



Community Development Block Grant (CDBG) Program

FEDERAL COMPLIANCE MONITORING CHECKLIST

Project Name: _____

Project No.: _____
Program Year: _____
Grant Amount: _____

ERR/NEPA Status: _____

*The provisions described below apply to all contracts over \$2,000.
Additional requirements may apply for larger contracts as noted below.*

1) Bid Package Documents: (Sub-Grantee/City)

- Project specifications (compiled by Sub-Grantee).
- Federal Wage Determination and Federal Labor Standards Provisions (see attached Exhibit A).
- Affirmative Action/Section 3 Employment Plan (see attached Exhibit B).
- Affirmative Action Plan/Executive Order 11246 requirements (required for contracts and sub-contracts of \$10,000 or more; see attached Exhibit C).
- Lead Based Paint clause (required for residential structures; see attached Exhibit D).

2) Bid Process: (Sub-Grantee/City)

- For contracts less than \$25,000, a "negotiated bidding" process may be utilized in which the sub-grantee obtains at least three bids by telephone (pursuant to State and City bid requirements). The selection of a contractor is usually based upon the lowest bid unless there are overriding considerations acceptable to the City. A minimum of three bids are required. (Sub-Grantee)
- For contracts of \$25,000 or more, a formal advertising process must be followed in which the sub-grantee places a notification in a local paper of general circulation advertising the project and bid opening (see attached Exhibit E for sample advertisement). Notice of the bid opening should also be sent directly to local contractors in conformance with Affirmative Action and Section 3 requirements. A copy of the advertisement should be forward to the City for the project file. A minimum of two bids are required for advertised bids. (Sub-Grantee)
- Contractor is selected. (Sub-Grantee)

- ❑ Prime contractor's eligibility is confirmed. (City)
- ❑ Contract is executed. (Sub-Grantee)

3) Pre-Construction Conference: (City)

- ❑ Attendance is recorded on a HUD form; the pre-construction conference is attended by a City representative, the sub-grantee, the prime contractor, and all available sub-contractors.
- ❑ The following materials are distributed to the contractor(s) and discussed:
 - HUD-4010 (2/84), Federal Labor Standard Provisions;
 - Form WH-347 (Certified Payroll Sheets) and instructions;
 - Statement of Compliance;
 - Fringe Benefit Statement; and
 - Monthly Employment Utilization Report (MEUR).
- ❑ If any persons are being employed in job classifications which are not covered by Davis-Bacon, the City will check with HUD to ensure that a copy of HUD Form 4230A has been sent to and approved by the HUD Regional Labor Relations Officer.
- ❑ The prime contractor will submit a list of any sub-contractors which are to be hired through the prime contract.
- ❑ A written summary of the conference will be completed for the project file.
- ❑ Send "Start of Construction" letter to HUD after pre-construction conference.
- ❑ The sub-grantee will return a "Certificate of Understanding and Authorization" after the pre-construction conference (signed by person who signs payroll; include employer IRS number).

4) Construction Period: (Sub-Grantee/City)

- ❑ The Federal Wage Determination, Employee Poster, and telephone number of the City contact will be posted at the work site. (Sub-Grantee/Prime Contractor)
- ❑ Weekly payroll forms for the prime contractor and all sub-contractors will be submitted to the City. Contractors may submit a computer summary, but the printout must provide all required information. The back of the form must be completed and either "4a" or "4b" checked. The initial payroll forms should include the contractor's IRS number and should be marked "Initial". (Sub-Grantee/Prime Contractor)
- ❑ For contracts of \$10,000 or more, the sex and race of employees must be included on payroll forms (this requirement does not apply to housing rehabilitation projects).
- ❑ Weekly payroll forms will be date-stamped and initialed when received. (City)

- ❑ "Form 11 Interviews" will be conducted with at least one employee in each job classification during the course of the project. (City)
- ❑ The site will be visited during the construction, and a review of the findings will be completed for inclusion in the project file. (City)

5) Project Completion: (City)

- ❑ The site will be visited after the project is complete, and a review will be completed for the file.
- ❑ The "Final Closing Review Checklist" will be completed for the project file.
- ❑ The "Final Labor Standards Enforcement Report" will be sent to the HUD Labor Relations staff.

For construction contracts of \$100,000 or more, the following additional provisions apply:

- ❑ Each bidder must submit a bid guarantee equivalent to five percent of the bid price.
- ❑ The contractor must execute a performance bond for one hundred percent of the contract price.
- ❑ The contractor must execute a payment bond for one hundred percent of the contract price.

Date Checklist Completed: _____

By (City): _____

Exhibit A:
**Information on the Federal Wage Determination
and Federal Labor Standards Provisions**

Federal labor standards provisions are set out in three Federal Acts:

1. The Davis-Bacon Act requires that contractors receiving federal funds pay their employees no less than the minimum federal wage and fringe benefit rates on a weekly basis for the classification of labor in which they work. These rates are listed in the Federal Wage Determination, which is generally updated every few months by the Department of Housing and Urban Development (HUD). Davis-Bacon applies to any contract using federal funds (such as CDBG funds) for an amount over \$2,000 for the construction or rehabilitation of housing or public facilities and/or any residential project of 8 units or more (or 12 units or more for projects funded through the HOME program).
2. The Contract Work Hours and Safety Standards Act requires that workers be paid "time-and-a-half" (a premium) for time worked over 40 hours per week.
3. The Copeland Act makes it a crime for anyone to induce a construction worker to give up any part of his compensation ("no kickbacks") and requires contractors to submit certified payroll sheets weekly.

It is the City's responsibility to monitor contractors for compliance with the Acts described above for any projects that have been allocated federal funds from the City's block grant.

As noted above, the Federal Wage Determination lists all labor classifications and the required minimum wage rate in Alameda County as well as the required minimum fringe benefit rate. The City obtains the Federal Wage Determination from HUD after the City receives notification from the Sub-Grantee of the estimated date of the bid opening (generally thirty days prior to the bid opening). The Federal Wage Determination is included in the bid package documents for distribution to all interested contractors.

The applicable Federal Wage Determination is that which is in effect no more than ten days prior to the bid opening. Therefore, the Sub-Grantee should include a clause in the contract stating that the Federal Wage Determination may be updated by the City prior to the award of the bid if a new modification is published by HUD within ten days of the bid opening. The City will check with HUD prior to the bid opening and will notify the Sub-Grantee of any changes so that contractors submitting bids can be informed.

In addition to including the Federal Wage Determination in the bid package, the City is also responsible for holding a pre-construction conference with the Sub-Grantee and contractor, posting the Federal Wage Determination at the job site, conducting on-site employee interviews, monitoring contractor payrolls for compliance with federal labor laws, notifying contractors of violations and correcting them promptly, and maintaining applicable records.

Exhibit B:
**Affirmative Action Plan Under Section 3 of the
Housing and Urban Development Act of 1968**

PURPOSE: To ensure that, to the greatest extent feasible, projects financed through the City of Pleasanton's Community Development Block Grant (CDBG) Program provide business and employment opportunities for businesses in the City of Pleasanton.

In all contracts for work in connection with a CDBG project, the following clause (referred to as the "Section 3" Clause), shall be included:

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing. This includes, to the greatest extent feasible, that opportunities for training and employment be given to lower income residents of the project area and that contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. The parties to this contract certify that they are under no contractual or other type of impediment which would prevent compliance with the Part 135 regulations.
- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places available to employees and applicants for training and employment.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The contractor certifies that any vacant employment positions, including training positions, that are filled 1) after the contractor is selected but before the contract is executed, and 2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- F. Non-compliance with HUD's regulations in 24 CFR Part 135 may result in termination of this contract for default.

G. With respect to work to be performed in connection with Section 3-covered public or Indian housing assistance, the housing authority and its contractor will agree to specific actions that will constitute the contractor's best efforts to offer job training and employment opportunities to low-income persons and/or contracting opportunities to Section 3 business concerns, as applicable. These "best effort" activities shall be described on the attachment to this contract and made a part of this contract.

H. With respect to work performed in connection with Section 3-covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that, to the greatest extent feasible, (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

NAME OF CONTRACTOR: _____

SERVICES TO BE PROVIDED: _____

CONTRACT AMOUNT: \$ _____

The following work force is anticipated to be necessary to satisfactorily complete this work:

<u>Job Classification</u>	<u>Existing Work Force</u>	<u>Anticipated New Hires</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Contractor agrees to undertake a good faith effort to comply with all of the provisions of Section 3 of the Housing and Urban Development Act of 1968.

CONTRACTOR: _____
NAME OF TITLE OF AUTHORIZED REPRESENTATIVE DATE

Exhibit C:
Affirmative Action Plan / Executive Order 11246 Requirements
(Required for Contracts of \$10,000 or More)

All solicitations for bids and contract documents for federally-assisted contracts and sub-contracts in excess of \$10,000 (not including housing rehabilitation projects) must include the following three documents pursuant to federal affirmative action requirements under Executive Order 11246:

1. "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity" (Exhibit C-1; addresses goals and timetables for female and minority employment for the project area);
2. "Equal Opportunity Clause" (Exhibit C-2); and
3. "Standard Federal Equal Employment Opportunity Construction Contract Specifications" (Exhibit C-3).

Copies of Exhibits C-1, C-2, and C-3 are attached for use in contracts and sub-contracts that exceed \$10,000.

Exhibit C-1:
**Notice of Requirement for Affirmative Action to Ensure
 Equal Employment Opportunity (Executive Order 11246)**

1. The Offerer's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate work force in each trade on all construction work in the covered areas are as follows:

<i>Timetables</i>	<i>Goals for Minority Participation in Each Trade</i>	<i>Goals for Female Participation in Each Trade</i>
<i>From April 1, 1981, until further notice</i>	25.6%	6.9%

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located out of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs, U.S. Department of Labor, within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is the City of Pleasanton, located within the County of Alameda in the State of California.

Exhibit C-2:
Equal Opportunity Clause

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, regions, sex, or national origin. Such action 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 setting forth the provisions of this nondiscrimination clause.
- (2) The contractor 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 race, color, religion, sex, or national origin.
- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by-rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the contractor's non-compliance with the discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by-rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- (7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every sub-contract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 504 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any sub-contract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work, provided that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and sub-contractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and sub-contractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(33 FR 7804, May 28, 1968, as amended at 34 FR 744, Jan. 17, 1969; 40 FR 14083, Mar. 28, 1975)

Exhibit C-3:
Standard Federal Equal Employment Opportunity
Construction Contract Specifications (Executive Order 11246)

1. As used in these specifications:
 - a. "Covered area" means the geographical area described in the solicitation from which this contracted resulted;
 - b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
 - c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941;
 - d. "Minority" includes:
 - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands); and
 - (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
2. Whenever the contractor, or any sub-contractor at any tier, sub-contracts a portion of the work involving any construction trade, it shall physically include in each sub-contract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
3. If the contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each contractor or sub-contractor participating in an approved plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or sub-contractors toward a goal in an approved Plan does not excuse any covered contractor's or sub-contractor's failure to take good faith efforts to achieve the Plan goals and timetables.
4. The contractor shall implement the specific affirmative action standards provided in paragraphs 7(a) through (p) of these specifications. The goals set forth in the solicitation from which this contract

resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or federally-assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
6. In order for the non-working training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the contractor during the training period, and the contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.
7. The contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The contractor shall document these efforts fully and shall implement affirmative action steps at least as extensive as the following:
 - a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to each construction project. The contractor shall specifically ensure that all foremen, superintendent, and other on-site supervisory personnel are aware of and carry out the contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
 - b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
 - c. Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the contractor by the union or, if referred, not employed by the contractor, this shall be documented in the file with the reasons therefore, along with whatever additional actions the contractor may have taken.
 - d. Provide immediate written notification to the Director when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority

person or woman sent by the contractor or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.

- e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the contractor's employment needs, especially those programs funded or approved by the Department of Labor. The contractor shall provide notice of these programs to the sources compiled under 7(b) above.
- f. Disseminate the contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- g. Review at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions, including specific review of these items with on-site supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- h. Disseminate the contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the contractor's EEO policy with other contractors and sub-contractors with whom the contractor does or anticipates doing business.
- i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selections process.
- j. Encourage present minority and female employees to recruit other minority persons and women and where reasonable, provide after school summer and vacation employment to minority and female youth both on the site and in other areas of a contractor's work force.
- k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60.3.
- l. Conduct at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

- m. Ensure that seniority practices, job classifications, work assignments, and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the contractor's obligations under these specifications are being carried out.
 - n. Ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 - o. Document and maintain a record of all solicitations of offers for sub-contracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
 - p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the contractor's EEO policies and affirmative action obligations.
8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7(a) through (p) of these specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the contractor's minority and female work force participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the contractor. The obligation to comply, however, is the contractor's and failure of such a group to fulfill an obligation shall not be a defense for the contractor's non-compliance.
 9. A single goal for minorities and a separate single goal for women have been established. The contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the contractor has achieved its goals for women generally, the contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).
 10. The contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex or national origin.
 11. The contractor shall not enter into any sub-contract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.
 12. The contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.
14. The contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.
15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

Exhibit D:
Lead-Based Paint Clause

(Required for Construction or Rehabilitation of Residential Structures)

The Contractor agrees that any construction or rehabilitation of residential structures with assistance provided under this agreement shall be subject to HUD Lead Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, and in particular Sub-Part B thereof. Such regulations pertain to all HUD assisted housing and require that all owners, prospective owners, and tenants or properties constructed prior to 1978 be properly notified that such properties may include lead based paint. Such notification shall point out the hazards of lead based paint and explain the symptoms, treatment, and precautions that should be taken when dealing with lead based paint poisoning.

Exhibit E:
Sample Bid Advertisement

PUBLIC NOTICE
[NAME OF SUB-GRANTEE]
NOTICE TO CONTRACTORS

The owner will receive sealed proposals up to 2:00 p.m. Pacific Standard Time on (day/date) , 199 , at the offices of the owner, (sub-grantee name) , (sub-grantee address/location for bid submittal) . The bids shall be publicly opened and read aloud. A tabulation of all bids submitted will be made available to all bidders.

The project for which proposals are being sought consists of (project description) . The project is being funded through 1994/95 City of Pleasanton Community Development Block Grant (CDBG) funds. This project is subject to Standard Federal Equal Employment Opportunity.

Bidding documents will be available from the owner. One project and manual and one set of drawings will be made available to each bidder upon deposit of \$50.00. Deposits shall be returned to the bidder if (1) a proper bid is submitted before the bid date, and (2) the drawings and project manuals are returned to the owner's office within five days of the bid closing date. Plans, specifications, and proposal forms for bidding this project can only be obtained at the office of (sub-grantee name) , (address) , (telephone) . Contact Person(s): (name/s of contact person/s) , 9:00 a.m. through 5:00 p.m., Monday through Friday.

Additional sets of drawings and specifications may be purchased from the owner at a cost of \$50.00 per set. All proposals shall be made out on proposal forms supplied with each set of bidding documents. Bids shall not be withdrawn by bidders for a period of 30 calendar days after receipt of bids.

This project is Federally financed through City of Pleasanton 1994/95 Community Development Block Grant (CDBG) program funds and is subject to the latest Federal Wage Determination (with modifications possible ten days prior to the close of bidding if applicable). A copy of the Federal Wage Determination will be included in the bid package. If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the prevailing wage rates predetermined by the Department of Industrial Relations for similar classifications of labor, the Contractor and his sub-contractors shall pay not less than the higher wage rate. The successful bidder shall be required to post at each job site the prevailing rate of per diem wages as determined by the State for each craft, classifications or type of workers needed to execute the contract.

A complete list of sub-contractors each bidder intends to use upon this work shall be included in the proposal. The owner intends to enter into a stipulated sum agreement. Work at the site may commence upon execution of the agreement in accordance with provisions stipulated within the agreement and the contract documents.

NAME OF SUB-GRANTEE/AGENCY
By: (name) , Executive Director
Pleasanton, State of California