



Subcontractor Certification Regarding Affirmative Action

Missouri Department
of Transportation
External Civil Rights

AA Form



SUBCONTRACTOR CERTIFICATION REGARDING AFFIRMATIVE ACTION

Project:
Job No.:
Route:
County:

Certification Regarding Affirmative Action and Equal Opportunity: The bidder (prospective prime contractor) or proposed subcontractor certifies:

1. Affirmative Action Programs: That it has developed and has on file at each of its establishments affirmative action programs pursuant to 41 CFR part 60-2.
2. Equal Opportunity Clause: That it has participated in a previous contract or subcontract subject to the equal opportunity clause set forth in 41 CFR 60-1.4 and executive order no. 11246.
3. Compliance Reports: That it has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs or his designate, or the Equal Employment Opportunity Commission, all reports due under the applicable filing requirements contained in 41 CFR Part 60-1.

If the text of the certification above is incorrect, the bidder or subcontractor making the certification shall correct it below:

NOTE: This certification applies to and must be executed by each bidder (prospective prime contractor) or proposed subcontractor if its proposed contract or subcontract on this project will equal or exceed \$10,000.00 or that contractor or subcontractor has contracts or subcontracts on federally-assisted projects in any 12-month period which have, or can reasonably be expected to have, an aggregate total value exceeding \$10,000.00 41 CFR 60-1.5(a)(1). It is a duty and contract obligation of the prime contractor to insure that each of its subcontractors which meets this criteria executes and submits to the commission this certification also.

Company

By: _____

Date:

Title



Who Does this apply to?

- Those who have contracts/subcontracts of \$10,000 or more OR are expected to have a TOTAL of \$10,000 in federal contracts in one year. [41 CFR 60-1.5\(a\)\(1\)](#)
- Those who have 50 or more employees.

However, all subcontractors must fill out the form and adjust as needed for their circumstances.



Affirmative Action Programs

- Subcontractors “must develop and maintain a written affirmative action program . . . if it has 50 or more employees.” [41 CFR 60-2.1\(b\)](#)
- If your company has 50 or more employees, ensure that you have an AA Program on file and sign
- If your company has less than 50 employees, still sign the form and make a note in the comments section that the affirmative action program is not required per [41 CFR 60-2.1\(b\)](#) due to number of employees.

Equal Opportunity Clause

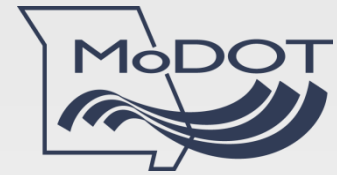


- “each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.” [41 CFR 60-1.4\(c\)](#)
 - Exemptions: transactions (subcontracts) of \$10,000 or under, of an indefinite quantity, etc. [41 CFR 60-1.5](#)
- Primes: this clause should be included in any subcontracts you have valued at greater than \$10,000.00.
- Subcontractors: if your subcontract is over \$10,000.00, sign the form.
- Subcontractors: if your subcontract is under \$10,000.00, note in the comments section that it does not apply due to dollar amount, and sign.



Compliance Reports

- Annual filing of Standard Form 100 (EEO-1)
 - Only applies to employers of 50 or more. 41 CFR 60-1.7
- Subcontractors with 50 or more employees: ensure that this form is filed annually, and sign.
- Subcontractors with less than 50 employees: note that this part does not apply due to number of employees, and sign.



Minimums v. Above & Beyond

- This presentation covered minimums – subcontractors are welcome and encouraged to go above and beyond.
- So if you are a contractor/subcontractor with fewer than 50 employees and have an Affirmative Action Program or still file compliance reports – please continue to do so.
- Just because it is not required, does not mean you are not allowed to have such programs.
- For small companies, the minimum requirements eases the burden for participating in federal contracts.

