§ 1045-x. Authority, water board and city to take affirmative action. 1. Each contracting agency which awards contracts for design, construction, services or materials for water projects authorized by this title shall require that such contracts and documents soliciting bids or proposals therefor shall contain or make reference to the following provisions:

(a) The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, or marital status, and will undertake or continue programs of affirmative action to insure that minority group persons and women are afforded equal employment opportunity without discrimination. Such action shall be taken with reference, but not be limited to recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, and selections for training or retraining, including apprenticeship and on-the-job training.

(b) At the request of the contracting agency, the contractor shall request each employment agency, labor union, or authorized representative of workers with which he has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative shall not discriminate because of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will cooperate in the implementation of the contractor's obligations hereunder.

(c) The contractor will state, in all solicitations or advertisements for employees placed by or on behalf of the contractor, in performance of the contract that all qualified applicants will be afforded equal employment opportunity without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

(d) The contractor will include the provisions of paragraphs (a) through (c) of this subdivision in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to its working connection with a contract.

2. Each contracting agency shall establish procedures and guidelines to ensure that contractors and subcontractors undertake programs of

affirmative action as required by this section. Such procedures may require, after notice in a bid solicitation, the submission of an affirmative action program prior to the award of any contract, or at any time thereafter, and may require the submission of compliance reports relating to the operation and implementation of any affirmative action program adopted hereunder. Such procedures and guidelines shall be consistent with the guidelines promulgated by the office of federal contract compliance programs of the United States department of labor pursuant to presidential executive order eleven thousand two hundred forty-six, as amended, and any state statutory or regulatory requirements. A contracting agency shall, in the promulgation of procedures and guidelines pursuant to this section, cooperate with any federal, state or local agency established for the purpose of implementing affirmative action compliance programs.

3. Any contracting agency empowered to award contracts for design, construction, services or materials shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, American Indian or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

4. In the implementation of subdivisions two and three of this section, the contracting agency shall consider compliance by any contractor with the requirements of any federal, state or local law concerning minority business enterprises or equal employment opportunity, which may effectuate the requirements of this section. If

the contracting agency determines that by virtue of the imposition of the requirements of any such law, in respect to contracts affected by this section, that the provisions thereof duplicate or conflict with such law, the contracting agency shall waive the applicability of this section to the extent of such duplication or conflict.

5. In order to implement the requirements and objectives of this section, contracting agencies shall be responsible for monitoring the contractors' compliance with the provisions hereof, for advising contractors on the availability of competing qualified minority business enterprises to perform contracts proposed to be awarded and for making recommendations to contractors to improve the access of minority business enterprises to such contracts.