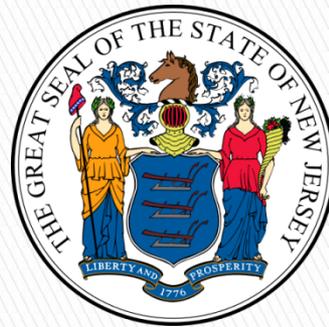


# PUBLIC AGENCY

## Guidelines for Administering Equal Employment Opportunity in Public Contracts



Procurement and contracting responsibilities are a fundamental part of government. Successful implementation of these functions includes the recognition and awareness of Equal Employment Opportunities for qualified minorities and women under the law.

# Public Agency Audits and Ratings

**SATISFACTORY OR  
UNSATISFACTORY**



# Public Agency Compliance Officer (P.A.C.O.)



STATE OF NEW JERSEY  
DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE & PROPERTY  
CONTRACT COMPLIANCE/AUDIT UNIT  
EEO MONITORING PROGRAM

**Designation Of Public Agency Compliance Officer (P.A.C.O.)**

The designated Public Agency Compliance Officer (P.A.C.O.) is:

Public Agency: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Name: \_\_\_\_\_ Fax: \_\_\_\_\_  
Title: \_\_\_\_\_ Email: \_\_\_\_\_  
Business Address: \_\_\_\_\_

Current Highest District or Appointed Official: \_\_\_\_\_

No Person currently serving as the P.A.C.O.

The P.A.C.O. will be appointed at the next Board/Committee meeting. A copy of the resolution designating the appointee will be sent to the Division of Purchase & Property, Contract Compliance/Audit Unit, EEO Monitoring Program.

Additional technical assistance is required.

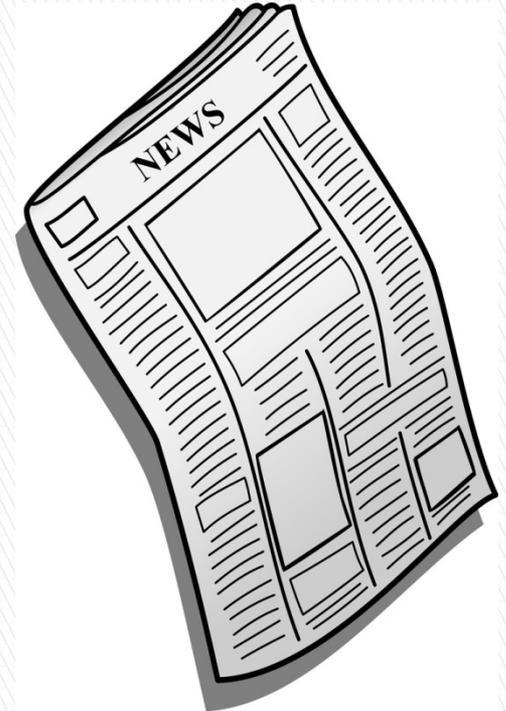
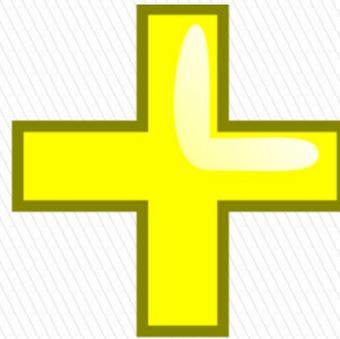
Public Agency Official Signature: \_\_\_\_\_

Please mail or fax forms to:

\*To: Box 391 "Treasury" New Jersey 08621 \*Phone: 908-225-5401 \*Fax: 908-225-1102 \*www.state.nj.us/purchase/compliance

Each year, all Public Agencies are required to submit the name, title, address, telephone number, fax, & email address of the P.A.C.O.  
**NO LATER THAN JANUARY 10<sup>TH</sup> OF EACH YEAR.**

# Mandatory Bid Advertisement Language



Mandatory Bid Advertisement Language must be used when advertising a bid.

# Mandatory Bid Advertisement Language

Public Agencies MUST include in all solicitations or advertisements for bids, the following language:

**“BIDDERS ARE REQUIRED TO COMPLY WITH THE  
REQUIREMENTS OF  
N.J.S.A. 10:5-31 et seq. N.J.A.C. 17:27”**

or

For Goods, Professional Service and General Services Contracts which are exempt from public bidding procedures, the Public Agency shall include in their solicitations or Request for Proposal (RFP) the following language:

**“IF AWARDED A CONTRACT YOUR COMPANY/FIRM WILL BE  
REQUIRED TO COMPLY WITH THE REQUIREMENTS OF N.J.S.A.  
10:5-31 et seq. N.J.A.C. 17:27”**

# **Mandatory Contract Language**

**ALL GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS MUST INCLUDE:**

**Mandatory Equal Employment Language of EXHIBIT A**

**ALL CONSTRUCTION CONTRACTS MUST INCLUDE:**

**Mandatory Equal Employment Language of EXHIBIT B**



# Mandatory Equal Employment Opportunity Language Exhibit A

## Goods, Professional and General Service Contracts

(REVISED 4/10)

### EXHIBIT A

#### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)  
N.J.A.C. 17:27

#### GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: 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 contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

### EXHIBIT A (Cont)

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

# Mandatory Equal Employment Opportunity Language

## Exhibit B

### Construction Contracts

(REVISED 4/10)

#### EXHIBIT B

##### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27

##### CONSTRUCTION CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, promotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause.

The contractor or subcontractor, where applicable, will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

When hiring or rehiring workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers as each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2, provided, however, that the Dept. of LWD, Construction EEO Monitoring Program may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B and C, as long as the Dept. of LWD, Construction EEO Monitoring Program is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Dept. of LWD, Construction EEO Monitoring Program, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2. The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

#### EXHIBIT B (Cont)

(A) If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities minority and women workers directly, consistent with this chapter. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicate a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the hiring or scheduling procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(B) If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

- (1) To notify the public agency compliance officer, the Dept. of LWD, Construction EEO Monitoring Program, and minority and women referral organizations listed by the Division pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;
- (2) To notify any minority and women workers who have been listed with it as awaiting available vacancies;
- (3) Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
- (4) To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;
- (5) If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;
- (6) To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

#### EXHIBIT B (Cont)

(i) The contractor or subcontractor shall interview the referred minority or women worker.

(ii) If said individual have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Dept. of LWD, Construction EEO Monitoring Program. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.

(iii) The name of any interested women or minority individual shall be maintained on a waiting list and shall be considered for employment as described in (i) above, whenever vacancies occur. At the request of the Dept. of LWD, Construction EEO Monitoring Program, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.

(iv) If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Dept. of LWD, Construction EEO Monitoring Program.

(v) To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Dept. of LWD, Construction EEO Monitoring Program and submitted promptly to the Dept. of LWD, Construction EEO Monitoring Program upon request.

(C) The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement, provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that, in implementing the procedures of (B) above, it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

#### EXHIBIT B (Cont)

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Dept. of LWD, Construction EEO Monitoring Program an initial project workforce report (Form AA 201) electronically provided to the public agency by the Dept. of LWD, Construction EEO Monitoring Program, through its website, for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Division and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on the job on/off the job programs for outreach and training of minorities and women.

(D) The contractor and its subcontractors shall furnish such reports or other documents to the Dept. of LWD, Construction EEO Monitoring Program as may be requested by the Dept. of LWD, Construction EEO Monitoring Program from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Dept. of LWD, Construction EEO Monitoring Program for conducting a compliance investigation pursuant to [Subchapter 10 of the Administrative Code \(NJAC 17:27\)](#).

# Additional Mandatory Construction Contract Language for State Agencies, Independent Authorities, Colleges and Universities only

## Additional Mandatory Construction Contract Language For State Agencies, Independent Authorities, Colleges and Universities Only

The Executive Order No. 151 (Corzine, August 28, 2009) and P.L. 2009, Chapter 335 include a provision which require all state agencies, independent authorities and colleges and universities to include additional mandatory equal employment and affirmative action language in its construction contracts. It is important to note that this language is in addition to and does not replace the mandatory contract language and good faith efforts requirements for construction contracts required by N.J.A.C. 17:27-3.6, 3.7 and 3.8, also known as Exhibit B. The additional mandatory equal employment and affirmative action language is as follows:

It is the policy of the [Reporting Agency] that its contracts should create a workforce that reflects the diversity of the State of New Jersey. Therefore, contractors engaged by the [Reporting Agency] to perform under a construction contract shall put forth a good faith effort to engage in recruitment and employment practices that further the goal of fostering equal opportunities to minorities and women.

The contractor must demonstrate to the [Reporting Agency]'s satisfaction that a good faith effort was made to ensure that minorities and women have been afforded equal opportunity to gain employment under the [Reporting Agency]'s contract with the contractor. Payment may be withheld from a contractor's contract for failure to comply with these provisions.

Evidence of a "good faith effort" includes, but is not limited to:

1. The Contractor shall recruit prospective employees through the State Job bank website, managed by the Department of Labor and Workforce Development, available online at <http://NJ.gov/JobCentralNJ>;
2. The Contractor shall keep specific records of its efforts, including records of all individuals interviewed and hired, including the specific numbers of minorities and women;
3. The Contractor shall actively solicit and shall provide the [Reporting Agency] with proof of solicitations for employment, including but not limited to advertisements in general circulation media, professional service publications and electronic media; and
4. The Contractor shall provide evidence of efforts described at 2 above to the [Reporting Agency] no less frequently than once every 12 months.
5. The Contractor shall comply with the requirements set forth at N.J.A.C. 17:27.

To ensure successful implementation of the Executive Order and Law, state agencies, independent authorities and colleges and universities must forward an Initial Project Workforce Report (AA 201) for any projects funded with ARRA money to the Dept. of LWD, Construction EEO Monitoring Program immediately upon notification of award but prior to execution of the contract.

# Mandatory Affirmative Action Evidence for Goods, Professional Service and General Service Contracts (mandatory v. required??)

**THE SUCCESSFUL BIDDER IS REQUIRED TO SUBMIT TO THE PUBLIC AGENCY ONE OF THE FOLLOWING:**

1. A letter from the Office of Federal Contract Compliance Program (OFCCP) indicating the vendor has an approved Federal Affirmative Action Plan. This letter is valid one year from the date of issuance.

or

2. A valid copy of a Certificate of Employee Information Report.

or

3. A Completed Employee Information Report (**FORM AA-302**)

**After notification of award, but prior to execution of a Goods, Services or Professional Services Contract, the AA evidence **MUST** be submitted.**



# Required Affirmative Action Evidence for Construction Contracts

INITIAL  
PROJECT  
WORK  
FORCE  
REPORT

**STATE OF NEW JERSEY**  
DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT  
CONSTRUCTION (EO) COMPLIANCE MONITORING PROGRAM

**Official Use Only**  
Assignment \_\_\_\_\_  
Code \_\_\_\_\_

FORM AA-201  
Revised 11/17  
**INITIAL PROJECT WORKFORCE REPORT CONSTRUCTION**

For instructions on completing the form, go to: [http://www.state.nj.us/labor/oa/initial\\_project\\_workforce\\_report\\_aa201\\_1117\\_1118.pdf](http://www.state.nj.us/labor/oa/initial_project_workforce_report_aa201_1117_1118.pdf)

1. FD NUMBER \_\_\_\_\_ 2. CONTRACTOR ID NUMBER \_\_\_\_\_ 3. NAME AND ADDRESS OF PUBLIC AGENCY AWARDING CONTRACT  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

3. NAME AND ADDRESS OF PRIME CONTRACTOR  
Name: \_\_\_\_\_ CONTRACT NUMBER \_\_\_\_\_ DATE OF AWARD \_\_\_\_\_ DOLLAR AMOUNT OF AWARD \_\_\_\_\_  
Address: \_\_\_\_\_

4. NAME AND ADDRESS OF PROJECT  
Name: \_\_\_\_\_ PROJECT NUMBER \_\_\_\_\_  
Address: \_\_\_\_\_

5. IS THIS PROJECT COVERED BY A PROJECT LABOR AGREEMENT (PLA)? YES  NO

4. IS THIS COMPANY MINORITY OWNED (M) OR WOMAN OWNED (W)? COUNTY \_\_\_\_\_

5. TRADE OR CRAFT	M (M) (M) (M) (M)				W (W) (W) (W) (W)				PROJECTED PHASE IN DATE	PROJECTED COMPLETION DATE
	1	2	3	4	1	2	3	4		
1. ASBESTOS WORKER										
2. BRICK LAYER OR MASON										
3. CARPENTER										
4. ELECTRICIAN										
5. GLAZIER										
6. HVAC MECHANIC										
7. IRONWORKER										
8. OPERATING ENGINEER										
9. PAINTER										
10. PLUMBER										
11. ROOFER										
12. SHEET METAL WORKER										
13. SPRINKLER FITTER										
14. STEAMFITTER										
15. SURVEYOR										
16. TILER										
17. TRUCK DRIVER										
18. LABORER										
19. OTHER										
20. OTHER										

6. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

\_\_\_\_\_  
(Signature)

7. (Please Print Your Name) \_\_\_\_\_ (Date) \_\_\_\_\_

(Area Code) (Telephone Number) (Ext.) (Date)

FORM  
AA-201

# Construction Unit Contact Information

Department of Labor and Workforce Development  
Construction EEO Compliance Monitoring Program  
PO Box 209  
Trenton, NJ 08625-0209  
(609) 292-9550

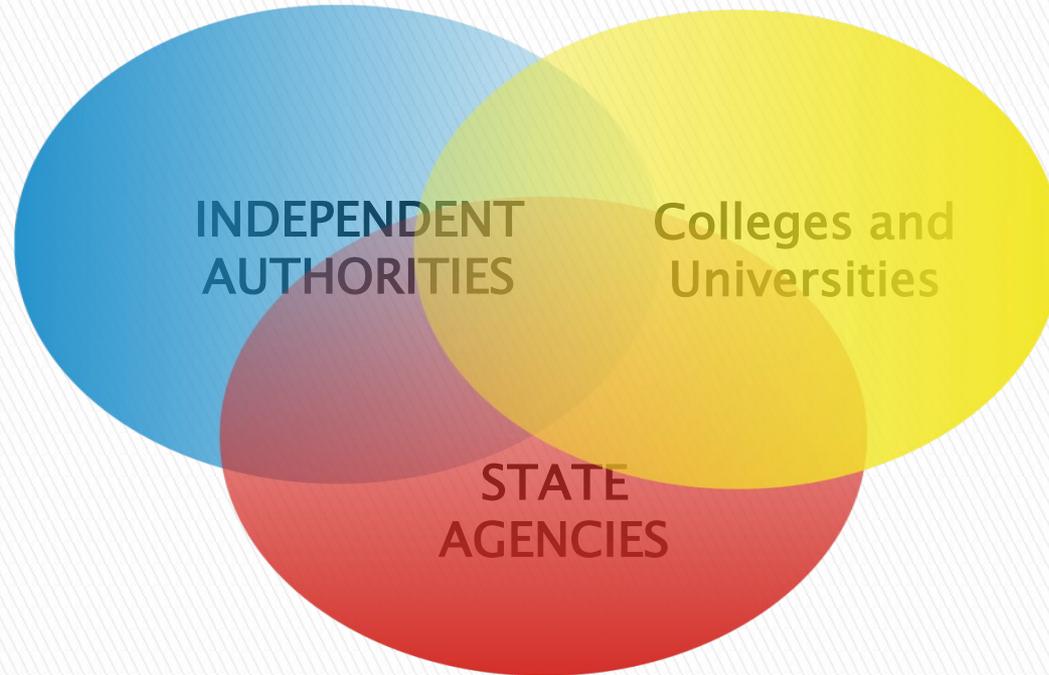


# EMERGENCY CONTRACTS



- In an emergency, a Public Agency may award a contract without an approved affirmative action program.
- Public Agency must document that an actual or imminent emergency exists, which requires it to immediately award a contract for construction or the delivery of goods and services, including professional services, and that to delay the award of the contract would endanger public health, safety, welfare or property.
- The contractor shall be required to comply with the EEO/AA regulations prior to receiving payment.
- Public Agency is also required to provide the vendor with the appropriate language (Exhibit A or Exhibit B) and obtain the proper Affirmative Action evidence.

# Training Fund Requirements



- State agencies are required to allocate  $\frac{1}{2}$  of 1% of the total construction cost, equal to or greater than \$1 million.
- State agency must forward the training funds to the department of labor and workforce development, immediately upon award of the contract
- It must also provide the division with a training fund letter certifying that the funds have been allocated and released to the department of labor and workforce development

# Training Fund Requirements (FOR LOCAL GOVERNMENTS)

- ▶ Local governments are also required to allocate and release training funds under P.L.2009, c.313
- ▶ The funds are used to train minorities and women in the construction trades through the NJ build program and thereby builds a pool of qualified minorities and women for employment on public works projects.
- ▶ The division has held implementation of this law as it applies to local governments in abeyance pending attorney general advise on certain issues. For information about the NJ Build program contact the Department of Labor and Workforce Development at (609) 292-5747.

# Sample Training Fund Verification Notice for State Agencies, Independent Authorities, Colleges and Universities Only

## **Sample Training Fund Verification Notice For State Agencies, Independent Authorities, Colleges and Universities Only (Use Agency Letterhead)**

<Date>

Department of Treasury  
Division of Purchase & Property  
Contract Compliance Audit Unit  
EEO Monitoring Program  
PO Box 206  
Trenton, New Jersey 08625-0206

Dear Sir or Madam:

Please be advised that <name of contracting agency> awarded contracts totaling <amount> for renovations to the <title of construction project> .

In accordance with N.J.A.C. 17:27-12.1 and EO 151 and P.L.2009, c.313 and 335, the <name of State agency> has allocated and released <amount> to the New Jersey Department of Labor and Workforce Development on <date> for the financing of outreach and training programs for minorities and women in the construction trades.

By this notification we have met the EEO/AA requirements with respect to the training fund allocation.

Sincerely,

Jane Doe, PACO

c:

# Sample Training Fund Verification Notice for Local Government Only (Use Agency Letterhead)

## Sample Training Fund Verification Notice For Local Government Only (Use Agency Letterhead)

<Date>

Department of Treasury  
Division of Purchase & Property  
Contract Compliance Audit Unit  
EEO Monitoring Program  
PO Box 206  
Trenton, New Jersey 08625-0206

Dear Sir or Madam:

Please be advised that <name of contracting agency> awarded contracts totaling <amount> for the <title of construction project> .

In accordance with the P.L.2009, c.313, the <name of Public agency> has allocated <amount> on <date> for the financing of outreach and training programs for minorities and women in the construction trades. As per your directive, we have allocated these funds in our records only and are holding their release to the Dept. of Labor & Workforce Development in abeyance until certain issues regarding the law's implementation have been addressed by the Attorney General.

By this notification we have met the EEO/AA requirements with respect to the training fund allocation.

Sincerely,

Jane Doe, Business Administrator

c:

# SANCTION PROCESS

- ▶ If the results of an audit are found to be unsatisfactory, the Public Agency will be issued an advisement letter outlining the deficiencies.
- ▶ If the Public Agency fails to take corrective measures, monetary penalties may be issued.

# EEO/AA Procedures in Awarding Public Contracts

## *Public Agency*

- ❖ *Include Mandatory Language in advertisements for receipt of bids, solicitation and/or request for proposals*
- ❖ *Include appropriate Mandatory Language in contracts and bid specifications*
- ❖ *Obtain Required EEO/AA evidence from vendor or contractor*

## *Vendor*

### Goods, Professional Services, and General Services Contracts

⋮  
Subject to Mandatory  
Language of Exhibit A

⋮  
Selected vendors must submit  
one of the following forms of  
evidence:

1. Copy of Letter of Federal  
Approval

Or

2. Certificate of Employee  
Information Report

Or

3. Complete Form AA-302  
(Employee Information  
Report)

⋮  
EEO/AA Evidence must be  
submitted after notification of  
award, but prior to signing of  
the contract

## *Contractor*

### Construction Contracts

Subject to Mandatory Language of Exhibit B

Additional Mandatory Language  
EO 151 and P.L.2009, c.335 (State Agencies,  
Independent Authorities, Colleges &  
Universities Only)

⋮  
Selected construction contractors must submit  
the following form of  
evidence:

Complete Form AA-201 (Initial Project  
Workforce Report)

⋮  
Submit Form AA-202 (Monthly  
Project Workforce Report) once a  
month for the duration of the contract  
to the Dept. of Labor and to the Public  
Agency Compliance Officer

⋮  
EEO/AA Evidence must be  
submitted after notification of award, but  
prior to signing of a construction contract

# FORMS

THE PUBLIC AGENCY MAY DOWNLOAD THE FORMS AT THE FOLLOWING WEBSITE ADDRESS:

**[http://www.state.nj.us/treasury/contract\\_compliance/forms.shtml](http://www.state.nj.us/treasury/contract_compliance/forms.shtml)**



# PUBLIC AGENCY/PROCUREMENT CONTACT INFORMATION

NJ Department of the Treasury  
Division of Purchase & Property  
Contract Compliance Audit Unit  
EEO Monitoring Program

P.O. Box 206

Trenton, New Jersey 08625-0206

(609) 292-5473

[http://www.nj.gov/treasury/contract\\_compliance/](http://www.nj.gov/treasury/contract_compliance/)



QUESTIONS