



CITY OF SAINT PAUL
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AFFIRMATIVE ACTION / EQUAL EMPLOYMENT OPPORTUNITY CONTRACT SPECIFICATIONS

Definition of Terms:

1. **City Funds:** money originating from the City of Saint Paul or other federal and state funds. This is defined as money originating from 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.
 2. **Contract:** a formal agreement between the City of Saint Paul and a contractor. 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.
 3. **Contractor:** includes any person entering into a contract or agreement with the City of Saint Paul.
 4. **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.
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1. The City of Saint Paul Human Rights Ordinance, Section 183.04 of the Saint Paul Legislative Code and Rules Governing Affirmative Requirement in Employment requires persons who have been awarded or enter into a contract with the City that meets or exceeds \$50,000 within the preceding twelve month period to submit the company's Affirmative Action Program (AAP) to the City for certification. There is a fee of \$75 to cover the costs of certifying their affirmative action compliance.
 2. The AAP certification document indicates that equal employment opportunity is the policy of the contractor, that the contractor is committed to affirmative action, that the contractor fully supports incorporation of non-discrimination and affirmative action rules and regulations into contracts and agreements, and that the contractor intends to implement those policies. Once the Affirmative Action Program is completed and accepted by the Saint Paul Department of Human Rights and Equal Economic Opportunity, a certificate of compliance will be issued to the contractor. Certification is valid for two (2) years, during which time the contractor may be selected for a compliance review. If selected for a compliance review it is expected that the contractor will fully cooperate and submit all requested documentation in a timely manner. At the end of the two year period, the contractor must complete and submit a new certification form. An Affirmative Action Program (AAP) Registration document is provided by the City for contractor to use as needed.
 3. Affirmative Action Program certification shall apply at all times during the performance and term of the contract.
 4. 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 effort to achieve maximum results from its actions. The contractor shall document these efforts fully and shall implement affirmative action steps at as follows:

- 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, keep appropriate records, and submit reports relating to the provisions as may be required by the Saint Paul Department of Human Rights and Equal Economic Opportunity.
 - b. Make every good faith effort 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 supervisors and other onsite 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 minorities, women, and individuals with disabilities. Contractors must document meetings and telephone contacts with recruitment sources. When the contractor or its unions have employment opportunities available, written notification must be provided to community organizations and recruitment sources for minorities, women and individuals with disabilities and maintain records of the organizations' responses.
 - d. Review, at least annually, the contractor's equal employment opportunity policy and affirmative action obligations with all employees having responsibility for hiring, assignment, layoff, termination, or making other employment decisions. A written record shall be maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
 - e. Ensure that seniority practices, job classifications, work assignments, and other personnel practices do not have discriminatory effect. Continually monitor all personnel and employment-related activities to ensure that the equal employment opportunity policy and the contractor's obligations under these specifications are being carried out.
5. If the contractor fails to comply with the requirements of Section 183 of the Saint Paul Legislative Code, its implementing rules, or these specifications, the Director may proceed with appropriate sanctions, including: suspension, termination, cancellation of existing contracts until corrective steps are taken, and declarations of non-eligibility to bid or a combination these.
 6. Examples of failure by the contractor to take affirmative action may be established by but not limited to: (1) the lack of measurable, yearly improvement in the employment of female and minorities, (2) failure to establish and maintain a list of recruitment sources that target female and minority candidates, (3) failure to ensure and maintain a working environment free of harassment, intimidation and coercion at all sites, (4) failure to include qualified female and minorities in on-the-job training opportunities and programs.
 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

Email: affirmativeaction@ci.stpaul.mn.us

Phone: 651-266-8900

SUPPLEMENTAL AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY CONTRACT SPECIFICATIONS FOR CONSTRUCTION CONTRACTS

The following supplemental AA/EEO specifications shall apply to all contracts for construction which receive City funding. All contractors shall include these Supplemental AA/EEO Specifications for construction contracts in all lower tier contracts for construction work. Developer and general contractor shall communicate to all subcontractors the following:

City workforce utilization 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
6% 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 with the Compliance Officer been assigned to monitor the project. 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.

Every contractor must submit the **Identification of Prime Contractors** identifying the names, addresses, telephone numbers, start date, completion date and nature of work must be listed for the each contractor, as well as all lower tier contractors (including material suppliers).

All lower tier or sub-contractors must complete and submit to the Prime 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, the total women work hour and total minority 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 they are unable to meet the goals, they must indicate the reason at the bottom of the PEU form. The Prime must collect and submit all the PEU forms to the City's AA/EEO Compliance Officer at: affirmativeaction@ci.stpaul.mn.us

Monthly Employment Utilization (MEU) will be monitored via **LCP Tracker**. The LCP Tracker service is a paperless, online system of entering Certified Payroll Reports. Payroll data may be entered directly into the system or uploaded from major construction accounting and payroll programs. The service eliminates the need for contractors to submit paper MEU documents that takes additional staff time. In LCP Tracker, contractors are required to select the job classification, gender and race of each individual worker.

Please Note:

Some projects will not be monitored via LCP Tracker, therefore; as a Prime you will submit the old MEU report. The Prime Contractor's monthly summaries must be cumulative, showing all subcontractors and work hours performed on site from project start to date. The MEU summary spreadsheet and the monthly spreadsheet must be submitted to the AA/EEO Compliance Officer by the 7th of each month via email: affirmativeaction@ci.stpaul.mn.us

Should a contractor fail to make a good faith effort to meet the goals for participation of women and minorities set 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.