

AFFIRMATIVE ACTION / EQUAL EMPLOYMENT OPPORTUNITY (AA/EEO) Contract Specifications

Definition of Terms:

City Funds – Money originating from the City of Saint Paul or other federal and state funds. Some examples include: Capital Investment Bonds (CIB), U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG), Federal Low Income Housing Tax Credits (LIHTC), Housing Redevelopment Authority (HRA), Home Investment Partnership Program (HOME), Metropolitan Council funding programs, multi-family Housing Revenue Bonds, Sales Tax Revitalization (STAR), Tax Increment Financing (TIF), and any combination of loans, grants, and land write-down or other funding vehicles.

Contract – A formal agreement between the City of Saint Paul and a contractor. For AA/EEO compliance monitoring, the word “contract” is used to refer to all agreements. A contract is defined as a development agreement, master contract, a professional service agreement, a purchase order, a service agreement, and any other contract where the City provides funding.

Contractor – Any person entering into a contract or agreement with the City of Saint Paul.

Person – Includes natural persons, firms, corporations, partnerships, joint ventures, companies, organizations, for profit and nonprofit, agencies, clubs, groups, or any other association of natural persons, legal entities, or both.

1. Contractors who have been awarded or enter into a contract with the City that meets or exceeds \$50,000 within the preceding twelve-month period are required to have an Affirmative Action Plan (AAP) certified for compliant.
2. The two things a contractor will need to submit are.
 - a. The Affirmative Action Plan. An AAP template is provided by the city for contractor to use as needed.
 - b. The \$75 fee to cover the cost of certifying and monitoring the affirmative action plan.Make check payable to "City of St Paul". Mailing address is:

City of St Paul – HREEO
Attention: AA/EEO
15 West Kellogg Blvd, CH/CH280
Saint Paul, MN 55102

3. An AAP is certified for a two-year period and covers all contracts within that two-year time frame. Semi-annual compliance reports of employment activities are required of companies located within the 15 greater Minneapolis – Saint Paul area.
4. Submission of the AAP indicates that the contractor will comply with affirmative action/equal employment opportunity for the next two years:
 - a. has a policy of equal employment opportunity
 - b. is committed to affirmative action equal employment opportunity
 - c. fully supports incorporation of non-discrimination and affirmative action rules and regulations into contracts and agreements
 - d. intends to implement those policies.

5. The contractor shall take specific actions to ensure equal employment opportunity. The contractor shall document these efforts fully and shall implement affirmative action steps as indicated in the AAP.
 - a. Designate a responsible official to monitor employment activities.
 - b. Maintain an environment free of harassment, intimidation, coercion, and discriminatory acts.
 - c. Establish and maintain face to face relationship with recruitment sources for people of color and individuals with disabilities.
 - d. Annually review the affirmative action plan activities.
6. If the contractor fails to comply with the affirmative action requirements, its implementing rules, or these specifications, the Director may proceed with sanctions which may include: suspension, termination, cancellation of existing contracts until corrective steps are taken, and declarations of non-eligibility to bid.
7. The contractor shall not enter into any contract or agreement with any person or firm debarred from government contracts under Section 183 of the Saint Paul Legislative Code, Chapter 139 of the Minneapolis Ordinances, Federal Executive Order 11246, or whose state certificate of compliance has been suspended or revoked pursuant to Minnesota Statutes, Section 363.073.

Contact:

HREEO – AA/EEO Contract Compliance Officer
affirmativeaction@ci.stpaul.mn.us
Phone: 651-266-8928

Workforce Participation Goals for Construction Contracts

The following supplemental AA/EEO specifications shall apply to contracts for **construction** which receive City funding. All contractors need to include these specifications in all lower tier contracts for construction work. Developer and prime contractor shall communicate this information to all subcontractors.

City workforce participation goals for City funded construction projects of \$50,000 or more are expressed as a percentage of the total hours performed by female and minority construction workers.

32% Minority total project hours
20% Female total project hours

After the contract has been awarded, but before construction begins, all contractors that have been selected to work on the project will be required to meet in a pre-construction conference. This conference will be held to discuss the utilization 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.

Each contractor that utilizes subcontractors must submit the **Prime and Subcontractor Identification Form** identifying lower tier contractors and material suppliers.

All lower tier or sub-contractors must complete and submit the mandatory **Project Employment Utilization (PEU)** form indicating estimated total number of project work hours, and estimated women and minority workforce hours. Contractors must indicate on the bottom of the PEU form if they will meet the goals with their internal workforce or by hiring additional employees. If they are unable to meet the goals, they must provide the reason at the bottom of the PEU form. The prime contractor must collect the PEU forms from subcontractors and submit them to the City's AA/EEO Compliance Officer at:

affirmativeaction@ci.stpaul.mn.us

Workforce participation goals on construction projects is monitored via certified payroll in **LCPtracker**. LCPtracker is a paperless, online system of entering certified payroll reports. In LCP Tracker, contractors are required to select the job classification, gender, and race of each individual worker. In instances where LCPtracker is not used, contractors shall report the project workforce participation goals manually on city provided spreadsheet.

Failure to make Good Faith Efforts

If a contractor fails to make and demonstrate a good faith effort to meet the goals for participation of women and minorities, the Director may take appropriate measures to sanction the contractor. This may include suspension, termination, cancellation of existing contracts until corrective steps are taken, and declarations of non-eligibility to bid.

AFFIRMATIVE ACTION PLAN

We, _____ hereby confirm that we have developed and are implementing over the next two years an effective Affirmative Action Program (AAP) which complies with Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment. Our AAP includes, but is not limited to, the provisions listed below:

DISSEMINATION OF AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY (AA/EEO)

POLICY STATEMENT

1. Policy statement and non-discrimination posters will be permanently posted and conspicuously displayed in areas available to employees and applicants for employment. All employees and contractors will be furnished a copy of the AA/EEO policy statement. This policy will be made available to all employees including part-time, temporary or seasonal.
2. We will include the statement “Affirmative Action, Equal Opportunity Employer” on company letterhead, employment applications, contracts and subcontracts, and in advertisements recruiting employees and contractors.
3. We will include non-discrimination clauses in all union agreements, and we will review all contractual provisions to ensure that they are non-discriminatory. We will inform all union officials of the AA/EEO policy and request their cooperation.
4. We will personally meet with recruitment resources and, if applicable, with labor union representatives to inform them of our AA/EEO policies and encourage them to actively recruit and refer women, minorities, and people with disabilities, in order to achieve our affirmative action goals. We will utilize media resources which target women, minorities and people with disabilities.
5. We will include the Saint Paul Affirmative Action/Equal Employment Opportunity contract specifications in all bid specifications and contracts on City of Saint Paul-assisted contracts. We will include these contract specifications in all lower tier contracts for materials and construction work on City-assisted contracts.

RECRUITMENT OF EMPLOYEES

1. All solicitations and advertisement for employees placed by us or on our behalf will state that we are an Affirmative Action, Equal Opportunity Employer. Copies of advertisements for employees will be kept on file for review by the Saint Paul Human Rights and Equal Economic Opportunity Department.
2. We will meet with and encourage our subcontractors to utilize agencies and organizations which refer and recruit women, minorities, and people with disabilities.

UNDERUTILIZATION ANALYSIS & GOALS AND TIMETABLE

1. We will conduct an analysis of our employee workforce to determine present employment levels of women, minorities, and people with disabilities to identify areas of underutilization of such persons and to determine causes of underutilization. We will maintain a statement of the goals and timetables to remedy any underutilization of women, minorities and people with disabilities. (See attached form on page 6 and 7.)
2. We will set a 10% employment goal for people with disabilities on our non-construction workforce. (See attached page 8.)

AGREEMENT

1. 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 at any time upon its request.
2. We agree to keep records of all personnel actions such as applicant flow, hiring, firing, lay-off, promotions, and actions taken to recruit and hire women, minorities, and people with disabilities. During the next two years we agree to submit AA/EEO Semi-Annual Compliance Reports detailing these personnel activities and affirmative action efforts to the department. Any data collected are subject to MN Data Practice Act.
3. During the next two years we agree to provide, as requested by the department, proof of compliance with Section 183.04 and its implementation. This will include documentation of our good faith efforts to recruit and hire women, minorities and people with disabilities.
4. For City-assisted construction projects of \$50,000 or more, we agree to make every good faith effort to meet the city's workforce inclusion goals for women and minorities and to provide project monitoring documentations requested by the department.

Company Name

Date

Signature of Chief Executive Officer

Signature of AA/EEO Manager

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY (AA/EEO) POLICY STATEMENT

This statement is to affirm _____ policy on providing Equal Employment Opportunity (EEO) to all employees and applicants for employment in accordance with all applicable Affirmative Action Equal Employment Opportunity laws, directives and regulations of Federal, State and local governing bodies or agencies, including Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment.

_____ will not discriminate against any employee or applicant for employment because of age, ancestry, color, creed, disability, familial status, genetic information (genetic testing, family medical history, and/or genetic services), marital status, national origin, public assistance status, race, religion, retaliation, retaliation by association, retaliation by opposition, sex, pregnancy, sexual or affection orientation.

_____ will maintain zero tolerance for harassment of or by any employee or applicant for employment because age, ancestry, color, creed, disability, familial status, genetic information (genetic testing, family medical history, and/or genetic services), marital status, national origin, public assistance status, race, religion, retaliation, retaliation by association, retaliation by opposition, sex, pregnancy, sexual or affection orientation. We will maintain an internal complaint procedure for complaints of such harassment, and will provide employees with contact information for federal, state and local enforcement agencies.

_____ will take Affirmative Action (AA) to ensure that all employment practices are free of such discrimination and harassment. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

_____ fully supports incorporation of non-discrimination and affirmative action rules and regulations into contracts with subcontractors for goods and services.

_____ will commit the necessary time and resources, both financial and human, to achieve the goals of Affirmative Action and Equal Employment Opportunity.

_____ will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action and Equal Employment Opportunity objectives as well as other established criteria.

_____ has appointed _____ as AA/EEO Manager to manage the Equal Employment Opportunity Program. His/Her responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Plan (AAP), as required by Federal, State and Local agencies. He/she will be given the necessary top management support and staffing to fulfill his/her job duties. The Chief Executive Officer of _____ will receive and review reports on the progress of the plan. If any employee or applicant for employment believes he/she has been discriminated against, please contact _____ at this address: _____

Chief Executive Officer (Please Print)

Signature of Chief Executive Officer

Date

DESCRIPTION OF CONTRACT:

A. _____
Company Name E-mail Address

B. _____
Address City State Zip Code

C. _____
Phone # Fax #

D. _____
Chief Executive Officer Telephone #

E. _____
AA/EEO Manager Telephone # Email

F. _____
Nature of Business

G. _____

Natures of work to be perform for the City of St Paul.

H. \$ _____
Estimated Dollar Amount of work with the City of St Paul:

I: _____
Estimated Contract Start Date Estimated Contract Completion Date

J. _____
Name of City of St Paul's Dept./Agency Requesting the Work or Service Contact Name

L. _____
Description of City funded construction project (name, address, or location)

M. _____
Type of construction to be performed by your company

N. _____
Name of Project's Developer Contact Name & Email

O. _____
Name of Project's Prime Contractor Contact Name & Email

EMPLOYMENT DATA AS OF:

COMPANY NAME:

AA/EEO MANAGER:

ADDRESS:

CITY:

STATE:

ZIP CODE:

TELEPHONE:

E-MAIL:

ALL EMPLOYEES (FULL-TIME, PART-TIME, TEMPORARY AND SEASONAL)

JOB CODE	JOB CATEGORIES	PEOPLE WITH DISABILITES	MALE						FEMALE						TOTAL
			WH	BL	HI	AP	AA	M	WH	BL	HI	AP	AA	M	
1	OFFICIALS& MANAGERS														
2	PROFESSIONALS														
3	TECHNICIANS														
4	SALES WORKERS														
5	OFFICE & CLERICAL														
6	CRAFT WORKERS (SKILLED)														
7	OPERATIVES (SEMI-SKILLED)														
8	LABORERS (UNSKILLED)														
9	SERVICE WORKERS														
10	CURRENT TOTAL EMPLOYMENT														
11	TOTAL EMPLOYMENT IN LAST REPORT														

WH: WHITE HI: HISPANIC AA: AMERICAN INDIAN/ALASKAN NATIVE
 BL: BLACK AP: ASIAN/PACIFIC ISLANDER M: MIXED/MULTIPLE

I affirm that the information entered on this form and on all attachments is accurate and true to the best of my knowledge.

Signature

Title

Date

UNDERUTILIZATION ANALYSIS

(To be completed by firms with twenty (20) or more employees)

COMPANY NAME: _____

DATE: _____

JOB GROUP	TOTAL	WOMEN					MINORITIES				
		UTILIZATION		AVAILABILITY		NUMBER UNDERUTILIZED	UTILIZATION		AVAILABILITY		NUMBER UNDERUTILIZED
		NUMBER	%	NUMBER	% *		NUMBER	%	NUMBER	% *	
OFFICIALS& MANAGERS											
PROFESSIONALS											
TECHNICIANS											
SALES WORKERS											
OFFICE & CLERICAL											
CRAFT WORKERS (SKILLED)											
OPERATIVES (SEMI-SKILLED)											
LABORERS (UNSKILLED)											
SERVICE WORKERS											
COLUMN #	#1	#2	#3	#4	#5	#6	#2	#3	#4	#5	#6

* Percentage for availability should be in decimal form for ease of calculation

INSTRUCTIONS:

1. Column 1 = total in job group
2. Column 2 = total # of women or minorities in job group
3. Column 3 = Column 2 ÷ Column 1
4. Column 4 = Column 5 x Column 1 (Round up or down to nearest whole number)
5. Column 5 = Availability (See below for explanation of source)
6. Column 6 = Column 4 - Column 2 (If result is negative, enter 0.)

You may submit your own Underutilization Analysis and Goals and Timetables forms in lieu of these forms. If you need availability data, go to the MN Dept of Employment and Economic Development website for the Affirmative Action Statistics to complete the underutilization analysis. <http://mn.gov/deed/data/data-tools/affirmative-action-statistics.jsp>

GOALS AND TIMETABLES

(To be completed by firms with twenty (20) or more employees)

Job Group		Current Work Force				Underutilization (#)		* A. H. O.	Annual Goals		Ultimate Goals		
		Total	Male	Female	Minority	Minority	Female		Minority	Female	Year	Minority	Female
1	#												
	%												
2	#												
	%												
3	#												
	%												
4	#												
	%												
5	#												
	%												
6	#												
	%												
7	#												
	%												
8	#												
	%												
9	#												
	%												
	#												
	%												

* A.H.O. = Anticipated Hiring Opportunities (including all attrition plus possible expansion.)

UTILIZATION GOALS FOR PEOPLE WITH DISABILITIES

(To be completed by all firms)

Company Name

Date

Total Employees in Non-Construction Job Groups	Percentage Available	Numerical Goal
_____	x 0.10	= _____

TENNESSEN WARNING

In accordance with the Minnesota Government Data Practices Act, the Affirmative Action Program for the City of St. Paul, is required to inform you of your rights as they pertain to the private information collected from you. Private data is information which is available to you, but not to the public.

The information collected from you or from other agencies or individuals authorized by you is used to determine if you are in compliance with the City's Affirmative Action Program.

You are not required to provide this information; however, it is necessary to determine if you are in compliance. If you do not supply the required information, the Affirmative Action Program will not be able to consider you in compliance. The use of the private data we collect from you is limited to that necessary for the administration and management of the Affirmative Action Program Registration and verification process. Persons or agencies with whom this information may be shared include:

1. Affirmative Action Program employees
2. Members of the general public that submit a Public Data Request

Unless otherwise authorized by state statute or federal law, other government agencies utilizing any reported private data must also treat the information as private.

You may wish to exercise your rights as contained in the Minnesota Government Data Practices Act. These rights include:

3. The right to see and obtain copies of the data maintained on you,
4. Be told the contents and meaning of the data,
5. Contest the accuracy and completeness of the data.

To exercise these rights, contact: HREEO, AA/EEO Contract Compliance Officer, affirmativeaction@ci.stpaul.mn.us.

I have read and understand the above information regarding my rights as a subject of government data.

Company Name

Date