

5000.3600 DUTIES OF CONTRACTING STATE AGENCY.

Subpart 1. **Cooperation with commissioner.** Each state agency shall cooperate with the commissioner in the performance of responsibilities under Minnesota Statutes, section 363A.36 and parts 5000.3400 to 5000.3600. Cooperation includes the responsibility to ensure that contractors are cognizant of their obligations under Minnesota Statutes, section 363A.36 and parts 5000.3400 to 5000.3600.

Subp. 2. **Information provided to contractors.** Each state agency shall include in each contract the contractor's obligation and requirements to comply with Minnesota Statutes, section 363A.36 and parts 5000.3400 to 5000.3600, and provide documentation describing the law and rules pertaining to the law and the specific criteria by which the affirmative action plan will be approved or rejected.

Subp. 3. **Information provided to department.** Each contracting state agency shall provide any information which comes to its attention which indicates that a contractor is not in compliance with Minnesota Statutes, section 363A.36 or any rule relating to that statute.

Subp. 4. **Contract clause required.** Each covered contract must contain an affirmative action clause which states the intention of the agency to carry out its responsibility for requiring affirmative action by its contractors and specific language outlining consequences for failure to implement the contractor's affirmative action plan or make a good faith effort to do so.

Subp. 5. **Submission of list of bidders.** The contracting agency shall submit to the department a list of nonexempt firms or businesses that have submitted bids prior to the award of a contractor's bid to ensure compliance with Minnesota Statutes, section 363A.36.

Subp. 6. **List of contractors from department.** Every 60 days the department shall furnish state agencies with a list of currently certified contractors and contractors whose certificates of compliance have been suspended or revoked or who have been deemed ineligible according to Minnesota Statutes, section 363A.36.

Subp. 7. **State agency's duty to provide information to department.** Each contracting state agency shall provide the department with any information or assistance the department deems necessary to seek compliance with Minnesota Statutes, section 363A.36 and the rules adopted under it.

Subp. 8. **Copy of statute and rules to be made available.** Each contracting agency shall make available to each bidder a copy of Minnesota Statutes, section 363A.36 and the rules adopted pursuant to it.

Subp. 9. **Bid specifications, modifications; incorporation of statutory and rule requirements.** Each contracting state agency shall include the following paragraph in all bid specifications and modifications:

"It is hereby agreed between the parties that Minnesota Statutes, section 363A.36 and Minnesota Rules, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of Minnesota Statutes, section 363A.36 and Minnesota Rules, parts 5000.3400 to 5000.3600 are available upon request from the contracting agency."

Statutory Authority: *MS s 363.074; 363A.37*

History: *9 SR 2748; 17 SR 1279; 24 SR 273*

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