

**COMMUNITY DEVELOPMENT
AUTHORITY OF THE CITY OF
RACINE
PROSPECTIVE
PUBLIC WORKS CONTRACTOR
STATEMENT OF RESPONSIBILITY
QUESTIONNAIRE**

Community Development Authority

City of Racine
730 Washington Avenue
Racine, WI 53403



Matthew Rejc,
Assistant Director of City Development

Michael Lechner
Community Development Program Specialist

262.636.9151 – City Development

TO: Prospective Bidders

FROM: Community Development Authority of the City of Racine

DATE: January 3, 2022

SUBJECT: Contractor Qualification Process

Per Section 66.0901(2) of the Wisconsin Statutes, the attached Statement of Responsibility Questionnaire is required to be fully completed, sworn to before an officer authorized by law to administer oaths, and received by the Community Development Authority of the City of Racine (CDA) at least five days prior to the time set for the opening of bids for any contract solicitation for which your firm wants to submit a bid. The contents of the statements received will be confidential, and will be evaluated to determine if your firm is qualified to be awarded public works contracts for the Community Development Authority of the City of Racine (CDA).

The Statement of Responsibility Questionnaire consists of two parts which will be used to evaluate each application.

Part 1 - Essential Requirements for Qualification consists of seven yes or no questions which are graded on a pass-fail basis. If an applicant fails any of the questions, its application will be rejected.

Part 2 - Organization, History, Organizational Performance, Compliance with Civil and Criminal Law consists of a list of questions, 16 of which are scored. If an applicant's Part 2 score fails to meet the minimum score of 85 out of a possible 115, its application will be rejected.

In summary, a firm must successfully pass both parts of the application in order to be found to be qualified to perform work for the CDA. Once the review and evaluation is complete, the applicant will be notified by letter whether it has been found qualified or unqualified to be awarded public works contracts. Qualification is valid for one year from the date of approval. Any applicant found unqualified has a right to appeal the decision.

Any false statement will result in an application for qualification being rejected. The CDA reserves the right to waive minor irregularities and omissions in the information submitted. The CDA also reserves the right to rescind the qualified status of a contractor based on the discovery of information or changes in conditions that differ substantially from the information provided in the contractor's application, after giving notice of the proposed action, and providing an opportunity to appeal the rescission.

Send Statement of Responsibility Questionnaires to:

Assistant Director of City Development
730 Washington Avenue Room 102
Racine, WI 53403

CONTACT INFORMATION

Firm Name: _____ Check One: ☐ Corporation
(as it appears on license, if applicable) ☐ Partnership
☐ Sole Proprietorship
Limited Liability Company

Contact Person: _____

Address: _____

Phone: _____

Fax: _____

If firm is a sole proprietor:

Owner(s) of Company _____

If firm is a partnership:

General Partners(s) of Company

Limited Partners(s) of Company

List all license numbers, classifications and expiration dates of Wisconsin licenses held by your firm, if applicable:

If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) who meet(s) the experience and examination requirements for each license.

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 3 is “No”, or the answer to any of questions 4 through 8 is “Yes.”

1. Contractor possesses valid and current Wisconsin license(s) for the project or classification of projects for which it intends to submit a bid or bids (licenses required for dwelling, welding, electrical, fire sprinkler, HVAC, storage tank, plumbing and elevator/lift contractors by Wisconsin Administrative Code Chapter SPS 305).
☐ Yes ☐ No ☐ Not required
2. Contractor has a commercial liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.
☐ Yes ☐ No
3. Contractor has current workers' compensation insurance policy as required by Chapter 102 of the Wisconsin State Statutes.
☐ Yes ☐ No ☐ Contractor is exempt from this requirement, because it has no employees
4. Has your firm failed to substantially complete a contract within the contract performance period, as adjusted by change orders, and been required to suspend major construction operations (such as concrete placement, asphalt paving, soil compaction, etc.) due to the onset of winter weather, to the degree that substantial completion of the project was (or is being) delayed into the next construction season within the last five years?
☐ Yes ☐ No
5. Has your firm's, or one of its principal's, state license been revoked at any time during the last five years?
☐ Yes ☐ No
6. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five years?
☐ Yes ☐ No
7. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
☐ Yes ☐ No
8. At any time during the last five years, has your firm, or any of its owners or officers sued the CDA or the City of Racine for any reason other than enforcement of a construction contract with the CDA or the City of Racine?
☐ Yes ☐ No

Note: A contractor disqualified solely because of a “Yes” answer given to question 4, 5, 7, or 8 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

This portion of the questionnaire includes 16 scored questions, with a highest possible total score of 115 points. **A score of less than 85 points on this part of the questionnaire will prevent a contractor from being found responsible.**

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

1a. Date incorporated : _____

1b. Under the laws of what state: _____

Is your firm currently in good standing with the state of incorporation? _____

1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership

1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

1e. Name and address of Registered Agent

For Firms That Are Limited Liability Companies:

1a. Date organized : _____

1b. Under the laws of what state: _____

Is your firm currently in good standing with the state of organization? _____

1c. Provide all the following information for each person who a member of the Limited Liability Company.

Name	Position	Years with Co.	% Ownership

1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Firm	Dates of Person’s Participation with Firm

1e. Name and address of Registered Agent

For Firms That Are Partnerships:

1a. Date of formation: _____

1b. Under the laws of what state: _____

1c. Provide all the following information for each partner who owns 10 per cent or more of the firm. Specify whether the partner is a general partner or limited partner.

Name	Position	Years with Co.	% Ownership

1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Company	Dates of Person’s Participation with Company

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
- 1b. Name of company owner. _____
- 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, “owner” and “partner” refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person’s Name	Construction Company	Dates of Person’s Participation with Company

B. History of the Business and Organizational Performance

2. State your firm’s gross revenues for each of the last three years:

3. How many years has your organization been in business in Wisconsin as a contractor under your present business name and license number (if applicable)? _ Years

Scoring: *3 years or more = 2 points*
 4 years = 3 points
 5 years = 4 pts.
 6 years or more = 5 points

4. Is your firm currently the debtor in a bankruptcy case?
☐ Yes ☐ No

If “yes,” please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

Scoring: “No” = 5 points “Yes” = 0 points

5. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 4, above)

☐ Yes ☐ No

If “yes,” please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court’s discharge order, or of any other document that ended the case, if no discharge order was issued.

Scoring: “No” = 5 points “Yes” = 0 points

C. Contracting History, Insurance and Bonding

6. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ Yes ☐ No

If yes, explain on a separate signed page, identifying all such projects by owner, owner’s address, the date of completion of the project, the final contract amount, the final contract performance period in calendar days, the number of days and amount of liquidated damages assessed, and all other information necessary to fully explain the assessment of liquidated damages.

Scoring: *No projects with liquidated damages amounting to more than 20% of the contract performance period = 10 points*

One project with liquidated damages less than 20% of the contract performance period = 8 points.

Two projects with liquidated damages amounting to more than 20% of the contract performance period = 4 points

Any other answer = 0 points

7. In the last five years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

☐ Yes ☐ No

If “yes,” explain on a separate signed page. State whether the firm involved was the firm applying for prequalification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

Scoring: *No = 10 points Yes = 0 points*

8. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes ☐ No

If “yes,” explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

Scoring: *No = 10 points Yes = 0 points*

9. At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm’s behalf, in connection with a construction project, either public or private?

☐ Yes ☐ No

If “yes,” explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

Scoring: *10 points for “No”
5 points for “Yes” indicating no more than 2 such claims
0 points for “Yes” if more than 2 such claims*

10. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

Scoring: *No = 10 points Yes = 0 points*

11. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes ☐ No

If “yes,” explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Scoring: *10 points for either “No” or “Yes” indicating 1 such claim.
5 points for “Yes” indicating no more than 2 such claims
0 points for “Yes” if more than 2 such claims*

D. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

12. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If “yes,” attach a separate signed page describing each citation.

Scoring: *If the firm’s average annual gross revenues for the last three years was less than \$5 million, scoring is as follows:*

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than \$5 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 3 or less such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

13. Has the EPA, Wisconsin Department of Natural Resources, or other regulatory agencies from Wisconsin or other states cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If “yes,” attach a separate signed page describing each citation.

Scoring: *If the firm’s average annual gross revenues for the last three years was less than \$5 million, scoring is as follows:*

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” or if more than 2 such instances.

If the firm’s average gross revenues for the last three years was more than \$5 million, scoring is as follows:

5 points for either “No” or “Yes” indicating 3 or less such instances.

3 points for “Yes” indicating either 4 or 5 such instances.

0 points for “Yes” if more than 5 such instances.

14. During the last five years, has there been one or more occasions when your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?

☐ Yes ☐ No

If “yes,” attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

Scoring: *If your firm’s average annual gross revenues for the last three years was less than \$5 million, scoring is as follows:*

5 points for either “No,” or “Yes” indicating either 1 or 2 such instance.

3 points for “Yes” indicating 3 such instances.

0 points for “Yes” and more than 3 such instances.

If your firm’s average gross revenues for the last three years was more than \$5 million, scoring is as follows:

5 points for either “No” or “Yes” indicating no more than 4 such instances.

3 points for “Yes” indicating either 5 or 6 such instances.

0 points for “Yes” and more than 6 such instances.

15. During the last five years, has there been one or more occasions when your firm has been penalized for failure to comply with a contractually required local hiring preference program, such as the “Racine First” program, “Racine Works” program, the City of Milwaukee’s “Residents Preference Program”, or the Milwaukee Metropolitan Sewerage District’s “Local Workforce Participation” program?

☐ Yes ☐ No

If “yes,” attach a separate signed page or pages describing the nature of the violation, identifying the name of the contract, the date of its completion, the public agency for which it was constructed and the amount/nature of any penalty paid/assessed/imposed.

Scoring: *If your firm’s average annual gross revenues for the last three years was less than \$5 million, scoring is as follows:*

10 points for either “No,” or “Yes” indicating either 1 or 2 such instances.

5 points for “Yes” indicating 3 such instances.

0 points for “Yes” and more than 3 such instances.

If your firm’s average gross revenues for the last three years was more than \$5 million, scoring is as follows:

10 points for either “No” or “Yes” indicating no more than 4 such instances.

5 points for “Yes” indicating either 5 or 6 such instances.

0 points for “Yes” and more than 6 such instances.

16. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

Scoring: *5 points for an answer of once each week or more often.*
0 points for any other answer

17. List your firm's workers' compensation insurance Experience Modification Rate (EMR), as determined by the Wisconsin Compensation Rating Bureau or the National Council on Compensation Insurance, for each of the past five premium years:

NOTE: An Experience Modification Rate is issued to your firm annually through your workers' compensation insurance carrier.

Current year: _____

Last year: _____

Two years ago: _____

Three years ago: _____

Four years ago: _____

If your EMR for any of these five years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

Scoring: *5 points for five-year average EMR of .95 or less*
3 points for five-year average of EMR of more than .95 but no more than 1.00
0 points for any other five-year average of EMR

18. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance?

☐ Yes ☐ No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

Scoring: *5 points for either "No" or "Yes" indicating 1 such instance.*
0 points for any other answer.

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

Provide information about your firm's eight most recent public works contracts, similar to the project(s) for which you expect to bid, substantially completed within the last three years. If you have substantially completed one or more projects for the Community Development Authority of the City of Racine Department of Public Works or Water and Waste Water Utilities, please include one of these projects in your submission. If you haven't completed eight public works contracts in the last three years, provide information about enough of your firm's largest private sector projects to document eight contracts of similar scope, substantially completed within the last three years. Names of contacts and their telephone numbers must be current. Use separate sheets of paper for each contract that contain all of the following information:

Project Name: _____

Location (city, state): _____

Owner: _____

Owner Contact (name, phone number): _____

Architect or Engineer: _____

Owner's Representative (name, phone number): _____

Description of Project, Scope of Work Performed: _____

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

QUESTIONNAIRE AFFIDAVT

State of _____

County of _____

_____ being duly sworn on oath,

deposes and says that

he/she is the _____ of _____
(Name of Firm)

and that the answers to the foregoing questions and all statements contained herein are true and correct, and that any owner, bonding company, or other agency, named herein is authorized to supply the Community Development Authority of the City of Racine with any information deemed necessary to verify this statement.

Subscribed and sworn to before me this _____ day of _____, 20____

My commission expires _____, 20 _____

(Notary Public)

APPEAL PROCEDURE

Overview:

Any firm notified that it has been found unqualified to perform work for the Community Development Authority of the City of Racine has the right to file an appeal of the decision within ten business days from the date the notification letter was received via certified mail.

Completing and Submitting an Appeal:

Using the format provided below:

1. Provide the general company and contact information requested.
2. List the reasons for denial of qualification provided in the notification letter and describe a basis for your appeal for each of the reasons you choose to contest.
3. Attach relevant documentation to support the appeal.
4. Appeal packages must be complete when submitted. No additional information or materials will be considered during the appeal review process.
5. Contact the Purchasing Agent at (262) 636-9143 to obtain their email address and then email the appeal and relevant documentation to them. The subject line of the email should read "CONFIDENTIAL – Contractor Pre-Qualification Appeal".

The appeal can also be delivered, or sent via certified mail to:

Purchasing Agent
City of Racine Purchasing Department
730 Washington Avenue
Racine, Wisconsin 53403

Review of the Appeal:

The Purchasing Agent shall review the appeal, aided by members of the Department of Public Works, the Water and Waste Water Utilities, and/or the Parks, Recreation and Cultural Services Department as she or he determines to be appropriate. None of the personnel reviewing the appeal shall have participated in the prior review of the application. The Purchasing Agent and appropriate staff will examine the appeal and the facts surrounding the determination before making a decision. The Purchasing Agent may contact third parties to verify information provided in the application and the appeal, and may consult with the City Attorney during the review. The Purchasing Agent shall render the city's final administrative decision within 30 calendar days of receipt of the appeal.

Firms submitting appeals will not be allowed to submit bids on public works contracts while the appeal is pending.

<p>Community Development Authority of the City of Racine</p>
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Public Works Contractor Pre-Qualification Decision Appeal Form

Date:

Name of Firm:

Date of Notification Letter:

Contact Information:

List reason(s) pre-qualification approval was not granted (as stated in the notification letter) and provide an explanation that can be used to re-evaluate the initial decision. Please attach relevant documentation to support the appeal.

Reason 1:

Explanation:

Reason 2:

Explanation:

Reason 3:

Explanation:

Signature: _____ Date: _____

AFFIRMATIVE ACTION PLAN EXEMPTION REQUIREMENTS

Instructions for Vendors/Contractors



Human Resources/Affirmative Action Department

Exemption from Submitting Affirmative Action Plan

An Affirmative Action Plan is not required when:

1. The vendor receives a State contract for less than \$25,000
or
2. The vendor has less than twenty-five (25) employees regardless of the dollar amount of the contract
or
3. The vendor is a foreign company with a work force of less than twenty-five (25) employees in the United States
or
4. The vendor is a federal government agency or a Wisconsin municipality
or
5. The vendor has a balanced work force. (See page 13 for definition of "balanced work force").

Procedures: Exemption from Submitting Affirmative Action Plan

If exempt from submitting an Affirmative Action Plan, the vendor must submit evidence of exemption as follows:

- If the vendor is exempt from submitting an Affirmative Action Plan based on criteria 2 through 4 above, the vendor still must submit a "Request for Exemption from Submitting Affirmative Action Plan" (Form DOA-3024, next page) and its "Vendor Subcontractor List" (Form DOA-3023, page 11).
- If the vendor is exempt from submitting an Affirmative Action Plan because it has a balanced work force (criteria 5), the vendor still must submit its "Vendor Work Force Analysis" (Form DOA-3022, Page 7), the "Request for Exemption from Submitting Affirmative Action Plan" (Form DOA-3024), *supporting labor market information, "Vendor Subcontractor List" (Form DOA-3023) and a copy of its Equal Employment Opportunity Policy Statement. See "Equal Employment Opportunity and Affirmative Action Policy Statement," Pages 4 & 5 for preparation instructions.

***Labor Market Data:** The vendor needs labor market data to determine if it has a balanced work force. If the vendor does not have this data already, the vendor may obtain this data from State Job Service Offices which are listed in local telephone directories under State Government "Job Service" or "Employment Security" or from the regional U.S. Office of Federal Contract Compliance (OFCC).

If a rare situation exists for an emergency or to meet special contracting requirements, the Director of the Wisconsin Office of Contract Compliance, on the recommendation of a contracting state agency, may exempt a vendor from Affirmative Action Plan requirements.

Alternative to Submitting Affirmative Action Plan

As an alternative to submitting an Affirmative Action Plan, if the U.S. Office of Federal Contract Compliance (OFCC) has audited the vendor's Affirmative Action Program within the last year, the vendor may send the contracting state agency:

- A copy of OFCC's Acceptance/Compliance Letter,
- The vendor's equal opportunity/affirmative action policy statement; and
- Its "Vendor Subcontractor List" (Form DOA-3023).

**REQUEST FOR EXEMPTION FROM SUBMITTING AFFIRMATIVE ACTION PLAN
WISCONSIN OFFICE OF CONTRACT COMPLIANCE**

INSTRUCTIONS TO VENDOR: By satisfying one of the conditions below, the vendor may request an exemption from submitting an Affirmative Action Plan. Complete this form and return it to the contracting agency within fifteen (15) working days of the award date of the contract. Unless the vendor is notified otherwise by the contracting state agency, the vendor may assume that the exemption is approved.

Vendor Name		*Federal Employer Identification Number
Address (Street)		*Social Security Number
(City)		(P.O. Box)
Contact		(State) (Zip)
Commodity		Title
Total Contract Amount \$	Award Date	Telephone Number ()
Contracting State Agency		Bid Number

II. EXEMPTION REQUEST: The basis for requesting an exemption is that, as of the award date of the contract, the vendor: (Check as appropriate)

<input type="checkbox"/>	Has less than twenty-five (25) employees.
<input type="checkbox"/>	Is a foreign company with a work force in the United States of less than twenty-five (25).
<input type="checkbox"/>	Is an agency of the Federal Government or a Wisconsin municipality.
<input type="checkbox"/>	Has achieved a balanced work force. Vendor must submit 1) a completed Work Force Analysis [Form DOA-3022], 2) supporting labor market information if requesting an exemption based on this reason and 3) Equal Employment Opportunity Policy Statement.
<input type="checkbox"/>	Has undergone an audit of its Affirmative Action Program within the last year by the Office of Federal Contract Compliance (OFCC) and has received a letter of compliance. (Vendor must attach a copy of its OFCC letter and the vendor's Affirmative Action and Equal Employment Opportunity Policy Statement.)

III. We have posted the notice(s) explaining Wisconsin's contract compliance law. ☐ Yes ☐ No

Chief Executive Officer Signature	Date	Title
Printed Name		

AFFIRMATIVE ACTION PLAN REQUIREMENTS

Instructions for Vendors/Contractors



City of Racine, Wisconsin

Human Resources/Affirmative Action Department

Affirmative Action Plan Preparation

An Affirmative Action Plan must have been prepared or revised within the last year prior to the contract award date and **MUST INCLUDE THE FOLLOWING FIVE SECTIONS:**

- ☐ **1 POLICY STATEMENT** Section 1, See Pages 4 and 5
- ☐ **2 WORK FORCE ANALYSIS** Section 2, See Pages 6 and 7
- ☐ **3 PROGRAM GOALS** Section 3, See Page 8
- ☐ **4 PLAN DISSEMINATION** Section 4, See Page 9
- ☐ **5 INTERNAL MONITORING** Section 5, See Page 9

SECTION 1:

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT

A sample Equal Employment Opportunity and Affirmative Action Policy Statement is provided on the following page. The necessary parts of an acceptable policy statement are:

- Identification of the vendor by name;
- Commitment to equal opportunity in employment programs for any applicant for employment or any employee by not basing employment decisions on age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation or national origin;
- Commitment to affirmative action policies and practices in employment programs to achieve a balanced work force
- A statement that identifies employment programs to include at least employment, promotion, demotion, transfer, recruitment, compensation, training; layoff and termination;
- Designation of an employee of a vendor with his/her name and title as equal employment opportunity/affirmative action officer;
- Provision for holding supervisors and managers accountable for affirmative action initiatives to balance their respective work forces; and
- Commitment to abide by s. 16.765, Wis. Stats, state regulations, and federal laws pertaining to equal employment opportunity and affirmative action during the life of a contract with the State of Wisconsin.

Additionally, this equal employment opportunity/affirmative action policy statement must be:

- Signed by the vendor's chief executive officer,
- Written on the vendor's letterhead stationery,
- Dated; and
- Available for review by employees and applicants for employment.

SAMPLE

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT

The following is an example of an Affirmative Action Policy statement that satisfies minimum compliance requirements. The policy statement must appear on the vendor's letterhead stationery, be dated and signed by the chief executive officer.

It is the policy of (name of vendor) not to discriminate against any employee or any applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation or national origin. This policy shall include, but not be limited to, the following: recruitment and employment, promotion, demotion, transfer, compensation, selection for training including apprenticeship, layoff and termination. Except with respect to sexual orientation, this company further agrees to take affirmative action to ensure equal employment opportunities.

(Name of person and title) has been appointed Equal Employment Opportunity Officer and is responsible for planning and implementing our affirmative action program as well as for its day-to-day monitoring of affirmative action related decisions and activities. All personnel who are responsible for hiring and promoting employees and for the development and implementation of programs or activities are charged to support this program. They shall provide leadership in implementing affirmative action goals and initiatives.

During the life of contract with the State of Wisconsin, the (name of vendor) shall comply with s. 16.765, Wis. Stats., state regulations and federal laws relating to equal employment opportunities and affirmative action. The company shall continue to work cooperatively with government and community organizations to take affirmative action to ensure equal employment and advancement opportunities.

PLEASE NOTE the sexual orientation in the sample policy statement above. Plans not including this language will not be acceptable. Sexual orientation is defined in Wisconsin State Statute s.111.32 (13m) as "...having a preference for heterosexuality, homosexuality, or bisexuality, having a history of such a preference or being identified with such a preference."

Typed Name

Signature

Date

Title

SECTION 2:

WORK FORCE ANALYSIS

General: The vendor must submit a work force analysis as a part of its Affirmative Action Plan or with its Request for Exemption from Submitting Affirmative Action Plan if the vendor is requesting an exemption based on having achieved a balanced work force. The vendor must complete and submit the sample form (DOA-3022, next page) or a copy of its federal EEO-1 form. The vendor may define its own job categories/groups. However, the Wisconsin Office of Contract Compliance reserves the right to reject the vendor's job categories/groups. Sample job categories are defined on Pages 13 and 14 of these instructions.

For each job category/group, the vendor must report:

- Total number of employees,
- Number and percent of males;
- Number and percent of females;
- Number and percent of minorities; and
- Number and percent of persons with disabilities.

Minorities and persons with disabilities are included also in the number and percentage for males and females. The percentages of minority and persons with disabilities represent their part of the total number of employees.

This data must be current within one year of the award date of the State contract.

If the vendor has submitted a work force analysis previously, the vendor must provide the date of the most recently submitted report and recap the total number of males, females, minorities and persons with disabilities last reported.

Signatures: The preparer of the information must sign the analysis.

After completing the data, the vendor needs to assess its work force to determine whether an equitable representation of qualified individuals with disabilities, minorities and women are employed which approximates the percentage of individuals with disabilities, minorities, and women available from the relevant workforce.

Remedies for any inequity must be presented in the vendor's affirmative action goals. A vendor must make every reasonable effort to develop a balanced work force.

WORK FORCE ANALYSIS: VENDOR

General Instructions: The vendor must include a work force analysis as a part of its Affirmative Action Plan or with its Request for an Exemption from Submitting an Affirmative Action Plan, if the vendor is requesting an exemption based on having achieved a balanced work force. As an alternative to submitting this document, a vendor may submit a copy of its federal EEO-1 form. This information is due to the contracting state agency within fifteen (15) working days after the award date of a contract from the State of Wisconsin. The reverse side has definitions for job categories and specific instructions for completing this worksheet.

Vendor		Bid Number	Date of Analysis	*Federal Employer Identification #					
				*Social Security #					
JOB CATEGORIES	EMPLOYEES TOTAL	MALES TOTAL %		FEMALES TOTAL %		MINORITIES TOTAL %		PERSONS w/DISABILITIES TOTAL %	
OFFICIALS & MANAGERS									
PROFESSIONALS									
TECHNICIANS									
SALES WORKERS									
OFFICE & CLERICAL									
CRAFTSWORKERS (SKILLED)									
OPERATIVES (SEMISKILLED)									
LABORERS (UNSKILLED)									
SERVICE WORKERS									
TOTAL									
TOTAL EMPLOYMENT REPORTED IN PREVIOUS REPORT DATED: _____									

Prepared By:

_____ Signature	_____ Date	_____ Telephone Number
_____ Title	_____ Printed Name	

SECTION 3:

AFFIRMATIVE ACTION GOALS

These goals are directed to achieving a balanced work force. The nature of these goals is contingent upon the nature of any underrepresentations of women, minorities, and persons with disabilities in any of the job categories/groups of the vendor's work force. Each goal must:

- Be specific.
- Have an implementation target date of between six months and two years; and
- Have a plan of action or description of procedure to implement the goal.

SAMPLES OF GOALS that a vendor may include in its Affirmative Action Plan are (Note: a vendor may use its own goal or use one or more of these suggested goals):

- Developing a company employee affirmative action committee to advise the chief executive officer on affirmative action issues.
- Reviewing job descriptions to ensure that they reflect actual job duties with reasonable work-related requirements for employment.
- Restructuring jobs, where possible, to encourage appointing trainees.
- Broadening recruitment notices to include community organizations likely to refer women, minorities, and individuals with disabilities.
- Advertising position vacancies in minority media.
- Developing interview teams for all positions using only job-related questions.
- Implementing an exit interview program or an employee assistance program.
- Developing work schedules where feasible which include part-time employment opportunities to encourage the employment of persons for whom full-time employment is difficult.
- Identifying an informal equal employment opportunity complaint resolution procedure.
- Identifying other means to strengthen its recruitment and retention of women, minorities, and individuals with disabilities.
- Conducting onsite training on affirmative action issues and initiatives.
- Committing to recruit and appoint women, minorities, and individuals with disabilities for vacancies in the same percentages as they are available in the labor market when the vendor has turnover or a need to expand its work force.

SECTION 4:

PLAN DISSEMINATION

The vendor must give broad dissemination of its Affirmative Action Plan to current and prospective employees as well as to others with whom the vendor does business. The Affirmative Action Plan must provide that:

- Equal opportunity and affirmative action issues frequently appear on the agendas of executive and staff meetings. The Plan must specify the frequency of these meetings and with whom they occur.
- All solicitations or advertisements for employment must include a statement comparable to "an equal employment opportunity employer functioning under an Affirmative Action Plan". The contractor should provide at least one copy of an advertisement for employment, or, if one is unavailable, state why.
- All employees must have access to the Affirmative Action Plan for review. The Plan must specify the procedure for employees who wish to review the Plan.
- Any complaints regarding the Affirmative Action Plan may be filed with the State Equal Rights Office or with the Wisconsin Office of Contract Compliance.

SECTION 5:

INTERNAL MONITORING

The vendor must identify a method or system for an internal monitoring of the Affirmative Action Plan to regularly evaluate results achieved by the Plan. The Affirmative Action Plan must:

- Specify the frequency of reviews, the individual(s) performing the reviews, and the consequences of the reviews.
- Hold supervisory and management personnel responsible, at least through performance appraisals and compensation reviews for implementing affirmative action initiatives within their areas of responsibility.

NOTE: The vendor must retain a copy of its Affirmative Action Plan, including the forms submitted with it, for purposes of satisfying the Plan dissemination and internal monitoring requirements.