor Identification (ID) Number:** Same as item 7f. under CPD Programs.
- 7g. **Section 3 Contractor:** Enter Yes or No.
- 7h. **Subcontractor Identification (ID) Number:** Same as item 7h. under CPD Programs.
- 7i. **Section 3 Contractor:** Enter Yes or No.
- 7j. **Contractor/Subcontractor Name and Address:** Same as item 7j. under CPD Programs.

may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families. Very low-income persons means low-income families (including single persons) whose incomes do not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Submit two (2) copies of this report to your local HUD Office within ten (10) days after the end of the reporting period you checked in item 4 on the front.

Complete item 7h. only once for each contractor/subcontractor on each semi-annual report.

Enter the prime contractor's ID in item 7i. for all contracts and subcontracts. Include only contracts executed during this reporting period. PHAs/IHAs are to report all contracts/subcontracts.

#### Public Housing and Indian Housing Programs

PHAs/IHAs are to report all contracts/subcontracts. Include only contracts executed during this reporting period.

1. **Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report. Check box as appropriate.
3. **Contact Person:** Same as item 3 under CPD Programs.
4. **Reporting Period:** Check only one period.
5. **Program Code:** Enter the appropriate program code.
- 7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.
- 7b. **Amount of Contract/Subcontract:** Same as item 7b. under CPD Programs.
- 7c. **Type of Trade:** Same as item 7c. under CPD Programs.
- 7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d. under CPD Programs.
- 7e. **Woman Owned Business:** Enter Yes or No.
- 7f. **Contractor Identification (ID) Number:** Same as item 7f. under CPD Programs.
- 7g. **Section 3 Contractor:** Enter Yes or No.
- 7h. **Subcontractor Identification (ID) Number:** Same as item 7h. under CPD Programs.
- 7i. **Section 3 Contractor:** Enter Yes or No.
- 7j. **Contractor/Subcontractor Name and Address:** Same as item 7j. under CPD Programs.