AN ACT CONCERNING INVESTMENT IN THE CONSTRUCTION JOB WORKFORCE FOR LOW-INCOME RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (b) of section 4a-60 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(b) If the contract is a public works contract, municipal public works contract or contract for a quasi-public agency project, the contractor agrees and warrants that he or she will make good faith efforts to employ (1) minority business enterprises as subcontractors and suppliers of materials on such public works or quasi-public agency project, and (2) a workforce comprised of not less than twenty-five percent minorities, as such term is defined in subsection (a) of section 32-9n, not less than twenty-five per cent state residents and not less than eight per cent women.

Sec. 2. Section 46a-68c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) In addition to the provisions of section 4a-60, as amended by this act, each contractor with fifty or more employees awarded a public works contract, municipal public works contract or contract for a quasi-public agency project in excess of fifty thousand dollars in any fiscal year, but not subject to the provisions of section 46a-68d, as amended by this act, shall develop and file with the Commission on Human Rights and Opportunities an affirmative action plan [which]
that shall (1) comply with regulations adopted by the commission, and
(2) include a statement that the contractor shall make good faith
efforts, as described in subsection (e) of section 4a-60, and determined
pursuant to subsection (b) of this section, to employ a workforce
comprised of not less than twenty-five per cent minorities, as such
term is defined in subsection (a) of section 32-9n, not less than twenty-
five per cent state residents and not less than eight per cent women.

Failure to develop an approved affirmative action plan pursuant to
this section shall act as a bar to bidding on or the award of future
contracts until such requirement has been met. When the commission
approves an affirmative action plan pursuant to this section, it shall
issue a certificate of compliance to the contractor. This certificate shall
be prima facie proof of the contractor's eligibility to bid or be awarded
contracts for a period of two years from the date of the certificate. Such
certificate shall not excuse the contractor from monitoring by the
commission or from the reporting and record-keeping requirements of
sections 46a-68e and 46a-68f. The commission may revoke the
certificate of a contractor if the contractor does not implement its
affirmative action plan in compliance with this section and sections 4a-
60, as amended by this act, 4a-60g, 4a-62, 46a-56, 46a-68b, 46a-68d, as
amended by this act, and 46a-68e to 46a-68k, inclusive.

(b) Determination of the contractor's good faith efforts shall include,
but not be limited to, the following factors: (1) The contractor's
employment and subcontracting policies, patterns and practices; (2)
affirmative advertising, recruitment and training; and (3) technical
assistance activities and such other reasonable activities or efforts as
the commission may prescribe that are designed to ensure the
employment of such minorities, state residents and women in public
works projects. The contractor shall develop and maintain adequate
documentation, in a manner prescribed by the commission, of its good
faith efforts.

Sec. 3. Section 46a-68d of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2019):
(a) In addition to the provisions of section 4a-60, as amended by this act, every public works contract, municipal public works contract or contract for a quasi-public agency project subject to the provisions of part II of chapter 60 shall also be subject to the provisions of this section. After a bid has been accepted but before a contract is awarded, the successful bidder shall file with and have obtained the approval of the commission for an affirmative action plan that shall include a statement that the contractor shall make good faith efforts, as described in subsection (e) of section 4a-60, and determined pursuant to subsection (b) of this section, to (1) work in conjunction with workforce development entities and construction employment job training entities to refer eligible workers to such entities, and (2) employ a workforce comprised of not less than twenty-five per cent minorities, as such term is defined in subsection (a) of section 32-9n, not less than twenty-five per cent state residents and not less than eight per cent women. The commission may provide for conditional acceptance of an affirmative action plan provided written assurances are given by the contractor that it will amend its plan to conform to affirmative action requirements. In the case of a public works contract, the state shall withhold two per cent of the total contract price per month from any payment made to such contractor until such time as the contractor has developed an affirmative action plan, and received the approval of the commission. In the case of a municipal public works contract or contract for a quasi-public agency project, the municipality or entity, as applicable, shall withhold two per cent of the total contract price per month from any payment made to such contractor until such time as the contractor has developed an affirmative action plan and received the approval of the commission. Notwithstanding the provisions of this section, a contractor subject to the provisions of this section may file a plan in advance of or at the same time as its bid. The commission shall review plans submitted pursuant to this section within sixty days of receipt and either approve, approve with conditions or reject such plan. When the commission approves an affirmative action plan pursuant to this section, it shall issue a certificate of compliance to the contractor as
provided in section 46a-68c, as amended by this act.

(b) Determination of the contractor's good faith efforts shall include, but not be limited to, the following factors: (1) The contractor's employment and subcontracting policies, patterns and practices; (2) affirmative advertising, recruitment and training; and (3) technical assistance activities and such other reasonable activities or efforts as the commission may prescribe that are designed to ensure the employment of such minorities, state residents and women in public works projects. The contractor shall develop and maintain adequate documentation, in a manner prescribed by the commission, of its good faith efforts.

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section 1</th>
<th>October 1, 2019</th>
<th>4a-60(b)</th>
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<tbody>
<tr>
<td>Sec. 2</td>
<td>October 1, 2019</td>
<td>46a-68c</td>
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<tr>
<td>Sec. 3</td>
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