

7870.0510 AFFIRMATIVE ACTION.

Subpart 1. **Economic opportunities for disadvantaged and emerging small business.** Class A, B, and D licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for disadvantaged and emerging small businesses:

A. a minimum goal of ten percent for construction subcontract and material suppliers with disadvantaged and emerging small business enterprises during construction of the facility, and a labor and employment goal of ten percent for disadvantaged and emerging small business in on-site construction jobs with the exception of sole or single source suppliers; and

B. a minimum goal of 20 percent of its total vendor, supplier, and other contracts with disadvantaged and emerging small businesses for the postconstruction period within two years after completion of the initial construction with the exception of sole or single source suppliers.

Subp. 2. **Certificate of compliance.** Class A, B, and D licensees must obtain and file with the commissioner every two years a copy of a certificate of compliance from the Minnesota Department of Human Rights, according to Minnesota Statutes, chapter 363A.

Subp. 3. **Economic opportunities for disabled.** Class A, B, and D licensees are required to comply with all provisions of the ADA.

Subp. 4. **Compliance reports.** Class A, B, and D licensee's are required to file quarterly reports with the commission demonstrating compliance with the requirements of this part on forms provided by the commission.

Subp. 5. **Definitions.** For the purpose of this part, the following words have the meanings given them.

A. "Disabled individual" means a person as defined by the ADA, who has a disability as defined by the ADA.

B. "Good faith effort" means a reasonable effort to accomplish goals and timetables, including posting all job openings at Minnesota workforce centers.

C. "Disadvantaged business" means a for profit, small business concern:

(1) that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

D. "Emerging small businesses" means a business:

- (1) located in Minnesota that employs 100 employees or less;
- (2) that has not had gross sales in excess of \$20,000,000 over the past three years; and
- (3) that has been in business for at least one year.

E. "Sole or single source" means an acquisition where, after a search, only one supplier is determined to be reasonably available for the required product, service, or construction item.

Statutory Authority: *MS s 240.03; 240.19; 240.23*

History: *17 SR 7; 19 SR 2307; 34 SR 1759*

Published Electronically: *June 23, 2010*