

## INSTRUCTION SHEET CONTRACT COMPLIANCE REQUIREMENTS

You have recently entered into, or are about to enter into an agreement with the Department of Environmental Protection. **For the purposes of completing this paperwork, you (or the company, institution, or municipality you represent) are the Contractor.** The Department has compiled the attached set of forms to collect information for contract compliance.

You will be asked to complete these forms in conjunction with the first grant, contract, or purchase order negotiated with DEP in a fiscal year. The information is kept on file in the Department's Affirmative Action Office and may be used in consideration for subsequent grants, contracts, or purchase orders in the same fiscal year. The Department may elect, however, to request current contract compliance information in reference to a particular grant or contract application or proposal or whenever circumstances suggest additional review may be necessary.

Please read carefully the following instructions and complete and return the forms which are attached and described below.

1. **The Notification to Bidders/Contractors** contains pertinent sections of the statutes and regulations relating to nondiscrimination and contract compliance. This form must be signed and returned as acknowledgment that the contractor has received and read the sections excerpted within the Notification to Bidders/Contractors.
2. **The Contract Compliance Questionnaire** consists of questions concerning affirmative action related practices of your firm. It also asks whether or not your firm intends to use a subcontractor.
3. **The Employment Data Form** requests a breakdown of your workforce by race/sex and job categories for comparison with employment availability in the relevant labor market area. If your organization has filed an EEO-1, EEO-4, or equivalent form with the federal government you may substitute the summary sheet of the EEO form in lieu of the Employment Data Form.
4. Submit a copy of your **Affirmative Action Policy**. If you do not have an Affirmative Action Policy, you may use the sample policy statement to develop one. The Affirmative Action Policy statement should be dated and on your letterhead.
5. Should you have any questions concerning contract compliance requirements, or if you would like a copy of the regulations, call the Affirmative Action Unit at (860) 424-3035.

SAMPLE (Please use your official letterhead)

**AFFIRMATIVE ACTION**

**POLICY STATEMENT**

It has always been the policy and will continue to be the strong commitment of the \_\_\_\_\_ and all contractors and subcontractors who do business with this \_\_\_\_\_ to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit. The \_\_\_\_\_ will continue to take Affirmative Action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, national origin, ancestry, mental disorder (present or past history thereof), age, physical disability (but not limited to blindness), marital status, mental retardation, and criminal record. Such action includes, but is not limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship. The \_\_\_\_\_, its contractors and subcontractors will continue to make good faith efforts to comply with all federal and state laws and policies which speak to equal employment opportunity.

The principles of Affirmative Action are addressed in the 13th, 14th, and 15th Amendments of the United States Constitution, Civil Rights Act of 1866, 1870, 1871, Equal Pay Act of 1963, Title VI and VII of the 1964 United States Civil Rights Act, Presidential Executive Orders 11246, amended by 11375, (nondiscrimination under federal contracts), Act 1, Section 1 and 20 of the Connecticut Constitution, Governor Grasso's Executive Order Number 11, Governor O'Neil's Executive Order Number 9, the Connecticut Fair Employment Practices Law (Sec. 46a-60-69) of the Connecticut General Statutes, Connecticut Code of Fair Practices (46a-70-81), Deprivation of Civil Rights (46a-58(a)(d)), Public Accommodations Law (46a-63-64), Discrimination against Criminal Offenders (46a-80), definition of Blind (46a-51(1)), definition of Physically Disabled (46a-51(15)), definition of Mentally Retarded (46a-51(13)), cooperation with the Commission on Human Rights and Opportunities (46a-77), Sexual Harassment (46a-60(a)-8), Connecticut Credit Discrimination Law (360436 through 439), Title I of the State and Local Fiscal Assistance Act of 1972.

This Affirmative Action Policy Statement re-affirms my personal commitment to the Principles of Equal Employment Opportunity.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

## NOTIFICATION TO BIDDERS/CONTRACTORS

The contract to be awarded is subject to contract compliance requirements mandated by Section 4-114a of the Connecticut General Statutes; and, when the awarding agency is the state, Section 46a-71(d) of the Connecticut General Statutes. There are Contract Compliance Regulations codified at Section 4-114a-1 et. seq. of the Regulations of Connecticut State Agencies which establish a procedure for the awarding of all contracts covered by sections 4-114a and 46a-71(d) of the Connecticut General Statutes.

According to Section 4-114a-3(9) of the Contract Compliance Regulations, every agency awarding a contract subject to the contract compliance requirements has an obligation to "aggressively solicit the participation of legitimate minority business enterprises as bidders, contractors, subcontractors and suppliers of materials." "Minority business enterprise" is defined in Section 4-114a of the Connecticut General Statutes as a business wherein fifty-one percent or more of the capital stock, or assets belong to a minority, as such term is defined in subsection (a) of Section 32-9n. "Minority" groups are defined in Section 32-9n of the Connecticut General Statutes as "(1) Black Americans . . . (2) Hispanic Americans . . . (3) Women . . . (4) Asian Pacific Americans and Pacific Islanders; or (5) American Indians . . ." The above definitions apply to the contract compliance requirements by virtue of Section 4-114a-1 (10) of the Contract Compliance Regulations.

The awarding agency will consider the following factors when reviewing the bidder's/contractor's qualifications under the contract compliance requirements.

- (a) the bidder's/contractor's success in implementing an affirmative action plan;
- (b) the bidder's/contractor's success in developing an apprenticeship program complying with Sections 46a-68-1 to 46a-68-17 of the Connecticut General Statutes, inclusive;
- (c) the bidder's/contractor's promise to develop and implement a successful affirmative action plan;
- (d) the bidder's/contractor's submission of EEO-1 data indicating that the composition of its workforce is at or near parity when compared to the racial and sexual composition of the workforce in the relevant labor market area; and
- (e) the bidder's/contractor's promise to set aside a portion of the contract for legitimate minority business enterprises. See Section 4-114a-3 (10) of the Contract Compliance Regulations.

Should you be selected for a contract, you will be required to provide information concerning your workforce and employment practices prior to the execution of the contract.

\*Instructions: Bidder/contractor must sign the acknowledgment below, detach along dotted line and return acknowledgment to Awarding Agency along with bid proposal.

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The undersigned acknowledges receiving and reading a copy of the "Notification to Bidders/ Contractors" form.

Signature:

Date:

\_\_\_\_\_

\_\_\_\_\_

On behalf of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CONTRACT COMPLIANCE QUESTIONNAIRE

For the purposes of completing this paperwork, **you** (or the company, institution, or municipality you represent) **are the Contractor.**

Bidder/Contractor	Date		
Address	Town	State	Zip Code
Contact Person	Title		Telephone

1. Are you a \*Minority Business Enterprise  or \*a Women's Business Enterprise
2. If you are an individual and do not employ anyone, please check here \_\_\_\_ and you need not complete the remainder of this Questionnaire. All others, please answer the following:
3. Do you have a written Affirmative Action Plan? \_\_\_\_yes \_\_\_\_no  
If yes, give the implementation date and a brief statement describing the success or lack of success of your plan.
4. If you presently do not have an Affirmative Action Plan, do you intend to develop and implement one?  
\_\_\_\_yes \_\_\_\_no \_\_\_\_N/A, we have an Affirmative Action Plan.  
If yes, what is the expected implementation date?  
If no, explain why you do not intend to develop a Plan.
5. Do you have an apprenticeship program complying with Sections 46a-68-1 to 46a-68-17, inclusive, of the Regulations of Connecticut State Agencies? \_\_\_\_yes \_\_\_\_no  
If yes, describe the success or lack of success of your apprenticeship program.
6. If you subcontract, is it your practice to set aside a portion of the contract for legitimate minority business enterprises? \_\_\_\_yes \_\_\_\_no \_\_\_\_N/A, we do not subcontract.  
If yes, describe your set aside program.
7. Do you intend to utilize minority business enterprises as subcontractors for this contract? (See definition for minority business enterprise in Notification to Bidders/Contractors) \_\_\_\_yes \_\_\_\_no \_\_\_\_N/A, not subcontracting.

NOTE: If you are selected as a contractor and have indicated that you will be utilizing minority business enterprises as subcontractors, you will be sent a Contractor's Minority Business Enterprise Utilization Form and an Affidavit which are to be completed after the contract has been awarded and the subcontractors have been selected.

Please identify any subcontractors you expect to use in conjunction with this contract, giving subcontractor's name, address, phone number and contact person.



## EEO-4

### DESCRIPTION OF JOB CATEGORIES

**1. Officials and Administrators:** Occupations in which employees set broad policies, exercise over-all responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, examiners, wardens, superintendents, sheriffs, police and fire chiefs and inspectors and kindred workers.

**2. Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, system analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants and kindred workers.

**3. Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, craftsmen, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), assessors, inspectors, police and fire sergeants and kindred workers.

**4. Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers and kindred workers.

**5. Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience than normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.

**6. Office and Clerical:** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks and kindred workers.

**7. Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairmen, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters and kindred workers.

**8. Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners, and groundkeepers, refuse collectors, construction laborers.

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### Definitions of Racial and Ethnic Terms and of Physical Disability.

- A. WHITE** (Not of Hispanic Origin). - All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian sub continent.
- B. BLACK** (Not of Hispanic Origin). - All persons having origins in any of the black racial groups.
- C. HISPANIC.** - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- D. ASIAN OR PACIFIC ISLANDERS.** - All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
- E. AMERICAN INDIAN OR ALASKAN NATIVE.** - All persons having origins in any of the original peoples of North America.
- F. PHYSICALLY DISABLED.** - An individual having a chronic physical handicap, infirmity, or impairment, as defined in the Connecticut General Statutes, Sec. 1-1f.

Section 4-114a-2      Obligations of Contractor

Every contractor awarded a contract subject to contract compliance requirements shall:

- (1) comply fully with all federal and state antidiscrimination laws, and shall not discriminate or permit a discriminatory practice to be committed;
- (2) cooperate fully with the Commission (Commission on Human Rights and Opportunities);
- (3) submit periodic reports of its employment and subcontracting practices in such a form, in such a manner and at such time as may be prescribed by the Commission;
- (4) provide reasonable technical assistance and training to minority business enterprises to promote the participation of such concerns;
- (5) make a good faith effort, based upon the availability of minority business enterprises in the labor market area, to award a reasonable proportion of all subcontracts to such enterprises;
- (6) maintain full and accurate support data for a period of two (2) years from the date the record is made or the date the contract compliance form is submitted to the Commission, ~~whichever~~ <sup>whichever</sup> is later, provided that this provision shall not excuse compliance with any other ~~applicable~~ <sup>applicable</sup> record retention statute, regulation or policy providing for a period of retention ~~in excess~~ <sup>in excess</sup> of two (2) years;
- (7) not discharge, discipline or otherwise discriminate against any person who has filed complaint, testified or assisted in any proceeding with the Commission;
- (8) make available for inspection and copying any support data requested by the Commission, and make available for interview any agent, servant or employee having knowledge of any matter concerning the investigation of a discriminatory practice complaint or any matter relating to a contract compliance review;
- (9) include a provision in all subcontracts with minority business enterprises requiring that the minority business enterprise provide the Commission with such information on its structure and operations as the Commission finds necessary to make an informed determination as to whether the standards of Section 4-114a of the Connecticut General Statutes have been met; and
- (10) undertake such other reasonable activities or efforts as the Commission may prescribe to ensure the participation of minority business enterprises as state contractors and subcontractors.