

DOCUMENT 00 45 36
NON-DISCRIMINATION AND AFFIRMATIVE ACTION REQUIREMENTS

The contractee will include the following provisions in every contract and purchase order, and instruct its contractors and vendors to include the following provisions in their contracts and purchase orders, in such a manner that such provisions will be binding upon each contractor or vendor as to its work in connection with this Contract:

DISCRIMINATION PROHIBITED (This provision is required by Labor Law Section 220-e and applies to all public contracts):

- (A) In the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall by reason of race, creed, color, disability, sex or national origin discriminate against any citizen of the state of New York who is qualified and available to perform the work to which the employment relates;
- (B) No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, creed, color, disability, sex, or national origin;
- (C) There may be deducted from the amount payable to the contractor by the state or municipality under this contract a penalty of fifty dollars for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract;
- (D) This contract may be cancelled or terminated by the state or municipality, and all moneys due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this section of the contract; and
- (E) The aforesaid provisions of this section covering every contract for or on behalf of the state or a municipality for the manufacture, sale or distribution of materials, equipment or supplies shall be limited to operations performed within the territorial limits of the state of New York.

Prior to the payment of any sums by the OWNER to the CONTRACTEE, CONTRACTEE must submit to the OWNER copies of all subcontractors' workforce utilization programs, where required. In addition, CONTRACTEE agrees that after the payment of such sums, CONTRACTEE shall require all subcontractors to submit compliance reports to the OWNER relating to the operation and implementation of any workforce utilization programs, where required, as and when directed by the OWNER. CONTRACTEE further agrees that it will make reasonable efforts to give minority and women-owned business enterprises the opportunity for meaningful participation in the work to be performed in connection with this Contract, and the CONTRACTEE shall document and keep records of such efforts which may be inspected by the OWNER at its request.

FOR THE CONTRACTOR:

ORGANIZATION:

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

END OF NON-DISCRIMINATION AND AFFIRMATIVE ACTION REQUIREMENTS