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|---------------|-------------------------|-------|----------|
| Project Owner | NDHFA Project Number(s) | | |
| Project Name | City | State | ZIP Code |

| | | | |
|---|--|------------------|---------------|
| Business Legal Name ("Entity") | | | |
| Address | | City | State |
| Federal Tax ID Number | | Telephone Number | Email Address |
| Owner/Controller of this Entity is <input type="checkbox"/> Female <input type="checkbox"/> Male | | | |
| Race / Ethnicity of local Owner/Controller of this Entity <input type="checkbox"/> Alaska Native / American Indian <input type="checkbox"/> Asian / Pacific Islander <input type="checkbox"/> Black non-Hispanic <input type="checkbox"/> Hispanic <input type="checkbox"/> White non-Hispanic | | | |
| Is your Contract directly with Project Owner? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| Sam.gov Unique Entity ID (Required if contract is directly with Project Owner) | | | |

¹ **Professional Services** means non-construction services that require an advanced degree or professional licensing, including, but not limited to, contracts for legal services, financial consulting, accounting services, environmental assessment, architectural services, and civil engineering services.

² **Material Supply Contract** means a contract including only the purchase of products or materials. May include the delivery of those products or materials, however, the contract may NOT include any other involvement of labor.

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| Contract Date(s) | Contract Amount(s) | |
| | Yes | No |
| Contract(s) is/are for Professional Services ¹ ONLY ? | <input type="checkbox"/> | <input type="checkbox"/> |
| Contract(s) is/are a Material Supply Contract ² ONLY ? | <input type="checkbox"/> | <input type="checkbox"/> |
| If "No", State of ND Contractor License Number | | |
| Is any portion of your contract(s) to be subcontracted? | <input type="checkbox"/> | <input type="checkbox"/> |
| If "Yes" list all your Subcontractors. (Required: Copy of each subcontract, Subcontractor's Entity Profile Package) | | |
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BUILD AMERICA, BUY AMERICA ACT (BUY AMERICA PREFERENCE)

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|---------------|-------------------------|-------|----------|
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The Build America, Buy America Act ("BABA") enacted under division G, title IX, subtitle A, part I, sections 70911 - 70917 of the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117- 58) requires all Iron and Steel, Construction Materials, and Manufactured Products used in federally funded infrastructure projects be produced in the United States. The subsequent requirements, known as the Buy America Preference ("BAP"), as detailed in 2 CFR 184, are applicable to the Project. The Project's compliance to the BAP shall be retained by the Project Owner, monitored by the North Dakota Housing Finance Agency ("Agency") and, upon request, provided to the U.S. Department of Housing and Urban Development ("HUD").

The BAP applies only to articles, materials, and supplies that are consumed in, incorporated into, or permanently affixed to the Project's real property, or improvements to the real property.

Federal Financial assistance to this Project is subject to the BAP and shall not be provided to the Project unless all Iron and Steel, Manufactured Product(s), and Construction Material(s) consumed in, incorporated into, or permanently affixed to the Project are produced in the United States.

Covered Materials are defined as:

Iron and Steel – all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

Manufactured Products – the product was manufactured in the United States and the cost of the components of the Manufactured Product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the Manufactured Product.

Construction Materials – all manufacturing processes of the following Construction Materials occurred in the United States.

- 1) *Non-ferrous metals*. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- 2) *Plastic and polymer-based products*. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- 3) *Glass*. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- 4) *Fiber optic cable (including drop cable)*. All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
- 5) *Optical fiber*. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- 6) *Lumber*. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.
- 7) *Drywall*. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
- 8) *Engineered wood*. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

BUILD AMERICA, BUY AMERICA ACT (BUY AMERICA PREFERENCE)

I hereby certify and agree to provide documentation, acceptable to the Agency, to prove compliance with the BAP for all Iron and Steel, Manufactured Products and or Construction Materials I cause to be consumed in, incorporated into, or permanently affixed to the Project to the Owner, Agency, or HUD upon request. I understand and agree that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

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| Business Legal Name ("Entity") | |
| Printed Name of Entity's Authorized Agent | Title |
| Signature | Date |

SECTION 3 ACKNOWLEDGMENT

Section 3 is a provision of the Housing and Urban Development Act of 1968 that promotes local economic development and individual self-sufficiency for projects funded by the U.S. Department of Housing and Urban Development ("HUD").

Section 3 requires that, to the greatest extent possible, economic opportunities that are generated using federal funds be made available to low-income persons, particularly those who receive federal financial assistance for housing and those residing in communities where the financial assistance is expended. Section 3 established benchmark goals of 25 percent of total labor hours worked by Section 3 Workers, and 5 percent of total labor hours worked by Targeted Section 3 Workers, as those terms are defined in North Dakota Housing Finance Agency's Section 3 Compliance Manual ("Manual").

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Therefore, I, the person named above, on behalf of Entity hereby certify that upon being awarded a contract to participate in the HUD-funded project named above ("Project"), the Entity:

1. Has received, read, and understands the Manual and all its Attachments; and
2. Will comply with all policies and procedures outlined in the Manual; and
3. Will ensure NDHFA promptly receives all required documentation identified in the Manual; and
4. Has read the Section 3 regulations at 24 CFR Part 75; and
5. Will comply with HUD's Section 3 regulations at 24 CFR Part 75; and
6. Is under no contractual or other impediment preventing compliance with Section 3 requirements; and
7. Will include any required Section 3 Clause(s) in every contract related to this Project; and
8. Will not contract with any entity that has been found in violation of any provision of 24 CFR Part 75; and
9. Will provide a copy of the Manual to all entities with which Entity contracts to work on the Project; and
10. Understands that draw requests will be delayed until all Section 3 requirements are met.

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| Business Legal Name ("Entity") | |
| Representative Name | Title |
| Signature | Date |

SECTION 3 BUSINESS CONCERN CERTIFICATION**BUSINESS INFORMATION**

| | | | |
|---------------------|------------------|--------------------------|---------------------|
| Business Legal Name | | Sam.gov Unique Entity ID | |
| Address | | City | State ZIP Code |
| Contact Name | Telephone Number | Email Address | |

Check all that apply:

| | |
|--------------------------|---|
| <input type="checkbox"/> | This business is at least 51 percent owned and controlled by low-income persons, defined as those with household income below 80 percent of the HUD-defined area median income. |
| <input type="checkbox"/> | At least 75 percent of this business' labor hours are performed by low-income workers, defined as those with household income below 80 percent of the HUD-defined area median income. |
| <input type="checkbox"/> | This business is at least 51 percent owned and controlled by current residents of public housing or housing assisted with project-based or tenant-based Section 8 rental assistance. |
| <input type="checkbox"/> | None of the above. |

North Dakota Housing Finance Agency encourages Section 3 Business Concerns to register on the National Section 3 Business Registry at www.hud.gov/sec3biz.

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| Representative Name | Title |
| Signature | Date |

CERTIFICATION OF NON-DEBARMENT OR SUSPENSION

The Entity agrees this Debarment and Suspension Provision shall be included, without modification, in all sub-agreements.

By signing this Certification, Entity certifies to the best of its knowledge and belief that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency; and
- B. Have not, within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and
- C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b of this section; and
- D. Have not, within a three-year period preceding this Agreement, had one or more public transactions (Federal, State or local) terminated for cause or default.

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| Business Legal Name ("Entity") | |
| Printed Name of Entity's Authorized Agent | Title |
| Signature | Date |

SECTION 3 CLAUSE

The Entity agrees this Section 3 Clause shall be included, without modification, in all sub-agreements.

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are beneficiaries of HUD housing assistance or who reside in the communities where the HUD funding is expended.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 75 regulations.
- C. The Entity agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The Entity will not subcontract with any subcontractor where the Entity has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75.
- D. Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

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| Business Legal Name ("Entity") | |
| Printed Name of Entity's Authorized Agent | Title |
| Signature | Date |

CERTIFICATION REGARDING LOBBYING (COMPLETE ONLY IF DAVIS BACON APPLIES)

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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|---|-------|
| Business Legal Name ("Entity") | |
| Printed Name of Entity's Authorized Agent | Title |
| Signature | Date |

**WORK CLASSIFICATIONS AND WAGE RATES
(COMPLETE ONLY IF DAVIS BACON APPLIES)**

Identify work classifications, base wage rates, and total wage rates for each individual performing work on the project site using the attached Wage Decision. Attach additional sheets if necessary.

[illegible]

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| Printed Name of Owner/Principal Officer | Signature | Date |
|---|-----------|------|

AUTHORIZATION TO SIGN CERTIFIED PAYROLL RECORDS (COMPLETE ONLY IF DAVIS BACON APPLIES)

This form must be submitted for any person (other than the registered "owner" of the company) who will be certifying (signing) the Statement of Compliance that will accompany each weekly Certified Payroll Report.

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The following person is designated as the Payroll Officer for the undersigned company and is authorized to sign the Statement of Compliance, which will accompany each weekly Certified Payroll Record for the project referenced above.

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|---------------------------------|------------------------------|
| Printed Name of Payroll Officer | Signature of Payroll Officer |
| Company Name | |

AUTHORIZATION SIGNATURE

| | |
|---|---------------------------------------|
| Printed Name of Owner or Authorized Agent | Owner or Authorized Agent's Signature |
| Title | Date |