

Appendix B

Office of Housing Management and Office of Financial Administration

EQUAL OPPORTUNITY REQUIREMENTS

In connection with this contract, the Housing Authority/Company/Contractor agrees to abide by the provisions of Article 15-A of the Executive Law as may be amended from time to time (the "Statute") and the regulations promulgated thereunder by the Division of Minority and Women's Business Development of the New York State Department of Economic Development as may be amended from time to time (the "Regulations"). The Housing Authority/Company/Contractor also agrees to include the provisions of this exhibit in every contract and subcontract in such a manner that the requirements of the provisions will be binding upon each contractor and subcontractor as to work in connection with this Agreement. The Housing Authority/Company/Contractor agrees that the New York State Division of Housing and Community Renewal ("Division") shall be deemed a third-party beneficiary of the provisions of this exhibit with respect to any contracts and subcontracts thereunder and shall have the full right of enforcement thereof.

1. Cooperation with the Division

The Housing Authority/Company/Contractor shall at all reasonable times make available and provide to the Division's Office of Fair Housing and Equal Opportunity ("OFHEO"), the Division or its agents all material and documents relating to this Agreement and shall allow the representatives of the Division access to the location of the Work and the individuals employed thereon to verify compliance with this agreement.

2. Reports

After the award of this agreement, the Housing Authority/Company/Contractor shall submit to OFHEO such reports, in form and manner and at such times as is required by the Division.

3. Minority and Women-owned Business Participation Goals

(a) Participation goals have been adopted to ensure the opportunity for meaningful participation of minority and women-owned business enterprises in the Work to be undertaken by the Housing Authority/Company/Contractor and financed with funds provided by the Division. These goals are expressed as a percentage of the total value of all Work under the Agreement. These percentages are ____% for minority-owned business enterprises ("MBEs") and ____% for women-owned business enterprises ("WBEs"). The Housing Authority/Company/Contractor agrees to make good faith efforts to achieve these participation goals.

(b) The Directory of Certified Minority and Women-owned Businesses published by the Division of Minority and Women's Business Development of the New York State Department of Economic Development lists the only enterprises which are recognized as minority or women-owned business enterprises for the purpose of meeting the participation goals.

Contract Attachment Requirements

Each contract or subcontract entered into by the Housing Authority/Company/Contractor for the Work shall include the following contract clauses:

a. Equal Employment Opportunity Pledge. The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For these purposes, affirmative action shall apply in the areas of recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.

b. Policy Statement. As a precondition to entering into this Contract, the Contractor shall submit an Equal Employment Opportunity Policy Statement to the Division. The Policy Statement shall contain and the Contractor shall, during the performance of this Contract, agree to the following:

(i) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination.

(ii) The Contractor shall state in all solicitations or advertisements for employees that, in the performance of state funded contracts, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

(iii) At the request of the Division, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other contract or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such employment agency, union or representative will affirmatively cooperate in the implementation of the Contractor's obligations.

c. Minority-owned Business Enterprises/Women-owned Business Enterprises

(i) Good Faith Efforts to Achieve Participation Goals. The Contractor will, and will cause its contractors and subcontractors to take the following good faith actions to achieve the participation goals:

(A) Actively and affirmatively solicit bids for contracts and subcontracts from qualified MBEs or WBEs, including circulation of solicitations to minority and women contractor

associations.

(B) Obtain a copy of the Directory of Certified Minority and Women-owned Businesses and solicit bids from MBEs and WBEs in the Directory.

(ii) The Contractor and its subcontractors shall at all reasonable times make available to the Division or its agents all materials and documents relating to this Contract and shall allow the representatives of the Division access to the location of the Work and the individuals employed thereon to verify compliance with this Contract.

(iii) The parties agree as a condition of entering into such contract or subcontract to be bound by the provisions of Section 316 of the Executive Law.