ATTACHMENT D:

## Non-discrimination Clause

_____, hereinafter referred to as the CONTRACTOR, agrees as follows:

1. CONTRACTOR shall not discriminate against any employee, applicant for employment, independent contractor, or any other person because of race, color, religious creed, ancestry, national origin, age or sex. Contractor shall take affirmative action to insure that applicants are employed, and that employees or agents are treated during employment, without regard to their race, color, religious creed, ancestry, national origin, age or sex. Such affirmative action shall include, but is not 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. CONTRACTOR shall post in conspicuous places, available to all employees, agents, and applicants for employment and other persons, a notice to be provided by the contracting agency setting forth the provisions of the non-discrimination clause.

2. CONTRACTOR shall, in advertisement or requests for employment placed by it or on its behalf, state that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, ancestry, national origin, age or sex.

3. CONTRACTOR shall send each labor union or worker's representative with which it has a collective bargaining agreement or other contract or understanding, a notice advising said labor union or workers' representative of its commitment to this non-discrimination clause. Similar notice shall be sent to every other source of recruitment regularly utilized by the CONTRACTOR.

4. It shall be no defense to a finding of non-compliance with the Contract Compliance Regulations Commission or this non-discrimination clause that CONTRACTOR had delegated some of its employment practices to any union, training program, or other source of recruitment that prevents it from meeting its obligations. However, if the evidence indicates that the CONTRACTOR was not on notice of the third-party discrimination or made a good faith effort to correct it, such factor shall be considered in mitigation in determining appropriate sanctions.

5. Where the practices of a union or any training program or other source of recruitment will result in the exclusion of minority group persons, so that the CONTRACTOR will be unable to meet its obligations under the Contract Compliance Regulations issued by the Pennsylvania Relations Commission or this non-discrimination clause, CONTRACTOR shall then employ and fill vacancies through other non-discriminatory employment procedures.

6. CONTRACTOR shall comply with the Contract Compliance Regulations of the Pennsylvania Human Relations Commission, 16 PA Code Chapter 49 and with all state and federal laws prohibiting discrimination in hiring or employment opportunities. In the event of the CONTRACTOR'S non-compliance with the non-discrimination clause of this CONTRACT, or with any such laws, this CONTRACT may, after hearing and adjudication,

be terminated or suspended, in whole or in part, and the CONTRACTOR may be declared temporarily ineligible for further contracts and other such sanctions may be imposed and remedies invoked as provided by the Contract Compliance Regulations.

7. CONTRACTOR shall furnish all necessary employment documents and records to, and permit access to its books, records and accounts by, the contracting agency, the Office of Administration, Bureau of Affirmative Action, and the Human Relations Commission for purposes of investigation to ascertain compliance with the provision of the Contract Compliance Regulations, pursuant to 49.35 of this title (relating to information concerning compliance by contractors). If CONTRACTOR does not possess documents or records reflecting the necessary information requested, it shall furnish such information on reporting forms supplied by the contracting agency, the Bureau of Affirmative Action or the COMMISSION.

8. CONTRACTOR shall actively recruit minority subcontractors or subcontractors with substantial minority representation among their employees.

9. CONTRACTOR shall include the provisions of this nondiscrimination clause in every subcontract, so that such provisions will be binding upon each subcontractor.

10. The terms used in this non-discrimination clause shall have the same meaning as in the Contract Compliance Regulations issued by the Pennsylvania Human Relations Commission, 16 PA Code Chapter 49.

11. CONTRACTOR obligations under this clause are limited to the CONTRACTOR'S facilities within Pennsylvania, or, where the CONTRACT is for the purchase of goods manufactured outside of Pennsylvania, the facilities at which such goods are actually produced.

By:_____

Witness:_____

CONTRACTOR:_____

Date:_____

**Note: This document must be completed, signed and returned with your bid.**