

## City of Burlington Minority & Women-Owned Business Enterprise and Section 3 Registry Program Guide

The City has created this online registry to encourage the participation of Minority and Women-Owned Small Businesses and Section 3 Businesses in purchasing and contracting opportunities in the City of Burlington. The city's Minority and Women-Owned Business Enterprise Registry is designed to help meet the city's obligations under federally-funded programs as well as to fulfill the city's own procurement requirements as set forth by City Council Resolution. There are many other registry and certification programs for Minority and Women-Owned Businesses. If you'd like information on these other programs, see the Frequently Asked Questions.

Section 3 is a program of the [U.S. Department of Housing & Urban Development](#). It requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods.

### Certification of Eligibility Process

The certification process is intended to be straightforward and clear and seeks to minimize paperwork. Therefore, the certification process for inclusion on the M/WBE Registry is basically one of self-certification. Consequently, the City will accept the good faith word of an applicant that it is an eligible minority or women-owned business and include the firm on the M/WBE Registry without an investigation, unless there is cause to investigate a firm's eligibility.

However, to safeguard the interests of the City and legitimate M/WBE's, all applicants for the M/WBE Registry must certify under penalty of perjury that the City has the right to investigate and pursue prosecution of businesses that willfully and falsely claim eligibility status. Applicants must also agree to furnish any or all documents on the Request For Documentation List, if requested (see How to Apply below).

There is more documentation for the Section 3 certification process; we are happy to help guide you through it.

### Definitions of Eligibility

1. Minority Business Enterprise (MBE) or Woman Business Enterprise (WBE) shall mean a small business concern:
  - a. which is at least fifty-one percent owned by one or more minorities or women or a combination thereof, or, in the case of any publicly-owned business, at least fifty-one percent of its stock is owned by one or more minorities or women or a combination thereof; and
  - b. whose management and daily business operations are controlled by the minorities or women; and
  - c. whose gross annual dollar volume of business or number of employees does not exceed those amounts listed in the [Small Business Administration guidelines](#).
2. Minority individuals means those individuals who are citizens of the United States and who are members of one of the following groups, and any other minorities so recognized by the State of Vermont or the Small Business Administration:
  - a. African Americans.
  - b. Hispanic Americans, regardless of race.

- c. Native and Pacific Islander Americans.
  - d. Asian Americans.
3. Section 3 business means a business:
- a. That is at least 51 percent or more owned by Section 3 residents,
  - b. Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents, or
  - c. That provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to a Section 3 business concern.
4. Section 3 residents are Burlington Public Housing authority residents or residents of the Burlington / So. Burlington MSA who earn no more than the applicable income limit for their household size:

# in Household	1	2	3	4	5	6	7	8
MODERATE INCOME (80% of median)	\$42,400	\$48,450	\$54,500	\$60,550	\$65,400	\$70,250	\$75,100	\$79,950

5. City as used in this Program shall refer to the City of Burlington.

In addition, the City may include, but will not presume eligibility for inclusion on the M/WBE Registry, other individuals eligible to be considered as economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637 (a)). Such individuals are encouraged to apply for eligibility on a case-by-case basis.

In deciding whether a business qualifies as a small business in terms of size, the City will apply the standards established by the Small Business Administration in 13 CFR Part 121. In general, unless a firm has annual receipts of more than \$3.5 million or employs over 100 people, there is little need to be concerned about this size restriction. However, the City will inform a firm if it exceeds the standard size limitations within a specific industry grouping.

### How to Apply for the Registry

Firms that want to be included on the City of Burlington MWBE / Section 3 Registry should return the MWBE and/or Section 3 Applications and return the completed Application(s) to:

City of Burlington MWBE / Section 3 Registry  
 Community and Economic Development Office (CEDO)  
 Room 32 - City Hall  
 149 Church Street  
 Burlington, VT 05401  
 (802) 865-7144 / (TTY) 865-7142

There are separate application documents for the MWBE and the Section 3 programs. If you are eligible for both programs, please complete both applications.

CEDO will screen the application to determine if:

1. the business is current on local, state and federal taxes; and
2. the business is registered and, if applicable, licensed with the State of Vermont.

Certification is good until the end of the calendar year in which the firm is certified and placed on the Registry. Recertification is required each January, or any time there is a change in the firm's ownership, control, management, or status as an ongoing concern.

The City's Registry is published online at and is available for public as well as City use. Once a firm has been placed on the Registry, it may be notified of purchasing and contracting opportunities in the firm's lines of business. In general, the City will presume that firms which are already certified by other federal and state agencies as minority or women-owned or Section 3 businesses are eligible for inclusion on the City's Registry. However, it is important that these firms inform the City about their specific lines of business. It is the responsibility of firms on the Registry to inform the City about the nature of their products and services.

Also, please be aware that the City will not include firms engaged in highway construction in this Registry because M/WBE firms engaged in highway construction can apply directly for such certification to:

Vermont Agency of Transportation  
Office of Civil Rights and Labor Compliance  
One National Life Dr.  
Montpelier, VT 05633-5001  
(802) 828-5858 / 1-900-356-1965 / Fax (802) 828-1047

#### Denial or Decertification of Eligibility

CEDO reserves the right to deny certification or decertify a firm for the Registry under any of the following circumstances:

1. If the firm cannot resolve the concerns of CEDO about its eligibility as a minority or women-owned small business or Section 3 business through the informal certification process.
2. If CEDO is unable to contact a firm by email or telephone to resolve questions about eligibility.
3. If a firm does not annually recertify for eligibility, or if the firm fails to notify CEDO in writing any time there is a change in the firm's ownership, control, management, or status as an ongoing concern.
4. Written request by a firm to be removed from the Registry.
5. CEDO determines firm ineligible based on information subsequent to certification.

If any person believes that a firm is not eligible for inclusion on the Registry, that person is encouraged to contact CEDO by phone at 865-7144 or by e-mail at [cedofd@ci.burlington.vt.us](mailto:cedofd@ci.burlington.vt.us). Depending on the merits of the allegation, CEDO may conduct an investigation. In addition, CEDO may conduct an investigation of a firm's eligibility to claim M/WBE or Section 3 status if:

1. Federal or state agencies question a firm's eligibility.
2. A City department or office questions a firm's eligibility.

In all instances when CEDO has concerns about the eligibility of a firm to claim eligibility for inclusion on the Registry, CEDO will inform the firm of these concerns in writing. The firm will then have the opportunity to resolve these concerns in writing and in person through an

informal hearing. If CEDO decides that a firm should be denied certification or removed from the Registry, CEDO will state the reasons for its decision and the steps the firm must take to meet eligibility criteria in order to reapply for certification.

As a matter of policy, the City believes that the award of purchasing and contracting opportunities to firms that willfully and falsely misrepresent their eligibility as a minority or women-owned or Section 3 business is a very serious blow to the integrity of the City's program. Consequently, if it appears to the City that a challenged firm's eligibility is in serious doubt, CEDO can immediately remove the firm from participation in the program pending a final decision on the merits of the challenge to its certification.

#### **Willful Submission of False Information**

Any willful submission of false information may also be considered grounds for prosecution to the extent allowed by federal, state, and City laws, regulations, and ordinances.