

Notice regarding JBE 16-11 changes to contract language

Governor John Bel Edwards has issued Executive Order JBE 16-11, Equal Opportunity and Non-Discrimination, <http://www.doa.la.gov/osr/other/JBE%202016/JBE16-11.htm>, which requires additional terms and conditions for services contracts issued by the State of Louisiana agencies, boards and commissions and governmental bodies.

According to the Executive Order, "All contracts for the purchase of services by any state agencies, departments, offices, commissions, boards, entities, or officers of the state of Louisiana shall be awarded without discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age of the persons seeking such contracts. Further, all such contracts shall include a provision that the contractor shall not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age in any matter relating to employment. The provisions of this section (and this section only) shall go into effect on July 1, 2016. However, this provision does not apply to a contractor or subcontractor that is a religious corporation, religious association, religious educational institution, or religious society. "

In accordance with the Order, the Office of State Procurement/ Professional Contracts will begin requiring the new language in all "Professional Services" contracts with an effective date of July 1, 2016, which are sent for review and approval. This includes all contract document types reviewed by OSP-PC. Contracts must comply with the following:

- Any new contracts with effective dates of July 1, 2016 or later must include the required anti-discrimination language.
- Existing contracts previously approved by OSP and which extend beyond July 1, 2016, will be required to include such language when the contracts are amended.
- Agencies contracting with religious organizations exempt from the Executive Order should provide notice to OSP with their contract or amendment submittal why the language is omitted.

The Office of State Procurement/Purchasing will provide additional notifications regarding updates to their boilerplates for purchase orders and complex services contracts.

Professional Services contract templates on the website will be updated to include the new language. The updated language is as follows, with the additions underlined.

The contractor agrees to abide by the requirements of the following as applicable: Title VI of the Civil Rights Act of 1964 and Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Federal Executive Order 11246 as amended, the Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, the Fair Housing Act of 1968 as amended, and contractor agrees to abide by the requirements of the Americans with Disabilities Act of 1990.

Contractor agrees not to discriminate in its employment practices, and will render services under this contract without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, veteran status, political affiliation, disability, or age in any matter relating to employment. Any act of discrimination committed by Contractor, or failure to comply with these statutory obligations when applicable shall be grounds for termination of this contract.