

## **FEDERAL CONTRACT PROVISIONS**

Contractor shall fully comply with the following statutes and executive orders as well as the regulations, orders, and rules promulgated there under where required by law of Contractor and/or Company, and such statutes and executive orders are hereby incorporated in the Contract by reference as if fully set out:

- A. Equal Opportunity Clause of Executive Order 11246, as amended (applicable to all contracts and subcontracts in excess of \$10,000, 41 CFR 60-1.4 & 1.5);

During the performance of this Contract, Contractor agrees as follows:

1. Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
3. Contractor will send to each labor union or representative of workers with which Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of Contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. Contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6. In the event of Contractor's noncompliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations, or orders, this Contract may be cancelled, terminated, or suspended in whole or in part and Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
  7. Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that in the event Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, Contractor may request the United States to enter into such litigation to protect the interests of the United States. [Sec. 202 amended by EO 11375 of Oct. 13, 1967, 32 FR 14303, 3 CFR, 1966-1970 Comp., p. 684, EO 12086 of Oct. 5, 1978, 43 FR 46501, 3 CFR, 1978 Comp., p. 230]
- B. Written Affirmative Action Program (applicable to non-construction contractors and subcontractors having 50 or more employees and a contract of \$50,000 or more. 41 CFR 60-1.40);
  - C. Equal Employment Opportunity Reporting Requirements (applicable to contractors and subcontractors: (i) not exempt under 41 CFR 60-1.5; (ii) having 50 or more employees; (iii) who are prime contractors or first tier subcontractors; and (iv) having a contract, subcontract, or purchase order amounting to \$50,000 or more. Further, the reporting requirements apply to subcontractors below the first tier that perform construction work at the site of construction if the subcontractor: (i) is not exempt under 41 CFR 60-1.5; (ii) has 50 or more employees; and (iii) has a contract, subcontract, or purchase order amounting to \$50,000 or more. 41 CFR 60-1.7);
  - D. Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities (applicable to contracts and subcontracts in excess of \$10,000, 41 CFR 60-741.4), including Equal Opportunity for Workers With Disabilities (41 CFR 60-741.5(a)) and Affirmative Action Program for Individuals With Disabilities (applicable to government contractors with 50 or more employees and a contract of \$50,000 or more, 41 CFR 60-741.40);
  - E. Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans, Veterans of the Vietnam Era, Recently Separated Veterans, and Other Protected Veterans (applicable to contracts or subcontracts of \$25,000 or more entered into before December 1, 2003, 41 CFR 60-250.1; applicable to contracts or subcontracts of \$100,000 or more entered into or modified on or after December 1, 2003, 41 CFR 60-300.1);

- F. Affirmative Action Program for Disabled Veterans and Veterans of the Vietnam Era (applicable to contractors having 50 or more employees and a contract of \$50,000 or more for contracts entered into before December 1, 2003, 41 CFR 60-250.40; applicable to contractors having 50 or more employees and a contract of \$100,000 or more, 41 CFR 60-300.40);
- G. Statutory Disqualification and Reinstatement Under the Clean Air Act and Clean Water Act (applicable “to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by the EPA under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed \$25,000.” 2 CFR Part 1532 (2 CFR 1532.220); 2 CFR Part 1400; 2 CFR Part 180).
- H. Certification of Nonsegregated Facilities (applicable to all contracts containing the equal opportunity clause, 41 CFR 60-1.8)

Contractor certifies that it does not, and will not, maintain or provide for its employees any segregated facilities at any of its establishments and that it does not, and will not, permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. As used in this certification, the term “segregated facilities” means, but is not limited to, any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, sex, or national origin, because of habit, local custom, or otherwise; provided however, that separate or single-user restrooms and necessary dressing and sleeping areas may be provided to assure privacy between the sexes. Contractor further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause, and that it will retain such certifications in its files.

- I. Nondiscrimination in Connection with Contracting for Offshore Services (applicable to contracts or subcontracts of \$10,000 or more in connection with any activity related to the exploration for or development and production of oil, gas, or other minerals or materials in the OCS, 30 CFR Parts 270 and 570); and
- J. Debarment and Suspension Requirements (applicable to covered transactions, 2 CFR parts 180 and 1400).
- K. Clean Air and Water (applicable to contracts or purchase orders of \$100,000 or more, 40 CFR 15.4 and 15.5).