**Section 360.304 Equal Opportunity**

a) Any contract of the grantee in furtherance of the project shall contain the Equal Opportunity Clause as set forth in Article VI of the Rules and Regulations for Public Contracts prescribed by the Illinois Department of Human Rights and filed with the Secretary of State as follows:

b) *Article VI*

*Equal Employment Opportunity Clause*

*Section 3.1. Each Contracting Agency Shall Ensure that every Contract to which it is a party shall contain the following clause:*

*Equal Employment Opportunity*

*In the Event of the Contractor's noncompliance with any provision of this equal employment opportunity clause, the Illinois Fair Employment Practices Act or the Fair Employment Practices Commission's Rules and Regulations for Public Contracts, the Contractor may be declared nonresponsible and therefore ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or avoided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation.*

*During the performance of this contract, the Contractor agrees as follows:*

1) *That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service: and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.*

2) *That, if it hires additional employees in order to perform this contract or any portion hereof, it will determine the availability (in accordance with the Commission's Rules and Regulations for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.*

3) *That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin, ancestry, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.*

4) *That it will send to each labor organization or representative or workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the Contractor in its efforts to comply with such Act and Rules and Regulations, the Contractor will promptly so notify the Illinois Fair Employment Practices Commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.*

5) *That it will submit reports as required by the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.*

6) *That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.*

7) *That it will include verbatim or by reference the provisions of paragraphs 1 through 7 of this clause in every performance subcontract as defined in Section 2.10(b) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also so include the provisions of paragraphs 1, 5, 6, and 7 in every supply subcontract as defined in Section 2.10(a) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor. In the same manner as with other provisions of this contract, the Contractor will be liable for compliance with applicable provisions of this clause by all its subcontractors; and further it will promptly notify the contracting agency and the Illinois Fair Employment Practices Commission in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the commission to be nonresponsible and therefore ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.*

*Section 3.2. INCORPORATION BY OPERATION OF THE REGULATIONS.*

*All contract specifications furnished by any contracting agency to bidders or contractors shall contain the equal employment opportunity clause set forth in Section 3.1 hereof and such clause shall be included as a material term of any contract; however, a contracting agency having published rules and regulations which govern all its contracts and which include the equal employment opportunity clause may incorporate such clause by reference in such agency's individual contracts or contract specifications. By operation of these rules and regulations, the equal employment opportunity clause shall be deemed to be a part of every contract whether or not such contract is in writing and regardless of whether said clause is physically incorporated therein.*

*Section 3.3. SUBCONTRACTS.* *Each contractor and subcontractor shall in turn include the equal employment opportunity clause set forth in Section 3.1 hereof in each of its subcontracts verbatim or by reference so that provisions of Paragraphs 1 through 7 of said clause will be binding upon subcontractors of every tier; provided however, that only paragraphs 1, 5, 6, and 7 need be included in every subcontract as defined in Section 2.10(a) of the rules and regulations of the Illinois Fair Employment Practices Commission.*