



# WESTERN MICHIGAN UNIVERSITY

**AFFIRMATIVE ACTION PROGRAM  
Purchasing Department  
Kalamazoo, Michigan 49008-5342**

TO: Western Michigan University

SUBJECT: Equal Employment Opportunity

To Whom It May Concern:

It is the policy of Western Michigan University as an "equal opportunity employer" to abide by the following:

**NON-DISCRIMINATION CLAUSE:** In the performance of any contract or purchase order resulting herefrom, the bidder agrees not to discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin, sex, ancestry, age, marital status, handicap, or veteran status. The bidder further agrees that every subcontract entered into for the performance of any contract or purchase order resulting herefrom will contain a provision requiring non-discrimination in employment, as herein specified, and binding upon each subcontractor. The equal employment opportunity clauses in Section 202 of Executive Order 11246, as amended, Title VII of the act of 1976, Public Act 453 of 1978 as amended, Public Act 220 of the acts of 1976 as amended, 38 USC 2012 formerly Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, Section 503 of the Rehabilitation Act of 1973, as amended, relative to equal employment opportunity and implementing rules and regulations of the Secretary of Labor are incorporated herein by specific reference. And any breach thereof may be regarded as material breach of the contract or purchase order.

This letter is to inform you of the University's purchasing procedures as they relate to the Equal Employment Opportunity requirements as implemented by our Affirmative Action Compliance Program.

For procurements of \$50,000 or more, you will be required to:

1. Accept the terms of the Equal Employment Opportunity clause, which is incorporated in our purchase order by reference. The complete clause is attached hereto.
2. Certify that you do not and will not maintain any facilities of a segregated nature contrary to the regulations. The complete form of the certification is also attached.

For procurements of \$100,000 or more, you will be required to:

1. Certify that you do have or will develop a written Affirmative Action Compliance Program for each of your facilities and that you have filed the Employer Information Report EEO-1 (standard Form 100) as required by the regulations.

If you are able to so certify, please sign, detach this page, and return it to the Purchasing Department, Western Michigan University.

Sincerely,



Don Penskar  
Director of Logistical Services

TO: Western Michigan University  
Purchasing Department  
1903 W. Michigan Ave.  
Kalamazoo, Michigan 49008-5342

I/We accept the above requirements.

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COMPANY NAME

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SIGNATURE

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TYPE NAME

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## TITLE

### **EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE CERTIFICATE**

#### Equal Opportunity Clause

Unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, during the performance of each contract with Western Michigan University, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or handicap. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, national origin, or handicap. Such action shall include, but not be limited to, the following: Employment upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The contractor will, 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 without regard to race, color, religion, sex, national origin, age, or handicap.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
6. In the event of the contractor's non-compliance with the nondiscrimination clauses of this subcontract or with any of such rules, regulations, or orders, this subcontract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
7. The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for non-compliance, provided, however, that in the event the contractor becomes involved, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

### **Certification of Nonsegregated Facilities**

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, national origin, age, or handicap, because of habit, local custom or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors prior to the award of subcontractors exceeding \$10,000 which are not exempt from the provisions of Equal Opportunity clause) he will retain such certification in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

#### **"NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES.**

A certification of Nonsegregated Facilities, as required by the May 9, 1967, order on Elimination of Segregated Facilities by the Secretary of Labor (32 Fed. Reg. 7439, May 19, 1967), must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semi-annually). (Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001)."