



# Commission on Human Rights and Opportunities

**CONTRACT  
COMPLIANCE**



## THE CHRO MISSION

The mission of the Connecticut Commission on Human Rights and Opportunities is to:

- ✓ eliminate discrimination through civil and human rights law enforcement and
- ✓ to establish equal opportunity and justice for all persons within the state through advocacy and education.

## CHRO AUTHORITY

- ▶ All contractors and subcontractors who have contracts or other agreements with state agencies and other political subdivisions of the state, other than municipalities, are required to comply with the nondiscrimination contract requirements of Conn. Gen. Stat. sections 4a-60, 4a-60a and 4a-60g and other applicable statutory and regulatory requirements.
- ▶ Conn. Gen. Stat. §§ 46a-51 et seq., 4a-60, 4a-60a, 4a-60g and Regulations sections 46a-68j-20 et seq.

## CHRO AUTHORITY

- ▶ CHRO is authorized and responsible to perform the contract compliance function to enforce the nondiscrimination law in state contracting, and to initiate and prosecute complaints of discrimination and noncompliance when the CHRO believes that the law has been violated.
- ▶ Conn. Gen. Stat. §§ 46a-51 et seq., 4a-60, 4a-60a, 4a-60g, also see §32-9n(a)

## CHRO AUTHORITY

- ▶ Agencies are also required to comply with the law and to facilitate the CHRO's contract compliance enforcement efforts with contractors and subcontractors and to cooperate with the CHRO.
- ▶ Conn. Gen. Stat. §§ 46a-56, 46a-68b through 46a-68g, 46a-69, 46a-71, 46a-76, 46a-77, 4a-60, 4a-60a, 4a-60g.

## MONITORING

- ▶ Contractors, subcontractors, contract managers at risk, general contractors, trade contractors and all agencies involved in public works contracts submit reports and information as required and are reviewed and monitored by the CHRO throughout the performance of the contract until the closure of the contract,
- ▶ to ensure the continuing compliance with the law and
- ▶ to monitor the contractors and subcontractors compliance with their respective assertions and representations in the affirmative action plans are being adhered to and that any changes in the contracting is reported and supported and the contractor tries to replace any contractors with similar situated contractors if a substitution for an SBE or MBE is at issue.
- ▶ Conn. Gen. Stat. §§ 46a-68c, 46a-68d, 46a-68e and 46a-68f

## CHRO FILING REQUIREMENTS

| Contract Amount                                                                                                                   | Bidder Contract Compliance Monitoring Report Required                                 | Affirmative Action Plan Required | Requires Approval of Affirmative Action Plan prior to executing contract |
|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|
| \$0-\$4,000.00 (leases and PSAs)                                                                                                  | Current DAS Certification of Subcontractors as SBE/MBEs for set-aside (if applicable) |                                  |                                                                          |
| No paperwork required.                                                                                                            |                                                                                       |                                  |                                                                          |
| \$0-\$3,000.00 (goods, services, commodities)                                                                                     |                                                                                       |                                  |                                                                          |
| No paperwork required                                                                                                             |                                                                                       |                                  |                                                                          |
| \$4,000.01 - \$9,999.99 (leases and PSAs) or \$3,000.01 - \$9,999.99 (goods and services)                                         |                                                                                       | Yes      No      No              |                                                                          |
| File a Contract Notification following contract approval. Attach the Contract Compliance Monitoring Report to the Notice of Award |                                                                                       |                                  |                                                                          |

## Process to Determine Noncompliance

- ▶ (c) If the commission determines through its monitoring and compliance procedures that a contractor or subcontractor is not complying with antidiscrimination statutes or contract provisions required under section 4a-60 or 4a-60a or the provisions of sections 46a-68c to 46a-68f, inclusive, the commission may issue a complaint pursuant to subsection (c) of section 46a-82.
- ▶ Conn. Gen. Stat. § 46a-56(c)

## CHRO FILING REQUIREMENTS

| Contract Amount                            | Bidder Contract Compliance Monitoring Report Required                                 | Affirmative Action Plan Required | Requires Approval of Affirmative Action Plan prior to executing contract |
|--------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|
|                                            | Current DAS Certification of Subcontractors as SBE/MBEs for set-aside (if applicable) |                                  |                                                                          |
| Non Public Works Contract                  |                                                                                       |                                  |                                                                          |
| \$10,000 - \$249,999.99                    | Yes                                                                                   | No                               | No                                                                       |
| \$250,000 or more (more than 25 employees) | Yes                                                                                   | Yes                              | No                                                                       |

### CHRO FILING REQUIREMENTS

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|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------|
| <b>Public Works Contract</b>                             |                                                                                                                                                    |                                  |                                                                          |
| \$10,000 – \$49,999.99                                   | Yes                                                                                                                                                | No                               | No                                                                       |
| \$50,000.00 – \$499,999 (50 or more employees)           | Yes                                                                                                                                                | Yes                              | No                                                                       |
| \$500,000.00 or more (regardless of number of employees) | Yes                                                                                                                                                | Yes                              | Yes                                                                      |

### PUBLIC WORKS PROJECTS \$50,000–\$499,999

- ▶ CONTRACTORS (LESS THAN 50 EMPLOYEES)
  - ▶ AA PLAN NOT REQUIRED
- ▶ SET-ASIDE PLAN REQUIREMENTS ARE DETERMINED BY CHRO
- ▶ DOCUMENTS GOOD FAITH EFFORTS TO SOLICIT BIDS FROM SBE/MBE/WBE/DisBE CONTRACTORS
- ▶ VERIFIES COMPLIANCE WITH SET-ASIDE REQUIREMENTS
- ▶ DETAILS COMPLIANCE WITH EMPLOYMENT AND SUBCONTRACTING REGULATIONS.

### PUBLIC WORKS CONTRACT

- ▶ DEFINITION
  - ▶ ANY AGREEMENT BETWEEN AN INDIVIDUAL, FIRM, OR CORPORATION AND THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE
  - ▶ FOR CONSTRUCTION, REHABILITATION, CONVERSION, EXTENSION, DEMOLITION OR REPAIR
  - ▶ PUBLIC BUILDING, HIGHWAY, OR OTHER CHANGES OR IMPROVEMENTS IN REAL PROPERTY
  - ▶ FINANCED IN WHOLE OR IN PART BY THE STATE INCLUDING BUT NOT LIMITED TO MATCHING EXPENDITURES, GRANTS, LOANS, INSURANCE OR GUARANTEES

C.G.S. 46a-68b

### PUBLIC WORKS PROJECTS \$50,000–\$499,999

- ▶ CONTRACTORS (50 OR MORE EMPLOYEES)
  - ▶ AA PLAN FILED PRIOR TO STARTING WORK
  - ▶ AA PLAN FILED WITHIN 30 DAYS OF CONTRACT AWARD
  - ▶ AA PLAN MUST BE APPROVED BY CHRO TO BE IN COMPLIANCE
  - ▶ FAILURE TO DEVELOP AN APPROVED AA PLAN SHALL BAR BIDDING ON OR AWARD OF FUTURE CONTRACTS

C.G.S. 46a-68c

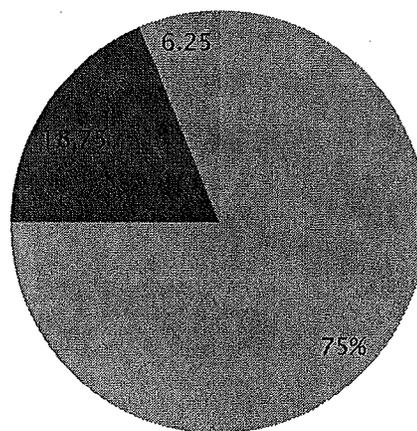
## PUBLIC WORKS PROJECTS OVER \$500,000

- ▶ ALL EMPLOYERS (REGARDLESS OF SIZE)
- ▶ AA PLAN MUST BE FILED AND APPROVED PRIOR TO CONTRACT AWARD
- ▶ CHRO MAY ALLOW CONTRACT AWARDS AND PROJECT STARTS WITHOUT AN APPROVED AA PLAN TO MEET PROJECT TIME CONSTRAINTS
  - 2% OF TOTAL CONTRACT PER MONTH IS WITHHELD UNTIL CONTRACTOR HAS AN APPROVED AAP
  - FUNDS CANNOT BE RELEASED WITHOUT APPROVAL FROM CHRO

C.G.S. 46a-68d

## SET-ASIDE CONTRACT REQUIREMENTS

■ TOTAL ■ SBE ■ MBE



## AFFIRMATIVE ACTION PLAN REQUIRED SECTIONS

- ▶ 1. Policy Statement\*
- ▶ 2. Internal Communications\*
- ▶ 3. External Communications\*
- ▶ 4. Assignment of Responsibility
- ▶ 5. Organizational Analysis
- ▶ 6. Workforce Analysis
- ▶ 7. Availability and Utilization Analysis
- ▶ 8. Project Description, Timeline and Trades Involved \*
- ▶ 9. Employment Analysis
- ▶ 10. Apprenticeship Training
- ▶ 11. Subcontractor Availability Analysis \*
- ▶ 12. Minority Business Enterprise Project Goals and Timetable \*
- ▶ 13. Minority Business Enterprise Assistance and Innovative Programs
- ▶ 14. Project Reporting and Monitoring Procedures \*
- ▶ 15. Concluding Statement \*

\*Set-Aside Plan Sections

Sec. 46a-68j-25 -  
Sec. 46a-68j-28

## BARRIERS TO SBE/MBE PARTICIPATION



- ▶ MUNICIPAL EXEMPTION
- ▶ BONDING EXPENSES
- ▶ UNABLE TO RECEIVE "PRE-QUALIFICATION CERTIFICATION"
- ▶ LACK OF GOOD FAITH EFFORT
- ▶ SCOPE OF PROJECTS
- ▶ SBE/MBE CERTIFICATION PROCESS

## PUBLIC WORKS PROJECTS OVER \$20 MILLION

- ▶ GENERAL CONTRACTOR OR CONSTRUCTION MANAGEMENT COMPANY
- ▶ MUST MEET WITH CHRO TO DEVELOP STRATEGY TO FOR INCLUSION
- ▶ FILE A MODIFIED AA PLAN
- ▶ DEVELOP BID PACKAGES FOR PRIME CONTRACTORS, SUBCONTRACTORS, VENDORS/SUPPLIERS, AND PROFESSIONAL SERVICES
- ▶ PASS THE SET-ASIDE REQUIREMENTS TO PRIME CONTRACTORS, SUBCONTRACTORS, AND VENDORS/SUPPLIERS

## PROJECT MANAGEMENT

- ▶ PROJECT REPORTS REQUIRED
  - ▶ GENERAL CONTRACTOR OR CONSTRUCTION MANAGEMENT COMPANY
    - SBE/MBE STATUS REPORT
  - ▶ GC/CM AND SUBCONTRACTORS
    - MONTHLY EMPLOYMENT UTILIZATION REPORT
    - CUMULATIVE EMPLOYMENT UTILIZATION REPORTS - END OF PROJECT
- ▶ VENDORS/SERVICE PROVIDERS
  - MONTHLY MATERIALS CONSUMPTION REPORT

C.G.S. 46a-68e

## OBLIGATIONS OF AWARDING AGENCIES

- ▶ ENSURE BID LANGUAGE IS IN COMPLIANCE WITH CHRO REGULATIONS
- ▶ CONFIRM CONTRACT INCLUDES NON-DISCRIMINATION LANGUAGE
- ▶ NOTIFY CONTRACTORS OF CHRO FILING REQUIREMENTS
- ▶ REPORT TO CHRO
  - CONTRACT AWARDS
  - INTENT TO AWARD NOTICES
- ▶ RETAIN FUNDS AS REQUIRED BY CHRO

C.G.S. 4a-60  
C.G.S. 4a-60a  
Sec. 46a-68j-30  
Sec. 56a-68j-31

## FILED AFFIRMATIVE ACTION PLANS 6/30/2014

