

# **HERKIMER COUNTY LAND BANK CORPORATION MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES — SERVICE DISABLED VETERAN OWNED BUSINESS — EQUAL EMPLOYMENT OPPORTUNITY POLICY**

## **Section 1**

### **Purpose and Authority**

It is the Policy of the Herkimer County Land Bank Corporation (“HCLB or Land Bank”) to comply with all Federal, State and Local Laws, Policies, Orders, Rules and Regulations which prohibit unlawful discrimination because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics or marital status. Additionally, in accordance with Article 15 of N.Y. Executive Law (also known as the Human Rights Law), and any other applicable State and Federal Laws, the HCLB agrees to take affirmative action in working with contracting parties to ensure that Minority and Women owned Business Enterprises (M/WBE), Service-Disabled Veteran Owned Business (SDVOB), minority group members and women, share in the economic opportunities generated by the HCLB’s operations, and/or the use of HCLB funds. Below are the HCLB MWBE, SDVOB, EEO policy guidelines, and the Good Faith Efforts Guide.

## **Section 2**

### **Definitions**

- **M/WBE – Minority, Women owned Business Enterprise**
- **EEO – Equal Employment Opportunity**
- **SDVOD – Service-Disabled Veteran Owned Business**

## **Section 3**

### **MWBE**

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from Agency(ies) and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.

(6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

## **Section 4**

### **EEO**

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts.

(b) This organization shall state in all solicitation or advertisements for employees that in the performance of State contracts, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative for a statement that it will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

(d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to nondiscrimination on the basis of prior criminal conviction and prior arrest.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with State contracts.

## **Office of Economic Opportunity and Partnership Development (Website: [hcr.ny.gov](http://hcr.ny.gov))**

## **Section 5**

### **Good Faith Efforts Guide**

Program compliance with the New York State Homes & Community Renewal Minority and Women-Owned Business Enterprises (M/WBE) and Service-Disabled Veteran-Owned-Business (SDVOB) policy will be evaluated based upon the use of "good faith efforts" to achieve maximum participation results. Program efforts will be rated by applying the references in the guide and taking into account the following:

- Size of the contract
- Location of the project
- Capability and availability of M/WBE and SDVOB

### **Specific Recommendations:**

- Utilize New York State Directory of Certified M/WBE firms and Office of General Services for SDVOB firms as resources

- Incorporate as part of all subcontracts, provisions of the General Conditions in the contract which relate to, Equal Employment Opportunity (EEO), Minority and Women-Owned Business Enterprises and Service-Disabled Veteran-Owned-Business
- Advertisements placed in periodicals and internet targeting M/WBEs and SDVOBs for recruitment purposes
- Establish contact and working relationships with M/WBE and SDVOB firms
- Ensure solicited and completed follow-ups to M/WBEs and SDVOBs in a timely manner
- Provide M/WBEs and SDVOBs adequate time to review plans/specs and respond to solicitations
- Notify and request assistance from the Office of Economic Opportunity and Partnership Development of difficulties preventing M/WBE and SDVOB participation
- Submit a complete, acceptable Utilization Plan in accordance with the applicable goal requirements for participation, of certified New York State Minority and Women-Owned Business Enterprises and Service-Disabled Veteran-Owned-Business established in the contract
- Document and maintain additional records of “good faith effort” to address project’s goals