Updated July 10, 2025

To: Prospective Bidders/Vendors/Grant Recipients

RE: Equal Employment Plan, Living Wage Ordinance, and Drug Testing Policy

FROM: Anna Lamberti Holmes, Assistant City Attorney/Contract Compliance Officer

## **EQUAL EMPLOYMENT OPPORTUNITY:**

The City is implementing a temporary contract compliance process that covers specifically what long-standing federal law protects: (1) nondiscrimination of protected classes; (2) anti-harassment; (3) grievance processes for discrimination and harassment; and (4) prohibition of retaliation. The following contract compliance process will be used to satisfy the requirements in BMC §2.23.180 until such a time that the Common Council of the City of Bloomington considers new code regulations concerning contracting with the City.

All bidders, quoters, vendors, and grant recipients with the City of Bloomington for projects in excess of \$10,000.00 must certify their compliance with the city's contract requirements by submitting the attached affidavit prior to submitting a bid. The legal department will provide a letter acknowledging receipt of the affidavit and provide a date for an annual review of the certification. You must include this acknowledgment letter with your bid submission.

The attached contract compliance affidavit *replaces* the previously required AAP and workforce breakdown form and must be on file in the legal department.

**LIVING WAGE**: Contractors that are considered "covered employers" under City Ordinance 2.28, otherwise known as the "Living Wage Ordinance" or "LWO," are required to pay their covered employees at least a living wage. Currently, the living wage is \$16.22 per hour for covered employees. Up to 15% of that amount, or \$2.43, may be in the form of the covered employer's contribution to health insurance available to the covered employee.

If the City determines the successful bidder is a covered employer under the LWO, Contractor shall execute the Living Wage Ordinance Affidavit; shall abide by the LWO by paying their employees a living wage and providing the City with information requested in the course of enforcing the LWO; and shall post the Living Wage Poster, provided on the last page of this packet, in areas frequented by their covered employees.

The attached flow chart provides guidance on whether the contractor is a "covered employer."

<u>DRUG TEST POLICY</u>: Finally, please be aware that if you are submitting a bid for a public works project with an estimated cost of \$150,000.00 or more, you will need to submit your company's written drug testing plan with your bid. Your plan must comply with I.C. §4-13-18 *et seq*. Failure to do so may make you ineligible to be awarded a bid or contract. Please see your bid packet for more details.

If you have any questions, contact the City's Legal Department at 812.349.3426 or email the City at legal@bloomington.in.gov. The office hours are Monday through Friday, 8-5.

## CONTRACT COMPLIANCE AFFIDAVIT

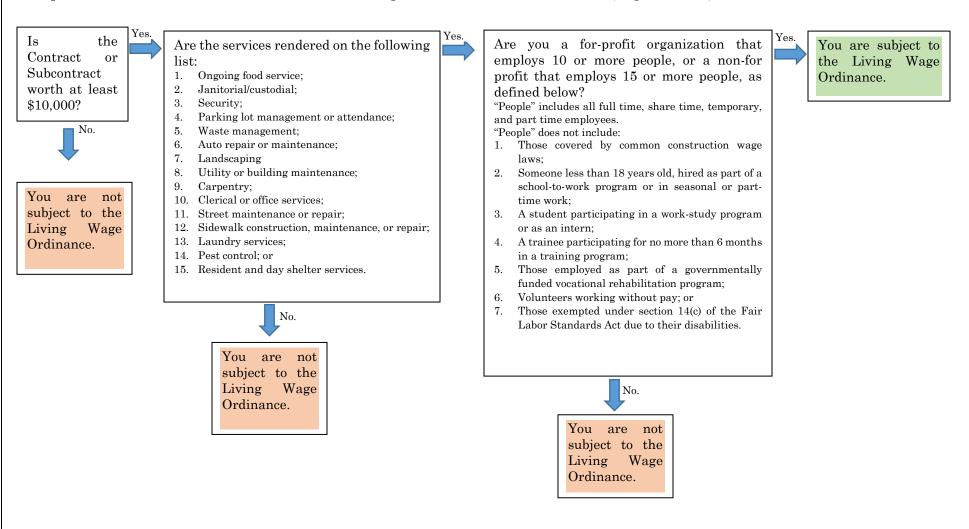
such a	ollowing contract compliance requirements will be use time that the Common Council of the City of Blooming rning contracting with the city.	
	[Contractor], certify that	[name of
	any] is in compliance with the contract requirements list	ed below:
•	Follows all federal laws and regulations relating to equ	ual employment opportunity.
•	Follows all applicable federal anti-discrimination laws	s.
•	Has a written harassment policy that includes: (1) designated person to receive and investigate harassment procedure, and (3) a provision prohibiting retaliat harassment complaint.	ent complaints through a grievance
•	Does not operate any programs promoting DEI that discrimination laws.	violate any applicable federal anti-
federa	erstand that no portion of this contract should be constructed or state laws or regulations. To the extent any portion mainder of the contract and the application of its prostances shall not be affected thereby.	of the contract is held to be invalid,
certific reserve	erstand that if the City finds that this company/business/cation of the above provisions, notwithstanding any oth es the right to immediately and without equivocations contained therein.	er enforcement provisions, the City
Signed	d/Title	Date

The City of Bloomington (CoB) Living Wage Ordinance (LWO) applies to three groups of employers:

- 1) The CoB:
- 2) Companies that provide services to the CoB through contracts or subcontracts; or
- 3) Organizations that receive CoB subsidies or grants.

As an employer under categories 2 or 3, you may or may not be subject to the LWO. To find out, follow the applicable flow chart, below, or contact the City Legal Department.

## Companies that Provide Services to the CoB through Contracts or Subcontracts ("Agreement")



## Companies or Organizations that Receive CoB Subsidies or Grants

Is the Subsidy or Grant worth at least \$25,000?



You are not subject to the Living Wage Ordinance.

Is the subsidy or grant of at least \$25,000 part of one of the following:

- 1. A tax abatement pursuant to Indiana Code 6-1.1-12.1;
- 2. A grant from the Business Investment Incentive Loan Fund;
- 3. An expenditure from the Industrial Development Fund (except those associated with the acquisition of right-of-way for and the design, financing, construction, and maintenance of publicly owned infrastructure serving a Community Revitalization Enhancement District (CRED) pursuant to Indiana Code 36-7-13):
- 4. A grant from the Community
  Development Community Development
  Block Grant Funds; or
- A grant from the Jack Hopkins Social Services Funding Program.

No

You are not subject to the Living Wage Ordinance.

Are you a for-profit organization that employs 10 or more people, or a non-for profit that employs 15 or more people, as defined below?

"People" includes all full time, share time, temporary, and part time employees.

"People" does not include:

- Those covered by common construction wage laws;
- Someone less than 18 years old, hired as part of a school-to-work program or in seasonal or parttime work;
- 3. A student participating in a work-study program or as an intern;
- 4. A trainee participating for no more than 6 months in a training program;
- 5. Those employed as part of a governmentally funded vocational rehabilitation program;
- 6. Volunteers working without pay; or
- 7. Those exempted under section 14(c) of the Fair Labor Standards Act due to their disabilities.

No.

You are not subject to the Living Wage Ordinance.



You are subject to the Living Wage Ordinance.