

Contract Compliance Packet

Updated February 6th, 2026

To: Prospective Bidders/Vendors/Grant Recipients

RE: Equal Employment Plan, Living Wage Ordinance, and Drug Testing Policy

FROM: Anna Lamberti Holmes, Assistant City Attorney/Contract Compliance Officer

EQUAL EMPLOYMENT OPPORTUNITY:

The City is implementing a temporary contract compliance process that covers specifically what long-standing federal law protects: (1) nondiscrimination of protected classes; (2) anti-harassment; (3) grievance processes for discrimination and harassment; and (4) prohibition of retaliation. The following contract compliance process will be used to satisfy the requirements in BMC §2.23.180 until such a time that the Common Council of the City of Bloomington considers new code regulations concerning contracting with the City.

All bidders, quoters, vendors, and grant recipients with the City of Bloomington for projects in excess of \$10,000.00 must certify their compliance with the city's contract requirements by submitting the attached affidavit prior to submitting a bid. The legal department will provide a letter acknowledging receipt of the affidavit and provide a date for an annual review of the certification. You must include this acknowledgment letter with your bid submission.

The attached contract compliance affidavit replaces the previously required AAP and workforce breakdown form and must be on file in the legal department.

LIVING WAGE:

Contractors that are considered "covered employers" under City Ordinance 2.28, otherwise known as the "Living Wage Ordinance" or "LWO," are required to pay their covered employees at least a living wage. Currently, the living wage is \$16.22 per hour for covered employees. Up to 15% of that amount, or \$2.43, may be in the form of the covered employer's contribution to health insurance available to the covered employee. As of June 30, 2025, the Consumer Price Index increased 2.7%. Therefore, as of January 1, 2026, the City of Bloomington Living Wage shall be \$16.66 per hour. Up to \$2.50 of that hourly rate may be provided in the form of the employer's contribution to health insurance.

If the City determines the successful bidder is a covered employer under the LWO, Contractor shall execute the Living Wage Ordinance Affidavit; shall abide by the LWO by paying their employees a living wage and providing the City with information requested in the course of enforcing the LWO; and shall post the Living Wage Poster, provided on the last page of this packet, in areas frequented by their covered employees.

The attached flow chart provides guidance on whether the contractor is a "covered employer."

DRUG TEST POLICY:

Finally, please be aware that if you are submitting a bid for a public works project with an estimated cost of \$150,000.00 or more, you will need to submit your company's written drug testing plan with your bid. Your plan must comply with I.C. §4-13-18 et seq. Failure to do so may make you ineligible to be awarded a bid or contract. Please see your bid packet for more details.

If you have any questions, contact the City's Legal Department at 812.349.3426 or email the City at legal@bloomington.in.gov. The office hours are Monday through Friday, 8 to 5.

CONTRACT COMPLIANCE AFFIDAVIT

The following contract compliance requirements will be used to satisfy BMC §2.23.180, until such a time that the Common Council of the City of Bloomington considers new code regulations concerning contracting with the city.

I, _____ [Contractor], certify that _____ [name of company] is in compliance with the contract requirements listed below:

- Follows all federal laws and regulations relating to equal employment opportunity.
- Follows all applicable federal anti-discrimination laws.
- Has a written harassment policy that includes: (1) a definition of harassment, (2) a designated person to receive and investigate harassment complaints through a grievance procedure, and (3) a provision prohibiting retaliation against someone for filing a harassment complaint.
- Does not operate any programs promoting DEI that violate any applicable federal antidiscrimination laws.

I understand that no portion of this contract should be construed to conflict with any portion of federal or state laws or regulations. To the extent any portion of the contract is held to be invalid, the remainder of the contract and the application of its provisions to any other persons or circumstances shall not be affected thereby.

I understand that if the City finds that this company/business/organization has misrepresented any certification of the above provisions, notwithstanding any other enforcement provisions, the City reserves the right to immediately and without equivocation terminate the contract and any obligations contained therein.

Signed/Title

Date

Companies that Provide Services to the CoB through Contracts or Subcontracts ("Agreement")

The City of Bloomington (CoB) Living Wage Ordinance (LWO) applies to three groups of employers:

1. The CoB;
2. Companies that provide services to the CoB through contracts or subcontracts; or
3. Organizations that receive CoB subsidies or grants.

As an employer under categories 2 or 3, you may or may not be subject to the LWO. To find out, follow the applicable flow chart, below, or contact the City Legal Department.

Step 1 Is the Contract or Subcontract worth at least \$10,000?

- If yes, then proceed to step 2.
- If no, then you are not subject to the Living Wage Ordinance.

Step 2 Are the services rendered on the following list:

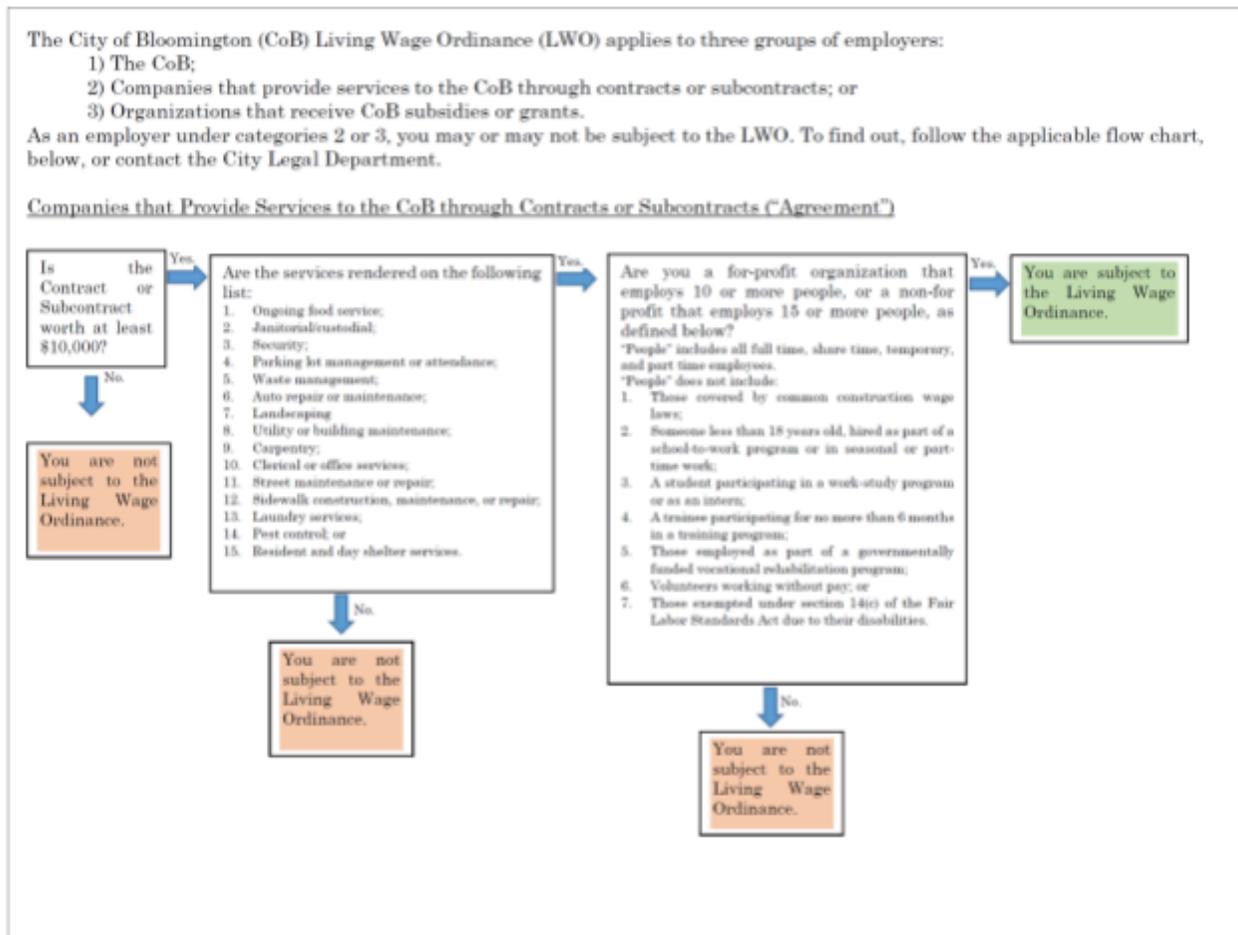
1. Ongoing food service;
2. Janitorial/custodial;
3. Security;
4. Parking lot management or attendance;
5. Waste management;
6. Auto repair or maintenance;
7. Landscaping
8. Utility or building maintenance;
9. Carpentry;
10. Clerical or office services;
11. Street maintenance or repair;
12. Sidewalk construction, maintenance, or repair;
13. Laundry services;
14. Pest control; or
15. Resident and day shelter services.

- If Yes then proceed to step 3.
- If no, then you are not subject to the Living Wage Ordinance.

Step 3 Are you a for-profit organization that employs 10 or more people, or a non-for profit that employs 15 or more people, as defined below? “People” includes all full time, share time, temporary, and part time employees. “People” does not include:

1. Those covered by common construction wage laws;
2. Someone less than 18 years old, hired as part of a school-to-work program or in seasonal or parttime work;
3. A student participating in a work-study program or as an intern;
4. A trainee participating for no more than 6 months in a training program;
5. Those employed as part of a governmentally funded vocational rehabilitation program;
6. Volunteers working without pay; or
7. Those exempted under section 14(c) of the Fair Labor Standards Act due to their disabilities.

- If Yes then you are subject to the Living Wage Ordinance
- If No then you are not subject to the Living Wage Ordinance.



Companies or Organizations that Receive CoB Subsidies or Grants

Step 1: Is the Subsidy or Grant worth at least \$25,000?

- If Yes then proceed to step two.
- If No then you are not subject to the Living Wage Ordinance.

Step 2: Is the subsidy or grant of at least \$25,000 part of one of the following:

1. A tax abatement pursuant to Indiana Code 6-1.1-12.1;
2. A grant from the Business Investment Incentive Loan Fund;
3. An expenditure from the Industrial Development Fund (except those
4. associated with the acquisition of right-of-way for and the design, financing, construction, and maintenance of publicly owned infrastructure serving a Community Revitalization Enhancement District (CRED) pursuant to Indiana Code 36-7-13);
5. A grant from the Community Development Block Grant Funds; or
6. A grant from the Jack Hopkins Social Services Funding Program.

- If Yes then proceed to step three.
- If No then you are not subject to the Living Wage Ordinance.

Step 3: Are you a for-profit organization that employs 10 or more people, or a non-for-profit that employs 15 or more people, as defined below? "People" includes all full-time, share time, temporary, and part-time employees. "People" does not include:

1. Those covered by common construction wage laws;
2. Someone less than 18 years old, hired as part of a school-to-work program or in seasonal or part-time work;
3. A student participating in a work-study program or as an intern;
4. A trainee participating for no more than 6 months in a training program;
5. Those employed as part of a governmentally funded vocational rehabilitation program;
6. Volunteers working without pay; or
7. Those exempted under section 14(c) of the Fair Labor Standards Act due to their disabilities.

- If Yes then you are subject to the Living Wage Ordinance.
- If No then you are not subject to the Living Wage Ordinance.

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