

Contractor's Original Technical Proposal

#31

DC Tutors for Kids
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Proposal in Response to Solicitation No. DCCF-2008-R-0007
DC Tutors for Kids
Lanetta Agnew
Owner/Director

Part 1 Technical Proposal

a. Technical Approach

Overall approach to the project

DC Tutors for Kids offers a ten week Passport to Work Summer Youth Program with a strict hands-on approach combing fun and excitement to the learning process. With over seven years experience working with at risk youth, individuals with learning disabilities, low income and adjudicated youth, we have built a strong staff base consisting of special education teachers, counselors, therapist and professionals with years of experience working with these disadvantage populations. The summer program will reinforce the students' learning by interweaving academic enrichment, career exploration, work readiness and leadership skills training in a format students will find engaging and fun. Our youth will learn self-reliance, competition and have pride in their achievements. Detail lesson plans offer the instructors comprehensive instructions and the tools they need to ensure success. Our goal is to accommodate each student at their level of proficiency. Therefore, we will have our reading specialist and math specialist available for one-on-one support, if needed.

Project management methodology and plan

DC Tutors for Kids project management methodology and plan is to assign an experienced staff member the responsibility of project management and to utilize software and other appropriate tools to help prioritize tasks and to track goals and deliverables.

Organizational Plan

The Program Coordinator will be the lead contact. There are six supervisors well versed in the DC Tutors for Kids philosophy and available to mentor and provide guidance to counselors, counselors' aides and students. Our five counselors will demonstrate teamwork, leadership and have a personal dedication to the youth of the District of Columbia. Five counselors' aides will add support to the various teams. An organizational chart is attached.

Communications Plan

DC Tutors for Kids believes that communications is the key element to realizing success. Staff will be trained on administrative procedures and other relevant policies and guidelines. Weekly staff meetings are held and staff is required to provide written summary weekly on the accomplishments. All unusual events or issues are communicated immediately to the Program Coordinator and a written summary is provided within 24 hours. Staff and students have access to supervisors at all times throughout the program.

Project Controls

The Program will run a strict course that results in students completing a series of exercises that will cumulate into the finale during the final program week. Instructors and supervisors will monitor progress on a weekly basis to ensure that students stay on track. Supervisors will intervene, if needed to ensure success and each student realizes his or her full potential in the program.

Description of deliverables

Our three workshops offer project-based learning experiences that are fun and exciting while focusing on growth-industry sectors:

Business/Financial:	Entrepreneurship and Student Run Business
Business/Entertainment:	Go Kart Construction and Race
Media/Publication/ Communications:	Writers Workshop – Short Stories and Poetry

Timeframes for completion of tasks

We have attached a weekly schedule that details the various tasks and assignments that students will complete over the 10 week summer program. Each task is slated to be completed within the timeframe specified in the weekly schedule.

Describe the component activities to be completed to accomplish each task specified in C

We have attached a weekly schedule that details the various activities, assignments, and tasks that will result in the students achieving the expected results—academic enrichment, career exploration, work-readiness and leadership skills.

Specify the service level and instructor/supervisor to participant ratio

- DC Tutors for Kids Passport to Work Summer Youth Program will serve 100 youth who are 16 to 18 years of age.
- Staff levels will be maintained at the levels prescribed in the guidelines. We will maintain a 1:25 counselor to student ratio and 1:20 supervisor to student ratio, at a minimum. Additionally, we will employ counselors' aides and special education teachers to help support at risk youth and other youth who need additional academic support.

Submit curriculum and describe and list the facilities

The arithmetic, reading and writing curriculums will be designed to augment and support the data, literature, and other information ascertained under the three unique workshops. For example, students will write a manual for constructing a go kart. The math, reading and writing assignments will support the students in this effort. The math instructions will focus on measurements, word problems, etc. as it relates to building go karts. Writing assignments will support the students preparation of the manual, ensuring document is grammatically correct, spelling, subject verb agreement, etc. The students will use the manual as their reading tool to support their reading assignments. For the Writers Workshop – Short Stories and Poetry students will refine their writing skills and reading skills. For the math assignments students will paginate documents and explore the business of publishing. Entrepreneurship and Student Run Business will use reading and writing skills to research opportunities. Math skills will focus on analytical calculations, such as cost benefit analysis, return on investment ratio, debt to income ratio, etc.

The DC Tutors for Kids Passport to Work Summer Youth Program will take place at the Bennett Career Institute, 700 Monroe Street, NE, Washington, DC 20017. Students will enjoy a classroom setting. Performances and joint sessions will be held in the auditorium.

Youth participating in the Go Kart Construction and Race Workshop will also obtain instructions at the Go Kart Track, 4300 Kenilworth Avenue, Bladensburg, MD 20710. Students will work next to go kart mechanics and learn to build go karts, develop an appreciation for road safety, develop their go kart driving techniques and have fun while learning new skills.

Supplies

- Writing pads, portfolio 8-1/2 x 11, pens, pencils, paper, eraser, markers, highlighters, staples
- Tee shirts
- Supply pouch (plastic)
- Pencil sharpener
- First aid kit (3 each)
- File folders
- Calculator (3 each)
- Clip boards / white paper
- Butcher block paper
- Hall passes
- Poster Board

Equipment

- Audio Visual equipment
- Computers
- Lap top

- Video camera

Materials

- Inventory – dependent upon students selection of the types of business selected

b. Technical Expertise

Our program leverages a number of corporations in the private sector. For example, the youth will obtain an experience of a lifetime working behind scenes with a mechanic learning to build and operate go karts just like the ones currently used in the go kart business. To accomplish this, DC Tutors for Kids partnered with the Go Kart Track Company. Students running their own business will purchase goods from a wholesaler, manufacture the goods and rent store space in a local mall to sell their wares. Our future writers will self publish a book of their poetry and short stories. They will also submit poems and stories to our local newspapers and national magazines.

Staffing Plan

- Orientation and training will be provided to all staff members with respect to administrative procedures, and other relevant policies and guidelines
- Staff levels will be maintained at the levels prescribed in the guidelines. We will maintain a 1:25 counselor to student ratio and 1:20 supervisor to student ratio. Additionally, we will employ counselors' aides and special education teachers to help support at risk youth and our children who need additional academic support.
- To ensure staff possesses adequate training, we will obtain copies of certifications and licenses. To ensure staff is competent and sensitive in providing treatment to persons of diverse cultural backgrounds, and responsive to the needs of minority individuals, we will conduct reference checks and review staff previous work experience.
- Individual personnel files will be maintained for each staff person that will be accessible to the COTR upon request. The following documents will be kept in the personnel file:
 - Employment application
 - Personal and professional references
 - Applicable licenses
 - Credentials
 - Certificates
 - Personnel actions including time records
 - Documentation of all training received
 - Notation of any allegations of professional or other misconduct and actions with respect to the allegations
 - Dates and reason if terminated from employment

Part 2 Representations, Certifications and other Statements of Offers

- a. Section K – Representations, certifications and other statements
- b. LSDBE Certification (application pending)
- c. E.E.O. Information
- d. Page one (1) of the solicitation
- e. All amendments to the solicitation
- f. Tax Certification Affidavit
- g. First Source Employment Agreement
- h. Section J.1.2 Experience Questionnaire

Part 3 Price Proposal

- a. Section B – Supplies and Services and Price
- b. Project Component Budget Summary Sheet

Go Kart Construction and Race Weekly Schedule

Week One

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will receive an overview of the summer program rules and regulations, as well as the consequences that will result from breaking program rules
- Supplies will be disseminated to each students
- Students will prepare a written essay on what they want to get out of the workshop and verbally share their expectations with the counsels and other students
- Students will write and execute contract with DC Tutors for Kids Passport to Work Summer Youth Program agreeing to abide by the rules and to give 100% to the program
- Students will visit the go kart track to meet mechanic and get overview of rules, and what to expect over the three week period while at the track. Students will take copious notes which are reviewed the next day in class.
- Classroom instructions on note taking
- Counselor will use the notes from the track to augment reading, writing and math assignments
- Students will learn about minority race car drivers and compare the differences in society during the times of the minority race driver and society today. What were some of the positive character traits that the race car driver possess that could be
- Volunteer Friday – take boat to clean Potomac and learn about watershed and tour the Blue Ridge water treatment plant

Week Two

- Assign student team to handle photographing and video taping different activities
- Students will visit go kart track twice a week where they are working directly with the go kart mechanic to build a go kart
- Students will discuss driving safety rules
- Students are required to take notes that will be reviewed and shared in the classroom as part of the reading, writing and math assignments
- Students will practice driving the go karts
- Guess speaker to discuss driver safety

Week Three

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will visit go kart track twice a week where they are working directly with the go kart mechanic to build a go kart

- Students continue to practice driving the go karts and honing their driving skills
- Students are required to take notes that will be reviewed and shared in the classroom as part of the reading, writing and math assignments
- Students will begin putting together an instruction manual based on the notes taken from class and their experience to date building the go kart
- Students will learn the proper uses of various mechanic's tools
- Visit auto mechanics shop and learn about the mechanic's job
- Talk by park rangers to keep parks clean and safe. Learning how to prevent forest fires

Week Four

- Assign student team to handle photographing and video taping different activities
- Students will visit go kart track twice a week where they are working directly with the go kart mechanic to build a go kart
- Students continue to practice driving go karts and honing their driving skills
- Students are required to take notes that will be reviewed and shared in the classroom as part of the reading, writing and math assignments
- Students will continue writing an instruction manual for building a go kart
- Check internet to determine how many mechanics job opening they can find and
- Visit Walter Reed and talk to soldiers about their experience and how it has impacted their thoughts on what is happening today in Iraq

Week Five

- Assign student team to handle photographing and video taping different activities
- Visit go kart track twice a week to work with go kart mechanic
- Practice driving the go karts and honing driving skills
- Students are required to take notes that will be reviewed and shared in the classroom as part of the reading, writing and math assignments
- mechanic
- Visit Frederick Douglas House write about this famous African American and his

Week Six

- Assign student team to handle photographing and video taping different activities
- Visit go kart track twice a week
- All students will obtain the necessary skill and proficiency to build a go kart
- mechanic will work with students that require additional instructions
- Students continue to practice driving the go karts and honing their driving skills

- Students review the notes with the counselor and other students that will be used as part of the reading, writing and math assignments
- Students begin to plan final race, write rules for the race and select committee to organize the event
- VISIT SOLDIERS HOME AND LEARN ABOUT THIS SITE AND HOW IT SERVES VETERANS. CLEAN duck pond and park area

Week Seven

- Assign student team to handle photographing and video taping different activities
- Visit go kart track twice a week where they are working directly with the go kart mechanic to build a go kart
- Students are required to take notes that will be reviewed and shared in the classroom as part of the reading, writing and math assignments
- STUDENTS WILL BEGIN PUTTING TOGETHER AN INSTRUCTION MANUAL BASED ON THE NOTES TAKEN FROM CLASS AND THEIR EXPERIENCE BUILDING THE GO KART
- TAKE LUNCH WITH THEM AND DISCUSS THE INFO FROM THE DC GO KART WEBSITE
- Students will prepare a college bound folder with the information they obtained during their tour

Week Eight

- Students edit and copy video tapes and photo album to be distributed to each
- Students will visit go kart track twice a week where they are working directly with the go kart mechanic to build a go kart
- STUDENTS CONTINUE TO PRACTICE DRIVING THE GO KARTS AND POLISHING UPON DRIVING SKILLS
- Students are required to take notes that will be reviewed and shared in the classroom as part of the reading, writing and math assignments
- Students will begin putting together an instruction manual based on the notes taken from class and their experience building the go kart
- Visit capitol, white house and monument

Week Nine

- Host the final go kart race
- Visit spy museum and have lunch in downtown restaurant
- Go to Emery playground and learn about the history in ward 4 (soldiers camping out during war time at Emery playground)

Week Ten

- Host awards ceremony (get certificates and trophies and other awards)

did they like best about the different places they visited. Did this program influence what you would like to do later in life

- Students will receive video tapes of their summer experience with DC Tutors for Kids Passport to Work Youth Summer Program
- Visit the zoo and get behind the scenes tour

Writers Workshop – Short Stories and Poetry Weekly Schedule

Week One

- Assign student team to handle photographing and video taping different activities
- Students will receive an overview of the summer program rules and regulations, as well as the consequences that will result from breaking program rules
- Supplies will be disseminated to each student
- Students will prepare a written essay on what they want to get out of the workshop and verbally share their expectations with the counsellors and other students
- Students will write and execute contract with DC Tutors for Kids Passport to the program
- Students will learn about minority poets and writers
- Students will tour the Blue Ridge water treatment plant
- Students will write poem and/or short story about cleaning the Potomac and the water treatment facility

Week Two

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will write poetry and short stories about discuss driving safety rules
- Students will practice driving the go karts in the classroom as part of the reading, writing and math assignments
- Students will practice driving the go karts
- Guest speaker to discuss driver safety
- Students will visit the new museum about the news industry and write poems

Week Three

- Assign student team to handle photographing and video taping different activities
- Students will learn how to use desktop publishing software
- Students will learn about different writing styles
- Volunteer Friday - help plant trees or other event
- Talk by park rangers to keep parks clean and safe

Week Four

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will begin to design cover and layout design for poetry / short story book
- Students learn about self-publishing as an option for writers to get their work published
- Visit Walter Reed and talk to soldiers about their experience and how it has impacted their thoughts on what is happening today in Iraq
- Students will write poems and/or short stories that are based on their experiences at Walter Reed

Week Five

- Assign student team to handle photographing and video taping different activities
- Students will continue discussion on self publishing book and all the requirements and expenditures associated with this effort
- Guest speaker to talk about job opportunities for writers
- Visit Frederick Douglas House write about this famous African American and his contribution to the world
- Students will submit their poems and short stories to newspapers and magazines for publication

inclusion in the book students are preparing

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will select poems and short stories to include in book
- Lay out pages of the book
- Visit local Blacks in Wax Museum or Madam T. wax museum

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will practice on stage for their poetry reading event
- Tour local colleges and universities—UDC Howard PG George Washington
Students will prepare a college bound folder with the information they obtained during their tour

Week Eight

- Students edit and copy video tapes and photo album to be distributed to each student at the awards ceremony

be master of ceremonies

- Visit capitol, white house and monument

Week Nine

- Host the poetry reading where students will recite their poetry or read their short stories
- Student body will vote on best performance to be announced at awards ceremony
- Visit spy museum and have lunch in downtown restaurant
- Visit Emery playground and have lunch at Emery playground (Emery playground was out during war time at Emery playground)

Week Ten

- Host awards ceremony (get certificates and trophies and other awards)
- Did they like best about the different places they visited. Did this program influence what you would like to do later in life
- Students will receive video tapes of their summer experience with DC Tutors for Kids Passport to Work Youth Summer Program

Entrepreneurship and Student Run Business Weekly Schedule

Week One

- Assign student team to handle photographing and video taping different activities
- Students will receive an overview of the summer program rules and regulations, as well as the consequences that will result from breaking program rules
- Supplies will be disseminated to each student
- Students will prepare a written essay on what they want to get out of the workshop and verbally share their expectations with the counselor and other students
- Students will write and execute contract with DC Tutors for Kids Passport to the program
- Students lead discussion of their understanding of what it takes to run a business
- Students will discuss the water treatment plant
- Students will discuss from their perspective what it takes to run nonprofit that rely on volunteers versus a for profit and government sponsored entity that have paid staff

Week Two

- Assign student team to handle photographing and video taping different activities
- Students will learn about minority entrepreneur Madam C.J. Walker and inventor George Washington Carver
- Students will discuss manufacturing process versus hiring staff to assemble product in house
- Review different costs associated with business. fixed costs. variable costs. overhead, etc.
- Students discuss today's economy and how it may impact their business (including high gas prices, increased unemployment, why are so many companies moving their manufacturing companies to China, etc.)
- Students decide what items they want to manufacture
- Students will visit the American history museum and discuss similarities and differences in marketing strategies between today and earlier years

Week Three

- Assign student team to handle photographing and video taping different activities
- Guest speaker from the SBA
- Students will begin implementing business plan
- Will design packaging for their goods

- Visit a wholesaler to purchase the raw materials
- Volunteer Friday - help plant trees at a local venue
- Student will discuss running a forestry operation

Week Four

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will manufacture (assemble) their product
- Students will continue implementing their business plan
- Student will finalize marketing strategy
- Visit Walter Reed and talk to soldiers about their experience and how it has impacted their thoughts on what is happening today in Iraq
- What impact does war have on business

Week Five

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will implement their marketing strategy, including:
 - Opening a store (kiosk) at local mall
 - Selling items on line
 - Visiting with retailers to market their goods
- Visit Frederick Douglass House write about this famous African American and his contribution to the world
- Visit the Anacostia Museum and students will inquire about selling their good through the museum's gift shop

Week Six

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will continue implement their marketing strategy, including:
 - Staff store (kiosk) at local mall
 - Sell items on line
 - Visit with retailers to market their goods
- Visit Blacks in Wax Museum or Madam T. wax museum

Week Seven

- Assign student team to handle photographing and video taping different activities accomplished during the week
- Students will implement their marketing strategy, including:
 - Staff store (kiosk) at local mall
 - Sell items on line
 - Visit with retailers to market their goods
- Tour local colleges and universities - UDC, Howard, PG, George Washington
Students will prepare a college bound folder with the information they obtained during the tour

Week Eight

- Students edit and copy video tapes and photo album to be distributed to each student at the awards ceremony
- Implement marketing strategy:
 - Staff store (kiosk) at local mall
 - Sell items on line
 - Visit with retailers to market item students' manufactured
- Visit capital, white house and monument

Week Nine

- Implement marketing strategy:
 - Open store (kiosk) at local mall
 - Sell items on line
 - Visit retailers to market goods
- Students prepare financial statements
- Calculate their return on their investment
- Visit spy museum and have lunch in downtown restaurant
- Go to Emery playground and learn about the history in ward 4 (soldiers camping out during war time at Emery playground)

Week Ten

- Host awards ceremony (award certificates and trophies)
- = Students will write and discuss their experiences in this summer program. What did they like best about the different places they visited? Did this program influence what you would like to do with your life? Would you like to come back to DC Tutors for Kids Passport to Work Summer Program?
- Students will receive video tapes of their summer experience
- Visit the zoo and get behind the scene tour

Job Descriptions

Program Coordinator
Office Administrator
Accountant
Supervisors
Counselors
Counselors Aids
Reading Specialist
Math Specialist
Office Administrator

Program Coordinator

Responsibilities and Duties

- Conduct program orientation for staff in accordance with Junior Achievement using the JA Success Skills curriculum
- Conduct orientation and training for all staff members on administrative procedures and other relevant policies and guidelines
- Hire qualified staff (instructors to participant ratio of (1:25) and supervisor to participant of (1:20)
- Ensure staff have all required certifications and licensing to meet the requirements of the solicitation
- Obtain a fingerprint-based criminal background check prior to starting work, as mandated by the "Child and Youth, Safety and Health Omnibus Amendment Act of 2005. In accordance with Federal Bureau of Investigation policies and procedures and processed through the National Criminal Information Center
- Ensure staff have clean criminal records or conviction for child abuse or molestation, sexual abuse, or rape
- Provide orientation and training for all staff members with respect to administrative procedures, and other relevant policies, procedures
- Attends and participate in DOES program orientation
- Notifies COTR in writing 3 days in advance of any changes of key personnel, when possible
- Report unusual incidents by FAX or telephone immediately upon the occurrence of the incident to the COTR no later than 24-hours or the next business day of the incident and in writing within three (3) days after the incident occurred
- Prepare and submit a closeout report to the COTR on the progress of the entire program thirty (30) days after contract end date. The report shall identify at a minimum, program success stories, outstanding awards awarded to participants, academic achievements, performance outcomes, failures, barriers, and recommendations for improvements.

Office Administrator

Responsibilities and Duties

- Maintain accurate time and attendance records bi-weekly of program participants
- Submit payroll to the Contracting Officer's Technical Representative (COTR)

- Maintain an individual personnel file for each staff member. Files to include following documents:
 - Employment application
 - Personal and professional references
 - Applicable licenses
 - Credentials
 - Certificates
 - Resumes
 - Annual evaluations
 - Personnel actions including time records
 - Documents of all training received
 - Notation of any allegations of professional or other misconduct and actions with respect to the allegations, date and reason if terminated from employment.
- Ensure that all staff have the required certifications and licensing documents in file
- Make files available to COTR upon request
- Answer telephones
- Gather all student satisfaction surveys
- Prepare statistical performance data to include enrollment levels, completions, terminations with reasons for early terminations
- Prepare the monthly invoices in duplicate and submitted to the agency Chief Financial Officer (CFO) with concurrent copies to the Contracting Officer's Technical Representative (COTR), Yasha Williams, Director
- Other duties as assigned

Accountant

Description of duties and responsibilities

- Establish bookkeeping and accounting procedures
- Review and approve monthly invoices
- Monitor expenditures
- Liaison with DC financial office
- Maintain and supervise the checking accounts
- Supervise Office Administrator
- Review all financial accounting guidelines and requirements and ensure proper implementation
- Other duties as directed by DOES, COTR or Program Coordinator

Supervisor

Requirements

- Education: Bachelor's Degree
- Experience: Supervisory experience
- Licensing
- Certifications

Description of duties and responsibilities

- Implementation of lesson plans for academic work which have been prepared specifically for this program
- Responsible for behavior management of assigned students
- Maintains orderly classroom learning environment
- Keep attendance records
- Responsible for lunch duty
- Participate in field trips
- Utilize audiovisual equipment
- Mentor counselors' aides and students

Hours of Work 8:30 – 1:30 (14-15 year olds) 25 hours week for instructors
8:00 – 3:00 (16-18 year olds) 35 hours week for instructors

Performance evaluation criteria

- Punctuality and reliability (adhering to work schedule)
- Input from student survey
- Communications skills
- Implementation of curriculum
- Follow-thru with students, supervisors and others, as appropriate
- Teamwork
- Leadership skills
- Professionalism
- Personal dedication

Counselors' Aide

Requirements

Education: High School Diploma or GED

Experience: - Five years teaching experience
- Two years working as a special education teacher
- Working with people with special needs
- Experience working with persons of diverse cultural backgrounds
- Knowledge of the age-specific student needs in instruction
- Personal dedication and proven leadership skills

Licensing: None

Certifications: None

Description of duties and responsibilities

- Assist counselor in implementation of lesson plans
- Responsible for behavior management of assigned students
- Assist counselor in maintaining orderly classroom learning environment
- Responsible for lunch duty
- Participate in field trips
- Mentor students

Hours of Work 8:30 – 1:30 (14-15 year olds) 25 hours week for instructors

8:00 – 3:00 (16-18 year olds) 35 hours week for instructors

Performance evaluation criteria

- Punctuality and reliability (adhering to work schedule)
- Input from counselor
- Input from student survey
- Communications skills
- Follow-thru with counselors, students and others, as appropriate
- Teamwork
- Leadership skills
- Professionalism
- Personal dedication

Reading Specialist

Requirements

- Education: Master's Degree in Special Education (Reading Specialty)
- Experience:
- Five years teaching experience as a special education reading teacher
 - Experience working with persons of diverse cultural backgrounds
 - Personal dedication and proven leadership skills

Licensing:

- Certifications: Must have special education teaching certification (any state acceptable)

Description of duties and responsibilities

- Augment lesson plans to meet specific needs of students requiring addition academic support in reading
- Support classroom teacher in the implementation of lesson plans for reading assignments
- If needed, work one-on-one with students identified by counselor as needing individual help
- Mentor counselors' aides and students, as appropriate

Hours of Work 8:30 – 1:30 (14-15 year olds) 25 hours week for instructors

8:00 – 3:00 (16-18 year olds) 35 hours week for instructors

Performance evaluation criteria

- Punctuality and reliability (adhering to work schedule)
- Input from counselor and student surveys
- Communications skills
- Appropriateness of revised lesson plans
- Improvement in students reading and comprehension skills
- Follow-thru with students, supervisors and others, as appropriate
- Teamwork
- Leadership skills

- Professionalism
- Personal dedication

Math Specialist

Requirements

- Education: Master's Degree in Special Education (Math Specialty)
- Experience: - Five years teaching experience as a special education math teacher
 - Experience working with persons of diverse cultural backgrounds
 - Personal dedication and proven leadership skills
- Licensing:
 Certifications: Must have special education teaching certification (any state acceptable)

Description of duties and responsibilities

- Augment lesson plans to meet specific needs of students requiring addition academic support in math
- Support classroom counselor in the implementation of lesson plans for math assignments
- If needed, work one-on-one with students identified by counselor as needing individual help in math
- Mentor counselors, counselors' aides and students, as appropriate

Hours of Work 8:30 – 1:30 (14-15 year olds) 25 hours week for instructors
 8:00 – 3:00 (16-18 year olds) 35 hours week for instructors

Performance evaluation criteria

- Punctuality and reliability (adhering to work schedule)
- Input from counselor and student surveys
- Communications skills
- Appropriateness of revised lesson plans
- Improvement in students reading and comprehension skills
- Follow-thru with students, supervisors and others, as appropriate
- Teamwork
- Leadership skills
- Professionalism
- Personal dedication

DC Tutors for Kids Passport to Work Summer Youth Program Marketing Plan

The DC Tutors for Kids Passport to Work Summer Youth Program marketing plan's goal is to expand our reach citywide so that District of Columbia youth are aware of our summer program and have an opportunity to join in the fun at one of our three workshops—Entrepreneurship and Student Run Business, Go Kart Construction and Race and Writers Workshop – Short Stories and Poetry.

Existing and Past Clients

We will conduct a direct mailing campaign to current and past DC Tutors for Kids clients. Our clientele included at risk youth, students with disabilities and low income families.

Direct marketing to businesses and organizations

DC Tutors for Kids is committed to engage businesses and organizations that are industry related and committed to supporting our youth, for example The Washington Post, Boards Books, Target Stores, Junior Achievement, DC Parks and Recreation, and many others. We will provide informational flyers to these entities regarding our summer schedule for dissemination to their customers, clients and associates.

Other strategies

Contact public schools, charter schools and private schools to make them aware of our programs. Provide flyers that they can share with their students.

Post flyers in targeted communities to reach minority and at risk kids.

DC Children's Services Pastoral & Welfare Support Organization
Organization Chart

Program
Coordinator
Larissa Agnew

Office
Administration

Accountant

Supervisor

Supervisor

Supervisor

Supervisor
Reading Specialist

Supervisor

Supervisor
IT Specialist

Counselor
Reading
Specialist

Counselor

Counselor

Counselor

Counselor

Counselor's
Aide

Counselor's
Aide

Counselor's
Aide

Counselor
Aide

Counselor
Aide

R(a)(2)

**SECTION K: REPRESENTATIONS, CERTIFICATIONS AND OTHER
STATEMENTS OF OFFERORS**

K.1 AUTHORIZED NEGOTIATORS

The offeror represents that the following persons are authorized to negotiate on its behalf with the District in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators).

44 Lanetta Agnew, Project Coordinator 202-829-0490 office 202-368-
4400 cell

K.2 TYPE OF BUSINESS ORGANIZATION

K.2.1 The offeror, by checking the applicable box, represents that

(a) It operates as:

- a corporation incorporated under the laws of the State of: _____
 an individual,
 a partnership,
 a nonprofit organization, or
 a joint venture.

(b) If the offeror is a foreign entity, it operates as:

- an individual,
 a joint venture, or
 a corporation registered for business in _____
(Country)

**K.3 CERTIFICATION AS TO COMPLIANCE WITH EQUAL OPPORTUNITY
OBLIGATIONS**

Mayor's Order 85-85, "Compliance with Equal Opportunity Obligations in Contracts", dated June 10, 1985 and the Office of Human Rights' regulations, Chapter 11, "Equal Employment Opportunity Requirements in Contracts", promulgated August 15, 1986 (4 DCMR Chapter 11, 33 DCR 4952) are included as a part of this solicitation and require the following certification for contracts subject to the order. Failure to complete the certification may result in rejection of the offeror for a contract subject to the order. I hereby certify that I am fully aware of the content of the Mayor's Order 85-85 and the Office of Human Rights' regulations, Chapter 11, and agree to comply with them in performance of this contract.

Offeror DC Tutors for Kids Date 5/5/08
Name Lanetta D. Agnew Title Program Coordinator
Signature *Lanetta D. Agnew*

Offeror ___ has has not participated in a previous contract or subcontract subject to the Mayor's Order 85-85. Offeror has ___ has not filed all required compliance reports, and representations indicating submission of required reports signed by proposed subofferors.

(The above representations need not be submitted in connection with contracts or subcontracts which are exempt from the Mayor's Order.)

K.4 BUY AMERICAN CERTIFICATION

The offeror hereby certifies that each end product, except the end products listed below, is a domestic end product (See Clause 23 of the SCP, "Buy American Act"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

EXCLUDED END PRODUCTS
COUNTRY OF ORIGIN

K.5 DISTRICT EMPLOYEES NOT TO BENEFIT CERTIFICATION

Each offeror shall check one of the following:

No person listed in Clause 13 of the SCP, "District Employees Not To Benefit" will benefit from this contract.

_____ The following person(s) listed in Clause 13 may benefit from this contract. For each person listed, attach the affidavit required by Clause 13 of the SCP.

K.6 CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

(a) Each signature of the offeror is considered to be a certification by the signatory that:

(1) The prices in this contract have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any offeror or competitor relating to:

- (i) those prices
- (ii) the intention to submit a contract, or
- (iii) the methods or factors used to calculate the prices in the contract.

2) The prices in this contract have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before contract opening unless otherwise required by law; and

3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit a contract for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory;

1) Is the person in the offeror's organization responsible for determining the prices being offered in this contract, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

2) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above:

Lanetta D. Agnew

(insert full name of person(s) in the organization responsible for determining the prices offered in this Contract and the title of his or her position in the offeror's organization);

(i) As an authorized agent, does certify that the principals named in subdivision (b)(2) have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(ii) As an agent, has not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

K.7 TAX CERTIFICATION

Each offeror must submit with its offer, a sworn Tax Certification Affidavit, incorporated herein as Attachment J.2.3.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY BLANK

DC Tutors for Kids
4001 Marlboro Place, NW
Washington, DC 20011
Telephone: (202) 829-0490
Fax: (202) 829-0487

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY STATEMENT

DC Tutors for Kids SHALL NOT DISCRIMINATE AGAINST ANY EMPLOYEE OR APPLICANT FOR EMPLOYMENT BECAUSE OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS.

DC Tutors for Kids AGREES TO AFFIRMATIVE ACTION TO ENSURE THAT APPLICANTS ARE EMPLOYED, AND THAT EMPLOYEES ARE TREATED DURING EMPLOYMENT WITHOUT REGARD TO THEIR ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. THE AFFIRMATIVE ACTION SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: (A) EMPLOYMENT, UPGRADING, OR TRANSFER; (B) RECRUITMENT OR RECRUITMENT ADVERTISING; (C) DEMOTION, LAYOFF, OR TERMINATION; (D) RATES OF PAY, OR OTHER FORMS OR COMPENSATION; AND (E) SELECTION FOR TRAINING AND APPRENTICESHIP.

DC Tutors for Kids AGREES TO POST IN CONSPICUOUS PLACES THE PROVISIONS CONCERNING NON-DISCRIMINATION AND AFFIRMATIVE ACTION.

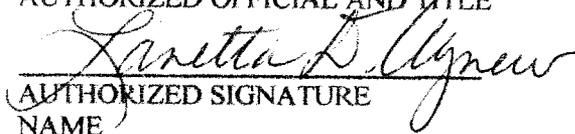
DC Tutors for Kids SHALL STATE THAT ALL QUALIFIED APPLICANTS WILL RECEIVE CONSIDERATION FOR EMPLOYMENT PURSUANT TO SUBSECTION 1103.2 THROUGH 1103.10 OF MAYOR'S ORDER 85-85; "EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS IN CONTRACTS."

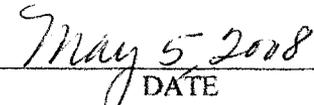
DC Tutors for Kids AGREES TO PERMIT ACCESS TO ALL BOOKS PERTAINING TO ITS EMPLOYMENT PRACTICES, AND TO REQUIRE EACH SUBCONTRACTOR TO PERMIT ACCESS TO BOOKS AND RECORDS.

DC Tutors for Kids AGREES TO COMPLY WITH ALL GUIDELINES FOR EQUAL EMPLOYMENT OPPORTUNITY APPLICABLE IN THE DISTRICT OF COLUMBIA.

DC Tutors for Kids SHALL INCLUDE IN EVERY SUBCONTRACT THE EQUAL OPPORTUNITY CLAUSES, SUBSECTION 1103.2 THROUGH 1103.10 SO THAT SUCH PROVISIONS SHALL BE BINDING UPON EACH SUBCONTRACTOR OR VENDOR.

Lanetta D. Agnew, Program Coordinator
AUTHORIZED OFFICIAL AND TITLE


AUTHORIZED SIGNATURE
NAME


DATE
DC Tutors for Kids
FIRM/ORGANIZATION

DC Tutors for Kids
4001 Marlboro Place, NW
Washington, DC 20011
Telephone: (202) 829-0490
Fax: (202) 829-0487

ASSURANCE OF COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

MAYOR'S ORDER 85-85, EFFECTIVE JUNE 10, 1985, AND THE RULES IMPLEMENTING MAYORS ORDER 85-85, 33 DCR 4952, (PUBLISHED AUGUST 15, 1986), "ON COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS IN DISTRICT GOVERNMENT CONTRACTS," ARE HEREBY INCLUDED AS PART OF THIS BID/PROPOSAL. THEREFORE, EACH BIDDER/OFFEROR SHALL INDICATE BELOW THEIR WRITTEN COMMITMENT TO ASSURE COMPLIANCE WITH MAYOR'S ORDER 85-85 AND THE IMPLEMENTING RULES. FAILURE TO COMPLY WITH THE SUBJECT MAYOR'S ORDER AND THE IMPLEMENTING RULES SHALL RESULT IN REJECTION OF THE RESPECTIVE BID/PROPOSAL.

I, LANETTA D. AGNEW, THE AUTHORIZED REPRESENTATIVE OF DC TUTOR'S FOR KIDS, HEREINAFTER REFERRED TO AS "THE CONTRACTOR," CERTIFY THAT THE CONTRACTOR IS FULLY AWARE OF ALL OF THE PROVISIONS OF MAYOR'S ORDER 85-85, EFFECTIVE JUNE 10, 1985, AND OF THE RULES IMPLEMENTING MAYOR'S ORDER 85-85, 33 DCR 4952. I FURTHER CERTIFY AND ASSURE THAT THE CONTRACTOR WILL FULLY COMPLY WITH ALL APPLICABLE PROVISIONS OF THE MAYOR'S ORDER AND IMPLEMENTING RULES IF AWARDED THE D.C. GOVERNMENT REFERENCED BY THE CONTRACT NUMBER ENTERED BELOW. FURTHER, THE CONTRACTOR ACKNOWLEDGES AND UNDERSTANDS THAT THE AWARD OF SAID CONTRACT AND ITS CONTINUATION ARE SPECIFICALLY CONDITIONED UPON THE CONTRACTOR'S COMPLIANCE WITH THE ABOVE-CITED ORDER AND RULES.

DC Tutors for Kids
CONTRACTOR

Lanetta D. Agnew
NAME

Lanetta D. Agnew
SIGNATURE

Program Coordinator
TITLE

CONTRACT NUMBER

May 5, 2008
DATE

EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER INFORMATION REPORT

GOVERNMENT OF THE DISTRICT OF COLUMBIA DC Office of Contracting and Procurement Employer Information Report (EEO)	Reply to: Office of Contracting and Procurement 441 4 th Street, NW, Suite 700 South Washington, DC 20001
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Instructions:
 Two (2) copies of DAS 84-404 or Federal Form EEO-1 shall be submitted to the Office of Contracting and Procurement.
 One copy shall be retained by the Contractor.

Section A - TYPE OF REPORT

1. Indicate by marking in the appropriate box the type of reporting unit for which this copy of the form is submitted (MARK ONLY ONE BOX)

- | | |
|---|--|
| Single Establishment Employer
(1) <input checked="" type="checkbox"/> Single-establishment Employer Report | Multi-establishment Employer:
(2) <input type="checkbox"/> Consolidated Report
(3) <input type="checkbox"/> Headquarters Report
(4) <input type="checkbox"/> Individual Establishment Report (submit one for each establishment with 25 or more employees)
(5) <input type="checkbox"/> Special Report |
|---|--|

1. Total number of reports being filed by this Company. 1

Section B - COMPANY IDENTIFICATION (To be answered by all employers)

OFFICIAL
USE
ONLY

1. Name of Company which owns or controls the establishment for which this report is filed

DC Tutors for Kids

a.

Address (Number and street)

4001 Marlboro Place NW

City or Town

Washington

Country

State

DC

Zip Code

20011

b.

b. Employer
Identification No.

2. Establishment for which this report is filed.

OFFICIAL
USE
ONLY

a. Name of establishment

DC Tutors for Kids

c.

Address (Number and street)

4001 Marlboro Pl. NW

City or Town

Washington

Country

State

DC

Zip Code

20011

d.

b. Employer Identification No.

3. Parent of affiliated Company

a. Name of parent or affiliated Company
N/A

b. Employer Identification No.

Address (Number and Street)

City or Town

Country

State

Zip Code

Section C - ESTABLISHMENT INFORMATION

1. Is the location of the establishment the same as that reported last year?

- Yes No Did not report last year Report on combined basis

2. Is the major business activity at this establishment the same as that reported last year?

- Yes No No report last year Reported on combined basis

OFFICIAL
USE
ONLY

2. What is the major activity of this establishment? (Be specific, i.e., manufacturing steel castings, retail grocer, wholesale plumbing supplies, title insurance, etc. Include the specific type of product or service provided, as well as the principal business or industrial activity.)

Tutoring

e.

3. MINORITY GROUP MEMBERS: Indicate if you are a minority business enterprise (50% owned or 51% controlled by minority members).

African American Female

Yes No

3
R(a)(6)

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT
CONTRACT COMPLIANCE DIVISION

SUBCONTRACT SUMMARY FORM

N/A

This SUMMARY form is to be completed by the PRIME contractor.

BID NO. _____ CCB NUMBER: _____ of _____ pages

* NOTE: The standard for minority subcontracting is 25% of the TOTAL contract dollar amount to be subcontracted.

AMOUNT OF PRIME CONTRACT: \$ _____
AMOUNT OF ALL SUBCONTRACTS: \$ _____ equals _____ % OF THE PRIME CONTRACT.

NAME OF PRIME CONTRACTOR: _____ ADDRESS: _____
TELEPHONE NO. _____
PROJECT NAME: _____ PROJECT DESCRIPTIONS: _____
ADDRESS: _____
WARD NO.: _____

SECTION II LIST ALL SUBCONTRACTORS THAT WILL BE UTILIZED ON THE ABOVE PROJECT

1. NAME OF SUBCONTRACTOR	2. ADDRESS	3. CONTACT PERSON	4. MBOC CERT. NO.	5. PHONE NO.	1. IS THIS A *MINORITY SUB? ____ YES ____ NO	2. TRADE OR BUSINESS PRODUCT THAT SUB WILL PROVIDE.	1. \$ AMOUNT OF SUBCONTRACT equals(=)	2. _____ % (percent) OF TOTAL PRIME CONTRACT.
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %
1. _____	2. _____	3. _____	4. _____	5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO	2. _____	1. \$ _____ equals(=)	2. _____ %

TOTAL DOLLAR AMOUNT SUBCONTRACTED TO *MINORITY BUSINESS ENTERPRISES. \$ _____

PERCENT OF PRIME CONTRACT. _____ %

District of Columbia Register
GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

SUBJECT: Compliance with Equal Opportunity Obligations in Contracts

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by Section 422 of the District of Columbia self-government and Government Reorganization Act of 1973 as amended, D.C. Code section 1-242 (1981-Ed.), it is hereby ORDERED that Commissioner's Order No. 73-51, dated February 28, 1973, is hereby rescinded and reissued in its entirety to read as follows:

1. **Establishment of Policy:** There is established a policy of the District of Columbia Government to:
 - (a) provide equal opportunity in employment for all persons with respect to any contract by and with the Government of the District of Columbia.
 - (b) prohibit discrimination in employment because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap;
 - (c) provide equal opportunity to all persons for participation in all District of Columbia Government contracts, including but not limited to lease agreements, Industrial Revenue Bond financing, and Urban Development Action grants;
 - (d) provide equal opportunity to minority business enterprises in the performance of District of Columbia Government contracts in accordance with Mayor's Orders, District of Columbia laws, and rules and regulations promulgated by the Minority Business Opportunity Commission; and
 - (e) promote the full realization of equal employment through affirmative, continuing programs by contractors and subcontractors in the performance of contracts with the District of Columbia Government.
2. **Delegation of Authority:** The Director of the Office of Human Rights (hereinafter "Director") is delegated the authority vested in the Mayor to implement the provisions of this order as set forth herein, and any rules, regulations, guidelines, and procedures adopted pursuant thereto.
3. **Responsibilities:** The Director of the Office of Human Rights shall be responsible for establishing and ensuring agency compliance with the policy set forth in this Order, any rules, regulations, and procedures that may be adopted by the Office of Human Rights pursuant to this Order, and any other equal opportunity provisions as may be added as a part of any contract.
4. **Powers and Duties:** The Director of the Office of Human Rights shall have the following powers and duties:
 - (a) to establish standards and procedures by which contractors and subcontractors who perform under District of Columbia Government contracts shall comply with the equal opportunity provisions of their contracts; to issue all orders, rules, regulations, guidelines, and procedures the Director may deem necessary and proper for carrying out and implementing the purposes of this Order;
 - (b) to assume equal opportunity compliance jurisdiction over any matter pending before a contracting agency where the Director considers it necessary or appropriate for the achievement of the purposes of

this Order, keep the contracting agency informed of all actions taken, and act through the contracting agency to the extent appropriate and practicable;

- (c) to examine the employment practices of any District of Columbia Government contractor or subcontractor, or initiate the examination by the appropriate contracting agency to determine whether or not the contractual provisions specified in any rules and regulations adopted pursuant to this Order have been violated, and notify the contracting agency of any action taken or recommended;
- (d) to monitor and evaluate all District of Columbia Government agencies, including those independent agencies and commissions not required to submit the Affirmative Action Programs of their contractors to the Office of Human Rights for approval, to ensure compliance with the equal opportunity obligations in contracts;
- (e) to use his or her best efforts to cause any labor union engaged in work under District of Columbia Government contracts, any referral, recruiting or training agency, or any other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate in and to comply with the implementation of the purposes of this Order;
- (f) to notify, when appropriate, the concerned contracting agencies, the Office of Federal Contract Compliance Programs, the U.S. Department of Justice, or other appropriate Federal, State, and District agencies, whenever the Director has reason to believe that practices of any contractor, labor organization, lending institution, insurance firm, or agency violate provisions of Federal, State, or District, laws;
- (g) to enter, where the determinations are made by Federal, State, or District agencies, into reciprocal agreements with those agencies to receive the appropriate information;
- (h) to hold hearings, public or private, as necessary to obtain compliance with any rules, regulations, and procedures promulgated pursuant to this Order, and to issue orders relating thereto. No order to terminate or cancel a contract, or to withhold from any contractor further District of Columbia Government contractors shall be issued without affording the contractor an opportunity for a hearing. Any order to terminate or cancel a contract or to withhold from any contractor further District of Columbia Government contracts shall be issued in accordance with rules, and regulations pursuant to the Administrative Procedure Act, as amended and;
- (i) to grant waivers from the minimum standards for the employment of minorities and women in Affirmative Action Programs in exceptional cases, as circumstances may warrant.

5. Duties of Contracting Agencies: Each contracting agency shall have the following duties:

- (a) the initial responsibility for ensuring that contractors and subcontractors are in compliance with any rules, regulations, and procedures promulgated pursuant to this Order;
- (b) to examine the employment practices of contractors and subcontractors in accordance with procedures established by the Office of Human Rights, and report any compliance action to the Director of the Office of Human Rights;
- (c) to comply with the terms of this Order and of the orders, rules, regulations, guidelines, and procedures of the Office of Human Rights issued pursuant thereto in discharging their responsibility for securing contract compliance; and
- (d) to secure compliance with any rules, regulations, and procedures promulgated pursuant to this Order before or after the execution of a contract by methods, of conference, conciliation and persuasion. No enforcement proceedings shall be initiated, nor shall a contract be cancelled or terminated in whole or in part, unless such methods have first been attempted.

6. Procedures: The procedures to be followed in implementing this Order shall be those set forth in

Orders, rules, regulations, and guidelines as may be promulgated by the Office of Human Rights.

7. Severability: If any section, subsection, sentence, clause, phrase, or portion of the provisions in this Order is for any reason declared by any court of competent jurisdiction to be invalid or unconstitutional, such section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this order.
8. Effective Date: This Order shall become effective immediately.

Signed by Marion Barry, Jr.
Mayor

ATTEST: Signed by Clifton B. Smith
Secretary of the District of Columbia

OFFICE OF HUMAN RIGHTS

NOTICE OF FINAL RULEMAKING

The Director of the Office of Human Rights hereby gives notice of the adoption of the following final rules governing standards and procedures for equal employment opportunity applicable to contractors and subcontractors under District of Columbia Government Contracts. Notice of Proposed Rulemaking was published for public comment in the D.C. Register on April 11, 1986 at 33 DCR 2243. Based on some the comments received and upon further review by the Office of Human Rights, minor revisions were made in the rules at the following subsections: 1104.1, 1104.2, 1104.4, 1104.13, 1104.17(e) (5), 1104.28, 1107.1, 1199.1, and at page 15 the definition of minority was written out in addition to citing its D.C. Code. None of the revisions change the intent of the proposed final rules. Final action to adopt these final rules was taken on August 4, 1986, and will be effective upon publication of this notice in the Register.

CHAPTER 11 EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS IN CONTRACTS

1100. PURPOSE

1100.1 These rules shall govern standards and procedures to be followed by contractors and subcontractors performing under District of Columbia Government contracts for goods and services, including construction contracts, for the purpose of assuring equal employment opportunity for minorities and women.

1100.2 These rules establish requirements for contractors and subcontractors regarding their commitment to observe specific standards for the employment of minorities and women and to achieve affirmative action obligations under District of Columbia contracts. These rules are not intended nor shall be used to discriminate against any qualified applicant for employment or employee.

1101 SCOPE

1101.1 Except as hereinafter exempted, the provisions of this chapter shall apply to all District of Columbia Government contracts subject to Mayor's Order No. 85-85, and any rules, regulations, and procedures promulgated pursuant to that Mayor's Order.

1102 COVERAGE

1102.1 The provisions of this chapter shall govern the processing of any matter before the Office Human Rights involving the following:

- (a) Discrimination in employment on grounds of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap by any District of Columbia Government contractor; and
- (b) Achievement of affirmative action obligations under District of Columbia contracts.

1103 CONTRACT PROVISIONS

1103.1 Each contract for goods and services, including construction contracts, except construction subcontracts for standard commercial supplies or raw materials, shall include as express contractual provisions the language contained in subsections 1103.2 through 1103.10.

1103.2 The contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap.

1103.3 The contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap. The affirmative action shall include, but not be limited to the following:

- (a) Employment, upgrading, or transfer;
- (b) Recruitment or recruitment advertising;
- (c) Demotion, layoff, or termination;
- (d) Rates of pay, or other forms of compensation; and
- (e) Selection for training and apprenticeship.

1103.4 The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Agency, setting forth the provisions in subsections 1103.2 and 1103.3 concerning non-discrimination and affirmative action.

1103.5 The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment pursuant to the non-discrimination requirements set forth in subsection 1103.2

1103.6 The contractor agrees to send to each labor union or representative of workers with which it has a collective bargaining agreement, or other contract or understanding, a notice to be provided by the Contracting Agency, advising each labor union or workers' representative of the contractor's commitments under this chapter, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

1103.7 The contractor agrees to permit access to all books, records, and accounts, pertaining to its employment practices, by the Director and the Contracting Agency for purposes of investigation to ascertain compliance with this chapter, and to require under terms of any subcontractor agreement each subcontractor to permit access of such subcontractors, books, records, and accounts for such purposes.

1103.8 The contractor agrees to comply with the provisions of this chapter and with all guidelines for equal employment opportunity applicable in the District of Columbia adopted by the Director, or any authorized official.

1103.9 The prime contractor shall include in every subcontract the equal opportunity clauses, subsections 1103.2 through 1103.10 of this section, so that such provisions shall be binding upon each subcontractor or vendor.

1103.10 The prime contractor shall take such action with respect to any subcontractor as the Contracting Officer may direct as a means of enforcing these provisions, including sanctions for non-compliance; provided, however, that in the event the prime contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the prime contractor may request the District to enter into such litigation to protect the interest of the District.

1104 AFFIRMATIVE ACTION PROGRAM

1104.1 Each apparent low bidder for a construction contract shall complete and submit to the Contracting Agency, prior to the execution of any contract in the amount of twenty-five thousand dollars (\$25,000) or more, and each contractor covered under subsection 1105.1, an Affirmative Action Program to ensure equal opportunity which shall include specific standards for the utilization of minorities and women in the trades, crafts and skills to be used by the contractor in the performance of the contract.

- 1104.2 Each apparent low bidder or offeror for a non-construction contract shall complete and submit to the Contracting Agency, prior to the execution of any contract in the amount of ten thousand dollars (\$10,000) or more, and each contractor covered under subsection 1105.2, an Affirmative Action Program to ensure equal opportunity which shall include specific standards for the utilization of minorities in the job categories specified in subsection 1108.4.
- 1104.3 To ensure equal opportunity each Affirmative Action Program shall include the following commitments:
- (a) With respect to construction contracts, each contractor shall certify that it will comply with the provisions of this chapter, and submit a personnel utilization schedule for all the trades the contractor is to utilize, indicating the actual numbers of minority and female workers that are expected to be a part of the workforce performing under the contract; and
 - (b) With respect to non-construction contracts, each contractor shall certify that it will comply with the provisions of this chapter, and shall submit a personnel utilization schedule indicating by craft and skill, the minority composition of the workforce related to the performance of the work under the contract. The schedule shall include all workers located in the facility from which the goods and services are produced and shall include the same information for other facilities which have a significant relationship to the performance of work under the contract.
- 1104.4 If the experience of the contractor with any local union from which it will secure employees indicates that the union will not refer sufficient minorities or women to meet minority or female employment commitments, the contractor shall, not less than ten (10) days prior to the employment of any person on the project subject to the jurisdiction of that local union, do the following:
- (a) Notify the District of Columbia Department of Employment Services and at least two (2) minority and two (2) female referral organizations of the contractor's personnel needs, and request referral of minority and female workers; and
 - (b) Notify any minority and female workers who have been listed with the contractors as awaiting vacancies.
- 1104.5 If, within five (5) working days prior to commencement of work, the contractor determines that the Department of Employment Services or the minority or female referral organizations are unable to refer sufficient minorities or women to meet its commitments, the contractor may take steps to hire, by referral or otherwise, from the local union membership to fill the remaining job openings, provided that it notifies the local union of its personnel needs and of its employment commitments. Evidence of the notification shall be provided to the Contracting Agency.
- 1104.6 The contractor shall have standing requests for additional referrals of minority and female workers with the local union, the Department of Employment Services, and the other referral sources, until such time as the contractor has met its minority and female employment commitments.
- 1104.7 If the contractor desires to lay off some of its employees in a given trade on a construction site, it shall ensure that the required number of minority and female employees remain on the site to meet the minority and female commitments.
- 1104.8 No contractor shall refuse employment to any individual who has minimal facility to speak English except where the contractor can demonstrate that the facility to speak English is necessary for the performance of the job.

- 1104.9 No union with which the contractor has a collective bargaining agreement shall refuse to refer minority and female employees to such contractor.
- 1104.10 To the extent that contractors have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their equal opportunity obligations, those contractors shall not be considered to be in compliance with this chapter.
- 1104.11 The obligations of the contractor shall not be reduced, modified, or subject to any provision in any collective bargaining agreement with labor organization which provides that the labor organizations shall have the exclusive or primary opportunity to refer employees.
- 1104.12 When any contractor employs a minority person or woman in order to comply with this chapter, those persons shall be advised of their right to seek union membership, the contractor shall provide whatever assistance may be appropriate to enable that person to obtain membership, and the contractor shall notify the appropriate union of that person's employment.
- 1104.13 The contractor shall not discharge, refuse to employ, or otherwise adversely affect any minority person or woman because of any provision in any collective bargaining agreement, or any understanding, written or oral that the contractor may have with any labor organization.
- 1104.14 If at any time, because of lack of cooperation or overt conduct, a labor organization impedes or interferes with the contractor's Affirmative Action Program, the contractor shall notify the Contracting Agency and the Director immediately, setting forth the relevant circumstances.
- 1104.15 In any proceeding involving a disagreement between a labor organization and the contractor over the implementation of the contractor's Affirmative Action Program, the Contracting Agency and the Office of Human Rights may become a party to the proceeding.
- 1104.16 In determining whether or not a contractor is utilizing minorities and females pursuant to Section 1108, consideration shall be given to the following factors:
- (a) The proportion of minorities and women employed in the trades and as laborers in the construction industry within the District of Columbia;
 - (b) The proportion of minorities and women employed in the crafts or as operatives in non-construction industries within the District of Columbia;
 - (c) The number and ratio of unemployed minorities and women to total unemployment in the District of Columbia;
 - (d) The availability of qualified and qualifiable minorities and women for employment in any comparable line of work, including where they are now working and how they may be brought into the contractor's workforce;
 - (e) The effectiveness of existing training programs in the area, including the number who complete training, the length and extent of training, employer experience with trainees, and the need for additional or expanded training programs; and
 - (f) The number of additional workers that could be absorbed into each trade or line of work without displacing present employees, including consideration of present employee shortages, projected growth of the trade or line of work, and projected employee turnover.
- 1104.17 The contractor's commitment to specific standards for the utilization of minorities and females as required under this chapter shall include a commitment to make every good faith effort to meet

those standards. If the contractor has failed to meet the standards, a determination of "good faith" shall be based upon the contractor's documented equal opportunity efforts to broaden its equal employment program which shall include, but may not necessarily be limited to, the following requirements:

- (a) The contractor shall notify the community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' responses;
- (b) The contractor shall maintain a file of the names and addresses of each minority and female worker referred to it and what action was taken with respect to each referred worker. If that worker was not sent to the union hiring hall for referral or if the worker was not employed by the contractor, the contractor's file shall be documented and the reasons therefore;
- (c) The contractor shall notify the Contracting Agency and the Director when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority or female worker originally sent to the union by the contractor for union registration, or the contractor has other information that the union referral process has impeded the contractor's efforts to meet its goals;
- (d) The contractor shall participate in training programs related to its personnel needs;
- (e) The contractor shall disseminate its EEO policy internally by doing the following:
 - (1) Including it in any organizational manual;
 - (2) Publicizing it in company newspapers, annual report, etc.;
 - (3) Conducting staff, employee, and union representatives meetings to explain and discuss the policy;
 - (4) Posting; and
 - (5) Reviewing the policy with minority and female employees.
- (f) The contractor shall disseminate its EEO policy externally by doing the following:
 - (1) Informing and discussing it with all recruitment sources;
 - (2) Advertising in news media, specifically including news media directed to minorities and women;
 - (3) Notifying and discussing it with all known minority and women's organizations; and
 - (4) Notifying and discussing it with all subcontractors and suppliers.

1104.18 The contractor shall make specific recruitment efforts, both written and oral, directed at all minority and women's training organizations within the contractor's recruitment area.

1104.19 The contractor shall encourage present employees to assist in the recruitment of minorities and women for employment.

1104.20 The contractor shall validate all qualifications, selection requirements, and tests in accordance with the guidelines of the Equal Employment Opportunity Commission.

- 1104.21 The contractor shall make good faith efforts to provide after school, summer and vacation employment to minority youths and young women.
- 1104.22 The contractor shall develop on-the-job training opportunities, and participate and assist in any association or employer group training programs relevant to the contractor's employee needs.
- 1104.23 The contractor shall continually inventory and evaluate all minority and female personnel for promotion opportunities.
- 1104.24 The contractor shall make sure that seniority practices, job classifications, qualifications, etc. do not have a discriminatory effect on minorities and women.
- 1104.25 The contractor shall make certain that all facilities and company activities are nonsegregated.
- 1104.26 The contractor shall continually monitor all personnel activities to ensure that its EEO policy is being carried out.
- 1104.27 The contractor may utilize minority banking facilities as depositories for funds which may be involved, directly or indirectly, in the performance of the contract.
- 1104.28 The contractor shall employ minority and female workers without respect to union membership in sufficient numbers to meet the minority and female employment standards, if the experience of the contractor with any labor union from which it will secure employees does not indicate that it will refer sufficient minorities and females to meet its minority and female employment standards.
- 1104.29 The contractor shall ensure that all of its employees as well as those of its subcontractors are made knowledgeable about the contractor's equal opportunity policy.
- 1104.30 [Reserved]
- 1104.31 Each contractor shall include in all bid invitations or other pre-bid communications, written or otherwise, with respect to prospective subcontractors, the standards, as applicable, which are required under this chapter.
- 1104.32 Whenever a contractor subcontracts a portion of the work in any trade, craft or skill it shall include in the subcontract, its commitment made under this chapter, as applicable, which shall be adopted by its subcontractors who shall be bound thereby and by the regulations of this chapter to the full extent as if it were the prime contractor.
- 1104.33 The prime contractor shall give notice to the Director and the Contracting Agency of any refusal or failure of any subcontractor to fulfill its obligations under this chapter.
- 1104.34 Failure of compliance by any subcontractor shall be treated in the same manner as a failure by the prime contractor.
- 1105 EXEMPTIONS
- 1105.1 Prospective construction contractors shall be exempt from submitting Affirmative Action Programs for contracts amounting to less than twenty-five thousand dollars (\$25,000); provided, that when a construction contractor accumulates contracts amounting to twenty-five thousand dollars (\$25,000) or more within a period of twelve (12) months that contractor shall be required to submit an Affirmative Action Program for each contract executed thereafter.
- 1105.2 Prospective non-construction contractors shall be exempt from submitting Affirmative Action Programs for contracts amounting to less than ten thousand dollars (\$10,000); provided, that when

a non-construction contractor accumulates contracts amounting to ten thousand dollars (\$10,00) or more during a period of twelve (12) months that contractor shall be required to submit an Affirmative Action Program for each contract executed thereafter.

1106 NONRESPONSIBLE CONTRACTORS

1106.1 If a bidder or offeror fails either to submit a complete and satisfactory Affirmative Action Program or to submit a revised Affirmative Action Program that meets the approval of the Director, as required pursuant to this chapter, the Director may direct the Contracting Officer to declare the bidder or offeror to be nonresponsible and ineligible for award of the contract.

1106.2 Any untimely submission of an Affirmative Action Program may, upon order of the Director, be rejected by the Contracting Officer.

1106.3 In no case shall there be any negotiation over the provision of specific utilization standards submitted by the bidder or offeror after the opening of bids or receipt of offer and prior to award.

1106.4 If any directive or order relating to nonresponsibility is issued under this section, the Director shall afford the bidder or offeror a reasonable opportunity to be heard in opposition to such action in accordance with subsection 1118.1, or in support of a request for waiver under section 1109.

1107 NOTICE OF COMPLIANCE

1107.1 Each Contracting Agency shall include, or require the contract bidder or offeror to include, in the invitation for bids or other solicitation used for a D.C. Government-involved contract, a notice stating that to be eligible for consideration, each bidder or offeror shall be required to comply with the provisions of this chapter for the trades, crafts and skills to be used during the term of the performance of the contract whether or not the work is subcontracted.

1108 MINIMUM STANDARDS FOR MINORITY AND FEMALE EMPLOYMENT

1108.1 The minimum standards for the utilization of minorities in the District of Columbia Government construction contracts shall be forty-two percent (42%) in each trade for each project, and an aggregate workforce standard of six and nine-tenths percent (6.9%) for females in each project. Any changes in Federal standards pertaining to minority group and female employment in Federally-involved construction contracts shall be taken into consideration in any review of these requirements.

1108.2 The construction contractor's standards established in accordance with subsection 1108.1 shall express the contractor's commitment of the forty-two percent (42%) of minority personnel who will be working in each specified trade on each of the contractor's District of Columbia Government projects, and the aggregate standard of six and nine-tenths percent (6.9%) for the employment of females in each District of Columbia Government contract.

1108.3 The hours for minority and female workers shall be substantially uniform throughout the entire length of the construction contract for each trade used, to the effect that the same percentage of minority workers in the trades used shall be working throughout the length of work in each trade on each project, and the aggregate percentage in each project for females.

1108.4 The minimum standard for the utilization of minorities in non-construction contracts shall be twenty-five percent (25%) in each of the following nine (9) job categories:

- (a) Officials and managers;
- (b) Professionals;

- (c) Technicians;
- (d) Sales workers;
- (e) Office and clerical workers;
- (f) Craftpersons (Skilled);
- (g) Operative (Semi-skilled);
- (h) Laborers (Unskilled); and
- (i) Service workers.

1108.5 With respect to non-construction contracts the contractor's standards established in accordance with subsection 1108.4 shall express the contractor's commitment of the twenty-five percent (25%) of minority personnel who will be working in each specified craft or skill in each contract.

1109 WAIVERS

1109.1 The Director may grant a waiver to a prospective contractor from the requirement to submit a set of minimum standards for the employment of minorities and women in a particular contract, if before the execution of the contract and approval of the Affirmative Action Program, the contractor can document and otherwise prove it is unable to meet the standards in the performance of the contract.

1110 SOLICITATION OF CONTRACT

1110.1 Each solicitation for contract covered by section 1104 shall contain a statement that contractors shall comply with the minimum standards established pursuant to these rules for ensuring equal opportunity.

1110.2 The contract solicitation shall require that each bidder or offeror certify that it intends to meet the applicable minimum standards in section 1108 in order to be considered for the contract.

1111 PRIOR TO EXECUTION OF CONTRACT

1111.1 Upon being designated the apparent low bidder or offeror, that contractor shall submit a detailed Affirmative Action Program that sets forth the following:

- (1) The composition of its current total workforce; and
- (2) The composition of the workforce by race, color, national origin, and sex to be used in the performance of the contract and that of all known subcontractors that will be utilized to perform the contract.

1111.2 The apparent low bidder or offeror shall submit an Affirmative Action Program in accordance with section 1104 describing the actions it will take to ensure compliance with this chapter which shall be subject, prior to the execution of any contract, to the approval of the Director.

1111.3 If the Office of Human Rights does not act within ten (10) working days after the receipt of the Affirmative Action Program sent for approval, the Contracting Agency may proceed on its own determination to execute the contract.

1111.4 The apparent low bidder or offeror shall submit an Affirmative Action Program within a period of time to specified by each Contracting Agency, but which shall not exceed ten (10) working days after becoming the apparent contractor.

1111.5 The apparent low bidder or offeror shall furnish all information and reports to the Contracting Agency as required by this chapter, and shall permit access to all books or records pertaining to its employment practices or worksites.

1111.6 No contract subject to section 1104 shall be executed by the Contracting Agency, if the apparent low bidder or offeror does not submit an Affirmative Action Program, or if the Program has been disapproved in writing by the Director.

1111.7 If there is disagreement between the contractor and the Contracting Officer as to the adequacy of the Affirmative Action Program, the matter shall be referred to the Director for a decision.

1112 AFTER EXECUTION OF CONTRACT

1112.1 Each contractor shall maintain throughout the term of the contract the minimum standards for the employment of minorities and women, as set forth in the approved Affirmative Action Program.

1112.2 Each contractor shall require that each subcontractor, or vendor under the contract comply with the provision of the contract and the Affirmative Action Program.

1112.3 Each contractor shall furnish all information as required by this chapter, and permit access to all books and records pertaining to the contractor's employment practices and work sites by the Director and the Contracting Agency for purposes of investigation to ascertain compliance with this chapter.

1113 MONITORING AND EVALUATION

1113.1 The Director shall, from time to time, monitor and evaluate all District of Columbia Government agencies, including those independent agencies and commissions not required to submit the Affirmative Action Program of their contractors, to ensure compliance with the equal opportunity obligations in contracts, as provided for in this chapter.

1114 AFFIRMATIVE ACTION TRAINING PROGRAM

1114.1 Each contractor, in fulfilling its affirmative action responsibilities under a contract with the District of Columbia Government, shall be required to have, as part of its Affirmative Action Program, an existing training program for the purpose of training, upgrading, and promotion of minority and female employees or to utilize existing programs. Those programs shall include, but not be limited to, the following:

- (a) To be consistent with its personnel requirements, the contractor shall make full use of the applicable training programs, including apprenticeship, on-the job training, and skill refinement training for journeymen. Recruitment for the program shall be designed to provide for appropriate participation by minority group members and women;
- (b) The contractor may utilize a company-operated skill refinement training program. This program shall be formal and shall be responsive to the work to be performed under the contract;
- (c) The contractor may utilize formal private training institutions that have as their objective training and skill refinement appropriate to the classification of the workers employed. When training is provided by a private organization the following information shall be supplied:

- (1) The name of the organization;
- (2) The name, address, social security number, and classification of the initial employees and any subsequent employees chosen during the course of the contract; and
- (3) The identity of the trades, and crafts or skills involved in the training.

1114.2 If the contractor relies, in whole or in part, upon unions as a source of its workforce, the contractor shall use its best efforts, in cooperation with unions, to develop joint training programs aimed toward qualifying more minorities and females for membership in the union, and increasing the skills of minority and female employees so that they may qualify for higher paying employment.

1114.3 Approval of training programs by the Contracting Agency shall be predicated, among other things, upon the quality of training, numbers of trainees and trades, crafts or skills involved, and whether the training is responsive to the policies of the District of Columbia and the needs of the minority and female community. Minority and female applicants for apprenticeship or training should be selected in sufficient numbers as to ensure an acceptable level of participation sufficient to overcome the effects of past discrimination.

1115 COMPLIANCE REVIEW

1115.1 The Director and the Contracting Agency shall review the contractor's employment practices during the performance of the Contract. Routine or special reviews of contractors shall be conducted by the Contracting Agency or the Director in order to ascertain the extent to which the policy of Mayor's Order No. 85-85, and the requirements in this chapter are being implemented and to furnish information that may be useful to the Director and the Contracting Agency in carrying out their functions under this chapter.

1115.2 A routine compliance review shall consist of a general review of the practices of the contractor to ascertain compliance with the requirements of this chapter, and shall be considered a normal part of contract administration.

1115.3 A special compliance review shall consist of a comprehensive review of the employment practices of the contractor with respect to the requirements of this chapter, and shall be conducted when warranted.

1116 ENFORCEMENT

1116.1 If the contractor does not comply with the equal opportunity clauses in a particular contract, including subsections 1103.2 through 1103.10 of this chapter, that contract may be cancelled in whole or in part, and the contractor may be declared by the Director or the Contracting Officer to be ineligible for further District of Columbia Government Contracts subject to applicable laws and regulations governing debarment.

1116.2 If the contractor meets its goals or if the contractor can demonstrate that it has made every good faith effort to meet those goals, the contractor will be presumed to be in compliance with this chapter, and no formal sanction shall be instituted unless the Director otherwise determines that the contractor is not providing equal employment opportunity.

1116.3 When the Director proceeds with a formal hearing she or he has the burden of proving that the contractor has not met the requirements of this chapter, but the contractor's failure to meet its goals shall shift to it the requirement to come forward with evidence to show that it has met the good faith requirements of this chapter.

1117 COMPLAINTS

1117.1 The Director may initiate investigations of individual instances and patterns of discriminatory conduct, initiate complaints thereupon and keep the Contracting Agency informed of those actions.

1117.2 If the investigation indicates the existence of an apparent violation of the non-discrimination provisions of the contract required under section 1103 of this chapter the matter may be resolved by the methods of conference, conciliation, mediation, or persuasion.

1117.3 If an apparent violation of the non-discrimination provisions of the contract required under section 1103 of this chapter is not resolved by methods of conference, conciliation, mediation, or persuasion, the Director of the Contracting Officer may issue a notice requiring the contractor in question to show cause, within thirty (30) days, why enforcement proceedings or other appropriate action should not be initiated.

1117.4 Any employee of any District of Columbia Government contractor or applicant for employment who believes himself or herself to be aggrieved may, in person or by an authorized representative, file in writing, a complaint of alleged discrimination with the Director.

1118 HEARINGS

1118.1 In the event that a dispute arises between a bidder, offeror or prospective contractor and the Director or the Contracting Officer as to whether the proposed program of affirmative action for providing equal employment opportunity submitting by such bidder, offeror or prospective contractor complies with the requirements of this chapter and cannot be resolved by the methods of conference, conciliation, mediation, or persuasion, the bidder, offeror or prospective contractor in question shall be afforded the opportunity for a hearing before the Director.

1118.2 If a case in which an investigation by the Director or the Contracting Agency has shown the existence of an apparent violation of the non-discrimination provisions of the contract required under section 1103 is not resolved by the methods specified in subsection 1117.2, the Director may issue a notice requiring the contractor in question to show cause, within thirty (30) days, why enforcement proceedings or other appropriate action should not be initiated. The contractor in question shall also be afforded the opportunity for a hearing before the Director.

1118.3 The Director may hold a hearing on any complaint or violation under this chapter, and make determinations based on the facts brought before the hearing.

1118.4 Whenever the Director holds a hearing it is to be held pursuant to the Human Rights Act of 1977, a notice of thirty (30) working days for the hearing shall be given by registered mail, return receipt requested, to the contractor in question. The notice shall include the following:

- (a) A convenient time and place of hearing;
- (b) A statement of the provisions in this chapter or any other laws or regulations pursuant to which the hearing is to be held; and
- (c) A concise statement of the matters to be brought before the hearing.

1118.5 All hearings shall be open to the public and shall be conducted in accordance with rules, regulations, and procedures promulgated pursuant to the Human Rights Act of 1977.

1119 SANCTIONS

- 1119.1 The Director, upon finding that a contractor has failed to comply with the non-discrimination provisions of the contract required under section 1103, or has failed to make a good faith effort to achieve the utilization standards under an approved Affirmative Action Program, may impose sanctions contained in this section in addition to any sanction or remedies as may be imposed or invoked under the Human Rights Act of 1977.
- 1119.2 Sanctions imposed by the Director may include the following:
- (a) Order that the contractor be declared ineligible from consideration for award of District of Columbia Government contracts or subcontracts until such time as the Director may be satisfied that the contractor has established and will maintain equal opportunity policies in compliance with this chapter; and
 - (b) Direct each Contracting Officer administering any existing contract to cancel, terminate, or suspend the contract or any portion thereof, and to deny any extension, modification, or change, unless the contractor provides a program of future compliance satisfactory to the Director.
- 1119.3 Any sanction imposed under this chapter may be rescinded or modified upon reconsideration by the Director.
- 1119.4 An appeal of any sanction imposed by order of the Director under this chapter may be taken pursuant to applicable clauses of the affected contract or provisions of law and regulations governing District of Columbia Government contracts.
- 1120 NOTIFICATIONS
- 1120.1 The Director shall forward in writing notice of his or her findings of any violations of this chapter to the Contracting Officer for appropriate action under the contract.
- 1120.2 Whenever it appears that the holder of or an applicant for a permit, license or franchise issued by any agency or authority of the Government of the District of Columbia is a person determined to be in violation of this chapter the Director may, at any time he or she deems that action the Director may take or may have taken under the authority of this chapter, refer to the proper licensing agency or authority the facts and identities of all persons involved in the violation for such action as the agency or authority, in its judgement, considers appropriate based upon the facts thus disclosed to it.
- 1120.3 The Director may publish, or cause to be published, the names of contractors or unions which have been determined to have complied or have failed to comply with the provisions of the rules in this chapter.
- 1121 DISTRICT ASSISTED PROGRAMS
- 1121.1 Each agency which administers a program involving leasing of District of Columbia Government owned or controlled real property, or the financing of construction under industrial revenue bonds or urban development action grants, shall require as a condition for the approval of any agreement for leasing, bond issuance, or development action grant, that the applicant undertake and agree to incorporate, or cause to be incorporated into all construction contracts relating to or assisted by such agreements, the contract provisions prescribed for District of Columbia Government contracts by section 1103, preserving in substance the contractor's obligation under those provision.
- 1199 DEFINITIONS

1199.1

The following words and phrases set forth in this section, when used in this chapter, shall have the following meanings ascribed:

Contract – any binding legal relationship between the District of Columbia and a contractor for supplies or services, including but not limited to any District of Columbia Government or District of Columbia Government assisted construction or project, lease agreements, Industrial Revenue Bond financing, and Urban Development Action grant, or for the lease of District of Columbia property in which the parties, respectively, do not stand in the relationship of employer and employee.

Contracting Agency – any department, agency, or establishment of the District of Columbia which is authorized to enter into contracts.

Contracting Officer – any official of a contracting agency who is vested with the authority to execute contracts on behalf of said agency.

Contractor – any prime contractor holding a contract with the District of Columbia Government. The term shall also refer to subcontractors when the context so indicates.

Director – the Director of the Office of Human Rights, or his or her designee.

Dispute – any protest received from a bidder or prospective contractor relating to the effectiveness of his or her proposed program of affirmative action for providing equal opportunity.

Minority – Black Americans, Native Americans, Asian Americans, Pacific Islander Americans, and Hispanic Americans. In accordance with D.C. Code, Section 1-1142(1) (Supp. 1985).

Subcontract – any agreement made or executed by a prime contractor or a subcontractor where a material part of the supplies or services, including construction, covered by an agreement is being obtained for us in the performance of a contract subject to Mayor's Order No. 85-85, and any rules, regulations, and procedures issued pursuant thereto.

Subcontractor – any contractor holding a contract with a District prime contractor calling for supplies or services, including construction, required for the performance of a contract subject to Mayor's Order No. 85-85, and any rules, regulations, and procedures promulgated pursuant thereto.