

NAME OF FIRM _____ DATE _____

ADDRESS _____

CITY OF INDIANAPOLIS
EQUAL OPPORTUNITY COMPLIANCE

PART I

Bidders participating in contractual or purchasing opportunities offered by the Consolidated City of Indianapolis are subject to compliance with the provisions of Ordinance 581-101 and Executive Order #1, Mayor of Indianapolis, February 27, 1987. Filing of Attachment A and B, which are a part of this form, at the beginning of each calendar year will relieve the bidder of the requirement to submit it with each bid, providing the bidder has complied with Executive Order #1, 1987, and with all Federal, State and City Equal Opportunity provisions. A letter of compliance shall be issued by the City (Division of Equal Opportunity). The bidders must attach a copy of such letter, for the current year, to each and every bid. Completion of this form does not service as an Affirmative Action Plan.

"It is the policy of this Administration to strongly encourage efforts to increase opportunities for minority-owned business enterprises and for women-owned business enterprises to do business with the City of Indianapolis; and

"It is the goal of this Administration to achieve significant utilization of minority owned business enterprises in the purchasing of goods and services for the City in at least a dollar amount equal to fifteen percent (15%) of the annual amount spent by the City of Indianapolis for construction, goods and supplies and professional services" ; and

"It is the goal of this Administration to achieve significant utilization of women-owned business enterprises in the purchasing of goods and services for the City in at least a dollar amount equal to eight percent (8%) of the annual amount spent by the City of Indianapolis for construction, goods and supplies and professional services; and

"The successful implementation of this policy requires the participation and cooperation of all Departments and Divisions of the City of Indianapolis. See Executive Order #1, February 1987 and Ordinance 581-101.

PART II

The following standards and procedures are hereby created to ensure compliance with the President's Executive Order #11246 and the Mayor's Executive Order #1, 1987:

- (1.) Except as provided in (2) of this Part, all contracts, purchase orders, leases and bids awarded by the Purchasing Division of the Controller's Office in excess of an annual aggregate amount of Twenty Five Thousand Dollars (\$25,000) including but not limited to construction, materials and supplies, services, professional services, concessions and franchises, are required to execute the following covenant:

"Contractor certifies for itself and all its subcontractors compliance with existing laws of the State of Indiana and the United States regarding (a) prohibition of discrimination in employment practices on the basis of race, sex, handicap, religion, national origin, disabled veteran status and Vietnam-era veteran status; and (b) the utilization of Minority and Women Business Enterprises. Contractor further certifies that it (a) has formulated its own Affirmative Action Plan for the recruitment, training and employment of minorities and women, including goals and timetables; and (b) strongly encourages the use of small businesses, minority-owned businesses and women-owned businesses in its operation."

Signature of Company Official

Title of Official

If the contractor is bidding on a City contract, a copy of this covenant and the contractor's Affirmative Action Plan must be submitted with the bid package. Any Affirmative Action Plan submitted to the Division of Equal Opportunity must be approved by the Division. Failure to comply will result in the bid being non-responsive.

- (2.) Signatories to the Indianapolis Plan may submit documentation of their affiliation with the Indianapolis Plan as their AA Plan, provided the Indianapolis Plan includes total workforce analysis and goals and timetables. Those contractors having less than fifteen (15) employees are not required to submit an Affirmative Action Plan to the Division of Equal Opportunity; however, any such contractor must submit an Affirmative Action policy statement, and they may be investigated by the Division of Equal Opportunity to see what commitment, if any, they have made to the goals and principles of Equal Employment Opportunity and Affirmative Action.
- (3.) In addition, all bidders for contracts funded in whole or in part with federal monies shall fully comply with the United States Department of Labor "Model Federal EEO Bid Condition," as set forth in 41 Federal Register 32482, August 3, 1976, and attached to the invitation to bid, including President's Executive Order #11246, as amended, and all implementing rules and regulations thereunder.
- (4.) Pursuant to I.C. 5-16-7, each construction project must receive a scale of prevailing wages for this area from the Indiana State Division of Labor. All construction contract bids, in addition to the other requirements, must include in their computation such wage information. In addition, any complaints from any source regarding non-compliance in this area should be directed to the Division of Equal Opportunity. The Division is responsible for investigating any report or complaint of non-compliance and has the authority to take any and all action to effectuate compliance with our State statute. If, in the opinion of the Division of Equal Opportunity, the disputes cannot be resolved informally, the information shall be transmitted to the Marion County Prosecutor for further proceedings in enforcing the law, pursuant to I.C. 5-16-3.
- (5.) City-County contracts shall include the following provisions for determining non-compliance with the non-discrimination requirements of this order:

Non-Compliance Procedure

After a determination by the Division of Equal Opportunity that a contractor has failed to comply with the terms of the Mayor's Executive Order #1, 1987; President's Executive Order #11246; Code of Indianapolis and Marion County, Chapter 16; or, I.C. 5-16-7, while operating under a City-County contract, or has been adjudged in violation of any applicable State or Federal law, the Division of Equal Opportunity shall serve written notice of such non-compliance on the contractor or his representative(s). The Contractor shall be responsible for notifying any subcontractor or supplier who is not in compliance.

Upon request by the Division of Equal Opportunity, the contractor determined to be in non-compliance shall meet with the Compliance Manager within five (5) working days of the written notice in order to determine a method of correcting the deficiencies and the time period within which such remedy shall be effected. If the remedy is not agreed upon within five (5) working days of the required notice, the Compliance Manager shall prescribe the remedy by which deficiencies shall be corrected and notify the contractor in writing of such determination. If the contractor does not correct the deficiencies in the manner prescribed by the Division of Equal Opportunity within thirty (30) calendar days, the City may impose one or more of the following sanctions.

- a. Cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, including but not limited to withholding any progress payment or any other monies payable or due under the contract, for failure of the contractor or subcontractor to comply with the provision of this Executive Order.
- b. Reserve the right to review further contracts, or extensions or other modifications of existing contracts, with any non-complying contractor to ascertain whether or not such contractor has satisfied the standards and procedures as established by the Division of Equal Opportunity; and, that such contractor has established and will implement personnel and employment policies that comply with the provisions of this Executive Order.
- c. Placement on a list of contractors and vendors who have failed to comply (determined in accordance with the non-compliance procedure prescribed by the utilization plan) with the equal opportunity provisions of City contracts and purchasing policies. Contractors and vendors included on this list shall be denied City business opportunities for which bids are not required or solicited, until such time as the contractor or vendor demonstrates the ability to become compliant pursuant to the utilization plan. This list shall be distributed to the Directors of all city Departments and to the Office of the Mayor as prescribed by the utilization plan.

PART III

The City-County will award any contract for public work or improvements to the lowest, responsive bidder. It is the policy of this Administration to acknowledge the fact that the lowest bid will not always be a responsible and responsive bid. In recognition of this fact and in furtherance of the City-County commitment to training, and employment of minorities and women, the City-County will consider the costs of training and percentage of minority and women utilization in its determination of "responsible and responsive."

EMPLOYMENT DATA

ATTACHMENT "A"

Please note that this data may be obtained by visual survey or post-employment records. Neither visual surveys nor post-employment records are prohibited by any Federal, State or local law. All specified data is required to be filled in by law.

Does the bidder currently employ any of the following: ___ racial minorities ___ women ___ Veterans / Vietnam ___ Individuals with a disability ___ age 40-70

What is the weekly average number of employees in the past 12 months. _____

How many employees were terminated in the past 12 months. _____

How many new hires have been made in the past 12 months. _____

JOB CATEGORIES	ALL EMPLOYEES			MINORITY GROUP EMPLOYEES														
	TOTAL MALE & FEMALE	MALE	FEMALE	MALE					FEMALE									
				BLACK	ASIAN	AMERICAN INDIAN	HISPANIC	WHITE	BLACK	ASIAN	AMERICAN INDIAN	HISPANIC	WHITE					
Officials, Managers & Supervisors																		
Professionals																		
Technicians																		
Office and Clerical																		
Craftsmen (Skilled)																		
Operatives (Semi-Skilled)																		
Laborers (Unskilled)																		
Service Workers																		
Apprentices																		
TOTAL																		
Total Employment from previous report (if any)																		

DESCRIPTION OF OCCUPATIONAL CATEGORIES

OFFICIALS, MANAGERS & SUPERVISORS – Occupations requiring administrative personnel who set broad policies, exercise over-all responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

PROFESSIONALS – Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accounts and auditors, airplane pilots and navigators, architects, artists, chemists designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, personnel and labor relations workers, physical scientist, physicians, social scientists, teachers and kindred workers.

TECHNICIAN – Occupations requiring a combination of basic scientific knowledge and manual skill, which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: draftsmen, engineering aids, junior engineers, mathematical aides, nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic physical sciences), and kindred workers.

SALES WORKERS – Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salesmen, insurance agents and brokers, real estate agents and brokers, stock and bond salesmen, demonstrators, salesmen and sales clerks, and kindred workers.

OFFICE AND CLERICAL – Includes all clerical-type work regardless of level of difficulty, where the activities are predominately nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bills and account), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraphs and telephone operators, and kindred workers.

CRAFTSMEN (SKILLED) – Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgement and usually receive an extensive period of training. Includes: the building trades, hourly paid foremen and leadmen who are not members of management, mechanics and repairmen, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and modern makers, stationary engineers, tailors and tailoresses, and kindred workers.

OPERATIVES (SEMI-SKILLED) – Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training.

LABORERS (UNSKILLED) – Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the applications of little or no independent judgement. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, longshoremen and stevedores, lumbermen, craftsmen and wood choppers, laborers performing lifting, digging, mixing, loading, and pulling operations, and kindred workers.

SERVICE WORKERS – Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institution, professional and personal service), barbers, charwomen and cleaners, cooks (except household), counter and fountain workers, elevator operators, firemen and fire protection, guards, watchmen and doorkeepers, stewards, janitor, policemen and detectives, porters, waiters and waitresses, and kindred workers.

APPRENTICES – Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

BIDDER INFORMATION

ATTACHMENT "B"

Questions relative to the information requested should be directed to the Division of Equal Opportunity, City of Indianapolis, Suite 1501, City-County Building, 317-3127-5262.

The City Division of Equal Opportunity will use the following information in evaluating the equal opportunity practices of the bidder. It is necessary to know the type of service or products, ownership status, employment policies, utilization of protected groups, and past performance on public Contracts.

Name, Address and Telephone Number of Bidder covered by this Report

Name, Address and Telephone Number of Principal Official or Manager

Name and Title of Official in Charge

Name of Equal Opportunity Officer and How to Contact

Service Performed

_____ Construction Contractor _____ Supplier _____ Service

_____ Professional Service _____ Lessor / Lessee _____ Other

Ownership

_____ Corporation _____ Company _____ Proprietorship _____ Partnership _____ Joint Venture

Ownership is 51% or more: _____ Majority _____ Racial Minority _____ Woman-owned _____ Other

Name of Owner(s) _____

General Information

	<u>Yes</u>	<u>No</u>	<u>Construction Contractors Only</u>	<u>Yes</u>	<u>No</u>
Has the bidder's name changed in the Past 2 years?	_____	_____	Is the bidder a signatory in good standing with the Indianapolis Plan for Equal Employment?	_____	_____
If yes, state former name: _____			Is the bidder currently party to a collective bargaining agreement?	_____	_____
Has the bidder previously received contracts or purchase orders from the Consolidated City of Indianapolis?	_____	_____	Does the bidder intend to utilize MBE/WBE subcontractors/suppliers?	_____	_____
Has the bidder been denied a contract from any government agency due to non-compliance with Equal Opportunity requirements or classified as debarred, suspended or ineligible?	_____	_____			
If the bidder is a minority or woman-owned business, has certification been issued by the Division of Equal Opportunity?	_____	_____			
Has the bidder filed an affirmative action plan with the City of Indianapolis?	_____	_____			

Certification

I certify that the information submitted on Attachment A and B of this form is accurate and complete.

Signature of Company Official