

**COUNTY OF SAN MATEO SUPPLEMENTARY GENERAL CONDITIONS  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM FOR MINORITY EMPLOYMENT**

**1. STATEMENT OF INTENT**

It is the intent of the Board of Supervisors of the County of San Mateo to prohibit and eliminate employment discrimination and to further the opportunities for minority persons to be gainfully employed in the performance of County building contracts. The Bidder's attention is directed to all the provisions set forth herein. The Board of Supervisors has by Ordinance No. 4324 added Title 2, Chapter

2.50 to Division II of the County of San Mateo Ordinance Code prohibiting discrimination in employment and providing for an Equal Employment Opportunity Program by Contractors doing business with the County of San Mateo. The following provisions are a part of the contract documents.

**2. LOWEST RESPONSIBLE BIDDER**

Award of contract to the low bidder shall not be made until the requirements set forth in these Supplementary General Conditions have been complied with and reviewed by the County Compliance Officer and a satisfactory Equal Employment Opportunity Program as submitted by the low bidder has been accepted.

A. Criteria for Determining Lowest Bidder. Criteria to determine the acceptability of bids on construction contracts requiring public bidding and involving an expenditure of \$6,500 or more shall include but not be limited to the following:

1. Criteria of Compliance with Federal and State Laws. Each bidder shall submit with his bid a certification that he is in compliance with the Equal Employment Opportunity Requirement of Executive Order 11246, Title VII of the Civil Rights Act of 1964, the California Fair Employment Practices Act and any other Federal or State Laws and regulations relating to Equal Employment Opportunities and the provisions of this article and the Board established guidelines implementing them. See report form entitled "Certification of Compliance with Laws Prohibiting Discrimination" bound herein after Form of Proposal.
2. Certification of Intent to Develop and Implement an Equal Employment Opportunity Program. Each bidder shall submit with his bid a certification that he will develop, implement and maintain, during the course of work concerned, an affirmative action program in employment conducted without regard to race, religion, color, national origin, ancestry, physical or mental disability, or sex of the applicants. With this certification he shall submit any and all information which may be required by the County in connection with this program. As used in this Article, the term "minority" or "minority group" pertains to Latinos, Asians and Pacific Islanders, African Americans, American Indians, and women (regardless of her race or ethnicity). See report form entitled "Certification of Intent" bound herein after Form of Proposal.

3. Compliance by Subcontractors. The provision of this Section apply to any subcontractor engaged by the successful bidder, and each successful bidder shall notify his subcontractors of their obligations under the provisions of this Section.

### 3. PENALTIES FOR NON-COMPLIANCE WITH THE PROVISIONS OF THIS SECTION

Any bidder who fails to submit a proposed Equal Employment Opportunity Program or who is unable to make the certifications required in this Section of the Supplementary General Conditions may be disqualified from consideration for the award of the contract.

If, after an award is made, the Contractor is found by the County or by a Federal or State agency empowered to make such findings to be in substantial or material violation of the Fair Employment Practices Act of the State of California, the Equal Employment Opportunity Requirement of Executive Order 11246, Title VII of the Civil Rights Act of 1964, Section 503 of the Rehabilitation Act of 1973, or of the provisions of this Section, he may be found to be in material breach of his contract, and the County shall have the power to cancel the contract in whole or in part, or alternatively, to deduct for each working day during which the Contractor is found to have been in such non-compliance, two (2) percent of the total amount payable to the Contractor.

### 4. WAIVER OF COMPLIANCE

In the event that the requirements of this ordinance are found to work an undue hardship upon a low bidder, said bidder shall submit evidence of such hardship to the Board of Supervisors and shall petition the Board for a waiver of these requirements. This waiver shall only be granted by the Board of Supervisors and shall become an integral part of the contract.

### 5. DEFINITIONS

***Equal Employment Opportunity Program.*** Equal Employment Opportunity Program is a set of specific and result oriented procedures to which a Contractor commits himself in order to achieve equal employment opportunity.

***Compliance Officer.*** A Compliance Officer is the County official designated by the County Executive to represent him in the administration of these guidelines and in the enforcement of the provisions of Title 2, Chapter 2.50 of the County Ordinance Code.

### 6. CERTIFICATION OF COMPLIANCE AND INTENT

Every bidder shall submit with his bid a Certificate of Compliance with laws prohibiting discrimination and a Certification of Intent to implement an equal employment opportunity program on a form furnished by the County, as required by Title 2, Chapter 2.50 of the County Ordinance Code.

### 7. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

In addition to furnishing the Certification of Compliance, each Contractor will submit his Equal Employment Opportunity Program with his bid.

The EEO shall contain the following information:

- A. Analysis of current work force:
  - 1. Total number of employees
  - 2. Numerical racial breakdown of employees by job classification
- 3. Information on apprentices

These figures will provide the base by which the Contractor's EEO will be evaluated. Factors to be considered both in the original statistics and in any plans for future employment will include the percentage of minority population in the County of San Mateo, the availability of minority construction workers and the present minority representation in the various construction trades.

- B. The equal employment opportunity actions the Contractor has taken or will take to insure equal employment opportunity. These shall include:
  - 1. Recruiting and hiring minority persons. If non-union personnel are employed this would involve employment advertising through sources which serve areas of minority population. These include local minority newspapers, referral agencies, high schools, vocational schools, and community groups. Specific information on these sources may be obtained from the Compliance Officer. Union employees will be recruited in accordance with applicable labor agreements. The Contractor will seek to have included or will reaffirm clauses in all labor agreements prohibiting discrimination based on race, religion, color, national origin, age, ancestry, physical or mental handicap, or sex. Assistance for admission into the craft of minorities over the traditional apprenticeship age is also suggested. The Contractor will support Bay Area Construction Opportunity Program or similar groups as recruiting sources and will urge all labor organizations with which he has agreements to use BACOP.
  - 2. Providing adequate opportunity for the upgrading or further training of all employees to insure equal opportunity in advancement and promotion. This might include a counseling service, information and assistance with night classes, or special career-directed program information.
  - 3. Appointing an Equal Employment Opportunity Coordinator - full time or as an additional duty. He will have the responsibility of administering an active program, informing company personnel and union representatives of this company policy and advising all subcontractors of their obligation to this program.
  - 4. Establishing or maintaining an apprenticeship or training program designed to insure hiring of additional minority employees in the journeyman or skilled classes, if possible. The Contractor is urged to support the Joint Apprenticeship Committee on this trade.
  - 5. Selecting minority subcontractor or subcontractors who are known for their ongoing program of apprenticeship for minorities. This includes advising minority contractor associations of bids for subcontractors. Joint ventures with minority subcontractors are encouraged.

- C. The EEO should state any previous experience the Contractor has had with similar plans and result of that effort. Any current equal employment opportunity plans should be described in detail and a copy attached, if printed plan is available. The Compliance Office will review the EEO submitted by each bidder in order to determine whether the program submitted complies with Title 2, Chapter 2.50 of the County Ordinance Code and these guidelines.

The EEO as submitted will be kept on file by the Compliance Officer. If the Contractor bids for other county contracts, he may refer to the EEO on file and state any changes, but will not be required to refile his program.

The Compliance Officer may request additional information from the bidder and will be available to answer questions relative to the guidelines and to advise those seeking assistance of resources known to him. He will not be responsible for the service or lack of service rendered by the resources recommended, nor will he develop an EEO for any bidder, or serve as a recruiter for any bidder.

Bidders may revise their EEO after consultation prior to award of contract. Deficiencies will be discussed and appropriate remedies suggested. If bidders withdraw their EEO for revision, their revised program must be submitted by a date established by the Compliance Officer.

The Compliance Officer will determine whether the low bidder's EEO is acceptable and will report to the appropriate county department. The EEO's of each subcontractor of the low bidder will also be evaluated by the Compliance Officer.

#### 8. INCLUSION OF EEO AND CERTIFICATIONS

Upon award of the contract by the Board of Supervisors, the EEO and Certifications for the prime contractor and all subcontractors, which have been approved and accepted by the County, will become an integral part of the contract and subject to the provisions thereof.

#### 9. PERFORMANCE OF CONTRACTOR

The Contractor will post, in conspicuous places available to employees and applicants for employment, notices to be provided by the County, stating that the Contractor is obliged to comply with the provisions of these guidelines and Title 2, Chapter 2.50 of the County Ordinance Code. These notices will also be sent to all union and employee organizations and other recruiting sources providing employees to the Contractor.

All announcements of job openings will include the statement: "An Equal Opportunity Employer".

The Contractor will make written Progress Reports on a form provided by the County to illustrate the effectiveness of his EEO at intervals established by the County.

The Compliance Officer will monitor the performance of the EEO until completion of the contract and will report the progress of the Contractor in living up to his EEO to the County Executive.

The Contractor shall permit, during Contractor's normal business hours and at Contractor's place of business, access by the County to his records of employment, employment advertisements, application forms and other data and records pertaining to Contractor's employment practices, for the purpose of determining whether Contractor is complying with the Non- Discrimination and Equal Employment Opportunity rules of the County.

#### 10. PERFORMANCE OF SUBCONTRACTORS

All subcontractors listed in a general Contractor's Job Order Proposals are subject to all the provisions of these guidelines and Title 2, Chapter 2.50 of the County Ordinance Code.

All subcontractors will file their Certifications of Compliance and Intent and their EEO with the Equal Employment Coordinator of the prime Contractor for transmittal to the County, prior to the Job Order Notice to Proceed.