

DOCUMENTS RELATED TO FUTURE CONTRACTING REQUIREMENTS

I. ACCESSIBILITY REQUIREMENTS

The Americans With Disabilities Act of 1990 protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, etc. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship. Sections 503 and 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in any program or activity which receives Federal financial assistance. The facilities of applicants for CDBG funds must be accessible or provisions must have been made at the time of application to provide services from an accessible location. Accessibility includes: entrances, bathrooms, drinking fountains, telephones, parking spaces and any other service provision available to clients without disabilities.

II. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

- Section 3 of the Housing and Urban Development Act of 1968 by the Housing and Community Development Act of 1992, Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance of housing (including public and Indian housing) and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.
- Equal Employment Practices: Contractors shall not discriminate or permit discrimination against any person or group of persons in any manner prohibited by federal, state or local laws.
 - Subgrantee and Subgrantee's sub-subgrantees, if any, shall not discriminate against any employee or applicant for employment because of gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability. This nondiscrimination policy shall include, but not be limited to, the following: employment, upgrading, failure to promote, demotion or transfer, recruitment advertising, layoffs, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - Subgrantee and Subgrantee's sub-subsubgrantees shall state in all solicitations or advertisements for employees placed by or on behalf of Subgrantee that all qualified applicants will receive consideration for employment without regard to gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.
 - If applicable, Subgrantee will send to each labor union or representative of workers with whom Subgrantee has a collective bargaining agreement or contract or understanding, a notice advising the labor union or workers' representative of Subgrantee's commitments under this nondiscrimination clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

III. AUDIT REQUIREMENTS

Federal Requirements:

- ❑ Subgrantees that expend \$750,000 or more in total Federal financial assistance in a year must obtain an independent audit in accordance with the Single Audit Act of 1984 and OMB Circular A-133 as reference at 23CFR84.26 and 85.26.
 - If a subrecipient has expended more than \$750,000 in a year under only one Federal program, it may elect to have a program-specific audit conducted in lieu of a single audit (which includes both the entity's financial statement and the Federal funds it has expended).
- ❑ Subgrantees that expend less than \$750,000 per year in Federal financial assistance are exempt from Federal audit requirements but must maintain records for review by HUD, the City, or the Government Accountability Office, and may be subject to separate state or local laws prescribing additional audit requirements.
- ❑ The costs of audits for Federal assistance program are only chargeable to programs in receipt of \$750,000 or more of Federal funding.

City Requirements:

- ❑ The City shall have the right to audit agreements and all books, documents and records relating thereto.
- ❑ Subgrantees shall maintain all books, documents and records related to agreements during the agreement period and for four (4) years after the date of final payment.
- ❑ The books, documents and records related to agreements shall be made available to the City within ten (10) days after a written request is made.
- ❑ If annual funding of \$100,000 or more is received by the Subgrantee or an affiliate of the Subgrantee from the City, whether in a single agreement or as a cumulative amount:
 - Subgrantee will engage a CPA to conduct an audit or audits and will require CPA to furnish the City Auditor's Office with copies of the audit(s), any management letters and Subgrantee's responses to management letters.
 - Subgrantee will engage a professional qualified to analyze the Subgrantee's internal control structures, and to furnish the City Auditor with a copy of the analysis.
 - Subgrantee shall submit to the City its annual fiscal year financial audit no later than six (6) months after the end of the Subgrantee's fiscal year.
- ❑ Subgrantee shall cooperate with all monitoring and evaluation activities conducted by the City relative to the agreement.
- ❑ Unless Federal or State restrictions apply, the costs of audits are allowable charges for the portion of the audit applicable to the program funded and may be set aside in the budget.
- ❑ Agencies are encouraged to procure their audits from small, local and minority and women-owned Oakland audit firms.

IV. Job Training Performance Standards

A job training program is any City funded program that "creates or coordinates opportunities for training, employment and job retention of Oakland residents". Activities that fall under this reporting system include (but may not be limited to) job readiness training, basic education, vocational skills training, subsidized work experience, unsubsidized job placement, on-the-job training, and placement follow-up services. Any program that is funded by the City for the specific purpose of enhancing the employability or employment status of its targeted clients must comply with the Job Training Performance Standards report procedures.