

## SEMI-ANNUAL CDBG DATA REPORT INSTRUCTIONS (9-C1)

**Instructions:**

The Unit of General Local Government (UGLG) must submit this Semi-Annual CDBG Data Report form to the assigned Division of Energy, Housing and Community Resources (DEHCR) project representative **in Microsoft Excel format** via email in accordance with the reporting schedule established in the UGLG’s CDBG Grant Agreement.

The current version of the *Semi-Annual CDBG Data Report* (Attachment 9-C) is on the [CDBG Implementation Handbook website](#) (under the “Chapter Attachments/Fillable Forms” section).

1. Fill-in the **Semi-Annual CDBG Data Report** “Grantee/UGLG Name” and the “DEHCR Grant Agreement/Contract Number” fields found at the top of the form on the first page.
2. Refer to the CDBG Award Letter for the project (specifically, the date issued) to answer the “Grant Awarded BEFORE or AFTER 11/30/2020” field. HUD issued new Section 3 reporting requirements as of 11/30/2020. The date of the CDBG Award for the project will determine what Section 3 information that will be required to report. The response of “On or After 11/30/2020” is set as the ‘default’ response, given the majority of current open CDBG projects were awarded on or after 11/30/2020.
3. Beneath the “Grantee/UGLG Name” field, identify the 6-month timeframe for which data are being reported. Type an “X” into the appropriate Oct.-March or April-Sept. reporting period, and then fill-in the “Year” associated with either the March 31<sup>st</sup> or September 30<sup>th</sup> selection, entering the year in which the reporting period is *ending*.
4. Beneath the “DEHCR Grant Agreement/Contract Number” provide the “Name” and (job) “Title” for the UGLG’s designated approver that has reviewed and approved this report information for submission to DEHCR. If the *Report Preparer* is not an authorized UGLG Approver, then the UGLG Approver information must be entered. The *Report* must be approved by the UGLG. The UGLG Approver must be the Chief Elected Official (CEO) or a person authorized/designated by the CEO on the Signature Certification Form (submitted with the pre-agreement documents for the project) or authorized/designated by the UGLG’s governing body to approve CDBG project documents. ***If the person submitting this document is not the UGLG Approver, then the submitter must copy (‘cc’) the UGLG Approver when emailing it to DEHCR.***
5. Beneath the “Approver” information, provide the “Name,” (job) “Title,” “Phone [Number],” and “Email [Address]” for the individual compiling and preparing this report information for submission to DEHCR. In the event of follow-up questions or concerns, the assigned DEHCR program representative will contact this “Preparer.”

Semi-Annual CDBG Data Report (MBE/WBE, Labor Standards Enforcement, and Section 3) Page 1 of 7

SEMI-ANNUAL CDBG REPORT INFO (MBE/WBE, Labor Standards Enforcement, and Section 3)

Grantee/UGLG Name: <span style="border: 1px solid black; padding: 2px;">(Grantee's Name)</span>	Grant <b>AWARDED</b> Before or After 11/30/2020? <span style="border: 1px solid black; padding: 2px; color: red;">Not Answered</span>	DEHCR Grant Agreement/Contract Number: <span style="border: 1px solid black; padding: 2px;">(Grant Agreement #)</span>									
Reporting Period (Choose ONE):		Approver's Name: <span style="border: 1px solid black; padding: 2px;"></span>									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">X</td> <td style="width: 70%; text-align: center;">Year</td> <td style="width: 20%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">October 1 - March 31</td> <td style="border: 1px solid black; width: 100px;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">April 1 - September 30</td> <td style="border: 1px solid black; text-align: center;">2021</td> </tr> </table>	X	Year		<input type="checkbox"/>	October 1 - March 31		<input type="checkbox"/>	April 1 - September 30	2021		Approver's Title: <span style="border: 1px solid black; padding: 2px;"></span>
X	Year										
<input type="checkbox"/>	October 1 - March 31										
<input type="checkbox"/>	April 1 - September 30	2021									

The "Approver" **must** be the one to email this report (and any revisions) to the assigned DEHCR Program Rep.

Preparer's Name:

Preparer's Title:

Preparer's Phone No.:

Preparer's Email:

**PART 1: CONSTRUCTION PERIOD**

- a) Enter the “Construction Start Date.” If construction has started, enter the start date. ***Do not*** enter a ‘projected’ start date. If construction has **not** yet started, enter “Not Started.” If the project does not include any construction in the scope of work, enter “N/A.”
- b) Enter the “Construction End Date.” If construction has ended (i.e., is fully completed), enter the end date. ***Do not*** enter a ‘projected’ end date. If construction has **not** yet ended, enter “Not Ended.” If the project does not include any construction in the scope of work, enter “N/A.”

**PART 2: CONSTRUCTION CONTRACTS AWARDED**

The report information must include any construction contract awards made (for both Prime and Subcontractor awards, reported separately) during the 6-month reporting period listed at the top of the first page of the report form.

**Responses are required from ALL UGLGs with open/active CDBG Projects (i.e., projects not yet certified by DEHCR as being “completed”).** All construction Prime contracts awarded will be listed/reported first (on Pages 1-2), followed by all of the related construction Subcontractors’ awards (on Page 3).

**Part 2. Construction Prime Contracts Awarded**

- a) Individually list the business/firm name for **each Construction PRIME Contractor** awarded contracts (funded in whole or in part with program dollars) for the project during the reporting timeframe listed. The information entered under column **2(a)** on Page 2 should match (line-by-line) the information appearing under column **2(a)** on Page 3.
  - If there are no new construction Prime contracts awarded during the 6-month reporting period, enter “NONE” or “No New Contracts” for the **Prime Contractor #1** under column **2(a)**, and go to column 2(p) in the report.
  - If the project does not include any construction in the scope of work or the federal labor standards do not otherwise apply to the project, enter “N/A” for the **Prime Contractor #1** under column **2(a)**, and go to column 2(p) in the report.
- b) **For each** business (i.e., construction Prime Contractor) listed in the table, enter the “Total Awarded Contract Amount” related to eligible activities associated with the CDBG project’s Scope of Work (SOW). Report the eligible project cost (which includes any budget activities that will be funded using CDBG dollars and that are eligible to be counted as Match towards this CDBG project) for each Prime Contract awarded during this 6-month reporting period.
  - If a portion of a Prime Contractor’s total award amount does **not** apply to the CDBG project, deduct the non-CDBG project-eligible amount from the contract award to calculate the Project-Related Contract Amount(s) that should be listed in Column **2(b)**.
  - If the total award amount for each Prime Contract applies to the CDBG project, then the total of the values listed in Column **2(b)** should equal (or be less than) the total CDBG Project Budget (per the executed Grant Agreement/Contract).
- c) Provide the eligible contracted **dollar amount** for the construction Prime’s services and materials, **minus** all associated Subcontractor award amounts (i.e., the funding amount the Prime will retain for work directly performed by the Prime). **DO NOT DOUBLE-COUNT** overlapping contract amounts. Funds awarded by a Prime Contractor for sub-contracted work to Subcontractor(s) should be listed with the Subcontractor(s) information (see Page 3 of the Semi-Annual CDBG Data Report), **NOT** with the Prime Contractor’s awarded dollar amount. (Refer to the examples provided below for further clarification.)

**EXAMPLE #1:** A project has awarded \$100,000 in funds to **each** of two (2) construction Prime Contractors, for a total of \$200,000 during the current reporting period. Neither Prime subcontracts any work to Subcontractor(s). A portion of the Report form would be completed as follows:

<b>PART 2. CONSTRUCTION CONTRACTS AWARDED</b>			
	<b>2(a)</b>	<b>2(b)</b>	<b>2(c)</b>
	Construction <b>Prime</b> Contractor Name	<b>Total</b> Awarded Contract Amount (CDBG Project Activities Only)	Prime Contract Amt. <b>MINUS</b> Associated Subcontractor Amt(s)
<i>Example</i>	<i>Builders-R-Us Inc.</i>	<i>\$ 2,500,000.00</i>	<i>\$ 400,000.00</i>
Prime Contractor #1	ABC Construction	\$ 100,000.00	\$ 100,000.00
Prime Contractor #2	XYZ Construction	\$ 100,000.00	\$ 100,000.00
Prime Contractor #3		\$ -	\$ -
Prime Contractor #4		\$ -	\$ -
Prime Contractor #5		\$ -	\$ -

**EXAMPLE #2:** A project has awarded \$100,000 in funds to **each** of two (2) Contractors, for a total of \$200,000 during the current reporting period. The first Contractor (ABC Construction) does not sub-contract

any work to Subcontractor(s). The second Contractor (XYZ Construction) sub-contracts a **total** of \$25,000 (of their \$100,000 contract) to two (2) Subcontractors (DEF Plumbing and GHI Paving). A portion of the Report form would be completed as follows:

PART 2. CONSTRUCTION CONTRACTS AWARDED			
	2(a)	2(b)	2(c)
	Construction Prime Contractor Name	Total Awarded Contract Amount (CDBG Project Activities Only)	Prime Contract Amt. MINUS Associated Subcontractor Amt(s)
Example	Builders-R-Us Inc.	\$ 2,500,000.00	\$ 400,000.00
Prime Contractor #1	ABC Construction	\$ 100,000.00	\$ 100,000.00
Prime Contractor #2	XYZ Construction	\$ 100,000.00	\$ 75,000.00
Prime Contractor #3		\$ -	\$ -
Prime Contractor #4		\$ -	\$ -
Prime Contractor #5		\$ -	\$ -

	2(p)	2(q)
	Construction Subcontractor Name	Subcontract Amount (CDBG Project Activities Only)
Example	Redi-Rhodes Asphalt	\$ 45,000.00
Subcontractor #1	DEF Plumbing	\$ 5,000.00
Subcontractor #2	GHI Paving	\$ 20,000.00
Subcontractor #3		\$ -

- d) Enter the “Street Address” (physical) for each construction Prime Contractor.
- e) Enter the “City” (associated with the physical address) for each construction Prime Contractor.
- f) Enter the “State” and “ZIP [Code]” (associated with the physical address) for each construction Prime Contractor.
- g) Enter the “Prime’s FEIN Number” for each construction Prime Contractor. If the Prime does not have a FEIN and employs only a single person, then enter the Owner’s/Worker’s Social Security Number (SSN).
- h) Provide the **Trade Code** (1-0) using the drop-down list provided for the type of work that each construction Prime Contractor **2(a)** was hired to perform. (Refer to the list of Trade Codes provided near the center of Page 1.) List only **one** Trade Code per construction Prime.
- i) Indicate whether each construction Prime is a **Minority-owned Business Enterprise (MBE)** by listing the applicable **Race/Ethnicity Code** (1-6) designation for each construction Prime. (Refer to the definition of an MBE listed below. A list of Race/Ethnicity codes is provided near the center of Page 1.) List only **one** Race/Ethnicity per construction Prime.

A **Minority-owned Business Enterprise (MBE)** is a business that is both owned **and** controlled by minorities. This means that there must be not less than 51% minority ownership of the business (a business in which more than 50% of the ownership or control is held by one or more minority individuals, and more than 50% of the net profit or loss which accrues is to one or more minority individuals), and that the minority ownership must control the management and daily operations of the business. When 51% or more of the business is not owned and controlled by any single racial/ethnic category, enter the race/ethnicity code which best classifies the majority of employees working for the construction Prime Contractor.

**PLEASE NOTE:** If 51% or more of the business is **not** owned and controlled by any **single** racial/ethnic category, input the race/ethnicity code which best classifies the majority of minority employees working for the individual business.

- j) Indicate whether each construction Prime is classified as a **Woman-owned Business Enterprise (WBE)**. (Refer to the definition of a WBE listed below.)

A **Woman-owned Business Enterprise (WBE)** is a business that is both owned **and** controlled by women. This means that there must be not less than 51% women ownership of the business (a business in which more than 50% of the ownership or control is held by one or more female individuals, and more than 50% of

the net profit or loss which accrues is to one or more female individuals), and that the women ownership must control the management and daily operations of the business.

- k) Indicate whether each construction Prime is classified as a **Section 3 Business**. (Refer to the definition of a *Section 3 Business* listed below.)

A **Section 3 Business** (or ‘Section 3 Business Concern’) is a business that provides economic opportunities (i.e., employment or service contracts) to low-income and very low-income persons. A Section 3 Business must be able to provide documentation to support at least one of the following situations:

<i>For CDBG projects awarded <b>PRIOR</b> to 11/30/2020</i>	<i>For CDBG projects awarded <b>ON or AFTER</b> to 11/30/2020</i>
<ul style="list-style-type: none"> <li>• 51% or more of the business is owned by Section 3 residents (i.e., a business in which 51% or more of the ownership is held by one or more Section 3 residents, <i>and</i> 51% or more of the net profit or loss which accrues is to one or more Section 3 residents); <b>OR</b></li> <li>• 30% or more of the full-time employees of the business include persons that are currently Section 3 residents, <i>or</i> were Section 3 residents within three (3) years of their date of first hire by the Section 3 business (<i>Employee Income Certifications required to verify employees’ Section 3 status</i>); <b>OR</b></li> <li>• The business provides a commitment in writing to sub-contract more than 25% of the dollar amount awarded of all subcontracts to Section 3 business concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• 51% or more of the business is owned by low- or very low-income persons; <b>OR</b></li> <li>• 75% or more of the labor hours are performed by low- or very low-income persons; <b>OR</b></li> <li>• 51% or more of the business is owned by current residents of public housing or Section 8-assisted housing.</li> </ul>

- l) The construction Prime Contractors listed on Page 1 should auto-copy to Page 2. If not, make sure that the Primes are listed in a consistent order. Report the date of contract award for each of the construction Prime Contractors. If bids have been received, but the contract has not yet been officially awarded, please refrain from reporting the Prime until the next reporting period after the award has been officially made.
- m) Provide the applicable Davis-Bacon Wage Decision(s) used/contracted for each of the construction Prime Contractors listed. Up to four (4) Wage Decisions can be listed per construction Prime. The Wage Decision Number, Modification Number, and the Date Published (i.e., effective) must be entered. (Refer to the example provided on the reporting form.)
- n) Report the date of Bid Opening for each of the construction Prime Contractors.

The applicable Wage Decision Lock-In Date for each Prime Contractor is either the Bid Opening Date or the Contract Award Date.

- If a contract is awarded within ninety (90) days of the bid opening, the Bid Opening Date is the date when the wage decision is considered to be locked-in for the project.
  - If a contract is awarded more than ninety (90) days after the bid opening, the Wage Decision must be double-checked for updates (i.e., additional modifications), and the current published Wage Decision would be applicable to the CDBG project. In this scenario, the Contract Award Date is the date when the wage decision is considered to be locked-in for the project.
- o) Report the “Construction Start Date” for each of the contracted construction Prime Contractors listed.

## Part 2. Construction Subcontracts Awarded

- p) Individually list the business/firm name for **each Construction Subcontractor** awarded contracts for the project during the reporting timeframe listed.
- If there are no new construction Subcontractor contracts awarded during the 6-month reporting period, enter “None” or “No New Subcontracts” for the construction **Subcontractor #1** under column **2(p)** and go to column 3(a) in the form.
  - If the project does not include any construction in the scope of work or the federal labor standards do not otherwise apply to the project, enter “N/A” for the construction **Subcontractor #1** under column **2(p)**, and go to column 3(a) in the report.
- q) Provide the eligible contracted **dollar amount** for the construction Subcontractor’s services and materials, **minus** all further associated Subcontractor award amounts (i.e., the funding amount this Subcontractor will retain for work directly performed by this Subcontractor). **DO NOT DOUBLE-COUNT** overlapping contract amounts. Funds awarded by a Subcontractor for sub-contracted work to lower-level Subcontractor(s) should be listed with the subsequent Subcontractor(s) information (further down on Page 3 of the Semi-Annual CDBG Data Report), **NOT** with the higher-level Subcontractor’s awarded dollar amount.
- r) Enter the “Street Address” (physical) for each construction Prime Contractor.
- s) Enter the “City” (associated with the physical address) for each construction Prime Contractor.
- t) Enter the “State” and “ZIP [Code]” (associated with the physical address) for each construction Prime Contractor.
- u) Provide the higher-level “Prime Contractor’s FEIN Number” (i.e., the FEIN for the firm overseeing the Subcontractor’s work on the project) for each construction Subcontractor listed. If the Prime does not have a FEIN and employs only a single person, then enter the Owner’s/Worker’s Social Security Number (SSN).  
Also make sure to indicate whether each construction Prime is classified as a **Section 3 Business**. [Refer to the definitions provided for **2(k)** above.]
- v) Provide the “Subcontractor’s FEIN Number” for each construction Subcontractor listed. If the Sub does not have a FEIN and employs only a single person, then enter the Owner’s/Worker’s Social Security Number (SSN).
- w) Provide the **Trade Code** (1-0) using the drop-down list provided for the type of work that each construction Subcontractor **2(p)** was hired to perform. (Refer to the list of Trade Codes provided near the center of Page 1.) List only **one** Trade Code per construction Subcontractor.
- x) Indicate whether each construction Subcontractor is a **Minority-owned Business Enterprise (MBE)** by listing the applicable **Race/Ethnicity Code** (1-6) designation for each construction Sub. *A list of Race/Ethnicity codes is provided near the center of Page 1.) List only **one** Race/Ethnicity per construction Sub. Refer to item 2(i) under “Prime Contracts Awarded” above for the definition of an MBE.*
- y) Indicate whether each construction Subcontractor is classified as a **Woman-owned Business Enterprise (WBE)**. *Refer to item 2(j) under “Prime Contracts Awarded” above for the definition of a WBE.*
- z) Indicate whether each construction Subcontractor is classified as a **Section 3 Business**. *Refer to item 2(k) under “Prime Contracts Awarded” above for the definition of a Section 3 Business.*

## PART 3: NON-CONSTRUCTION CONTRACTS AWARDED

Just as reported for the Construction Contracts Awarded section (above), repeat the process to report Non-Construction Contract Awards made (for both Prime and Subcontractor awards, reported separately) during the 6-month reporting period identified at the top of the page. **Again, responses are required from ALL UGLGs with open/active CDBG Projects (i.e., projects not yet certified by DEHCR as being “completed”).** All non-construction Prime contracts awarded will be listed/reported first (on Page 4), followed by all of the related non-construction Subcontractors’ awards (also on Page 4).

### Part 3. Non-Construction Prime Contracts Awarded

- a) Individually list the business/firm name for **each Non-Construction PRIME** awarded contracts (funded in whole or in part with program dollars) for the project during the reporting timeframe identified.

- If there are no new non-construction Prime contracts awarded during the 6-month reporting period, enter “None” or “No New Contracts” for the **Non-Constr. Prime #1** under column **3(a)**, and go to column 3(l) in the report.
- b) **For each** business (i.e., non-construction Prime) listed in the table, enter the “Total Awarded Contract Amount” related to eligible activities associated with the CDBG project’s Scope of Work (SOW). Report the eligible project cost (which includes any budget activities that will be funded using CDBG dollars and that are eligible to be counted as Match towards this CDBG project) for each non-construction Prime Contract awarded during this 6-month reporting period.
- If a portion of the Prime’s total award amount does **not** apply to the CDBG project, deduct the non-CDBG project-eligible amount from the contract award to calculate the Project-Related Contract Amount(s) that should be listed in Column **3(b)**.
  - If the total award amount for each Prime applies to the CDBG project, then the total of the values listed in Column **3(b)** should equal (or be less than) the total CDBG Project Budget (per the executed Grant Agreement/Contract).
- c) Provide the eligible contracted **dollar amount** for the non-construction Prime’s services and materials, **minus** all associated Subcontractor award amounts (i.e., the funding amount the non-construction Prime will retain for work directly performed by this Prime). **DO NOT DOUBLE-COUNT** overlapping contract amounts. Funds awarded by a non-construction Prime Contractor for sub-contracted work to Subcontractor(s) should be listed with the Subcontractor(s) information (see Page 3 of the Semi-Annual CDBG Data Report), **NOT** with the non-construction Prime’s awarded dollar amount. *[Refer to the examples provided above for 2I for further clarification.]*
- d) Enter the “Street Address” (physical) for each construction Prime Contractor.
- e) Enter the “City” (associated with the physical address) for each construction Prime Contractor.
- f) Enter the “State” and “ZIP [Code]” (associated with the physical address) for each construction Prime Contractor.
- g) Enter the “Prime’s FEIN Number” for each non-construction Prime Contractor listed. If the Prime does not have a FEIN and employs only a single person, then enter the Owner’s/Worker’s Social Security Number (SSN).
- h) Provide the **Trade Code** (1-0) using the drop-down list provided for the type of work that each non-construction Prime **3(a)** was hired to perform. *(Refer to the list of Trade Codes provided near the center of Page 1.)* List only **one** Trade Code per non-construction Prime.
- i) Indicate whether each non-construction Prime is a **Minority-owned Business Enterprise (MBE)** by listing the applicable **Race/Ethnicity Code** (1-6) designation for each. List only **one** Race/Ethnicity per non-construction Prime. *Refer to item 2(i) under “Prime Contracts Awarded” above for the definition of an MBE.*
- j) Indicate whether each non-construction Prime is classified as a **Woman-owned Business Enterprise (WBE)**. *Refer to item 2(j) under “Prime Contracts Awarded” above for the definition of a WBE.*
- k) Indicate whether each non-construction Prime is classified as a **Section 3 Business**. *Refer to item 2(k) under “Prime Contracts Awarded” above for the definition of a Section 3 Business.*

### Part 3. **Non-Construction Subcontracts Awarded**

- l) Individually list the business/firm name for **each Non-Construction Subcontractor** awarded contracts for the project during the reporting timeframe listed.
- If there are no new non-construction Subcontractor contracts awarded during the 6-month reporting period, enter “None” or “No New Subcontracts” for the **Non-Constr. Sub #1** under column **3(l)**, and go to Part 4 – column 4(a) in the report.
- m) Provide the eligible contracted **dollar amount** for the non-construction Subcontractor’s services and materials, **minus** all further associated Subcontractor award amounts (i.e., the funding amount this Subcontractor will retain for work directly performed by this Subcontractor). **DO NOT DOUBLE-COUNT** overlapping contract amounts. Funds awarded by a Subcontractor for sub-contracted work to lower-level Subcontractor(s) should be listed with the subsequent Subcontractor(s) information (further down on Page 4 of the Semi-Annual CDBG Data Report), **NOT** with the higher-level Subcontractor’s awarded dollar amount.
- n) Enter the “Street Address” (physical) for each non-construction Subcontractor.

- o) Enter the “City” (associated with the physical address) for each non-construction Sub.
- p) Enter the “State” and “ZIP [Code]” (associated with the physical address) for each non-construction Sub.
- q) Provide the higher-level “Prime Contractor’s FEIN Number” (i.e., the FEIN for the firm overseeing this Subcontractor’s work on the project) for each non-construction Subcontractor listed. If the Prime does not have a FEIN and employs only a single person, then enter the Owner’s/Worker’s Social Security Number (SSN).  
Also make sure to indicate whether each non-construction Prime is classified as a **Section 3 Business**. [*Refer to the definitions provided for 3(k) above.*]
- r) Provide the “Subcontractor’s FEIN Number” for each non-construction Subcontractor listed. If the Sub does not have a FEIN and employs only a single person, then enter the Owner’s/Worker’s Social Security Number (SSN).
- s) Provide the **Trade Code** (1-0) using the drop-down list provided for the type of work that each non-construction Sub **2(p)** was hired to perform. (*Refer to the list of Trade Codes provided near the center of Page 1.*) List only **one** Trade Code per non-construction Subcontractor.
- t) Indicate whether each non-construction Subcontractor is a **Minority-owned Business Enterprise (MBE)** by listing the applicable **Race/Ethnicity Code** (1-6) designation for each. *A list of Race/Ethnicity codes is provided near the center of Page 1.* List only **one** Race/Ethnicity per non-construction Sub. *Refer to item 2(i) under “Prime Contracts Awarded” above for the definition of an MBE.*
- u) Indicate whether each non-construction Subcontractor is classified as a **Woman-owned Business Enterprise (WBE)**. *Refer to item 2(j) under “Prime Contracts Awarded” above for the definition of a WBE.*
- v) Indicate whether each non-construction Subcontractor is classified as a **Section 3 Business**. *Refer to item 2(k) under “Prime Contracts Awarded” above for the definition of a Section 3 Business.*

**PART 4: LABOR STANDARDS COMPLAINTS**

- a) Report the Contractors [prime contractor(s), subcontractor(s), or lower-tier subcontractor(s)] for which complaints were filed or investigations or §5.11 hearings occurred during this 6-month reporting period. **Responses are required from ALL UGLGs with open/active CDBG Projects (i.e., projects not yet certified by DEHCR as being “completed”).**
  - If no complaints were filed during the reporting period, enter “None” or “No Complaints” for the **Contractor’s Name(s)** under column **4(a)** and go to **PART 5** in the report.
  - If the CDBG Project has no construction in the scope of work or the federal labor standards do not otherwise apply to the project, then enter “N/A” for the **Contractor’s Name(s)** under column **4(a)** and go to **PART 5** in the report.
- b) Report the “HUD”, “DOL”, or “Both” (make the selection using the provided drop-down menu) to indicate the agency(ies) to which complaint(s) were filed, or that conducted hearing(s) or investigation(s) on the Contractor(s) listed in this row in column **4(a)**:
  - U.S. Dept. Housing and Urban Development (HUD) and/or
  - U.S. Dept. of Labor (DOL).
- c) Enter “I”, “H”, or “Both” to indicate if an Investigation (I), a Hearing (H) or both was/were conducted by HUD and/or DOL for complaint(s) filed against each contractor listed in column **4(a)** during the reporting period.

**PART 5: LABOR STANDARDS MONITORING – PAYROLL UNDERPAYMENTS**

- a) Report the Contractors [prime contractor(s), subcontractor(s), or lower-tier subcontractor(s)] for which payroll underpayments were made during this 6-month reporting period.
  - If no underpayments were made during the reporting period, enter “None” or “No Underpayments” for the **Contractor’s Name(s)** under column **5(a)** and go to **PART 6** (if Grant Award was prior to 11/30/2020) **OR PART 7** (if Grant Award was on or after 11/30/2020) in the report.
  - If the CDBG Project has no construction in the scope of work or the federal labor standards do not otherwise apply to the project, then enter “N/A” for the **Contractor’s Name(s)** under column **5(a)** and go

to **PART 6** (if Grant Award was prior to 11/30/2020) **OR PART 7** (if Grant Award was on or after 11/30/2020) in the report.

- b) Report the “Total Number of Workers PAID Underpayment Wage Restitution” per Contractor.
- c) Report the “Total Straight-Time Wage Restitution Paid” per Contractor. If none (or not applicable), enter \$0.
- d) Report the “Total Overtime Wage Restitution Paid” per Contractor. If none (or not applicable), enter \$0.
- e) Report the “Total Liquidated Damages Collected...” per Contractor. If none (or not applicable), enter \$0.

If a contractor had Overtime underpayments violations but no Liquidated Damages were collected from the contractor, state the reason for the Liquidated Damages not being collected in the "Comments" section in Part 9 of the report [e.g., "In Part 5, Liquidated Damages were not reported as collected from (contractor name) for Overtime underpayment violations due to the underpayments being deemed unintentional and the Liquidated Damages being waived per DEHCR approval." OR "In Part 5, the Liquidated Damages payment from (contractor name) is pending – the payment will be reported on the next Semi-Annual CDBG Data Report."]

- f) Indicate whether or not a Section 5.7 form is attached/submitted with this Semi-Annual CDBG Data Report. **A Section 5.7 Enforcement Report (Attachment 7-O) must be submitted with the LSER for each Contractor with underpayments restitution of \$1,000 or more during the reporting period in which it was paid.**

**PLEASE NOTE: If any new contracts are awarded or any wage restitution payments are collected after the submittal of this report to DEHCR for the reporting period covered on this report, the contract award and restitution payment information must be included on the next Semi-Annual CDBG Data Report submission to DEHCR.**

**PART 6: SECTION 3 – NEW HIRING** (Applicable to CDBG projects **awarded PRIOR to 11/30/2020.**)

Federal regulation 24 CFR 135 requires the Grantee (i.e., Unit of General Local Government (UGLG), Non-Profit, Housing Authority, etc.) **and each** of its contractors/subcontractors/service providers that receives or are contracted for a CDBG or other HUD funded project that is funded in whole or in part with CDBG or other HUD funds must collect new hiring data and complete and submit Section 3 reporting information. The Grantee is to compile all contractors'/subcontractors'/service providers' data (reported on the *Section 3 Employee Income Certification* forms (Attachment 9-K(1)) and *Semi-Annual Individual Contractor's Section 3 Data Reports* (Attachment 9-M or similar reporting document with the same information requested on Attachment 9-M). Enter the cumulative Section 3 reporting information to DEHCR for each executed contract/Grant Agreement with DEHCR.

- a) Report any **new full-time hires** and **trainees** (working full-time in permanent, temporary or seasonal positions) who are Wisconsin residents and are hired/trained for or in connection with the project funded under the DEHCR Grant Agreement/Contract listed above during the specified reporting period. For each Job Category listed in the table **[6(b) – 6(m)]**, enter the number of employees in each Job Category who are:
  - New Hires (which are new employees hired for or in connection with the HUD/CDBG funded project during the specified reporting period and are residents of Wisconsin);
  - Section 3 Residents (which are New Hires who are low- and moderate-income (LMI) with an annual family income that does not exceed the applicable HUD CDBG LMI 80% median income threshold (for their family size and county of residence), and who live in the county where the project is located), hired during the specified reporting period; and
  - Section 3 Trainees (which are new employees who are trainees of a formal HUD/CDBG funded jobs program/project who qualify as Section 3 Workers based on their income level and county of residence, and started training during the specified reporting period).

If there were no new full-time hires or trainees hired for or in connection with the HUD/CDBG funded project during the reporting period, enter “0” (zero) in the spaces. If the New Hire(s) or Trainee(s) does/do not fall into the pre-populated list of Job Categories, then enter the job title(s) in the two “Specify Job Type Here” field(s) **[6(l) and 6(m)]** and report the number of new hire(s) and trainee(s) for each.



**PART 7: SECTION 3 – WORKER HOURS ON THIS CDBG PROJECT** (*Applicable to CDBG projects awarded ON or AFTER 11/30/2020.*)

Federal regulation 24 CFR 75 requires the Grantee (i.e., Unit of General Local Government (UGLG), Non-Profit, Housing Authority, etc.; and includes subrecipients) **and each** of its prime contractors and service providers, and all subcontractors that receive or are contracted for a CDBG project that is funded in whole or part with CDBG or other HUD funds must complete and submit Section 3 reporting information.

Exceptions (under 24 CFR 75 for projects awarded on or after 11/30/2020 only) include:

- CDBG projects for which the CDBG and any other HUD funds awarded to the project total (added together) no more than \$200,000 are not subject to any of the Section 3 requirements and reporting.
- CDBG projects that do not have any construction, demolition or rehab in any part of the scope of work for the project are not subject to any of the Section 3 requirements and reporting.
- **EXCEPTION:** The UGLG/Grantee and subrecipients, prime contractors, subcontractors and service providers of the project, as employers are not required to track and report the labor hours and Section 3 and Targeted Section 3 status of employees for any labor hours that are for professional services completed by employees in positions that **require an advanced degree or a professional license** (including but not limited to legal services, financial consulting, accounting services, environmental assessment, architectural/engineering services, etc.). It is **optional** for the employer to report their hours and not required. The employer may consider reporting these employees' hours if the employees qualify as Section 3 Workers, which helps the employer demonstrate efforts for meeting the Section 3 "safe harbor"/labor hour goals.

**Estimating Work Hours for Non-Construction Employees:**

Grantees, subrecipients, and contractors providing non-construction related work and services may base their employees' labor hours and Section 3 and Targeted Section 3 status on internal payroll and personnel records. They are to make a "good faith assessment" of the number of labor hours a full-time or part-time employee spends on the project, and whether the employee meets the income criterion for Section 3 status and residential locality criterion for Targeted Section 3 status based on the salary/wages (annualized) that the employer pays the employee and the employee's address on record. They are not required to submit payroll records to DEHCR for employees, if not otherwise required by other applicable federal regulations (e.g., construction contractors subject to the federal labor standards are required to submit weekly certified payroll records with daily and weekly labor hours and wage + fringe hourly rates to the Grantee's Labor Standards Officer for a CDBG funded project; and UGLGs seeking to cover Force Account work costs with CDBG funds or to count the Force Account work costs as 'Matching funds' for a CDBG project are required to submit a breakdown of employees who worked on the project, the hours worked each day, and the employees' wage + fringe hourly rates (as the UGLG's Force Account 'invoice') when submitting a CDBG Payment Request to DEHCR).

The Grantee is to compile all subrecipients', prime contractors', subcontractors' and service providers' data (reported on the *Section 3 Employee Income Certification* forms (Attachment 9-K(2)), *Section 3 Business Concern Certifications* (Attachment 9-L), and *Individual Contractor's Section 3 Data Report* (Attachment 9-M or similar document with the same information requested on Attachment 9-M). Enter the cumulative Section 3 data for each entity in Part 7 of the *CDBG Data Report* for each executed contract/Grant Agreement with DEHCR.

For each employee who works on the CDBG funded project, it will be necessary to determine their Section 3 status. The Section 3 Worker's status is to be determined (and certified using the *Section 3 Employee Income Certification* form (Attachment 9-K(2)) based on their information/status when they first started work on the CDBG funded project; **OR** the employer has the option of determining the Section 3 status based on the employee's information/status on their hire date (if they were hired on or after 11/30/2020). For employees who were hired prior to 11/30/2022, their Section 3 Worker status must be determined based their information/status on the date the employee began working on the CDBG funded project. Refer to the directions within the *Section 3 Employee Income Certification* form (Attachment 9-K(2)) for additional guidance.

**Section 3 Workers** are those individuals that currently fit (when starting work on the project), or when hired fit (if hired on or after 11/30/2022) at least one (1) of the following categories as documented:

- Employed by a Section 3 business concern, OR
- A low- or very low-income resident (i.e., a person having an annual individual income that does not exceed the Low (80%) HUD CDBG Income Limit for the county in which they live), OR
- A YouthBuild participant.

**Targeted Section 3 Workers** are Section 3 Workers who:

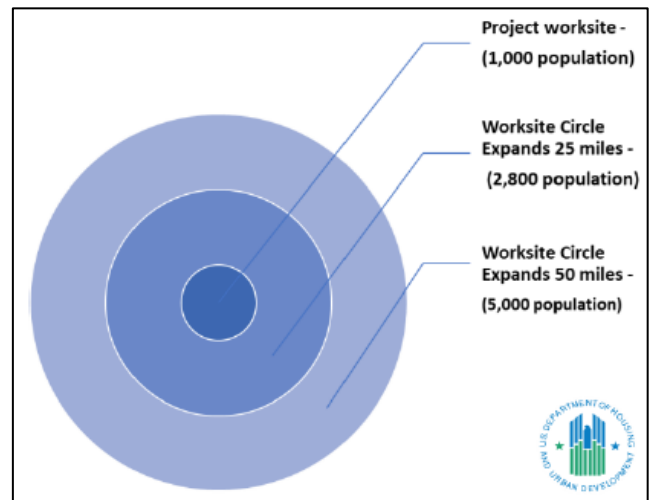
- Are employed by a Section 3 business concern, OR
- Currently fit (when starting work on the project) or when hired fit (if hired on or after 11/30/2020) at least one (1) of the following categories as documented:
  - Living within the Section 3 service area or the neighborhood of the project (as defined in 24 CFR 75.5), OR
  - A YouthBuild participant.

A **Section 3 business concern** is a business that fits at least one (1) of the following categories:

- 51% or more owned by low- or very low-income persons, OR
- 75% or more of the labor hours are performed by low- or very low-income persons, OR
- 51% or more owned by current residents of public housing or Section 8-assisted housing.

The **Service Area** (as defined in 24 CFR 75.5) is:

- An area within one (1) mile of the Section 3 project's location (i.e., street address), OR
- An area within a circle centered around the Section 3 project site that encompasses 5,000 people [if less than 5,000 people live within a one (1) mile radius of the Section 3 project site].



### Construction Prime Contractors (CPC)

- a) List **ALL Construction Prime Contractors (CPC)** currently working (or that have previously worked) on *construction* activities for the project. This list should provide a comprehensive history of **all** the Construction Prime Contractors that have touched this project to date.

If the **Grantee** or partnering **UGLG(s)** and/or **subrecipient(s)** have employees who completed **construction** work on the project, then list them in the CPC section of Part 7 as well (items 7(a)-7(d)). Examples: Force Account work, which is construction work completed by government employees, is to be reported in this section. Building renovation work completed by a subrecipients' own employees is to be reported in this section.

Enter their name and "(Grantee)", "(UGLG)", or "(Subrecipient)" after their name to indicate they are **not** a "Construction Prime Contractor." Examples: "Village of Yourville (Grantee)"; "Yourville County (UGLG)"; or "Yourville Community Services (Subrecipient)".

- b) Report the "Total Hours Worked" by **ALL** the CPC's (or Grantee's/UGLG's/subrecipient's) employees who have directly worked on *construction* activities for this project.
- c) Report the "Total Hours Worked" by **ALL** the CPC's (or Grantee's/UGLG's/subrecipient's) **Section 3** employees that have directly worked on *construction* activities for this project.



- d) Report the “Total Hours Worked” by **ALL** the CPC’s (or Grantee’s/UGLG’s/subrecipient’s) **Targeted Section 3** employees that have directly worked on *construction* activities on this project.

### Construction Subcontractors (CSC)

- e) List **ALL Construction Subcontractors (CSC)** currently working (or that have previously worked) on *construction* activities for this project. This list should provide a comprehensive history of **all** the CSCs that have touched this project to date.
- f) Report the “Total Hours Worked” by **ALL** the CSC’s employees directly working on *construction* activities for this project.
- g) Report the “Total Hours Worked” by **ALL** the CSC’s **Section 3** employees directly working on *construction* activities for this project.
- h) Report the “Total Hours Worked” by **ALL** the CSC’s **Targeted Section 3** employees directly working on *construction* activities for this project.

### Non-Construction Prime Contractors (NCPC)

- i) List **ALL Non-Construction Prime Contractors (NCPC)** AND the **Grantee/UGLG** and the grant **subrecipient(s)** if applicable in the section for NCPCs currently working (or that have previously worked) on *non-construction* activities for this project. This list should provide a comprehensive history of **all** the NCPCs that have touched this project to date.
- j) Report the “Total Hours Worked” by **ALL** the NCPC’s employees directly working on *non-construction* activities for this project. Hours may be based on the employer’s “good faith estimate.” Hours for positions requiring an advanced degree or a professional certification are not required to be reported but may be reported to demonstrate “best efforts” in meeting the HUD Section 3 Safe Harbor benchmarks.
- k) Report the “Total Hours Worked” by **ALL** the NCPC’s **Section 3** employees directly working on *non-construction* activities for this project.
- l) Report the “Total Hours Worked” by **ALL** the NCPC’s **Targeted Section 3** employees directly working on *non-construction* activities for this project.

### Non-Construction Subcontractors (NCSCs)

- m) List **ALL Non-Construction Subcontractors (NCSC)** currently working (or that have previously worked) on *non-construction* activities for this project. This list should provide a comprehensive history of **all** the NCSCs that have touched this project to date.
- n) Report the “Total Hours Worked” by **ALL** the NCSC’s employees directly working on *non-construction* activities for this project. Hours may be based on the employer’s “good faith estimate.” Hours for positions requiring an advanced degree or a professional certification are not required to be reported but may be reported to demonstrate “best efforts” in meeting the HUD Section 3 Safe Harbor benchmarks.
- o) Report the “Total Hours Worked” by **ALL** the NCSC’s **Section 3** employees directly working on *non-construction* activities for this project.
- p) Report the “Total Hours Worked” by **ALL** the NCSC’s **Targeted Section 3** employees directly working on *non-construction* activities for this project.

### Calculations for Percentage of Labor Hours by Section 3 and Targeted Section 3 Workers:

The HUD Section 3 “safe harbor” goals include having at least 25% of all labor hours on a CDBG project being completed by Section 3 Workers, and at least 5% of all labor hours on a CDBG project being completed by Targeted Section 3 Workers. Once all data from the Grantee/UGLG, subrecipients, prime contractors and subcontractors are entered in PART 7 – items 7(a)-7(p), the totals for numbers appear at the bottom of the columns for 7(a)-7(p), and the percentages of hours worked by Section 3 and Targeted Section 3 Workers on the project will automatically be calculated and appear

at the bottom of PART 7 under the “Section 3 “Safe Harbor” Benchmarks” section as shown in the image below:

Section 3 "Safe Harbor" Benchmarks:	
1	25% or more of <b>ALL</b> labor hours must be worked by Section 3 Workers.
	Percentage all labor hours worked by Sec3 = <b>41%</b>
2	5% or more of <b>ALL</b> labor hours must be worked by Targeted Section 3 Workers.
	Percentage all labor hours worked by Targeted Sec3 = <b>12%</b>

If the Section 3 “safe harbor” benchmarks are not met during the project, then “best efforts”/qualitative actions must be demonstrated for attempting to meet the goals, and recorded in PART 8 of the report.

**PART 8: SECTION 3 – OUTREACH/PROMOTION & BEST EFFORTS**

Based on when the project was awarded, it is required to indicate which applicable Outreach/Promotion & Best Efforts have been completed as qualitative actions to support the hiring, retention, and promotion of Section 3 Workers employed in conjunction with the CDBG project.

Place an “X” next to each action that has been completed by the Grantee and its related Prime Contractors, Subcontractors, and lower-tier Contractors. If applicable, additional information/explanations can be reported under **PART 9**. The Grantee **must** retain supporting documentation to confirm completion of the selected Outreach/Promotion & Best Efforts, which must be available for review upon request.

**TIP:** Hover over or right click on the red triangles in the upper right corners of cells within Part 9 on the CDBG Data Report form for guidance on common “best efforts” that are typically demonstrated on CDBG projects.

**PART 9: COMMENTS**

Use this space to provide additional comments or explanations for the data reported. Examples of common types of comments include:

- Example #1: If the CDBG Project is not subject to Labor Standards and/or Section 3 requirements, then state that in the “Comments” section.
- Example #2: When there is reporting remaining outstanding from any contractor, note that their data will be reported on the next semi-annual reporting.
- Example #3: When in Part 5, no Liquidated Damages have been collected for a contractor that had Overtime underpayment violations, use the ‘Comments” section in Part 9 to explain the reason. Examples: "In Part 5, Liquidated Damages were not reported as collected from (contractor name) for Overtime underpayment violations due to the underpayments being deemed unintentional and the Liquidated Damages being waived per DEHCR approval." OR "In Part 5, the Liquidated Damages payment from (contractor name) is pending – the payment will be reported on the next Semi-Annual CDBG Data Report."]
- Example #4: When in Part 7 (*for Projects Awarded on or after 11/30/2020 only*), “N/A” entries were made instead of entering the numbers of labor hours or “None” (if there are no labor hours to report) for a Prime Contractor, Subcontractor, Grantee/UGLG, and/or Subrecipient, use the “Comments” section in Part 9 to explain the reason “N/A” was entered. Examples: “In Part 7, “N/A” entries were made due to the project not being subject to Section 3 because no more than \$200,000 in CDBG and other HUD funds are awarded for the project”; or “...because the CDBG project is not subject to Section 3 due to the project not including any construction, demolition or rehab”; or stating “...due to reporting of labor hours data for the (entity name)’s employees not being required due the entity’s work on the CDBG project being for professional services completed by only employees in positions requiring an advanced degree or a professional license”; etc.