



**NON-COMPETITIVE BID CONTRACT  
STATEMENT FOR CALENDAR YEAR 2019  
(ALL DEPARTMENTS/OFFICES)**

This statement, properly executed and containing all required information must be completed. **IF YOU FAIL TO COMPLY, YOUR PROPOSAL WILL NOT BE CONSIDERED.**

Entity Name: \_\_\_\_\_

Entity's Mailing Address: \_\_\_\_\_

**COMPLETE SECTION I, II, OR III BELOW, WHICHEVER IS APPROPRIATE, AND SECTION IV.**

**NOTE:** For purposes of this Statement, the %Mayor+ and %Mayor's Committee+ means Frank G. Jackson and the Frank G. Jackson For A Better Cleveland Committee, respectively.

**SECTION I. TO BE COMPLETED BY NON-PROFIT CORPORATIONS AND GOVERNMENTAL ENTITIES.**

If you are recognized by the IRS as a non-profit corporation or are a governmental entity, mark the appropriate designation below and proceed to the indicated section(s).

\_\_\_\_\_ NON-PROFIT CORPORATION **GO TO SECTIONS III and IV.**

\_\_\_\_\_ GOVERNMENTAL ENTITY **GO TO SECTION IV.**

**SECTION II. TO BE COMPLETED BY INDIVIDUALS, SOLE PROPRIETORSHIPS, PARTNERSHIPS, INCORPORATED PROFESSIONAL ASSOCIATIONS, UNINCORPORATED ASSOCIATIONS, ESTATES AND TRUSTS.**

The above-named entity is a (Please mark appropriate designation):

\_\_\_\_\_ SOLE PROPRIETORSHIP

\_\_\_\_\_ TRUST

\_\_\_\_\_ INCORPORATED PROFESSIONAL ASSOCIATION

\_\_\_\_\_ ESTATE

\_\_\_\_\_ UNINCORPORATED ASSOCIATION

\_\_\_\_\_ PARTNERSHIP

\_\_\_\_\_ LIMITED LIABILITY COMPANY

\_\_\_\_\_ JOINT VENTURE

For purposes of Section II, a %principal+ means an individual, an owner, a partner, a shareholder, a member, an administrator, an executor or trustee connected with the above-named entity, or the spouse of any of them.

**PLEASE READ PARAGRAPHS ( A ) and ( B ) and mark the appropriate paragraph. If paragraph ( B ) is checked, the City of Cleveland is prohibited by Section 3517.13 of the Revised Code from awarding a non-competitively bid contract over \$500.00 to the entity during calendar year 2019 unless Council makes a direct award.**

\_\_\_\_\_ ( A ) NO ONE PRINCIPAL of the above named entity made one or more contributions to the Mayor or the Mayor's Committee between January 1, 2017 and December 31, 2018 that totaled in excess of \$1,000.00 per individual. (This paragraph also applies if no principal of the above-named entity made any contributions to the Mayor or the Mayor's Committee).

\_\_\_\_\_ ( B ) ONE OR MORE PRINCIPALS of the above named entity made, as individual(s), one or more contributions to the Mayor or the Mayor's Committee between January 1, 2017 and December 31, 2018 that totaled in excess of \$1,000.00.

**SECTION III. TO BE COMPLETED BY NON- PROFIT AND FOR-PROFIT CORPORATIONS AND BUSINESS TRUSTS.**

\_\_\_\_\_ NON-PROFIT CORPORATION \_\_\_\_\_ FOR-PROFIT CORPORATION  
\_\_\_\_\_ BUSINESS TRUST (OTHER THAN INCORPORATED PROFESSIONAL ASSOCIATIONS)

For purposes of Section III, a principal means an individual or an entity owning more than 20% of the corporation or business trust or the spouse of any such individual.

**PLEASE READ PARAGRAPHS ( A ) ( B ) ( C ) and ( D ) and mark the appropriate paragraph. If paragraph ( C ) is checked, the City of Cleveland is prohibited by Section 3517.13 of the Revised Code from awarding a non-competitively bid contract over \$500.00 to the entity during calendar year 2019 unless Council makes a direct award. If paragraph ( D ) is checked, the City of Cleveland is prohibited by Section 3599.03 from awarding a contract to the non-profit corporation.**

- \_\_\_\_\_ ( A ) NO INDIVIDUAL or entity owned more than 20% of the corporation or business trust between January 1, 2017 and December 31, 2018.
- \_\_\_\_\_ ( B ) NO PRINCIPAL of the above named entity made, as an individual, one or more contributions to the Mayor or the Mayor's Committee between January 1, 2017 and December 31, 2018 that totaled in excess of \$1,000.00. (This paragraph also applies if no principal of the above-named entity made any contributions to the Mayor or the Mayor's Committee).
- \_\_\_\_\_ ( C ) ONE OR MORE PRINCIPALS of the above named entity made one or more contributions to the Mayor or the Mayor's Committee between January 1, 2017 and December 31, 2018 that totaled in excess of \$1,000.00 individual.
- \_\_\_\_\_ ( D ) FUNDS OF THE NON-PROFIT CORPORATION were contributed to the Mayor or the Mayor's Committee at any time.

**GO TO SECTION IV.**

**SECTION IV. TO BE COMPLETED BY ALL ENTITIES.**

I do hereby state that I have legal authority to complete this statement on behalf of the above-named entity and to the best of my knowledge and belief the answers herein are true and complete.

Print Name \_\_\_\_\_ Print Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Telephone No. \_\_\_\_\_  
 (Area Code)

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, personally appeared the above-named \_\_\_\_\_, who acknowledged that (he/she) did sign the foregoing statement and that the same is (his/her) free act deed, personally and as duly authorized representative of \_\_\_\_\_, and the free act and deed of the entity on whose behalf (he/she) signed.

Notary Public \_\_\_\_\_  
 Date \_\_\_\_\_

**FOR MAYOR'S OFFICE USE ONLY**

\_\_\_\_\_ ELIGIBLE \_\_\_\_\_  
 \_\_\_\_\_ INELIGIBLE \_\_\_\_\_  
 DATE \_\_\_\_\_



**MAYOR'S OFFICE OF EQUAL OPPORTUNITY**

**CLEVELAND AREA BUSINESS CODE**

**NOTICE TO BIDDERS**  
**&**  
**OEO SCHEDULES**

**City of Cleveland**  
**Frank G. Jackson, Mayor**

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**Melissa K. Burrows, Ph.D., Director**  
Office of Equal Opportunity

**EQUAL OPPORTUNITY CLAUSE**  
**(Section 187.22(b) C.O.)**

Each Contract also shall contain the following equal opportunity clause:

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

- (1) The contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. The contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status. As used in this chapter, "treated" means and includes without limitation the following: recruited, whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, downgraded, transferred, laid off and terminated. The contractor agrees to and shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the hiring representatives of the contractor 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 the contractor is an equal opportunity employer.
- (3) The contractor shall send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract, or understanding, a notice advising the labor union or worker's representative of the contractor's commitments under the equal opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) It is the policy of the City that local businesses, minority-owned businesses and female-owned businesses shall have every practicable opportunity to participate in the performance of contracts awarded by the City subject to the applicable provisions of the Cleveland Area Business Code.
- (5) The contractor shall permit access by the Director or his or her designated representative to any relevant and pertinent reports and documents to verify compliance with the Cleveland Area Business Code, and with the Regulations. All such materials provided to the Director or designee by the contractor shall be considered confidential.
- (6) The contractor will not obstruct or hinder the Director or designee in the fulfillment of the duties and responsibilities imposed by the Cleveland Area Business Code.
- (7) The contractor agrees that each subcontract will include this Equal Opportunity Clause, and the contractor will notify each subcontractor, material supplier and supplier that the subcontractor must agree to comply with and be subject to all applicable provisions of the Cleveland Area Business Code. The contractor shall take any appropriate action with respect to any subcontractor as a means of enforcing the provisions of the Code.”

**City of Cleveland  
Mayor's Office of Equal Opportunity**

**Cleveland Area Business Code**

**NOTICE TO BIDDERS**

**1. Introduction:**

The Cleveland Area Business Code contained in Chapter 187 of the Codified Ordinances of Cleveland, Ohio 1976 was enacted to increase the participation of minority-owned business enterprises, female-owned business enterprises, and local small business enterprises in City of Cleveland contracting. The Code also works to ensure that Contractors doing business with the City do not use discriminatory employment practices. Failure to comply with the Cleveland Area Business Code or with representations made on the attached Schedules may result in rejection of part or all of the bid, and/or cancellation of the contract.

**2. Definitions:**

As used in this Notice to Bidders and the attached OEO Schedules, the following words, phrases, and terms shall be defined as set forth below:

- (a) "Bidder" means a Person offering to contract with the City in response to an invitation to bid.
- (b) "Bid Discount" means the application of a percentage discount to the total amount of a bid submitted by a Bidder for a Contract solely for the purpose of bid comparisons when evaluating the lowest and best bid, or lowest responsible bid. The use of a Bid Discount for bid comparison does not alter the total amount of the bid submitted by a Bidder or the Contract executed based on a bid.
- (c) "Business Enterprise" means a firm, sole proprietorship, partnership, association, corporation, company, or other business entity of any kind including, but not limited to, a limited liability corporation, incorporated professional association, joint venture, estate, or trust.
- (d) "City" means the City of Cleveland, Ohio.
- (e) "City of Cleveland Small Business" or "CCSB" means a CSB that has its principal office located physically within the municipal boundaries of the City.
- (f) "Cleveland Area Small Business" or "CSB" means a Business Enterprise certified under division (a) of Section 187.03.
- (g) "Cleveland Contracting Market" or "Contracting Market" means the geographic market area consisting of Cuyahoga County, Geauga County, Lake County, Lorain County, Medina County, Portage County, and Summit County, Ohio, or the geographic market area identified in a disparity study or otherwise as provided in Section 187.28.
- (h) "Contract" means a binding agreement executed on or after the effective date of this Cleveland Area Business Code by which the City either grants a privilege or is committed to expend or does expend its funds or other resources, or confers a benefit having monetary value including, but not limited to, a grant, loan, interest in real or personal property, or tax incentive in any form for or in connection with any work, project, or public purpose.
- (i) "Contracting Department" includes any administrative department under charge of the Mayor or any office, board, or commission treated or construed as a department of City government for any purpose under the Charter or ordinances of the City for the benefit or program of which the City

enters into a particular Contract.

- (j) "Contractor" means a separate or distinguishable Business Enterprise employing one or more persons and participating in the performance of a Contract, including but not limited to CSBs, MBEs and FBEs where applicable, and shall include a party in privity with a Contractor for implementation of a Contract.
- (k) "Director" means the Director of the Office of Equal Opportunity.
- (l) "Evaluation Credit" means a predetermined number of points in the evaluation of proposals submitted by a Bidder for a Contract to be added solely for the purpose of proposal comparison when evaluating competing proposals. The use of Evaluation Credits does not alter the amount of the proposal submitted by a Bidder or the Contract executed based on the proposal.
- (m) "Female" includes only a United States citizen or lawful, permanent resident who is a member of the female gender.
- (n) "Female Business Enterprise" or "FBE" means a Business Enterprise owned, operated, and controlled by one or more Females who have 51% ownership. The one or more Females must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of Female ownership. To qualify as a Female Business Enterprise, the Business Enterprise shall be located and doing business in the Cleveland Contracting Market.
- (o) "Local Contracting Market" or "Contracting Market" means the geographic market area consisting of Cuyahoga County, Geauga County, Lake County, Lorain County, and Medina County, Ohio; provided, however, that with respect to growers or producers of food only, the geographic market area also shall include: Erie County, Huron County, Richland County, Ashland County, Wayne County, Holmes County, Stark County, Summit County, Portage County, and Tuscarawas County.
- (p) "Local Producer" means a Person that:
  - (1) has its principal office (headquarters) located physically in the Local Contracting Market and whose highest executive officers and highest level managers maintain their offices and perform their respective executive and managerial functions and duties in the Local Contracting Market; and
  - (2)
    - A. grows food or fabricates goods, whether or not finished, from organic or raw materials;
    - B. processes goods, materials, food or other products so as to increase their commercial value by not less than 50%;
    - C. supplies goods by performing a Commercially Useful Function; or
    - D. provides, by its qualified full-time employees, maintenance, repair, personal, or professional services.
- (q) "Local-Food Purchaser" means a Business Enterprise that, in implementation of its City contract, purchases Local Food in an amount comprising not less than twenty percent (20%) of the Business Enterprise's City Contract amount.
- (r) "Local Sustainable Business" means a Business Enterprise that:
  - (1) has its principal office (headquarters) located physically in the Local Contracting Market and whose highest executive officers and highest level managers maintain their offices and perform their respective executive and managerial functions and duties in the Local Contracting Market; and

(2) has established sustainability goals for itself and is a member of or signatory to a nationally-recognized sustainability program, which goals and program have been determined acceptable by the City Chief of Sustainability or other officer designated by the Mayor.

- (s) "Minority Business Enterprise" or "MBE" means a Business Enterprise owned, operated and controlled by one or more Minority Persons who have at least 51% ownership. The Minority Person(s) must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of ownership. To qualify as a Minority Business Enterprise, the enterprise shall be located and doing business in the Cleveland Contracting Market.
- (t) "OEO" means the Office of Equal Opportunity of the City of Cleveland.
- (u) "Proposer" means any Person proposing to contract with the City in response to a request for proposals or other similar solicitation.
- (v) "Regional Cleveland Area Small Business" or "RCSB" means a CSB that has its principal office located physically within the territorial boundaries of Cuyahoga County but outside the municipal boundaries of the City.
- (w) "Regulation" or "Regulations" means and includes the regulations implementing this Code and promulgated by the Director of Equal Opportunity under division (b)(6) of Section 123.08 of these Codified Ordinances.
- (x) "Small Business Enterprise" or "SBE" means a Business Enterprise that meets the established economic criteria for a SBE and is owned, operated and controlled by one or more persons who meet the economic criteria for SBE ownership established by the Director in the Regulations.

### **3. Required OEO Schedules:**

The following documents must be completed, signed and submitted as part of the Contractor's bid or proposal for any City of Cleveland contract over \$50,000.00. Failure to submit all OEO Schedules may result in the rejection of a bid.

#### **Schedule 1: PROJECT CONTACT INFORMATION FORM**

Schedule 1, the PROJECT CONTACT INFORMATION FORM, provides the Office of Equal Opportunity with the necessary contact information to conduct its monitoring responsibilities. Each Bidder or Proposer shall complete, sign and submit Schedule 1 and include it with its bid or proposal.

#### **Schedule 2: SCHEDULE OF SUBCONTRACTOR PARTICIPATION**

Schedule 2, the SCHEDULE OF SUBCONTRACTOR PARTICIPATION, identifies all of the subcontractors the Bidder or Proposer intends to use on the project. Each Bidder or Proposer must complete, sign and submit Schedule 2 and include it with its bid or proposal. Bidders or Proposers shall list all prospective subcontractors, including all CSB, MBE, and/or FBE subcontractors, that will participate on the contract, and all requested contact information. Bidders or Proposers shall include the contract specification item number(s) on which the subcontractor will participate in Part 1, the scope, or supplies/materials that the subcontractor will be responsible for will be documented on Part 2, with the corresponding dollar amount for the subcontract on Part 3. The total dollar amount in Part 3 must be an actual dollar amount, and should not be a range of values or a percentage of the contract.

#### **Schedule 3: STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR**

Schedule 3, the STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR, verifies that the

certified CSB, MBE and/or FBE subcontractors listed on Schedule 2 have agreed to work with the Bidder or Proposer on the project, and that the two parties have agreed on general contract terms. Each certified CSB, MBE, and/or FBE listed as a prospective subcontractor on Schedule 2 shall complete, sign and return Schedule 3 to the Bidder or Proposer, and the Bidder or Proposer shall include the completed Schedule 3 with the bid or proposal. Part 1, Part 2 and Part 3 on each Schedule 3 must correspond with Part 1, Part 2 and Part 3, respectively, on Schedule 2 for the appropriate subcontractor.

No CSB, MBE, or FBE participation credit will be considered for a certified CSB, MBE and/or FBE subcontractor listed on Schedule 2 that does not have a corresponding, accurate Schedule 3 included in the bid or proposal.

If an MBE or FBE plans to re-subcontract any of its work, it must indicate that on Schedule 3. Any work re-subcontracted to a non-certified subcontractor will reduce the Bidder or Proposer's participation credit to the extent of the re-subcontracting.

#### **Schedule 4: CSB/MBE/FBE UNAVAILABILITY/IMPRACTICALITY CERTIFICATION**

Schedule 4, CSB/MBE/FBE UNAVAILABILITY/IMPRACTICALITY CERTIFICATION, allows the Bidder or Proposer to document its good faith effort to achieve the CSB, MBE, and/or FBE subcontracting goals identified for the project in the bid documents. If a Bidder or Proposer has met or exceeded the subcontracting goals for the project, the Bidder or Proposer shall indicate this in Section A of Schedule 4. If the Bidder or Proposer has not met the subcontracting goals for the project, the Bidder or Proposer will indicate this in Section A of Schedule 4, and complete Section B.

Section B of Schedule 4 allows the Bidder or Proposer to document its efforts to solicit certified subcontractor participation for the project, thereby meeting the good faith effort requirement of the bid. Section B also allows the Bidder or Proposer to attach a written document explaining why subcontracting to the goals included in the bid or proposal documents is impossible or impractical due to the nature of the work, service or product being contracted by the bid or proposal. Contractors are obligated to demonstrate their good faith effort to meet the subcontracting goals for the contract, and failure to do so will result in the rejection of the bid or proposal.

Failure to submit and accurately complete OEO Schedules 1, 2, 3, and 4 may result in the rejection of all or part of the bid or proposal. Submission of incomplete, inaccurate, or inconsistent data in the Schedules may lead to a formal investigation, decertification of the Bidder or Proposer, decertification of the subcontractor, and/or a rejection of all or part of the bid. The City of Cleveland reserves the right to waive any informality or immaterial irregularity, and reserves the right to reject any or all bids.

#### **4. Equal Employment Certification:**

No Contractor shall discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. Contractors shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. As used in this chapter, "treated" means and includes without limitation the following: recruited whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, transferred, laid off and terminated. Contractors shall post in conspicuous places available to employees and applicants for employment, notices to be provided by the hiring representative of contractors setting forth the provisions of this nondiscrimination clause.

Within 60 days after entering into a Contract, each Contractor shall file a written affirmative action program containing standards and procedures ensuring that the contractor affords all qualified employees and applicants for employment equal opportunities in the contractor's recruitment, selection, and advancement processes.



Each contractor's affirmative action program shall contain the following components:

- (1) A diagnostic component that includes quantitative analyses comparing the composition of the Contractor's workforce to the composition of the Cleveland Contracting Market employment pool according to the most current census data available, grouped by EEO occupations.
- (2) Each affirmative action program shall contain placement goals as follows:
  - (i) For each non-construction contract, placement goals equal to the availability percentage for women or minorities where the percentage of women or minorities employed by the contractor in a particular job group is less than would reasonably be expected given their percentage availabilities in the corresponding Cleveland Contracting Market employment pool. Placement goals are objective targets reasonably attainable by applying a good-faith effort to implement all aspects of the affirmative action program; they are not inflexible quotas. Placement goals do not authorize or require a Contractor to grant a preference to any individual or adversely affect an individual's employment status for an unlawful discriminatory reason.
  - (ii) For each construction contract, establish placement goals for minorities and women for each trade involved in the performance of the contract equal to the goals established by the Director. Placement goals are objective targets reasonably attainable by applying a good-faith effort to implement all aspects of the affirmative action program; they are not inflexible quotas. Placement goals do not authorize or require a contractor to grant a preference to any individual or adversely affect an individual's employment status for an unlawful discriminatory reason.
- (3) Identification of problem areas through analysis of the contractor's employment process to determine if it affords or incorporates, or contains impediments to, equal employment opportunities.
- (4) Action-oriented programs consisting of practical steps the contractor will implement to address any identified problem areas or the underutilization of women or minorities in relation to their availability in the relevant labor pool.
- (5) Internal auditing and reporting systems that monitor and examine the impact the contractor's employment decisions and compensation systems have on women and minorities and their progress toward achieving a workforce that would be expected in the absence of discrimination.
- (6) Policies, practices, and procedures that the contractor will implement to ensure that all qualified applicants and employees enjoy equal opportunity in recruitment, selection, advancement, and every other term and privilege associated with employment.
- (7) Any additional requirements the Administrator may require through the Regulations or on a case-by-case review of a contractor's proposed affirmative action program.

If, 60 days after entering into a Contract, a contractor has not filed an affirmative action program, has deviated substantially from an approved affirmative action program, or has discriminated against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, the Office of Equal Opportunity may take immediate enforcement action.

## 5. **CSB Certification:**

Each Bidder, Proposer or subcontractor representing itself as a Cleveland Area Small Business (CSB) in the OEO Schedules shall be certified with the Office of Equal Opportunity as a CSB prior to the bid opening. Certification applications must be completed online through the City's Certification and Compliance Monitoring System at <https://cleveland.diversitycompliance.com/>.

There are two classifications of CSBs:

A **City of Cleveland Small Business (CCSB)** is a CSB headquartered within the City of Cleveland.

A **Regional Cleveland Small Business (RCSB)** is a CSB headquartered within Cuyahoga County, but not within the City itself.

A business is eligible for certification as a Cleveland Area Small Business (CSB) if it meets the following criteria:

- (1) It is a Small Business Enterprise;
- (2) It has its principal office located physically in Cuyahoga County; and
- (3) Its chief executive officer and highest level managers maintain their offices and perform their managerial functions in the Cleveland Contracting Market.

A business qualifies as a Small Business Enterprise if it meets size requirements of the US Small Business Administration, or separate economic criteria as established by the Director of the Office of Equal Opportunity in the Regulations. You can find the current SBA size standards here: <http://www.sba.gov/content/small-business-size-standards>

## 6. **CSB Contract Participation**

In an effort to promote the participation of Cleveland-area Small Businesses (CSBs) in City contracts, each Contracting Department of the City will use its best efforts to contract with CSB Bidders and Proposers, and Bidders and Proposers that have committed to subcontracting with certified CSBs.

Where other, project-specific goals have not been set in the bid or proposal documents, the standard CSB subcontractor participation goals are:

Construction Contracts:	<b>30% CSB Subcontractor Participation</b>
Professional Services Contracts:	<b>10% CSB Subcontractor Participation</b>
All Other Contracts:	<b>20% CSB Subcontractor Participation</b>

The Contracting Departments may, in consultation with the Director, increase or decrease these participation goals for a particular contract. When the goals are changed, the change will be noted in the bid or proposal documents.

Each Bidder or Proposer shall make a good faith effort to subcontract with certified CSBs in consistent with the goals prescribed in the bid or proposal documents.

## 7. **MBE/FBE Certification:**

Each Bidder, Proposer or subcontractor representing itself as a Minority Business Enterprise (MBE) or Female Business Enterprise (FBE) in the OEO Schedules shall be certified with the Office of Equal Opportunity as an MBE and/or FBE prior to the bid opening. Certification applications must be completed online through the City's Certification and Compliance Monitoring System at <https://cleveland.diversitycompliance.com/>.

A business is eligible for certification as a Minority Business Enterprise (MBE) if:

- (1) The Business Enterprise is owned, operated and controlled by one or more Minority Persons who have at least 51% ownership;
- (2) The Minority Persons who own the Business Enterprise have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership; and
- (3) The Business Enterprise is located and doing business in the Cleveland Contracting Market.

A business is eligible for certification as a Female Business Enterprise (FBE) if:

- (1) The Business Enterprise is owned, operated and controlled by one or more Females who have at least 51% ownership;
- (2) The Female owners have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership; and
- (3) The Business Enterprise is located and doing business in the Cleveland Contracting Market.

## **8. MBE and FBE Contract Participation**

The City of Cleveland is firmly committed to assisting Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) through its contracting activities, and the City intends to Contract with firms that shares that commitment. Under this policy, each Contracting Department will use its best efforts to promote the participation of MBEs and FBEs as both prime contractors and subcontractors in all City Contracts. In turn, Bidders and Proposers shall make every effort to use MBEs and FBEs as subcontractors where available and practical.

Some City contracts will have specific MBE and/or FBE subcontractor participation goals. **These goals will be expressly stated in the Invitation to Bid (ITB) or Request for Proposal (RFP) in each contract where the goals are applicable.** When specific MBE and/or FBE goals are set forth in the ITB or RFP, the Bidder or Proposer shall make a good faith effort to meet them.

When there are specific MBE and/or FBE goals on a City contract, those goals will be considered in lieu of an equivalent portion of the CSB goals for the contract. Please review the bid or proposal documents for the final MBE, FBE and/or CSB subcontracting goals for the project.

## **9. MBE/FBE Bid Discounts:**

Contracting Departments may apply a Bid Discount of five percent (5%) for bids received from certified MBE and FBE Bidders to remediate past or present discrimination, where the City has developed or obtained a legally sufficient basis in evidence to demonstrate past or present discrimination. The CSB/MBE/FBE Registry denotes which MBEs and FBEs are eligible for Bid Discounts.

## **10. MBE/FBE Evaluation Credits:**

Contracting Departments may apply an Evaluation Credit of five percent (5%) of the total points awarded for proposals received from MBE and FBE Proposers to remediate past or present discrimination, where evidence of contracting disparity has been adequately demonstrated.

**11. MBE/FBE Subcontracting Bid Discounts and Additional Retainage:**

Contracting departments may apply a bid discount for bids received for public improvement contracts in the amount of five percent (5%) of the portion of the total amount of the goods, labor, and materials that the bidder represents it will subcontract to one or more MBEs and FBEs, where the City has developed or obtained a legally sufficient basis in evidence to demonstrate past or present discrimination.

If a Contracting Department applies the MBE/FBE subcontracting Bid Discount to the bid of a Bidder that would not have otherwise been the lowest and the Bidder is awarded the Public Improvement Contract, the City shall retain as Additional Retainage an amount equal to the total dollar amount by which the bid was adjusted for bid comparison in addition to the contract retainage required under Section 185.41 of the Codified Ordinances of the City of Cleveland. Release of this retainage shall be managed under the provisions established in Section 187.05(e) of the Codified Ordinances.

**12. CSB Bid Discounts:**

If a Contracting Department does not apply an MBE or FBE Bid Discount to one or more bids for the award of a Contract, the Contracting Department may apply a Bid Discount in the following amounts for bids received from CSB prime contractors:

A Bid Discount of five percent (5%) for bids received from CCSBs.

A Bid Discount of five percent (5%) for bids received from RCSBs, provided no bids are received from CCSBs.

**13. CSB Evaluation Credits:**

If a Contracting Department *does not apply an MBE or FBE Evaluation Credit* to one or more proposals for the award of a Contract, the Contracting Department may apply Evaluation Credits as follows for proposals received from CSB prime contractors:

(1) An Evaluation Credit of five percent (5%) of the total points awarded for proposals received from CCSBs.

(2) An Evaluation Credit of five percent (5%) of the total points awarded for proposals received from RCSBs, provided no proposals are received from CCSBs.

**14. CSB Subcontracting Bid Discounts and Additional Retainage:**

Contracting Departments may apply a Bid Discount to bids received for a Public Improvement Contract in the amount of five percent (5%) of the portion of the total amount of labor and materials that the Bidder represents it will subcontract to one or more CSBs. This provision does not apply, however, if a Bid Discount has been applied for MBE or FBE subcontractor participation,

If a Contracting Department applies the CSB subcontracting Bid Discount to the bid of a Bidder that would not have otherwise been the lowest and the Bidder is awarded the Public Improvement Contract, the City shall retain as Additional Retainage an amount equal to the total dollar amount by which the bid was adjusted for bid comparison in addition to the retainage required under Section 185.41 of the Codified Ordinances. Release of this retainage shall be managed under the provisions established in Section 187.03(d) of the Codified Ordinances.

**15. LPE and SUBE Certification:**

A Bidder or Proposer may qualify as a Local Producer, a Local-Food Purchaser or a Local Sustainable Business under the Local Producer, Local-Food Purchaser, and Sustainable Business Preference Code, Chapter 187A of the Codified Ordinances of the City of Cleveland. Each Bidder or Proposer representing itself as a Local Producer (LPE), or a Local Sustainable Business (SUBE) shall be certified with the Office

of Equal Opportunity prior to the bid opening. Certification applications must be completed online through the City's Certification and Compliance Monitoring System at <https://cleveland.diversitycompliance.com/>.

**16. LPE and SUBE Bid Discounts:**

The Contracting Department shall apply a Bid Discount in the following amounts for bids received from LPE and/or SUBE prime contractors:

A Bid Discount of two percent (2%) for bids received from LPEs.

A Bid Discount of two percent (2%) for bids received from SUBEs.

**17. LPE and SUBE Evaluation Credits:**

The Contracting Department shall apply an Evaluation Credit in the following amounts for proposals received from LPE and/or SUBE prime contractors:

An Evaluation Credit of two percent (2%) for proposals received from LPEs.

An Evaluation Credit of two percent (2%) for proposals received from SUBEs.

**18. Maximum Annual Subcontracting Program Benefit:**

In an effort to encourage wide participation in the CSB, MBE and FBE subcontracting programs, the City of Cleveland has a policy which may limit the amount of subcontracting credit that a single CSB, MBE and/or FBE subcontractor can provide in a single year. When the CSB, MBE and/or FBE subcontractor has reached this maximum subcontracting dollar value, its participation in future contracts will not be counted towards a Bidder or Proposer's CSB, MBE and/or FBE participation goals.

The Director may apply credit toward the CSB, MBE and/or FBE subcontractor participation goals upon written request of a Bidder or Proposer attesting that no other certified CSBs, MBEs or FBEs are available to perform the work or supply the materials required for the Contract, or in an emergency, or for such other reasons that the Director determines require use of that CSB, MBE or FBE.

Nothing prohibits a Bidder or Proposer from subcontracting to a CSB, MBE or FBE that has reached the cap, or prohibits the CSB, MBE or FBE from performing work or supplying materials under any contract. But that participation will not count towards the Bidder or Proposer's subcontracting goals.

**19. CSB/MBE/FBE Manufacturer and Supplier Participation:**

Under the Cleveland Area Business Code, the entire amount of expenditures to certified CSB, MBE, or FBE manufacturers will be counted towards CSB, MBE or FBE participation goals on the contract. A manufacturer is an enterprise that produces goods from raw materials or adds value by substantially altering them before resale.

Sixty percent (60%) of expenditures to certified CSB, MBE or FBE suppliers that are not manufacturers will be counted towards CSB, MBE or FBE participation goals on the contract, provided that the CSB, MBE or FBE supplier performs a commercially useful function in the supply process. A business enterprise is a supplier performing a commercially useful function in the supply process" when it:

- (1) Assumes the actual and contractual responsibility for furnishing the supplies or materials; and
- (2) Is recognized as a supplier, distributor or reseller by the manufacturer or producer of the contracted supplies and materials; and
- (3) Owns or leases a warehouse, yard, building or other facilities or uses such as means as are customary in the industry for the purpose of maintaining an inventory of or supplying such supplies or materials from which it supplies its customers; and
- (4) Distributes, delivers, and/or services products primarily with its own staff and/or equipment.

If a CSB, MBE or FBE supplier is not a manufacturer and is not performing a commercially useful function in the supply process, the supplier's participation will not be counted towards the CSB, MBE or FBE participation on the contract.

**20. Joint Ventures:**

Participation of CSBs, MBEs and FBEs in joint ventures is encouraged. To receive credit for CSB, MBE and/or FBE participation in a joint venture, the joint venture must be certified by the Office of Equal Opportunity. The CSB/MBE/FBE Joint Venture Certification Application is available from the Office of Equal Opportunity, and applications for joint venture certification must be received by the Office of Equal Opportunity no later than 10 days prior to the bid opening.

**21. Use of General Contractors as Subcontractors for CSB/ MBE/FBE Prohibited:**

Consistent with the U.S. Bureau of Census Standard Industrial Classifications, the City considers that a "general contractor" assumes responsibility for an entire construction contract, although it may subcontract part or all of the actual work to special trades or other contractors. The City does not consider that certification as a "general contractor" assumes or includes certification for any other trade or work. In order to qualify as a CSB, MBE or FBE Subcontractor, the CSB, MBE or FBE must be certified for the specific type of work indicated on Schedule 1, the Schedule of Subcontractor Participation.

**22. Subcontractor Participation Compliance Monitoring**

Once a contract is awarded through the bid or proposal process, the winning contractor is obligated to use the certified CSB, MBE or FBE subcontractors listed on the OEO Schedules and in the same participation amount indicated in the OEO Schedules. OEO will monitor this subcontractor participation throughout the course of the contract to ensure that the listed subcontractors are performing work on the project, and that they are being properly compensated for that work.

The City of Cleveland uses a web-based contractor certification and contract compliance monitoring system, colloquially known as B2Gnow, to monitor compliance on City contracts. Contractors can access the system at <http://cleveland.diversitycompliance.com>, or through a link on the Office of Equal Opportunity's website at <http://city.cleveland.oh.us/o eo>.

Each month during the contract, the prime contractor (or direct contract-holder with the City) will report payments to ALL subcontractors through the B2Gnow system. This monthly reporting information includes total payment in dollars made to the subcontractor, record of invoices satisfied, record of checks or other payment methods used to satisfy invoices, payment dates, and any additional information required by OEO to verify payment to subcontractors. The prime contractor will enter this payment information into the B2Gnow system, and the subcontractors will verify this payment information in the system.

OEO offers regular training sessions in the use of the B2Gnow system. Please contact OEO at 216-664-4152 to schedule training. Online training options are also available through the B2Gnow system.

Please note that use of the B2Gnow system requires an email account and access to a personal computer with internet connectivity. This requirement applies to both prime contractors and subcontractors. The City will provide for access to a computer and internet connection at Cleveland City Hall, upon appointment, for those contractors who do not otherwise have access to the required technology.

Community Benefit Policies:

- CODIFIED ORDINANCE 123    PREVAILING WAGE
- CODIFIED ORDINANCE 187    CLEVELAND SMALL BUSINESS
- CODIFIED ORDINANCE 187A    LOCAL PRODUCER SUSTAINABLE DEVELOPMENT
- CODIFIED ORDINANCE 188    CLEVELAND RESIDENT EMPLOYMENT LAW

- CODIFIED ORDINANCE 189 LIVING WAGE
- Green Building Standards, Office of Sustainability

Questions about the certification process or the OEO Schedules should be directed to the Office of Equal Opportunity (OEO) at (216) 664-4152.



**City of Cleveland  
Office of Equal Opportunity  
Schedules Checklist**

This checklist will guide you through the Office of Equal Opportunity Schedules that must be completed and submitted as part of your bid or proposal.

**Schedule 1: Project Contact Information Form**

- Is all requested contact information included?
- Is the form complete and signed?

**Schedule 2: Schedule of Subcontractor Participation**

- Did you specify the total dollar amounts for each subcontract?
- Did you verify that each subcontractor is certified for the type of work to be performed?
- Is the form complete and signed?

**Schedule 3: Statement of Intent to Perform as a Subcontractor**

- Did the subcontractor specify the total dollar amount of the subcontract?
- If applicable, has the re-subcontracting section been completed?
- Is the form complete and signed by the subcontractor?

**Schedule 4: CSB/MBE/FBE Subcontractor Unavailability/Impracticality Certification**

- Did you list all companies you have contacted? (If additional space is needed, attach a separate sheet)
- If you are claiming that subcontracting is not available or practical on this contract, have you provided an explanation on a separate, attached sheet?
- Is the form complete and signed?







**City of Cleveland - Office of Equal Opportunity**  
**SCHEDULE 2: SCHEDULE OF SUBCONTRACTOR PARTICIPATION**

Project Name:	
Bidder/Proposer Name:	

List ALL PROSPECTIVE SUBCONTRACTORS (Certified and non-certified) that will be participating on this contract. The Bidder or Proposer is responsible for verifying that each CSB, MBE and FBE Subcontractor listed is certified to perform the particular type of work they are expected to perform for the contract.

Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$

Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$

The prime contractor **may not substitute subcontractors** between the submission of bids and award of the contract. After the contract is awarded, the prime contractor may not substitute or shift subcontractors without written approval of the Director of OEO. When there are CSB, MBE and/or FBE goals established in the bid specifications, subcontractor substitutions must preserve the original bid participation percentage, unless the Director waives the requirement. The undersigned agrees that if awarded a contract, it will enter into a written agreement with each subcontractor listed above. If the total contract amount increases, the contractor shall use its best efforts to preserve the original CSB, MBE and/or FBE participation percentages for that increased amount.

Authorized Representative:			
Signature:		Date:	



**City of Cleveland - Office of Equal Opportunity**  
**SCHEDULE 2: SCHEDULE OF SUBCONTRACTOR PARTICIPATION**  
**ADDITIONAL SUBCONTRACTOR FORM**

Project Name:	
Bidder/Proposer Name:	

Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$
Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$
Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$



**City of Cleveland - Office of Equal Opportunity**  
**SCHEDULE 3: STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR**

Subcontractor Name:	
Bidder/Proposer Name:	
Project Name:	

Subcontractor is a:  CSB  
 MBE  
 FBE

Have you (subcontractor) been notified by the Office of Equal Opportunity that you have met the annual subcontracting participation maximum for this calendar year?  Yes  No

The undersigned prospective subcontractor intends to perform work or furnish supplies/materials in connection with the contract as a (check all that apply):

- Individual
- Corporation organized and existing under the laws of the State of \_\_\_\_\_.
- Proprietorship,
- Partnership, or
- Joint Venture consisting of \_\_\_\_\_.

The CSB, MBE or FBE status of the undersigned contractor is confirmed in the Office of Equal Opportunity's registry of certified CSBs, MBEs and FBEs. The contractor is prepared to perform the following work items or parts thereof for the above contract.

Part 1: SPEC ITEM #s	Part 2: TYPE OF WORK OR SUPPLIES/MATERIALS	Part 3: TOTAL SUBCONTRACT AMOUNT IN DOLLARS
		\$

**RE-SUBCONTRACTING**

The undersigned prospective subcontractor will re-subcontract work on this contract:

- Yes (If Yes, fill out a "Blank" Schedule 2 and indicate the subcontractors being used as 2<sup>nd</sup> Tier subcontractors.)
- No

The undersigned prospective subcontractor will enter into a written agreement with the Bidder or Proposer for the above work items after the award, but prior to the execution of the contract with the City of Cleveland.

Authorized Subcontractor Representative:			
Signature:		Date:	



**City of Cleveland - Office of Equal Opportunity  
 SCHEDULE 4: CSB/MBE/FBE SUBCONTRACTOR  
 UNAVAILABILITY/IMPRACTICALITY CERTIFICATION**

Project Name:	
Bidder/Proposer Name:	

Note: Prime contractors are expected to use good faith efforts in utilizing CSBs, MBEs and FBEs as subcontractors whenever there are CSB, MBE and/or FBE participation goals established in the bid specifications. There may be instances, however, where Prime Contractors will not be able to achieve the prescribed CSB, MBE and/or FBE participation goals for a particular contract. This Schedule 4 allows Prime Contractors to demonstrate their good faith efforts in finding and soliciting CSBs, MBEs and FBEs to work on the contract. If the subcontracting goals for this contract are not met, failure to complete this schedule fully and completely may impact the evaluation of this bid or proposal.

**Section A:**

Please check one of the following:

- 1. Prime Contractor has submitted Schedules 1 and 2 indicating CSB/MBE/FBE Subcontractor participation **MEETING OR EXCEEDING** the goals set forth in the bid documents.
- 2. Prime contractor has submitted Schedules 1 and 2 indicating CSB/MBE/FBE Subcontractor participation that **DOES NOT MEET** the goals set forth in the bid documents.

**If Box 1 is checked, no further documentation is necessary. Where Box 2 is checked, the Prime Contractor must provide a detailed explanation in Section B.**

**Section B:**

If you checked Box 2 on Section A, you must check one of the following:

The Prime Contractor **did not meet** the CSB, MBE and/or FBE subcontractor participation goals for this contract because:

- 1. The Prime Contractor has made an honest, purposeful attempt to solicit CSB, MBE and/or FBE subcontractor participation, but was unable to find subcontractors to perform the work for the reasons noted below. **Please use the unavailability letter codes found on the following page.**

CONTACTED CONTRACTOR	PROPOSED WORK/SUPPLIES	REASON FOR UNAVAILABILITY	DATE OF CONTACT	DATE RESPONSE RECEIVED
1.				
2.				
3.				
4.				

- 2. The Prime Contractor made an honest, purposeful attempt to solicit CSB, MBE and/or FBE subcontractor participation, but due to the nature of the work, service, or product contracted, additional subcontracting with CSBs, MBEs or FBEs is either impossible or impractical. The Prime Contractor has provided a **detailed explanation** of the nature of the work and the reasons that additional subcontracting is not possible **on a separate attached page.**

Authorized Representative:			
Signature:		Date:	

**SCHEDULE 4**  
**CSB/MBE/FBE SUBCONTRACTOR UNAVAILABILITY/IMPRACTICALITY**  
**CERTIFICATION**

REASONS FOR **CSB/MBE/FBE** SUBCONTRACTOR UNAVAILABILITY

Instructions:

You may insert in Schedule 4, under the column Reasons for Unavailability, all letters identifying the reason why each prospective subcontractor listed on Schedule 4 was unable to prepare a bid or unavailable to participate on the City contract for which you are bidding.

Example Reasons for Unavailability

- A. Subcontractor did not respond to the Bidder's request for a quotation.
- B. Subcontractor responded to the Bidder's request but not as to the type of work or supplies for which requested.
- C. Subcontractor does not perform the specific work or furnish the specific supplies the Bidder requested, as part of the type(s) of work or supplies for which OEO has certified it as a CSB/MBE/FBE.
- D. Subcontractor is unavailable because its workforce is or will be fully employed on other work during time of contract performance.
- E. Subcontractor stated it had insufficient time or information on which to prepare a bid. F. Subcontractor's bid price(s) were too high to be competitive (Explain in detail).
- G. Other. (Explain in detail)



**MAYOR'S OFFICE OF EQUAL OPPORTUNITY**

**FANNIE M. LEWIS  
CLEVELAND RESIDENT EMPLOYMENT  
LAW  
NOTICE TO BIDDERS**

**City of Cleveland**

**Frank G. Jackson, Mayor**

**Dr. Melissa K. Burrows, Director  
Office of Equal Opportunity**

## NOTICE TO BIDDERS

The Office of Equal Opportunity (OEO) is responsible for administering the City of Cleveland's Fannie Lewis Resident Employment Law, Chapter 188 of the Codified Ordinances of the City of Cleveland (Chapter 188). Chapter 188 is designed to increase employment opportunities for Cleveland residents on construction contracts greater than \$100,000.00 funded by the City of Cleveland.

**If the invitation to bid, request for proposal, or other contract document containing this Notice to Bidders results in a "Construction Contract" as defined under Section 188.01(b) of the Codified Ordinance of the City of Cleveland, the contractor, and any and all subcontractors, are required to comply with the requirements of Chapter 188 in the execution of the Construction Contract, unless prohibited by law.**

This Notice to Bidders outlines critical areas that contractors and City of Cleveland Departments should know regarding Chapter 188.

1. 20% of all Construction Worker Hours performed on the Construction Contract must be performed by Cleveland Residents. These worker hours are identified as "Resident Construction Worker Hours" under Chapter 188.
2. 4% of the Resident Construction Worker Hours must be performed by Low Income Persons. A "Low Income Person" is defined as a Resident who, when first employed by a contractor, is a member of a family having a total income equal to or less than the "Section 8" Very Low-Income limit established by the United States Department of Housing and Urban Development.
3. Throughout the course of the contract, the prime contractor and all subcontractors shall submit certified payroll reports documenting all construction worker hours performed on the project through the LCPtracker labor compliance monitoring system. LCPtracker is an online compliance system that allows contractors to submit certified payroll reports electronically. Contractors are responsible for ensuring that they and their subcontractors are trained in the use of LCPtracker and have the necessary capacity to enter payroll reports through LCPtracker. **All certified payroll reports must be submitted through LCPtracker. No paper certified payroll reports will be accepted.**
4. A contractor seeking to qualify an employee as a "Low Income Person" for purposes of compliance with the Chapter 188 must submit a Low Income Verification Application, along with supporting documents requested by the application, demonstrating the employee's Cleveland residency status and total household income for the previous year to the Office of Equal Opportunity. OEO will review the application to determine if the employee qualifies for Low Income Person status and approve or deny the application. A copy of the Low Income Verification Application is included in this document, and is available online on the Office of Equal Opportunity page on the City of Cleveland's website, located at [www.city.cleveland.oh.us](http://www.city.cleveland.oh.us).
5. An approved "Low-Income Person" will retain that status for a continuous five year period starting upon the OEO's written acknowledgement of the approval, provided that the employee remains employed by the same employer that hired the employee as a Low-Income Person and the employee remains a resident of the City of Cleveland during the five year period.
6. The contractor must designate a principal officer (the "Resident Employment Law Officer") of its organization as the person responsible for administering the requirements that Chapter 188 imposes on the Contractor and its Subcontractors under a Construction Contract and as the principal liaison and point of communication with the City.
7. The prime contractor to whom the contract is awarded is responsible for submission of all reports required by the Director of OEO to determine compliance with Chapter 188, including the submission of reports from any and all subcontractors working on the contract.



8. The City of Cleveland's Department of Economic Development, Division of Workforce Development (OhioMeansJobs) will provide assistance in finding eligible Cleveland Residents and Low Income Persons for a contractor's compliance with Chapter 188. Please contact the Division of Workforce Development at (216) 664-4673, or at <http://www.employmentconnection.us> for further information.
9. Cleveland Residents employed by the contractor or subcontractor as skilled or unskilled Construction Trade Workers at the time that work on a construction contract begins, but who are otherwise employed for the contractor or subcontractor on projects that are not pursuant to a City of Cleveland Construction Contract, may be counted toward the Resident Construction Worker Hours upon presentation of documentary proof to the Director of OEO.
10. Ten days prior to commencement of work contractors must submit an Initial Workforce Table that identifies the total estimated hours for each job classification (i.e. plumbers, carpenters, laborers etc.) by month for the duration of the project. The Initial Workforce Table is submitted by the prime contractor but shall include the sub-contractor's work hours as well. It is the sole responsibility of the prime contractor to submit the Initial Workforce Table.
11. The estimated hours provided in the Initial Workforce Table are to be used by the Contractor as a planning tool. Contractors must demonstrate a genuine effort to reflect the amount of hours anticipated to complete the project. The estimated hours allow the Contractor to ensure that staffing for the project is done in compliance with the statute. Once construction commences, the actual work hours performed are reported to the Office of Equal Opportunity on a monthly basis.
12. Any contractor that has difficulty complying with the requirements of Chapter 188 may seek a reduction in writing from the Director of OEO. The contractor should submit any request for reduction as soon as it realizes that a reduction is needed. Any reduction that is not submitted in a timely manner is subject to denial. The Director of OEO will determine whether any request for a reduction is warranted. Under Chapter 188 there is no provision for an absolute waiver of any requirement.
13. Full access to employment records for three (3) years: Every contractor and subcontractor working on a City of Cleveland Construction Contract must grant, upon demand, without notice, full, unrestricted access to the Director, his designated agents, the City Chief of Police or any of their authorized representatives, of the Contractor's or Subcontractor's employment records that the Director determines document compliance with the Resident Employment Law.

Please contact the Office of Equal Opportunity regarding any questions or concerns not addressed in this Notice to Bidders at [oeo@city.cleveland.oh.us](mailto:oeo@city.cleveland.oh.us) or by phone at (216)664-4152. Chapter 188 is the final governing law for purposes of this Notice to Bidders and applicable contracts. Chapter 188 preempts any inconsistencies that may exist in this Notice to Bidders.

### **Required Documents and Reports**

1. **Certified Payrolls** must be submitted through the LCPtracker online labor compliance system by both the prime contractor and any construction subcontractors. Certified payrolls must be submitted according to the submission schedule included in this Notice to Bidders or published by OEO on the City of Cleveland website. Paper certified payroll reports will not be accepted to demonstrate compliance with Chapter 188.
2. The **Initial Work Force Table** identifies the estimated work hours by job classification for the entire project. The Initial Work Force Table is due ten days prior to commencement of work on the construction project. The Initial Work Force Table is available on the City of Cleveland's website, under the Forms and Publications section of the Office of Equal Opportunity page.
3. The **Monthly Work Force Table** identifies the *actual work hours* performed on the project and changes made to Initial Work Force Table. The Monthly Work Force Table for the previous month must be submitted according to the submission schedule included in this Notice to Bidders.

### **Use of LCPtracker**

LCPtracker is an online labor compliance monitoring software suite that allows contractors and subcontractors to complete, certify and submit certified payroll reports to OEO electronically. All payroll reports submitted to demonstrate compliance with Chapter 188 must be submitted through LCPtracker.

Once a construction contract has been awarded, a username for LCPtracker will be created for the contractor and any identified subcontractors. This username and password will allow contractors to access LCPtracker to enter payroll information, familiarize themselves with the system and receive training.

OEO offers regular training sessions in the use of LCPtracker and the B2Gnow Contract Compliance Monitoring System (for monitoring payments to subcontractors). Please contact OEO at 216-664-4152 to schedule the next available training date.

LCPtracker also offers online training for contractors multiple times per week, and has video training available for contractor training at any time.

**Contractors are responsible for ensuring that their internal staff, as well as their construction subcontractors, are familiar with the LCPtracker system and are capable of entering payrolls through LCPtracker.**

### **Potential Penalties**

A contractor that fails to meet the requirements of Chapter 188 on a construction contract is subject to the following potential penalties:

1. If the contractor fails to meet the 20% residency participation requirement, the contractor is subject to a penalty in the amount of 1/8 of 1% of the final total amount of the Construction Contract for each percentage point or fraction thereof that the contractor has fallen short of meeting the requirement.
2. If the contractor fails to meet the 4% low income resident participation requirement, the Director of OEO will determine if a penalty is warranted upon the completion of the project. If the Director determines that a penalty is appropriate, the penalty for this type of breach is 1/8 of 1% for each percentage of shortfall of the 4% low income persons objective. Please note that this penalty is assessed upon the total amount of the construction contract.
3. If the contractor fails to provide required reports used for monitoring compliance with Chapter 188, this will be considered a breach and will result in a penalty calculated as if no Cleveland Resident Worker Hours were performed on the project. A contractor has failed to submit a required report when:
  - It does not submit the report on the due date or by the date established by the Director if an extension has been granted; or
  - It is responsible for updating and submitting the report when it is due and fails to do so.
4. If the contractor submits falsified reports to OEO to document compliance with Chapter 188, the contractor shall be subject to a penalty calculated as if no Cleveland Resident Worker Hours were performed on the project. In addition, the contractor shall be subject to the following:
  - A misdemeanor of the first degree and
  - A fine of not more than \$5,000.
  - If convicted, the Contractor will be barred from contracting with the City for five (5) years.
  - Thereafter the Contractor may be required to post a surety bond of 20% in addition to the usual performance bond.
  - Retainage may be withheld by the City pending the determination of the Director.
5. In addition to the penalties listed above, the Director may recommend the following additional penalty action for a contractor's failure to comply with Chapter 188:

- Recommend that the City withhold all or part of any payments due the Contractor until such time as the Contractor cures its defaults, pays or credits all penalties or other payments due under the Construction Contract, the Code, or the Standards and Procedures, and is in full compliance with all applicable provisions of the Code, the Construction Contract, and the Standards and Procedures relating to Resident or Low- Income Person employment or reporting;
- Recommend, based upon a breach of or default under the Contract relating to Resident or Low-Income Person employment, that the City rescind, cancel, or otherwise terminate the Construction Contract and declare a forfeiture of any performance bond;
- Recommend that the Director of Law take such legal action, whether civil or criminal, as he or she deems appropriate;
- Recommend disqualification under Section [181.27](#) or Section [185.08](#) of the Codified Ordinances of Cleveland, Ohio, 1976 of a Contractor from eligibility to bid to or contract with the City for a period not to exceed two (2) years; or
- Recommend that the City make a claim for payment of damages, including any liquidated damages specified in the Contract.

### **Requesting a Reduction of the Resident and/or Low Income Worker Hour Requirements**

The percentage of resident construction worker hours may be reduced prior to or during construction only when a contractor can demonstrate the high impracticality of complying with this percentage level for a particular contract or class of employees. The Director of OEO will apply the standard of “efforts to the greatest extent feasible” to the contractor’s or subcontractor’s efforts when evaluating requests for reduction. A reduction may be deemed appropriate by the Director if a Contractor or potential Contractor has unsuccessfully solicited a sufficient number of Residents of the City to perform the work identified in the bid specifications and has documented such effort to the satisfaction of the Director

A contractor must complete and submit a **Request for Reduction Form** to seek a reduction.

If a reduction is requested due to the complexity of the work to be performed, the Contractor shall provide a written explanation for the reduction. The request must be accompanied by a Referral Source Verification Form, included in this Notice to Bidders, OR a copy of the Job Order Verification Form from the Employment Connection.

A reduction may be deemed appropriate by the Director if a Contractor or potential Contractor has unsuccessfully solicited a sufficient number of Residents of the City to perform the work identified in the bid specifications and has documented such effort to the satisfaction of the Director.

### **Low Income Worker Verification**

A contractor seeking to qualify an employee as a “Low Income Cleveland Resident” for purposes of compliance with Chapter 188 must submit a Low Income Worker Verification application and the supporting documents requested below to the Office of Equal Opportunity. The Low Income Verification Application is attached to this document.

To verify the Cleveland residency status of the employee, OEO will collect the following documents:

1. The employee’s driver’s license or other state identification; or
2. A current utility bill in the employee’s name at their Cleveland address.

To verify Low Income status of the employee, OEO will collect the following documents:

1. The employee’s Federal tax return for the previous calendar year; or
2. An IRS Tax Return Transcript for the previous calendar year.

**Note: OEO requires income documentation from all adult household members to determine eligibility.**

In cases where financial information of the employee is incomplete or unavailable, the Director of OEO may consider the following supplemental information to determine low income status:

- Proof of Governmental Assistance documenting that the employee is below the HUD Very Low Income Threshold
- Unemployment Documentation
- Workers' Compensation Documentation
- Social Security, Veterans Affairs payments, Supplemental Security Income
- Utility bill or other documentation indicating reduced payments due to Very Low Income status

**Note: Review and acceptance of supplemental income documentation to demonstrate low income status is subject to the sole discretion of the Director of OEO.**



**CITY OF CLEVELAND**  
Mayor Frank G. Jackson

## CLEVELAND LOW INCOME WORKER VERIFICATION APPLICATION

City of Cleveland  
Office of Equal Opportunity  
Contract Compliance  
601 Lakeside Ave, Room 335  
Cleveland, Ohio 44114

Phone: 216.664.4152 • Fax: 216.664.3870 • Email: [oeo@city.cleveland.oh.us](mailto:oeo@city.cleveland.oh.us) • Hours: 8 am to 5 pm Weekdays

A contractor seeking to qualify an employee as a "Low Income Cleveland Resident" for purposes of compliance with the Fannie M. Lewis Cleveland Resident Employment Law (Ch. 188 C.O.) must submit this application and the supporting documents requested below demonstrating the employee's Cleveland residency status and total household income for the previous year to the Office of Equal Opportunity. OEO requires income documentation from all adult household members to determine eligibility.

EMPLOYEE / APPLICANT INFORMATION					
EMPLOYEE NAME:		SOCIAL SECURITY #:			
ADDRESS:					
CITY:		ZIP:			
EMAIL:		PHONE:			
TITLE / POSITION OF EMPLOYEE / APPLICANT					
TITLE / POSITION:	(Title and/or Position must be a Construction Trade Position, i.e. Painter, Laborer, etc)				
CONTRACTOR / EMPLOYER INFORMATION					
CONTRACTOR:					
ADDRESS:					
CITY:		STATE:		ZIP:	
EMAIL:		PHONE:			
EMPLOYEE DATE OF HIRE:		REQUESTED EFFECTIVE START DATE for LOW INCOME STATUS			

**Cleveland Residency Documentation:**

Submit one of the following. Address must match employee address above.

- Driver's License     State Identification     Current **Utility Bill** in employee's name at current address

**Income Documentation:**

Submit one of the following.

- Previous Year's Federal Tax Return    **or**     Federal Tax Transcript - To order a Tax Transcript, call 1-800-908-9946 or order the transcript online at <http://www.irs.gov/Individuals/Order-a-Transcript>

**Supplemental Income Documentation (Only where tax information is incomplete or unavailable).**

**Note:** Review and acceptance of supplemental income documentation to demonstrate low income status is subject to the sole discretion of the Director of OEO.

- Proof of Governmental Assistance, including Social Security, Veterans Affairs payments, or Supplemental Security income
- Unemployment Documentation or Workers' Compensation Documentation
- Utility bill or other documentation indicating reduced payments due to Very Low Income status
- Other documents that prove the individual's total income for the calendar year

## EMPLOYEE / APPLICANT INFORMATION

EMPLOYEE NAME:		SOCIAL SECURITY #:	
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### Household Information:

Please complete the following:

- Total Household Income in previous year: \$ \_\_\_\_\_
- Number of Adults in your household: \_\_\_\_\_
- Number of Children in your household: \_\_\_\_\_

### HUD Section 8 Income Limits (Revised September 2016)

"Low Income Person" means a Resident of the City of Cleveland who is a member of a family having an income equal to or less than the Section 8 Very Low Income limit established by the Department of Housing and Urban Development (HUD).

Please <b>CHECK</b> the appropriate household size and income limit below.	HOUSEHOLD SIZE	VERY LOW INCOME LIMIT
	1 <input type="checkbox"/>	\$23,350
	2 <input type="checkbox"/>	\$26,650
	3 <input type="checkbox"/>	\$30,000
	4 <input type="checkbox"/>	\$33,300
	5 <input type="checkbox"/>	\$36,000
	6 <input type="checkbox"/>	\$38,650
	7 <input type="checkbox"/>	\$41,300
	8 <input type="checkbox"/>	\$44,000

Household Income Summary  If you require additional space, please attach another page to this document.	Name (first and last)	Gross Income	Source of Income (Employer if Applicable)

## APPLICANT / EMPLOYEE ACKNOWLEDGEMENT & SIGNATURE

I declare that the information on this form is true, correct and complete to the best of my knowledge. I agree to provide documents to verify the information listed. I authorize the City of Cleveland's Office of Equal Opportunity to verify the information provided.

\_\_\_\_\_  
APPLICANT / EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

## CONTRACTOR OFFICIAL ACKNOWLEDGEMENT & AUTHORIZATION

I, the employing contractor, have received the above information and reviewed the application for completeness, and believe that the employee meets the necessary requirements to be considered as a "Low Income Resident Worker" under the Cleveland Resident Employment Law.

\_\_\_\_\_  
COMPANY OFFICIAL

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## FOR OEO OFFICIAL USE - APPROVAL

\_\_\_\_\_  
ADMINISTRATIVE REVIEWER SIGNATURE

\_\_\_\_\_  
DATE

**REFERRAL SOURCE VERIFICATION  
FANNIE M. LEWIS CLEVELAND RESIDENT EMPLOYMENT LAW**

<b>CONTRACTOR'S USE ONLY</b>
<b>CONTRACTOR:</b>
<b>PROJECT &amp; DEPARTMENT:</b>

**REFERRAL SOURCE AGENCY:** \_\_\_\_\_

I attest that the above-named Contractor has contacted our agency to hire residents of the City of Cleveland in compliance with Chapter 188 of the Codified Ordinances.

_____	_____
Date	Printed Name
_____	_____
Title	Signature
_____	_____
Address	Phone

**Contractor's Initial Contact Date:** \_\_\_\_\_ **Contractor's Close Search Date:** \_\_\_\_\_

- We were unable to refer any City of Cleveland residents.
- The following City of Cleveland residents were referred to Contractor (mark checkbox (☑) if employee meets Section 8 "very low income". Use additional copies of this page for additional referrals.

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<input type="checkbox"/>	_____	_____
	Name	Job Classification
	Outcome: <input type="checkbox"/> Hired <input type="checkbox"/> Already Employed <input type="checkbox"/> Did not respond <input type="checkbox"/> Not interested <input type="checkbox"/> Other	
	(please explain) _____	
<input type="checkbox"/>	_____	_____
	Name	Job Classification
	Outcome: <input type="checkbox"/> Hired <input type="checkbox"/> Already Employed <input type="checkbox"/> Did not respond <input type="checkbox"/> Not interested <input type="checkbox"/> Other	
	(please explain) _____	
<input type="checkbox"/>	_____	_____
	Name	Job Classification
	Outcome: <input type="checkbox"/> Hired <input type="checkbox"/> Already Employed <input type="checkbox"/> Did not respond <input type="checkbox"/> Not interested <input type="checkbox"/> Other	
	(please explain) _____	
<input type="checkbox"/>	_____	_____
	Name	Job Classification
	Outcome: <input type="checkbox"/> Hired <input type="checkbox"/> Already Employed <input type="checkbox"/> Did not respond <input type="checkbox"/> Not interested <input type="checkbox"/> Other	
	(please explain) _____	





## **REFERRAL SOURCE LIST**

The Employment Connection  
(WIA) City, County, Veterans  
1701 East 13<sup>th</sup> St. (NFSC)  
Cleveland, Ohio 44114  
216.664.4673

American Red Cross  
3747 Euclid Ave.  
Cleveland, Ohio 44114  
Contact: Pam Oliver  
216.431.3010

Catholic Charities Training/ Employment  
3135 Euclid Ave  
Contact: Vanessa Lee  
216.426.9870

Esperanza Inc.  
4115 Bridge Ave.  
Cleveland, Ohio 44114  
Contact: Zoraida Valentin  
216.651.7178

Urban League of Greater Cleveland  
2001 West 65<sup>th</sup> Street  
Cleveland, Ohio 44114  
Contact: Maurice Stevens  
216.696.4111

Spanish American Committee  
Employment Services  
4407 Lorain Ave  
Cleveland, Ohio 44113  
Contact: Sergio Rios  
216.961.2100

NAACP – Job Training Site  
2490 Lee Blvd.  
Cleveland Heights, Ohio 44118  
216.231.6260

Hard Hatted Women  
4207 Lorain Ave.  
Cleveland, Ohio 44113  
Contact: Shelly Richmond  
216.861.6500

United Labor Council Agency  
3328 Carnegie Ave.  
Cleveland, Ohio 44114  
Contact: Steve Newman  
216.391.0900

AFL-CIO Federation of Labor  
3250 Euclid Ave  
Cleveland, Ohio 44114  
Contact: John W. Ryan  
216.881.7200

Polaris Career Center  
7285 Old Oak Blvd.  
Middleburg Hts., Ohio 44130  
Contact: Maria Phillips  
440.891.7750

El Barrio Employment Services  
1255 Euclid Ave  
Cleveland, Ohio 44102  
Contact: Angelo Figueroa  
216.651.2037

Empowerment Zone  
Workforce Development  
1326 Euclid Ave.  
Cleveland, Ohio 44114  
Contact: A.C. Alrey  
216.664.2804

Black Trade Council  
7511 Sagamore Ave.  
Cleveland, Ohio 44101  
Contact: George Edward  
216.431.7899

UCIP-ASAP  
3515 Prospect Ave.  
Cleveland, Ohio 44115-2619  
Contact: Yvette Hassan  
216.432.7037

Max Hayes Adult Job Training Program  
4600 Detroit Ave.  
Cleveland, Ohio  
Contact: Jacqelyn Comeaux, Coordinator  
216.634.2159  
Karen Cunningham-Frank, Job Developer  
216.634.2158

AFSCME Local 100 Union  
1603 East 27<sup>th</sup> St  
Cleveland, Ohio 44114  
Contact: Derek Pollard  
216.781.0408

## **UNION BUILDING & CONSTRUCTION APPRENTICESHIP PROGRAMS**

### Abestos Workers (4 year program)

1617 E. 30<sup>th</sup> St.  
Cleveland, Oh. 44114  
Contact: Scott Sullivan, Business Mgr.  
Edward Price III, Apprenticeship Coordinator  
216.621.3522

### Boilermaker (4 year Program)

1435 E.13 St  
Cleveland, Oh. 44114  
Contact: Patric Gallagher  
216.241.2085

### Bricklayer (3 year program)

4205 Chester Ave.  
Cleveland, Oh 44103  
Contact: Anthony McClough  
216.361.9341

### Iron Worker (3 year program)

1542 E. 23  
Cleveland, Oh. 44114  
Contact: Rich Jordan  
216.685.1781

### Operating Engineer (4 year program)

4675 Newton Rd.  
Richfield Oh 44286  
330.659.4115

### Plasterer (6000 hours)

1651 E. 24 St.  
Cleveland, Oh. 44114  
Contact: Carl Carcioppolo  
216.771.5399

### Residential Wireman (2 year program)

9333 Sweet Valley Dr.  
Valley View, Oh. 44125  
Contact: Dennis Meany  
216.621.3090

### Sheet Metal Worker (5 year program)

12525 Corporate  
Parma Oh 44130  
Contact: John Nesta  
216.267.0151

### Electrician (5 year program)

9333 Sweet Valley  
Valley View, Oh. 44125  
Contact: Eugene Stepanik, Director  
216.573.0400

### Cement Mason (3 year program)

1417 E. 25 Street  
Cleveland, Oh. 44114  
Contact: Dan Owens, Business Mgr.  
216.573.0400

### Glazier (4 year program)

216.771.4896

### Laborer (3 year program)

3250 Euclid Av.  
Cleveland, Oh. 44115  
Contact: John Kilbane, Coordinator  
216.881.5901

### Pipefitter (5 year program)

6305 Hally Dr.  
Cleveland, Oh. 44125  
Contact: Terry Urbanek  
216.771.5399

### Plumbers (5 year program)

980 Keynote Circle  
Brooklyn Heights, Oh. 44131  
Contact: Sean Geller  
216.459.2900

### Roofer & Water Proofers (3 year program)

1651 E. 24 st.  
Cleveland, Oh. 44114  
Contact: Sandra Mazeli  
216.391.4215

### Tile Layer (3 year program)

4205 Chester Ave.  
Cleveland, Oh. 44103  
Contact: Dan Zavagno  
216.426.8552



City of Cleveland  
Frank G. Jackson, Mayor

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Office of Equal Opportunity  
Dr. Melissa Burrows, Director  
601 Lakeside Avenue, Room 335  
Cleveland, Ohio 44114-1015  
216/664-4150 Fax: 216/664-3870  
www.cleveland-oh.gov

## Office of Equal Opportunity 2017 Submission Schedule

### Monthly Subcontractor Payment Reports Certified Payroll Reports

All required Office of Equal Opportunity (OEO) monthly reporting shall be submitted via the B2Gnow Contract Compliance Monitoring System (Cleveland.DiversityCompliance.com) and the LCPtracker Certified Payroll Tracking System (www.LCPtracker.net – for Construction Contracts over \$100,000) according to the following schedule:

<b><u>REPORTING MONTH</u></b>	<b><u>DATE DUE</u></b>
DECEMBER 2016	JANUARY 24, 2017
JANUARY 2017	FEBRUARY 21, 2017
FEBRUARY 2017	MARCH 21, 2017
MARCH 2017	APRIL 25, 2017
APRIL 2017	MAY 23, 2017
MAY 2017	JUNE 21, 2017
JUNE 2017	JULY 21, 2017
JULY 2017	AUGUST 22, 2017
AUGUST 2017	SEPTEMBER 21, 2017
SEPTEMBER 2017	OCTOBER 24, 2017
OCTOBER 2017	NOVEMBER 21, 2017
NOVEMBER 2017	DECEMBER 21, 2017
DECEMBER 2017	JANUARY 23, 2018

# NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES DISCLOSURE

INSTRUCTIONS:  Pursuant to Codified Ordinance Sec. 181.36, the information requested on this page must be supplied by all contractors and any subcontractors having more than a fifty percent (50%) interest in the proposed contract prior to any contract being awarded by the City of Cleveland. Any contractor or subcontractor who is deemed to have made a false statement shall be declared to have acted in default of its contract and shall be subject to the remedies for default contained in its contract. For failure to cure such a default, the contractor or subcontractor shall be automatically excluded from bidding for the supply of any goods or services for use by the City for a period of two (2) years.

## CHECK WHICHEVER IS APPLICABLE:

A.  The undersigned or any controlling shareholder,\* subsidiary, or parent corporation of the undersigned is **NOT ENGAGED IN ANY BUSINESS OR TRADING FOR PROFIT IN NORTHERN IRELAND.** (if paragraph A. is checked, proceed to the signature line.)

B.  The undersigned or any controlling shareholder,\* subsidiary, or parent corporation **IS ENGAGED IN ANY BUSINESS OR TRADING FOR PROFIT IN NORTHERN IRELAND.** (if paragraph B. is checked, please either check the stipulation contained in paragraph C. or attach documentation that shows that the undersigned has complied with the stipulation contained in paragraph C.)

C.  The undersigned and all enterprises identified in paragraph B. are **TAKING LAWFUL AND GOOD FAITH STEPS TO ENGAGE IN FAIR EMPLOYMENT PRACTICES WHICH ARE RELEVANT TO THE STANDARDS EMBODIED IN THE "MacBRIDE PRINCIPLES FOR FAIR EMPLOYMENT IN NORTHERN IRELAND."** A copy of the MacBride Principles can be obtained from the Office of the Commissioner of Purchases and Supplies. In lieu of checking this paragraph, the undersigned must attach documentation which the undersigned believes shows compliance with the stipulation contained in this paragraph C.

\_\_\_\_\_  
Name of Contractor of Subcontractor

By: \_\_\_\_\_

Title: \_\_\_\_\_

\* "Controlling shareholder" means any shareholder owning more than fifty percent (50%) of the stock in the corporation or more than twenty-five percent (25%) of the stock in the corporation if no other shareholder owns a larger share of stock in the corporation.