I. DEFINITIONS. The following terms shall be defined in accordance with Section 312 of the Executive Law:

STATE CONTRACT herein referred to as "State Contract", shall mean (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of $25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of $100,000.00 whereby a contracting agency is committed to expend or do expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of $100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for the beneficial use or replacement, major repair, renovation, or not-for-profit corporation, in which a portion of a contractor's obligation under a State Contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, or renovation of real property and improvements thereon for such project. For purposes of this agreement, the term "services" shall not include banking relationships, the issuance of insurance policies and contracts, or contracts with a contracting agency for the sale of bonds, notes or other securities.

MINORITY-OWNED BUSINESS ENTERPRISE herein referred to as "MBE", shall mean a business enterprise, including a sole proprietorship, partnership, or corporation that is: (a) at least fifty-one percent owned by one or more minority group members; (b) an enterprise in which such minority ownership interest is real, substantial and continuing; (c) an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and (d) an enterprise authorized to do business in this State and independently owned and operated.

MINORITY GROUP MEMBER shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups: (a) Black persons having origins in any of the Black African racial groups; (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race; (c) Native American or Alaskan native persons having origins in any of the original peoples of North America, (d) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or Pacific Islands.

CERTIFIED BUSINESS shall mean a business verified as a minority or women-owned business enterprise pursuant to section 314 of the Executive Law.

II. TERMS. The parties to the attached State Contract agree to be bound by the following provisions which are made a part hereof (the word "contractor" herein refers to any party other than the State University):

1. As a pre-condition for the award of any State Contract, contractor agrees to submit an Equal Employment Opportunity (EEO) Policy Statement which conforms with the following provisions:

   (a) 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. Affirmative Action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.

   (b) At the request of State University, contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement 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 union or representative will affirmatively cooperate in the implementation of contractor's obligations therein.

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

   (d) Contractor will include the provisions of "a", "b" and "c", above, in every Subcontract over $25,000.00.

2. Contractor shall indicate whether it is able to separate out from its entire work force that portion of its work force which will be utilized in the performance of this State Contract.

3. For State Contracts which provide labor, services, supplies, equipment or materials, as defined above, contractor must provide a Staffing Plan of the anticipated work force to be utilized on the State Contract broken down by specified ethnic background, gender, and Federal Occupational Categories, or other appropriate categories which the agency may specify.

4. For contractors who are unable to separate the portion of their work force which will be utilized for the performance of this State Contract, contractor shall provide reports describing its entire work force by the specified ethnic background, gender, and Federal Occupational Categories, or other appropriate categories which the agency may specify.

5. If contractor fails to provide a staffing plan, or in the alternative, a description of its entire work force, State University may reject contractor's bid, unless contractor either commits to provide such information at a later date or provides a reasonable justification for writing for its failure to provide the same.

6. After the State Contract has been awarded, contractor shall provide a Utilization Report which breaks down and describes contractor's and every subcontractor's work force by specified ethnic background, gender, and Federal Occupational Categories. The prime contractor shall be responsible for collecting reports from its subcontractors and
provide such reports to State University. 
For State Contracts for construction, the 
Utilization Report shall be completed using 
the number of hours worked for each relevant 
job title within the Federal Occupational 
Categories. During the term of State Contract: 
construction contractors must provide a 
Utilization Report on a monthly basis; con-

tractors providing labor, services, supplies, 
equipment or materials, who are unable to 
separate out their work force must provide 
Utilization reports on a semi-annual basis; all 
other contractors must provide Utilization 
Reports every three months.

7. Contractor shall provide State Uni-
versity reports of its compliance with the terms 
of Article 15-A of the Executive Law as may 
be required by State University.

8. PARTICIPATION BY MINORITY 
GROUP MEMBERS AND WOMEN. State 
University shall determine whether con-

tractor has made conscientious and active 
efforts to employ and utilize minority group 
members and women to perform this State 
Contract based upon an analysis of the 
following factors:

(a) Whether contractor established and 
maintained a current list of recruitment 
sources for minority group members and 
women, and whether contractor provided 
written notification to such recruitment 
sources that contractor had employment 
opportunities at the time such opportunities 
became available.

(b) Whether contractor sent letters to 
recruiting sources, labor unions, or authorized 
representatives of workers with which 
contractor has a collective bargaining or other 
agreement or understanding requesting 
assistance in locating minority group 
members and women for employment.

(c) Whether contractor disseminated its 
EEO policy by including it in any advertising 
in the news media, and in particular, in 
minority and women news media.

(d) Whether contractor has attempted to 
provide information concerning its EEO policy 
to subcontractors with which it does business 
or had anticipated doing business.

(e) Whether internal procedures exist for, 
at a minimum, annual dissemination of the 
EEO policy to employees, specifically to 
employees having any responsibility for hiring, 
assignment, layoff, termination, or other 
employment decisions. Such dissemination 
may occur through distribution of employee 
policy manuals and handbooks, annual 
reports, staff meetings and public postings.

(f) Whether contractor encourages and 
utilizes minority group members and 
women employees to assist in recruiting other 
employees.

(g) Whether contractor has apprentice 
training programs approved by the N.Y.S. 
Department of Labor which provides for 
training and hiring of minority group members 
and women.

(h) Whether the terms of this section 
have been incorporated into each Subcon-

tract which is entered into by the prime 
contractor.

It shall be the responsibility of prime con-

tractor to ensure compliance by every 
subcontractor with these provisions.

10. GOALS. (a) GOALS FOR 
MINORITY AND WOMEN WORK FORCE 
PARTICIPATION. (i) State University shall 
include relevant work force availability data, 
which is provided by the N.Y.S. Department 
of Economic Development the Division of 
Minority and Women's Business Development, in all documents which solicit 
bids for State Contracts and shall make efforts 
to assist contractors in utilizing such data to 
determine expected levels of participation for 
minority group members and women on State 
Contracts.

(ii) Contractor shall exert good faith 
efforts to achieve such goals for minority and 
women's participation. To successfully 
achieve such goals, the employment of 
minority group members and women by 
contractor must be substantially uniform 
during the entire term of this State Contract. In 
addition, contractor should not participate in 
the transfer of employees from one employer 
or project to another for the sole purpose of 
achieving goals for minority and women's 
participation.

(b) GOALS FOR MINORITY 
AND WOMEN-OWNED BUSINESS EN-
TERPRISES PARTICIPATION. For all State 
Contracts in excess of $100,000.00 whereby 
State University is committed to expend or 
does expend funds for the acquisition, 
construction, demolition, replacement, major 
repair or renovation of real property and 
improvements thereon, Contractor shall exert 
good faith efforts to achieve a participation 
goal of three-percent (3%) for Certified 
Minority-Owned Business Enterprises and 
three-percent (3%) for Certified Women-

Owned Business Enterprises.

11. ENFORCEMENT. State University 
will be responsible for enforcement of each 
contractor's compliance with these provi-
sions. Contractor, and each subcontractor, 
shall permit State University access to its 
books, records and accounts for the purpose 
of investigating and determining whether 
contractor or subcontractor is in compliance 
with the requirements of Article 15-A of the 
Executive Law. If State University determines 
that a contractor or subcontractor may not be 
in compliance with these provisions, State 
University may make every reasonable effort 
to resolve the issue and assist the contractor 
or subcontractor in its efforts to comply with 
these provisions. If State University is unable 
to resolve the issue of noncompliance, State 
University may file a complaint with the 
Division of Minority and Women's Business 
Development (DMWBD).