

3361:20-23-14

Contracts: contract compliance review by the office of contract compliance university of Cincinnati.

- (A) The office of contract Compliance, university of Cincinnati, will make initial and continuing reviews of contracts of commissions over the sum of \$10,000 and purchase orders over \$2,000.
- (B) Federal and or state grants held by university departments, in whatever dollar amount, are subject to review by the office of contract compliance, university of Cincinnati, as part of the university's compliance with Public Law 95-507.
- (C) Bids, purchase orders, or commissions let or assigned by the department of physical plant or purchasing, university of Cincinnati building committee, and grants held by university departments are subject to a compliance review by the office of contract compliance, University of Cincinnati.
 - (1) Upon notification from the appropriate university source, the office of contract compliance, university of Cincinnati, will provide forms necessary to determine work force compliance ("A-300 compliance profile and affirmative action plan").
 - (2) Copies of any reports, memoranda, forms or correspondence are public and available to interested parties upon request at reasonable cost.
- (D) Compliance:
 - (1) In order to be considered "in compliance" by the office of contract compliance, university of Cincinnati, contractors are required to submit to and meet the stipulations presented in a compliance review.
 - (2) "In compliance" also requires the contractor to maintain approved employment practices and submit any requested compliance reports during the entire term of the contract.
 - (3) It also requires that prime or general contractors take responsibility that their subcontractors file workforce analyses, affirmative action plans, and any other necessary compliance reports in order to maintain their own status.

- (E) A finding of noncompliance shall require a written notice from the office of contract compliance, university of Cincinnati, with reasons for such finding being clearly stipulated. Contractors will be provided with the time and opportunity to make corrections or objections. Any such corrections or objections shall also be in writing, or, if transmitted by telephone, followed by a written communication.
- (F) The office of contract compliance, university of Cincinnati will conduct three types of reviews:
 - (1) Pre-award reviews shall be considered part of the selection process for awards of university contracts. The three lowest bidders on university projects which have been competitively bid for \$50,000 or more will all be subject to a pre-award review, starting with the lowest bidder. Equal employment opportunity compliance is required, and the lowest bidder in dollar amount, if not in compliance as hereinafter provided at paragraph (G), can be bypassed for the next lowest bidder judged in compliance.
 - (2) On-site reviews will consist of an investigation of on-the-job labor forces at the site, usually of a construction project. Particularly, but not exclusively, the review will be conducted where subcontractors enter into the project or the workforces vary with phases of project work.
 - (3) Post-award reviews include an in-house review of the reports and documentation requested by and received in the office of contract compliance, university of Cincinnati, and an on-site review. These reviews shall be made to determine continuing equal employment opportunity compliance on the part of contractors and subcontractors on contracts for \$10,000 or more.
- (G) Noncompliance:
 - (1) In the event of a pre-award noncompliance determination and receipt of notice thereof, the contractor will be allowed up to seven days after receipt of such notice to respond. The office of contract compliance, university of Cincinnati, will provide such notice at the conclusion of the review or within seven days after the review.

- (2) If noncompliance is determined while a contract is in force, the contractor will be given thirty days, or until such time as further monies are due, to respond.
 - (3) The effect of a notice of noncompliance and the failure to respond in the time provided shall be failure to be awarded the contract, commission or order, or termination or suspension of a contract in force.
- (H) Construction contractors, subcontractors scheduled to begin work at the same time as the prime or general contractor, representatives of the initiating university department, the contract compliance officer and all other parties to be involved in the execution of a proposed construction contract will convene for a pre-construction meeting. This meeting is to complete the pre-award process. All parties concerned will at that time execute appropriate sign-offs, enabling the forwarding of the contract to the state of Ohio department of public works.
- (I) Contractors with university contracts for terms in excess of one month shall be subject to compliance reporting. Nonconstruction contractors will be advised of reporting procedures upon receipt of notice of compliance ("Exp. B-700"). Construction contractors will be required to submit a monthly manpower utilization report ("Exp. C-100"), a payroll transmission form ("Exp. C-200"), and a payroll report ("Exp. C-300"). Reports will cover the previous calendar month and be submitted to the office of contract compliance, university of Cincinnati if the office of contract compliance, university of Cincinnati, does not find cause to make a new recommendation on equal employment opportunity compliance, the reports will be approved, and monies will be paid according to contract. If the office of contract compliance, university of Cincinnati, determines that compliance conditions have changed, a determination of the noncompliance will be issued pursuant to paragraph (G) hereof. If it determines that prevailing wage rates were not paid, the data will be given to the state office of industrial relations prevailing wage rates division for investigation and resolution.
- (1) Reports will be received and verified during the first working week of every month during the term of the contract. Prime contractors are responsible for collecting monthly manpower and payroll reports from their subcontractors as part of their own reporting. Each month contractors will submit one monthly manpower report for itself and

for each subcontractor; one payroll transmission form for itself and for each subcontractor; and four weekly payroll reports for himself and for each subcontractor. Reports from the previous month not received during the first week of the month immediately following shall be considered overdue. If a contractor encounters any difficulty in completing reports, it is that contractor's responsibility to notify the office of contract compliance, university of Cincinnati, before the first week of the month has expired. Continuing compliance can only be determined through receipt of reports.

- (2) Monthly compliance reports are to be signed by a responsible official of the contractor upon completion. The requirement of report filing begins with the commencement of contract work and proceeds as long as work continues under a state or state-assisted contract. There will be no verification by the office of contract compliance, university of Cincinnati, of approval of compliance reports for contracts in force. The contractor may assume approval if no payroll interruption occurs. It is the responsibility of each contractor to comply with Chapter 4115 of the Revised Code which is the authority for wages and hours on public works.

(J) Grant project review:

- (1) Hiring of project staff under federal and state grants held by a university department must be in accordance with equal employment opportunity regulations and policies in regard to minorities and women. Each department must submit to the office of contract compliance a list of grants in force and notification of new grants awarded.
- (2) The office of contract compliance, university of Cincinnati review of grant project staff shall be in-house only. Department heads will receive a project profile ("Exp. D-100") which may be answered by either the department head or the principal investigator of the grant under consideration. Attached to the project profile, in narrative form, will be a work description and evidence of processes used to ensure equal employment opportunity following the employment practices checklist ("Exp. D-200"). There will be no notification from the office of contract compliance, university of Cincinnati, unless a determination of non-compliance is made.

Effective: November 1, 1984

Amends: Rule 3361:20-23-15 of the Administrative Code.

Certification: *Evelyn B. Bush signature*

Evelyn V. Bush

Date: October 5, 1984

Promulgated under: R.C. Section 111.15

Rule amplifies: R.C. 3361.03:

R.C. 3361.04.

Prior effective dates: March 16, 1978