

COMMONWEALTH OF PENNSYLVANIA
CONTRACT COMPLIANCE PROGRAM

INSTRUCTION SHEET

(Revised 01-13-09)

OBJECTIVE:

The Commonwealth of Pennsylvania (herein referred to as “PA” or “Commonwealth”) is committed to the principles of equal opportunity. The PA Department of General Services, Bureau of Minority and Women Business Opportunities oversee the Commonwealth’s Contract Compliance Program. The objective of the program is to ensure that all contractors, vendors, suppliers and service providers that are doing business with the Commonwealth, and all grantees receiving Commonwealth funds (herein referred to as “contractor” and whose organization, agency or company is referred to as “organization” and whose contract, grant or loan is referred to as “contract”), engage in nondiscriminatory employment practices.

REQUIREMENTS:

– READ CAREFULLY TO DETERMINE WHICH STATEMENTS APPLY

The STD-21 Initial Contract Compliance Data form at the onset of a contract (\$50,000 and above for non-construction, or \$100,000 and above for construction or grant) is sent to all contractors as a link via email. This information, including the workforce by race and sex, does not need to be completed more than once per year. Contractors who obtain multiple contracts with the Commonwealth during any 12-month period, or who have fewer than five employees or whose employees are members of the same family, should email a request for exemption upon receipt of the STD-21.

The Nondiscrimination Clause is a part of all Commonwealth contracts and is provided as a reminder of the contractor’s obligations. The provisions must be included in every subcontract so that the provisions are binding upon each subcontractor.

The PA State Contractor’s Nondiscrimination Notice (available in English and Spanish) may be posted in a conspicuous place at the job site and main office for viewing by all employees and job applicants for the duration of the contract. The requirement of the nondiscrimination/sexual harassment clause in your contract is to have a written sexual harassment policy and to inform the employees of the policy. The policy must contain a notice that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting the PA State Contractor’s Nondiscrimination Notice is one way to fulfill the notice requirement.

The PA Human Relations Act Employment Provisions (available in English and Spanish) may be posted in a conspicuous place at the job site and main office for viewing by all employees, job applicants and union employees for the duration of the contract. Posting is not a requirement of the Contract Compliance Program, but of the PA Human Relations Commission. See poster for who is required to post it.

The Letter to the Union is suggested for use by union contractors that have under-utilization. Sending the letter to the union(s) and maintaining documentation of the union response is evidence of good faith efforts to ensure nondiscrimination in affected sectors of the contractor's workforce. It may also be submitted to the issuing state agency contract compliance (CC) staff who tracks contractors' good faith efforts.

On construction contracts, construction contractors are required to complete the STD-28 *Monthly Contract Compliance Report for Construction Contractors*. The first monthly report is submitted to the awarding state agency at the initial job conference. That person should continue to receive a copy each month. The information must be completed and submitted by the 15th of each month to the awarding state agency CC staff for analysis. Any contractor who has a subcontract over \$100,000 is responsible for ensuring that the subcontractor fills out the STD-28 and for ensuring that it is submitted with its form. Construction contractors may download it from www.dgs.state.pa.us. On the left navigational bar click Doing Business with the Commonwealth, click Contract Compliance and scroll down to the STD-28 link.

DEFICIENCIES AND SANCTIONS:

The issuing state agency may conduct a full document or onsite review of the contractor. In the event that a contractor is cited for deficiencies, the state agency will propose corrective action, and will assist the contractor in achieving compliance. If efforts to secure compliance under the law, through conciliation and persuasion, fail, the contractor may be subject to sanctions, including suspension or debarment.

INSTRUCTIONS FOR RETURN OF INFORMATION AND TECHNICAL ASSISTANCE

If your organization qualifies for an exemption from having to complete the STD-21 Initial Contract Compliance Data information (see exemptions above), email your request for exemption to the issuing agency contract compliance staff email address. You should receive a reply confirming whether it is a valid exemption and, if so, the STD-21 information is not needed in relation to that particular contract.

If your organization has five or more employees and you have not completed the STD-21 Initial Contract Compliance Data information within the past year, you are required to complete the STD-21 information, including your workforce by race and sex. After the two-page electronic form has been completed, clicking "Submit" will automatically email the information to the CC staff of the issuing state agency.

Construction contractors may return the Monthly Contract Compliance Reports by mail or email to the issuing agency CC staff.

Technical assistance is available from the issuing state agency CC staff. You can tell who your CC staff is because on the STD-21 that was emailed to you, the CC staff email address is in the cc: field of the email header and the email and top of the form instruct you to direct your questions to the CC staff at the CC staff's email address.