### VIII. APPENDIX

A. Developer Letter 1
B. Developer Letter 2
C. Regions Type Compliance Agreement.
D. Section 3 Summary Report
E. HUD Guidelines
F. Contractor Handout with DHS Rules
G. Good Faith Efforts Criteria
H. City of Saint Paul Department of Human Rights 2005  Comparison with the Minneapolis Department of Civil Rights
I. Findings and Recommendations Summary Chart
J. Background and Qualifications of Consultants

Appendix A Developer Letter 1

#### Acknowledgment of Receipt of Compliance Documents

(Project Manager's Name)
Housing and Redevelopment Authority (HRA)
City of Saint Paul
Department of Planning and Economic Development (PED)
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102

RE: (Description of Project) ("Project")

Dear:

The undersigned applicant acknowledges receipt of the following City/HRA compliance documents ("Compliance Documents) that will or may be applicable for this Project:

- I. Vendor Outreach Program (Separately signed by applicant), including Business Opportunities Template (BOT)
- II. Affirmative Action/Apprenticeship Opportunities Pilot Project (AOPP), including Workforce Utilization Template
- III. Labor Standards
- IV. Living Wage
- V. Business Subsidy
- VI. Compliance Agreement for Conduit Bonds\* and Host Approval

\*Condin: Bends are defined as any bonds issued by the Housing and Redevelopment Authority (HR4) on behalf of an applicant who files with the HRA an application and executes a Memorandim of Understanding (MOU) with the HRA, this includes rental housing revenue bonds.

The undersigned understands that the delivery of the Compliance Documents by the HRA does not (a) constitute or create an agreement by the City of Saint Paul or the HRA to approve the Project or grant any financing for the Project, or (b) constitute any representation by the City or HRA that it will approve the Project or agree to provide financing, or c) create any legal or equitable cause of action against the City and HRA arising from any failure or refusal by the City and HRA to approve the Project or any financing for the Project.

Instead, the undersigned acknowledges that a legally binding contract will be formed only upon formal approval of the Project by the HRA Board of Commissioners and execution of a legally binding agreement, the terms of which will be discussed and agreed upon with HRA and City staff. Also, the undersigned agrees not to make any waiver or estoppel arguments to impose any agreement or binding legal obligation on the City or HRA by actions taken by the applicant in response to the Compliance Documents.

7. C 1:	
(List name of applicant)	
Date:	

Appendix B Developer Letter 2

#### [Project Manager's Name]

Housing and Redevelopment Authority
Department of Planning and Economic Development
1400 City Hall Annex
25 W. 4th St.
St. Paul, MN 55102

RE: Acknowledgment of Specific Compliance Requirements for *[name of project]* (the "Project")

Dear <u>[project manager]</u>		
By letter dated	, 200	, the undersigned acknowledged receipt of certain City HRA
"Compliance Document	s" that	may or may not be applicable to the Project.

The purpose of this letter is to evidence the undersigned's understanding of and agreement to be bound by the applicable Compliance Documents for the Project. The Project still needs to be approved by the HRA Board of Commissioners before the HRA/City is legally committed to provide any financial assistance.

The undersigned expressly understands that if it commences construction work on the Project before HRA Board approval and execution of a written agreement, and the undersigned has failed to fully comply with the applicable Compliance Documents, that the undersigned runs the risk that the HRA will not provide any financial assistance to the Project or execute any agreement.

The undersigned now acknowledges the following specific compliance requirements applicable to the Project.

[NOTES TO PED STAFF: This acknowledgement letter is to list the specific Compliance Requirements that apply to the Project, with specific detail on each applicable requirement, period of time, reporting requirements, etc.]

#### 1. VENDOR OUTREACH PROGRAM, CHAPTER 84.01

- 1. Specific Project Compliance Requirement
  - a. The Vendor Outreach Goal is 15% minority-owned (MBE), women-owned (WBE) and small businesses (SBE) for the Project. The 15% goal is \$ famount/ which is 15% of the \$ famount/ which are the business opportunities of the Project.
  - b. The 15% goals is allocated as follows:
    - i. 1.3 of 15% to MBEs.
    - B. 1.3 of 15% to WBEs
    - iii. 1 3 of 15% to SBEs.

#### 2. Reporting requirements:

- a. We shall report our specific good faith efforts to achieve the VOP goals each month, and identify the certified vendors we are using to meet the 15% goal.
- b. We shall complete the Monthly Vendor Outreach Goal Status Report and submit it to the Vendor Outreach Coordinator, Contracts and Analysis Services, Room 280 City Hall Courthouse, 15 W. Kellogg Blvd., St. Paul, MN 55102

II. AFFIRMATIVE ACTION, CHAPTER 183.04/ APPRENTICESHIP OPPORTUNITIES PILOT PROJECT (AOPP), Pursuant to Council Resolution 06-304 and Section 183.04 of the Saint Paul Legislative Code

#### A. AFFIRMATIVE ACTION, CHAPTER 183.04

- 1. Specific Project Compliance Requirement:
  - a. We agree to maintain a current effective Affirmative Action Program (AAP), to implement all provisions of that AAP during the next two years, and to comply with Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment. Our AAP is now available for inspection and will be submitted to the Department of Human Rights at any time upon its request.
  - b. We agree to keep records of all personnel actions such as applicant flow, hiring, firing, lay-off, promotions, and actions taken to affirmatively recruit and hire women minorities and people with disabilities. We agree to submit to the Department of Human Rights during the next two years, AA:EEO Semi Annual Compliance Reports detailing these personnel and affirmative action activities.
  - c. During the next two years we agree to provide, as requested by the Department of Human Rights, proof of compliance with Section 183,04 and its implementing Rules, including documentation of our Good Faith Efforts to recruit and hire women, minorities, and people with disabilities.
  - d. The goals for minority and female construction worker participation on the Project are the following:
    - 1. 6% Female-Skilled plus Unskilled
    - 2. 11% for Minority Skilled
    - 3. 11% Minority Laborers
- 2 Reporting reduirements
  - a. [Include applicable instructions ]

# B. APPRENTICESHIP OPPORTUNITIES PILOT PROJECT (AOPP), Pursuant to Council Resolution 06-304 and Section 183.04 of the Saint Paul Legislative Code

- 1. Specific Project Compliance Requirement:
  - a. The AOPP Resolution has established that on construction projects receiving \$50,000 or more in City of Saint Paul financial assistance, there will be a 15% apprentice utilization goal. The goal is based on the total work hours performed by construction trade workers on the project site, this number was established from the Workforce Utilization Template—Total Construction Hours <u>[enter number]</u>. The apprentices must be enrolled in training programs approved by the Minnesota Department of Labor & Industry.
  - b. AOPP affirmatively advocates on behalf of women, minorities and low-income adults seeking apprentice opportunities. On construction projects receiving \$50,000 or more in City of Saint Paul financial assistance, there will be utilization goals of:
    - 1. 6% female and
    - 2. 11% minority apprentice hours

Based on the total number of apprentice hours on the project.

- c. AOPP seeks to assist contractors as they diversify and strengthen their work force by hiring new apprentices who seek to begin a career in the construction trades or by hiring apprentices already enrolled in union apprenticeship programs. AOPP facilitates the hire of apprentices by working as a liaison between government, construction developers, contractors, unions, and community-based organizations with pre-apprenticeship programs or construction placement services. It is the goal of AOPP to provide contractors with a pool of work-ready individuals, many of whom have graduated from local pre-apprenticeship programs or have previous construction experience.
- d. Contractors must actively demonstrate and document their good faith efforts to meet or exceed the AOPP goals. The Good Faith Efforts Criteria are attached as a supplement to these Rules.

#### 3. Reporting Requirements

 We understand and agree to all the reporting requirements as outlined in the Apprenticeship Opportunities Pilot Project

b. The lude applicable instructions f

#### III. LABOR STANDARDS—FEDERAL LITTLE DAVIS-BACON (local)

A. LABOR STANDARDS—FEDERAL

#### 1. Specific Project Compliance Requirement

- a. We agree that federal Labor Standards apply to the Project.
- b. We understand and shall comply with all the requirements as outlined in the Federal Labor Standards Fact Sheet, dated [date].

#### 2. Reporting requirements

a. We understand and agree to all the reporting requirements as onlined in the Federal Lahor Standards Fact Sheet, dated [date].

#### B. LABOR STANDARDS—LITTLE DAVIS-BACON (local)

- 1. Specific Project Compliance Requirement
  - b. We understand and agree to all the reporting requirements as outlined in the Little Davis-Bacon Labor Standards Fact Sheet, dated [date].
  - c. We understand and shall comply with all the requirements as outlined in the City State Labor Standards Requirements, dated [date].

#### 3. Reporting requirements

a. We understand and agree to all the reporting requirements as outlined in the City State Labor Standards Requirements, dated [date].

#### IV. SAINT PAUL'S LIVING WAGE ORDINANCE

- 1. Specific Project Compliance Requirement
  - a. The current Living Wage applicable to the Project is \$ [hourly rate] or \$ [hourly rate] if employer-paid basic health insurance is provided. We agree to pay all employees not less than this Living Wage amount for [number] years.

#### 2. Reporting requirements

- a. We shall submit an initial Quarterly Wage Detail report to PED <u>frequents</u> <u>managerf</u> at time of <u>fcontract execution project closingf</u>, and a 4<sup>th</sup> quarter Quarterly Wage Detail annually, beginning <u>fdatef</u> and until <u>fdatef</u> or until such date all requirements are met.
- b. We shall provide beginning <u>[date]</u> an annual "Memorandum of Communice"

affidavit certifying any new hires and the city in which they reside.

#### V. BUSINESS SUBSIDY

4	C	D	* 12	D in
	Specific	Protectiu	ombliance	Requirement
	C)			

- a. [Include applicable requirements.]
- 2. Reporting requirements
  - a. [Include applicable requirements.]

#### VI. COMPLIANCE AGREEMENT FOR CONDUIT BONDS

- a. \$ [amount] for the default or violation of the Developer's obligations with respect to affirmative action/equal opportunity; and
- b. \$ [amount] for the default or violation of the Developer's obligations with respect to the apprenticeship opportunity program; and
- c. \$ <u>famount</u>] for the default or violation of the developer's obligations with respect to the vendor outreach program.

The undersigned reaffirms its understanding that the determination of the specific Compliance Requirements for the Project does not create a legally binding contract or obligation by the HRA. Instead, a contract will only be formed upon formal approval of the Project by the HRA Board of Commissioners and execution of a legally binding agreement, the terms of which will be separately discussed and agreed upon with HRA and City staff and will include the specific Compliance Requirements.

Printed Name	Signature	 	 
Date:			

# Attachments [if applicable]:

### EXAMPLE:

- Federal Labor Standards Fact Sheet
- City State Labor Standards Requirements

Appendix C Regions Type Compliance Agreement Compliance Penalty Exposure to Developer for HRA Financings including Conduit Bonds under the 2007 Compliance Agreement Date: Jan 30,2007 contained in Section 1.4(b) of the Agreement

		Individual L	liquidate Damag	es Amount (2	2)
	Liquidated	Affirmative	Apprenticeship	Vendar	Prevailing
Project size(1)	Damages	Action (3)	Training Prog.	Outreach (4)	Wages(5)
	100%	68%	12% o	20%	
\$ 100,000,000 and h	igher \$500,000	\$340,000	\$60,000	\$100,000	N/A
\$ 50,000,000	\$400,000	\$272,000	\$48,000	\$80,000	N/A
\$ 25,000,000	\$300,000	\$203,000	\$36,000	\$60,000	N/A
\$ 20,000,000	\$250,000	\$170,000	\$30,000	\$50,000	N/A
\$ 10,000,000	\$200,000	\$136,000	\$24,000	\$40,000	M/A
\$ 7,500,000	\$175,000	\$119,000	\$21,000	\$35,000	N/A
\$ 5,000,000	\$150,000	\$102,000	\$18,000	\$30,000	N/A
\$ 2,500,000	\$125 <b>,</b> (40)	\$85,000	\$15,000	\$25,000	N/A
\$ 1,000,000	\$75,000	\$51,000	\$9,000	\$15,000	NA

<sup>1)</sup> Project size for the Compliance Agreement is the dollar amount of business opportunities under Vendor Outreach (Determined by Stephanie Selb in consultation with Readus Fletcher

<sup>2)</sup> If default not cured by Borrower - this does not include recovering reasonable attorney costs and cost incurred for City to bring action should fIRA attorney proceed to court to coffect under the defaulted Compliance Agreement

<sup>3)</sup> Liquidated damage cap for uncured violations with respect to not having plans, violate best efforts for diverse workforce on the job, or best efforts violation for Apprenticeship Opportunities Training Program (these two programs are 80% of the LDs; AADP is 15% of 80 or 12%, Affirmative Action (80%-12% or 68%)

<sup>4)</sup> Liquidated damage cap for uncured violations with respect to best efforts for business opportunities for goals.

<sup>5)</sup> Uncured violations with respect to prevailing wage payments including benefits are uncapped.

7.50% 0

5.00%

2.33% 3.00%

1.25% 2.00%

1.20%

0.80%

% of Damages to Project Size

0.50%

ίx

Appendix D Section 3 Summary Report

#### **Section 3 Summary Report**

U.S. Department of Housing and Urban Development Office of Fair Housing

OMB 4pproval No. 2529-0043

Economic Opportunities for (exp. 8 31,0007 Low - and Very Low-Income Persons Hua Fleta Öffice And Equal Opportunity Reeldage 3 for Public Recording 8, roen statement Prezident Name w Hodress i streot privistate po-1. Federal identification il pantraquawara no J. Do at employ they and 4 Johnson Person nuluce area cone Ti Clare Republic Johnne d Recording Ferror n e Pregram cota Ymrin ruse a separate sheer for each 9. Program Name program code Part I: Employment and Training (\*\* Include New Erres in columns E.S.F.) Three Toral Brahmours Number of Number of New 5 of Aggregiate Number Number of Septiment Rings that are Sell it Residents of Mark House of New Hires manare, and in Negotianis ror Section 3 Employees and Trainees Employees and Trainees con Cotegory haw to res Professionals Technolous ..... Office:Ciernal
Construction by Trace (List) 1 Tracte Trade Trace Other (List) Total N = Public indian Hoesing - # Developmen f Miligram Direk 1 - Her Ne Gussal 1 - Septio Gustant ic e SDBC State Administred I sia otner SD Programs I ne Otter Housing ring and 4 = Homeress Assistance bile HUMS State Acronistered in a COBO Entirement Bir Gaeration C. # Modernitation

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rubilic reporting for this us lect us of information is estimated to average 2 hours per response including the time for relieding instruction. Searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB is united.

Section 3 of the Housing and Urban Development Act of 1968, as amended, 10 U SIC 1701ul mandates that the Department ensure that smold, ment and other economic poportunities generated by its housing and community development assistance programs as directed toward flows and very-low income persons, particularly those who are recipients of government assistance housing. The regulations are round at 04 OFR Fort 135. The information will be used by the Department to monitor program redicients compliance with Section 3, to assess the results of the Department is efforts to meet the statution objectives of Section 3, to prepare reports to Congress, and by results and its international to prepare reports to Congress, and by respect to the assessment of international violes and exhibiting federal financial assistance for housing and community development programs by effective for the fear mousing Act and Section 816 of the HoDA of 1930. An assurance of particentary since good assistance. Data is cumulative personal centifying information is not the upon.

#### Form HUD-60000 Section 3 Summary Report, Economic Opportunities for Low- and Very Low-Income Persons.

Instructions. This form is to be used to report ahous accomplianments regarding employment and other economic roperson fres pritis gert to lower and personal versions under Section 3 of the Housing and Grean Development Amort 1968 Secret 3 secular capacita en Public and Indian Housing Depty in Single President Community musernivar trigiling Livesantito Best on 14 ctime U.S. Housing Hat of 19%7 and to recipients of housing and community development assistance in excess of \$200,000 expended in in it rousing three hardring in all prediction and addressed paint. mazaras (12) houring construction for (3) other purish construction projects, and to contracts and subcontracts in excess of \$100,000. awarded in come turns with the Section-3-covered similarly

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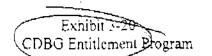
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The Secretary may establish income coning regnetion lower than 50 percentum of the credian for the area on the basis of the Sepreter's thicings such that variations are necessary because of prevaling the slotconstruction costs or unusubly riight an low-income families. Very lowincome persons mediciow-recome families i notating single persons. what elincomes du not exceed but er centum of the median  $(t,\tau)$  income. amplias determined by the Secretary with adjustments of amble on a larger land est except than the begretery madestablish in lands beings to history , werethan 60 per cent of the inleg policy for the area on the tropic or the Secretaria's findings that suith by lations are necessary becourse of unusually матырыру таты, эгрогіне

Appendix E HUD Guidelines



# H. CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISES AND LABOR SURPLUS ARE A FIRMS [See 24 CFR 85.36(e).]

a.	including such businesses on solicitation lists whenever they are potential sources?	Yes	N.
<b>b</b> .	ensuring that such businesses, when identified, are solicited whenever they are potential sources?	Yes	I.
c.	dividing procurement requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses?	Yes	N
  cd. 	requiring prime contractors when subcontracts are let, to take affirmative steps to select small, minority-owned and women-owned businesses in grant-funded contracts?	Yes	[ N
	the program participant is not taking the steps identified in the question above tions the program participant is taking to meet 24 CFR 85.36(e) requirements	that	ne
bu	firmative steps be taken to assure use of small, minority-owned and women-orisinesses when possible.  escribe Basis for Conclusion:	wned	

OPTIONAL FORM 99 (7-90)

3-13 09/2005

## Exhibit 7-22 HOME Program

# H. CONTRACTING WITH SMALL AND MINORITY FIRMS. WOMEN'S BUSINESS ENTERPRISES AND LABOR SURPLUS AREA FIRMS

a.			
	sources?	Yes	No
ъ.	ensuring that such businesses, when identified, are solicited whenever they are potential sources?		
	me potential sources.	Yes	No
Ċ.	dividing procurement requirements, when economically feasible, into		
	smaller tasks or quantities to permit maximum participation by such businesses?	Yes	N
d.	requiring prime contractors when subcontracts are let, to take affirmative		
<u>.</u> 	steps to select small, minority-owned and women-owned businesses in grant funded contracts?	Yes	N
í : 		· ·———	
If	the PJ is not taking the steps identified in Question 29 above, list the actions th	e PJ is	
tal ov	king to take affirmative steps to assure the use of small, minority-owned and woned businesses when possible.  4 CFR 85.36(e) and 24 CFR 92.505(a)		
1[2:	escribe Basis for Conclusion:		
	Control Dasis for Contracting		

#### **GUIDANCE ON MBE/WBE OUTREACH**

#### I. Minimum Acceptable Dutrench Standards

participating jurisdiction may undertake.

Section 281 of the National Affordable Housing Act requires each participating jurisdiction to prescribe procedures acceptable to the Secretary to establish and oversee a minority outreach program. The program shall include minority and woman-owned businesses in all contracting activities entered into by the participating jurisdiction to facilitate the provision of affordable housing authorized under this Act or any other federal housing law applicable to such jurisdiction. Therefore, minimum HUD standards require that each participating jurisdiction's outreach effort to minority and women-owned businesses be:

ū	A good talth, comprehensive and continuing endeavor:
ם	Supported by a statement of public policy and commitment published in the print media of widest local circulation;
ם	Supported by an office and/or a key, ranking staff person with oversight responsibilities and access to the chief elected official; and
۵	Designed to utilize all available and appropriate public and private sector local resources.
Ħ.	Guidelines for a Minority/Women Business Outreach Program
	Under the minimum HUD standards cited above, the following guidelines are provided for use by licipating jurisdictions in implementing outreach programs to ensure the inclusion, to the maximum extent sible, of entities owned by minorities and women. Each participating jurisdiction should:
	Develop a systematic method for identitying and maintaining an inventory of certified minority and women's business enterprises (MBEs and WBEs), their capabilities, services, supplies and/or products;
<u> </u>	Utilize the local media, electronic and print, to market and promote contract and business opportunities for MBEs and WBEs;
٥	Develop informational and documentary materials (fact sheets, program quides, procurement forecasts, etc.) on contract/subcontract opportunities for MBEs and WBEs;
Ō	Develop procurement procedures that facilitate opportunities for MBEs and WBEs to participate as vendors and supplies of goods and services;
٥	Sponsor business opportunity-related meetings, conferences, seminars, etc., with minority and women business organizations; and
٥	Maintain centralized records with statistical data on the utilization and participation of MBEs and WBEs as contractors/subcontractors in all HUD-assisted program contracting activities.
	Facts participation (pricrieties, utilizes the standards and quidelines listed above, shall precede

procedures and actions it will undertake in implementing a minority and women's business enterprise outreach program. The above items represent basic outreach-related activities and are not all-inclusive actions a

# **GUIDANCE ON SECTION 3**





### WHAT IS SECTION 3?

Section 3 of the I	e Housing and Urban Development Act of 1968 (Section 3), as amende	ed by the Section 915 of
	nd Community Development Act of 1992, requires that economic oppor	
financial assistan	ance for housing and community development programs be targeted to	ward low- and very low-
income persons.	s. In effect, this means:	

M to	COURT PERSONS. IN CREAT DES MICHELS.
ם	Whenever HUD assistance generates opportunities for employment or contracting, Public and Indian Housing Authorities, state and local grantees, and other recipients of HUD housing assistance funds must, to the greatest extent feasible, provide these opportunities to low- and very low-income persons and to businesses owned by or employing low- and very low-income persons.
ם	The Section 3 requirements apply to job training, employment, contracting and subcontracting and other economic opportunities arising from assistance provided for construction, reconstruction, conversion, or retrabilitation (including lead-based paint hazard reduction and abatement) of housing, other buildings, or improvements assisted with housing or community development assistance, including HOME.
	Section 3 applies to:
	<ul> <li>projects for which HLID's strare of project costs exceeds \$200,000; and</li> </ul>
	<ul> <li>contracts and subcuritracts awarded on projects for which HUD's share or project costs exceeds \$200,000, and the contract or subcontract exceeds \$100,000.</li> </ul>
	Recipients whose projects do not fall under Section 3 are nonetheless encouraged to comply with the Section 3 preference requirements.
ם	Recipients and their contractors and subcontractors must show <u>preferences</u> for giving training and employment opportunities to low-income persons, to the greatest extent feasible. They should show priority considerations for hiring low-income persons as follows:
	(1) Low-income persons residing in the service area or neighborhood in which the project is located.
	(2) Participants in HUD Youthbuild programs,
	(3) If project is assisted under the McKinney Act, horneless persons in the project area of the project.
	(4) Other Section 3 residents.
	Again, the persons hired should be qualified to perform the work required.
	Recipients and their contractors and subcontractors must direct their efforts to award Section 3 business concerns, to the greatest extent feasible, to Section 3 business concerns in the following preference order.
	(1) Section 3 businesses that operate in the project area.

- (2) Entities that carry out Youthbuild programs.
- (3) Other Section 3 business concerns.

The business must be able to demonstrate that it can successfully perform under the terms and conditions of the proposed contract. In addition, these requirements do not restrict competition to only businesses meeting one of the priorities, nor do they authorize set-asides.

#### COMPLIANCE AND RECORDINEEPING

- Numerical goals for meeting the greatest extent feasible requirement.
  - For training and employment opportunities resulting from Section 3-covered housing assistance, a commitment to employ 10% of the aggregate number of new tires each year over the duration of the Section 3 project.
  - For training and employment opportunities resulting from Section 3-covered community development assistance, a commitment to employ 30% of the aggregate number of new hires for a one-year period.
  - For contracts awarded in connection with Section 3-covered projects, a commitment to award at least 10% of the total dollar amount of contracts for building trades work and at least 30% of the total dollar amount of all other Section 3-covered contracts.
- All recipients of assistance must:
  - Arriand their amployment and procurement policies to comply with Section 3.
  - Include the Section 3 clause is covered contracts and subcontracts.
  - Document their best efforts to comply with Section 3 and their success at hiting low-income persons.
  - Monitor that own compliance and the compliance of their contractors and subcontractors.
  - Provide annual reports to the Assistant Secretary for Fair Housing and Equal Opportunity as requested.
- Recipients must maintain the following records:
  - The good talk efforts made to make low-income persons aware of the positions, and to encourage and facilitate their application.
  - The number and dottar value of all contracts awarded to businesses and, in particular, Section 3 businesses during the fiscal year.
  - A description of the best efforts made to award contracts to Section 3 businesses.
  - The mechanisms by which they ensured that contractors and subcommittees complied with the Section 3 preferences for training, employment, and contract awarding.
- The Assistant Secretary for Pair Housing and Equal Opportunity will conduct periodic compliance reviews.

Appendix F
Contractor Handout with DHS Rules

## DEPARTMENT OF HUMAN RIGHTS

Tyrone Terrill, Director



#### CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

240 Cir. Hell 15 West Rellogg Boulevard Saint Pevil, MN 55161-1611 Telephone: (631) 266-3966 Fassimile: (631) 266-3961 TOD: (631) 266-8977

# AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY CONTRACT SPECIFICATIONS

The Affirmative Action/Equal Employment Opportunity Contract Specifications shall apply to all companies receiving \$50,000 or more in City of Saint Paul contracts over the preceding twelve months. These City contractors shall include the AA/EEO Contract Specifications in all lower tier contracts with subcontractors.

- Every contractor or subcontractor whose total accumulated contract awards from the City of Saint Paul over the preceding twelve months have met or exceeded \$50,000 must complete and submit to the Department an Affirmative Action Program Registration form. The commotor must certify that it has developed and is implementing an officiary Affirmative Action Program which is substantially similar to the Department's Model Affirmative Action Program. Once the Affirmative Action Program Registration is completed and accepted by the Saint Paul Human Rights Department, the contractor will be notified by letter. Registration is valid for two (2) years, during which time the contractor may be selected for a compliance review. At the end of the two-year period, the contractor must complete and submit a new Registration form.
- 2. The contractor shall implement the specific equal employment opportunity affirmative action provisions outlined in paragraphs 3(A) to 3(G) of these Specifications and all the provisions of their Affirmative Action Plan.
- 3. The contractor shall take specific action to ensure equal employment opportunity. The evaluation of the contractor's compliance with these specifications must be based upon its affort to achieve maximum results from its actions. The convertor shall document these efforts fully and shall implement afformative action steps at least as extensively as the following.
  - A. Designate a responsible official to monitor the employment related activity to ensure that the contractor's Equal Employment Opportunity Policy and Affirmative Action Plan are being implemented, to keep appropriate records, and to submit reports relating to the provisions hereof as may be required by the Saint Paul Homan Rights Department.
  - B. Make every good faith offers to maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. The contractor shall specifically ensure that all lead supervisors, superintendents, and other orasite supervisory personnel are aware of and carry out the contractor's obligation to maintain such a working environment, with specific attention to minorities, women, and individuals with disabilities working at such sites or in such facilities.
  - C. Establish and maintain a face-to-face relationship with recruitment sources for importies, women, and individuals with disabilities. Contractors must document meetings and telephone contacts with recruitment sources. Provide without porification to recruitment sources. From de without porification to recruitment sources. For minorities, women, and individuals with disabilities and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations responses.

D. Disserturate the contractor's equal employment opportunity and affirmative action (EEO/A.A.) policy by providing a cory of the policy to all applicable unions and training programs. Request the cooperation of unions and training programs in assisting the contractor in meeting its equal employment opportunity obligations. Include the EEO/AA policy in all policy manuals and collective bargaining agreements. Publicize the EEO/AA policy in the company newspaper or annual report bargaining agreements. Publicize the EEO/AA policy in the company newspaper or annual report Review the policy with all employees, including management potections one a year. Post the EEO/AA policy on bulletin boards or other places accessible to all employees at each location where work is performed. Distribute the EEO/AA policy to all employees, including temporary, seasonal, and work is performed in the EEO/AA policy to all employees and to all independent contractors.

E. Review, at least annually, the contractor's equal employment opportunity pointy and affirmative action obligations with all employees having any responsibility for hiring, assignment, layoff, tennination, or other employment decisions. A winten record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

Direct its recruitment efforts, both oral and written, to community organizations of toward minorities, worden, and individuals with disabilities, to schools with significant numbers of students who are minorities, women, and individuals with disabilities, and to recruitment and training organizations extended toward minorities, women, and individuals with disabilities serving the confinence of the confinence of the properties and individuals with disabilities serving the confinence is recruitment area and employment needs.

G. Hours that sentency precises, job classifications. Work chairmants and other personnel and other personnel articlated practices do not have discriminatory effect. Conunally monitor all personnel and origingment related activities to ensure that the equipment related activities to ensure that the conunactor's obligations under activities are being carried out.

4. The contractor, in fulfilling its obligations under these Specifications, shall implement specific attimative action steps, at least at extensively as those standards presented in paragraph 34.8) to 34.0) nothin so as to achieve measurements from its officies to ansure equal employment upportunity. If the conting fatis to comply with the requirements of Section 183 of the Saint Paul Legislative Code, its implementing fatis to comply with the requirements of Section 183 of the Saint Paul Legislative Code, its implementing fatis to comply with the requirements of Section 183 of the Saint Paul Legislative Code, its implementing materials.

5. The contractor shall not enter this any contract with any person of firm debaned from government contracts under section 162 of the Saint Part Legislative Gode. Chapter 139 of the Minneapoles Gaint Part federal Executive Order 11246, or whose state certificate of compliance has been suspended or revoked pursuant to Minnesott Statutes. Scotion 363,073.

Entransmit to Section 185 of the Saint Paul Legislative Code and its implementing rules. Any contractor who contractor and contractor and contractor which contractor which contractor which contractor which contractor which contractor which contractor who is implement such contractors and contractor who is implement such contractors with contractor who is implement such saint for the contractor of these Specifications.

# CORLEVEL SECTERCATIONS FOR CONSERRED CONTRACTS SUPPLEMENTAL AFFIRMATIVE ACTION: EQUAL EMPLOYMENT OPPORTUNITY

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- 8. The female and female and minority utilization goals set forth below are for construction projects receiving \$50,000 or more in City assistance and are expressed as a percentage of hours performed by construction workers on size. Contractors must actively demonstrate and document their good faith efforts to meet or exceed these goals:
  - 6% of total hours performed by woman.
  - 11% of skilled craft hours performed by minorities, and
  - 11 % of laborer hours performed by minorities.
- 9. The apprentice utilization goals set forth below are for construction projects receiving \$50,000 or more in City assistance and are expressed as a percentage of hours performed by construction workers on site. Contractors must actively demonstrate and document their good faith efforts to meet or exceed those goals:
  - 15% of total hours performed by apprentices,
  - 6% of apprentice hours performed by women, and
  - 11% of apprentice neture performed by minorities.
- 10. Contractors must establish contact with the Apprenticeship Opportunities Pilot Project (AOPP) staff prior to the start of a construction project with \$50,000 or more in City of Saint Paul financial assistance in order to discuss union apprenticeship opportunities in the contractor's workflues. When seeking to fill specific openings, contractors will give AOPP a reasonable amount of time to locate and refer applicants, preferably one month prior to the closing date for receipt of applications. Contractor must report to AOPP the disposition of the candidates which are referred.
- 11. After the contract has been awarded, but before construction beguns, all contractors that have been selected to work on the project will be required to meet in a Pre-Construction. Conference with the Human Rights Specialist that has been assigned to menitor the project. This conference will be held to discuss the authoration goals for minority and women, how the goals will be met, and any problems that may affect the project's ability to achieve the goals.
- 12. Every contractor must subject the Identification of Prune Contractors, Subcontractors and Major Material Supplier Form (CPF-3). The names, addresses, telephone numbers, start date, completion date and nature of work must be listed for the contractor, as well as all lower tier contractors (including material suppliers).
- All contractors must complete and submit to the Human Rights Specialist the Project Employment Utilization (PEU) form indicating the total number of project work hours they anticipate it will take to complete their portion of the work on the construction project, total female work hours, total shifted work hours, total minority skilled work hours, total laborer work hours, and total minority laborer work hours. All contractors must indicate on the bottom of the PEU form if they will meet the goals through their internal work force or by hiring additional employees. If a contractor is unable to meet the goals, they must indicate the mason at the bottom of the PEU form. These forms must be submitted to the Saint Paul Department of Human Rights before the start of the project.
- All contractors must complete and submit to the Human Rights Specialist the Apprentice Utilization form indicating the total number of project work hours they anticipate it will take to complete their portion of the work on the construction project, total number of apprentice hours, total female apprentice hours, and total minority apprentice hours. If a contractor is unable to meet the goals, they must indicate the reason at the bottom of the Apprentice Utilization form. These forms must be submitted to the Saint Paul Department of Human Rights before the start of the project.

- 15. All contractors performing work on a construction project must submit Monthly Employment Utilization (MEU) reports to the Saint Paul Department of Human Rights by the 7th of every month. These reports must indicate (1) the number of minority and female work hours performed on site, and (2) the number of minority and female construction workers on site each month. The contractors must also respond to the related data requested on the back of the form. The MEU forms must be collected and summed by the Prime Contractor every month. The Prime Contractor's monthly summaries must be cumulative, showing all subcontractors and work hours performed on site from the project start to date. The MEU summary spreadsheet and the monthly spreadsheet must be submitted to the Department by the 7th of each month.
- Should the contractor fail to make every good faith effort to meet the goals for participation of women and minorities sot forth in these Specifications, the Director may take appropriate measures to sanction the contractor pursuant to these specifications and Section 183 of the Saint Paul Legislative Code.

Revised 11/01/06

Appendix G Good Faith Efforts Criteria

## GOOD FAITH EFFORTS CRITERIA

- 1. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the Contractor's employees are assigned to work. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
- 2. Attend Apprenticeship Opportunities Pilot Project (AOPP) general information sessions. Establish individual contact with the AOPP staff prior to the start of the project to discuss umon apprenticeship opportunities in the contractor's workforce. When seeking to fill specific openings, contractors will give AOPP a reasonable amount of time to locate and refer applicants, preferably one month prior to the closing date for receipt of applications. Report to AOPP the disposition of the candidates which are referred.
- 3. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain all records of the telephone and written communications to the resources and organizations' responses. When seeking to fill specific openings contractors will give agencies a reasonable amount of time to locate and refer applicants, preferably one mouth prior to the closing date for receipt of applications. Application and application filling procedures will be as simple as is consistent with business requirements.
- 4. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority and female referrals from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.
- 5. Provide immediate written notification to the Human Rights Department when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union's referral process has impeded the Contractor's efforts to meet its obligations.
- 6. Participate in or develop apprenticeship programs and on-the-job training opportunities which expressly include minorities and women, including programs funded or approved by the Minnesota Department of Labor and Industry and/or the U.S. Department of Labor. The Contractor shall provide notice of these programs and opportunities to the sources referenced in numbers 2 and 3 above.
- Disseminate the Contractor's EEO/AA policy statement by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO/AA obligations: by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees a least once a year; and by posting the company EEO/AA policy statement on bulletin boards accessible to all employees at each location where construction work is performed

- Review, at least annually, the company's EEO/AA policy statement and affirmative action obligations with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions. Specific review of these items must also be made with onsite supervisory personnel such as superintendents, general foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- 9. Disseminate the Contractor's EEO/AA policy externally by including it in any advertising in the news media, specifically including minority and female news media. Provide written notification to and discuss the Contractor's EEO/AA policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
- 10. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
- 11. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female wouth both on the site and in other areas of a Contractor's work force.
- 12. Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
- 13. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect. Continually monitor all personnel and employment related activities to ensure that the EEO/AA policy and the Contractor's AA obligations are being carried out.
- 14. Ensure that all facilities and company activities are nonsegregated, except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
- 16. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO/AA policy and affirmative action obligations.

All employment practices regarding good faith efforts must be collected and maintained in your employment files for at least a two (2) year period.

Revised 11/01/06

Appendix H
City of Saint Paul Department of Human Rights 2005
Comparison with the Minneapolis Department of Civil Rights

# CITY OF SAINT PAUL DEPARTMENT OF HUMAN RIGHTS 2005 COMPARISON WITH THE MINNEAPOLIS DEPARTMENT OF CIVIL RIGHTS

	SAINT PAUL	MINNEAPOLIS							
Population	287,151	382.618							
Budget	5532,000	\$2,600,000							
Staff	8	24							
Number of Managers	1	4							
EEOC Cases Filed/Closed	135/128	68/59							
Note: Department met its EEOC contract for the $9^{th}$ straight year while Minneapolis had their contract reduce from 125 cases to 50 cases.									
Non-EHOC Cases Faled	05 gT	47-66							
Overall Cases Filed/Closed	230/215	115/125							
1 of Construction & Construction Onsite Reviews		0′500							
Afficulative Action									
Plans: Affirmative Action Registrations	413/210	482							

<u>Note</u>: MDCR has responsibility for City=s Prevailing Wage policy, Federal Davis-Bacon Act. Equal Benefits Ordinance and the Small and Underutilized Business function.

<u>Affirmative Action Registrations only amplies to the City of Saint Paul.</u>

Events

Appendix I Findings and Recommendations Summary Chart

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Appendix J
Background and Qualifications of Consultants

#### Background and Qualification of Consultants

This audit was conducted by the Hall Legal Team, a consulting group located in Milwaukee, Wisconsin. The work was performed by James H. Hall, Jr., William H. Lynch and Rebecca L. Salawdeh.

Hall Legal, S.C. is a law firm based in Milwaukee, Wisconsin with a practice that emphasizes civil rights and equal opportunity in employment, housing, education and contracting matters. The principal attorney who leads the firm's efforts in these areas is James H. Hall, Jr., an African-American who has been involved in matters relating to these areas for over 25 years. James Hall has represented and advised many clients in obtaining certification to compete for and receive contracts with various units of City. County and State government. He represented the interests of a coalition of community organizations, including minority groups, in connection with the response of the City of Milwaukee to the 1989 Supreme Court decision in City of Richmond y. J. A. Croson Co. and that city's efforts to craft a new ordinance. He has successfully challenged Milwaukee County's participation ordinance in litigation in Milwaukee County Circuit Court on behalf of a minority contractor. In 1994, he was retained by the United States Department of Housing and Urban Development to review and analyze the disparate impact standard as it pertains to insurance practices under the Fair Housing Act and to report the results of that review and analysis to the Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development. During the course of his practice. James Hall has represented a variety of parties in various matters, including:

- Individuals
- Small, nunority, women owned and disadvantaged businesses
- City of Milwaukee School Board
- City of Milwaukee Ethics Board
- City of Milwaukee Pension Board
- Milwaukee Area Technical College
- Community Relations Social Development Commission for Milwaukee County
- United States Department of Housing and Urban Development
- NAACP

James Hall has been involved as legal counsel in a variety of matters in the area of civil rights and equal opportunity including, but not hunted to:

- Board of School Directors of the City of Milwaukee y. Thompson the Milwaukee interdistrict school integration case (one of several counsel representing plaintiffs, along with William H. Lynch)
- <u>Jackson v. Thompson</u> the Wisconsin school voucher case (one of several counsel representing plaintiffs, along with William H. Lynch)
- NAACP et. al. v. American Family Insurance Company class action on behalf of African American homeowners in the City of Milwaukee that established precedent with respect to insurance redlining coverage under the Federal Fair Housing Act and

resulted in a comprehensive remedy that included 16.5 million dollars and programmatic relief for the class (co-counsel for plaintiffs along with William H. Lynch and counsel from the United States Department of Justice)

• <u>Minority Brotherhood of Firefighters v. City of Milwaukee</u> - class action on behalf of African-American firefighters that resulted in a comprehensive remedy that included compensatory relief, promotions and changes to hiring practices (co-counsel for plaintiffs along with Patrick O. Patterson)

Mr. Hall has represented several large groups of employees in litigation matters that have resulted in settlements which have included comprehensive relief, monitoring and reporting. The settlements in these matters are generally subject to confidentiality agreements and William H. Lynch has been co-counsel in some of these matters. In addition, Mr. Hall is engaged in a general practice and represents many individuals, small businesses, agencies and others in various matters. Copies of several newspaper articles pertaining to some of Mr. Hall's efforts concerning matters related to the subject of this RFP are attached as Exhibit 5.

Mr. Lynch served as Executive Director and as Legal Director of the ACLU of Wisconsin. He has extensive experience with complex civil rights litigation. He submitted briefs for several organizations in Amos v. Board of School Directors, the City of Milwaukee School desegregation ease. He represented the NAACP as intervenor in the Milwaukee interdistrict School desegregation case and the President of the Milwaukee School Board in her successful challenge to a partial settlement with several of the suburbs. He has had experience with litigation that has involved complex statistical data. He was lead counsel for NAACP in NAACP v. American Family Mutual Insurance Company, the horizowners insurance race discrimination case referred to above. After the Crosen decision Mr. Lynch served on a panel that reviewed the minority contracting programs of the Metropolitan Milwaukee Sewerage District. He worked closely with Former Secretary of Transportation, William Coleman, who had been retained to advise MMSD about continuation of its race explicit policies. Mr. Lynch has served as a consultant to the National Fair Housing Alliance and several fair housing organizations including the Metropolitan Milwaukee Fair Housing Council on the investigation, preparation of and litigation of claims of racial discrimination in homeowners insurance by several of this country's largest property and casualty insurers (Nationwide, Liberty Mutual, Prudential, Actna-Travelers, State Farm, Allstate). Mr Lynch has also served as a consultant to the Metropolitan Milwaukee Fair Housing Council on predatory lending, including assisting with the drafting of remedial legislation. Mr. Lynch, with Mr. Hall represented the NAACP in its challenge to the extension of the Milwaukee private school voucher program to religious schools. Mr. Lynch has also represented ACLU in several cases challenging State funding of schools.

Rebecca L. Salawdeh has practiced law for over ten years exclusively in the area of employment and civil rights. Ms. Salawdeh's educational background of a Masters of Science in Industrial Relations and a Law degree make her uniquely qualified for the work called for in this project. The Industrial Relations curriculum required significant study of analysis of large amounts of statistical and economic data, particularly as it applied to various segments of the workforce and pools of employees and potential employees. Ms. Salawdeh has used this knowledge in her work with Family Health Systems and with IBM, where her duties were, in part, analyzing and reporting

on the companies' Affirmative Action plans. In her professional legal career, Ms. Salawdeh has focused exclusively on representing plaintiffs in employment litigation, with a particular focus on representing persons with disabilities. Currently, Ms. Salawdeh is working with a coalition of attorneys and community activists on an Office of Civil Rights complaint filed against the State of Wisconsin for its failure to implement its W-2 program in compliance with the ADA. This work has required Ms. Salawdeh to analyze various statistical data; apply these results to the relevant federal laws, administrative codes, and compliance manuals and finally to make appropriate recommendations to the Wisconsin Department of Workforce Development. Ms. Salawdeh is currently serving on the Executive Board of the National Employment Lawyers Association, a 3000-member bar association of attorneys who represent individuals in employment litigation. In her role as an Executive Board member and her role as the Chair of the National Origin Discrimination Committee, Ms. Salawdeh has been actively working on issues related to immigrant labor. Finally, Ms. Salawdeh was raised in South Saint Paul and Inver Grove Beights from the age of two until her graduation from Simley High School. Ms. Salawdeh still has family in the Saint Paul area, which she visits regularly..