Montclair State University
Affirmative Action Requirements
Public Agency Compliance Officer (P.A.C.O.)

- Montclair State University’s P.A.C.O. is Donna McMonagle, Vice President for Finance and Treasurer.

- For capital projects the Director of Construction Procurement and Accounting will provide compliance guidance to the Office of Capital Planning and Project Management.

- For the procurement of goods and services the Director of Procurement, Goods and Services maybe contacted.
Affirmative Action

- Strict adherence to the Affirmative Action law is critical to the public procurement process.

- Why?
  - The State of New Jersey and MSU support equal employment opportunities for qualified minorities and women
  - Required by law
  - Yearly Audits
  - Penalties
EEO/AA Procedures in Awarding Public Contracts

*Public Agency*

- Include mandatory language in advertisements for receipt of bids, solicitations and/or request for proposals

- Include appropriate mandatory language in contracts and bid specifications (In Waiver of Advertising Packet)

- Obtain required EEO/AA evidence from supplier or contractor
EEO/AA Procedures in Awarding Public Contracts

Supplier
Goods, Professional Services, General Services Contracts

- Subject to mandatory language of Exhibit A

- Selected suppliers must submit one of the following forms of evidence:
  1. Copy of Letter of Federal Approval, or
  2. Certificate of Employee Information Report, or
  3. Complete Form AA-302 (Employee Information Report)

EEO/AA evidence must be submitted after notification of award, but prior to signing of the contract.
Affirmative Action Evidence

FEDERAL LETTER OF APPROVAL

CERTIFICATE OF EMPLOYEE INFORMATION REPORT

EMPLOYEE INFORMATION REPORT FORM (AA-302)
EEO/AA Procedures in Awarding Public Contracts

Contractor

Construction Contracts

- Subject to mandatory language of Exhibit B

- Additional mandatory language EO 151 and P.L.2009, c.335 (State Agencies, Independent Authorities, Colleges & Universities Only)

- Selected construction contractors must submit the following form of evidence:
  1. Complete Form AA-201 (Initial Project Workforce Report)
  2. Submit Form AA-202 (Monthly Project Workforce Report) once a month for the duration of the contract to the Dept. of Labor and to the Public Agency Compliance Officer

EEO/AA evidence must be submitted after notification of award, but prior to signing of a construction contract
In an emergency, a Public Agency may award a contract without an approved affirmative action program.

Public Agency must document that an actual or imminent emergency exists and requires an immediate award of a contract for construction or the delivery of goods and services, including professional services, and to delay would endanger public health, safety, welfare, or property.

The contractor shall be required to comply with the EEO/AA regulations prior to receiving payment.

The Public Agency is required to provide the supplier with the appropriate language (Exhibit A or Exhibit B) and obtain the proper Affirmative Action evidence.
Sanction Process

- If the results of an audit are found to be unsatisfactory, the Public Agency will be issued an advisement letter outlining the deficiencies.

- If the Public Agency fails to take corrective measures, monetary penalties may be issued.