Attachment G - Cooper Grant Requirements

Cooper Health – New Jersey Department of Community Affairs (NJDCA) and Coronavirus State Fiscal Recovery Fund (CSFRF) Procurement Requirements

All design and construction agreements made by Cooper in connection with the Cooper University Health Care Master Campus Plan Project must include the provisions set forth below in order to comply with federal and state regulations and requirements. The clauses referenced below are incorporated herein by reference with the same force and effect as if they were given in full text, and are applicable. If any of the following clauses do not apply to this Agreement, such clauses are considered to be self-deleting:

1. **Equal Opportunity and Affirmative Action**. Contractor shall comply with, and include clauses in all subcontractors requiring compliance with, all Federal Equal Employment Opportunity (EEO) and Affirmative Action obligations prohibiting discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibiting discrimination against all individuals based on race, color, religion, sex, national origin, sexual orientation, gender identity, age, and disability. These also require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, protected veteran status or disability. Statutes, regulations, rules, policies, and executive orders prohibiting discrimination include, without limitation:

    a. 41 C.F.R. § 60-1.4(b);

    b. Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021);

    c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794);

    d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and U.S. Treasury's implementing regulations at 31 C.F.R. Part 23;

    e. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.); and

    f. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and U.S. Treasury's implementing regulations at 31 C.F.R. Part 22. Contractor must include the following language in every contract or agreement subject to Title VI and its regulations between the Contractor and subcontractors of any tier, successors, transferees and assignees:

        The sub-grantee, contractor, subcontractor, successor, transferee, and assignees shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from

excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the U.S. Treasury's Title VI regulations, 31 C.F.R. Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the U.S. Treasury's Title VI regulations, 31 C.F.R. Part 22, and herein incorporated by reference and made a part of this contract or agreement.

Contractor and subcontractors of all tiers shall take all necessary affirmative steps to ensure contracting opportunities are provided to small, minority-owned, woman-owned, and veteran-owned businesses, and labor surplus area firms. As used in this Agreement, the terms "minority-owned business," "women owned business," and "veteran-owned business" means a business that is at least fifty-one percent (51%) owned and controlled by minority group members, women or veterans. For purposes of this definition, "minority group members" are African-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and Native Americans. Contractor and subcontractors may rely on written representations by businesses regarding their status as minority, women and veteran businesses in lieu of an independent investigation.

Affirmative steps shall include:

a. Placing qualified small and minority-, veteran- and women-owned businesses on solicitation lists;

b. Ensuring that small and minority-, veteran- and women-owned businesses are solicited whenever they are potential sources for goods and/or services required in furtherance of the Agreement;

c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority-, veteran- and women-owned businesses;

d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority-, veteran- and women-owned businesses; and

e. Using the service and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce.

2. **Prohibition on Certain Telecommunications and Video Equipment.** Contractor and subcontractors of any tier shall not procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115–232, section 889, covered telecommunications equipment is telecommunications equipment produced by

Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Contractor and subcontractors of any tier shall not procure or obtain any video surveillance or telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

3. **Personally Identifiable Information.** To the extent Contractor receives personally identifiable information, it will comply with the Privacy Act of 1974 and U.S. Treasury rules and regulations related to the protection of personally identifiable information. The term "personally identifiable information" refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc., either alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. *See* 2 C.F.R. § 200.79. Contractor and subcontractors of any tier shall require all persons that have access to personally identifiable information (including subcontractors/subconsultants and their employees) to sign a Non-Disclosure Agreement.

14. **Conflict of Interest Policy.** Contractor shall maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c). Contractor and subcontractors of any tier must disclose in writing to Cooper and any applicable State or Federal authority responsible for oversight of grant funds utilized in connection with Contractor's work with Cooper, any potential conflict of interest affecting grant funds in accordance with 2 C.F.R. § 200.112.

4. **Clauses Incorporated by Reference**

   i. Davis-Bacon Act, 40 U.S.C. §§ 3141–3144 and 3146–3148, as supplemented by Department of Labor regulations, 29 C.F.R. Part 5;

   ii. Copeland "Anti-Kickback" Act, 40 U.S.C. § 3145, as supplemented by Department of Labor regulations, 29 C.F.R. Part 3;

   iii. Contract Work Hours and Safety Standards Act, 40 U.S.C. §§ 3701–3708, as supplemented by Department of Labor regulations, 29 C.F.R. Part 5;

   iv. Federal Fair Labor Standards Act; 29 U.S.C. § 201 et seq.;

   v. Rights in Inventions Made Under a Contract or Agreement, 37 C.F.R. Part 401;

   vi. Clean Air Act, 42 U.S.C. §§ 7401–7671q., and the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251–1387, as amended;

   vii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25;

   viii. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 C.F.R. Part 180;

ix. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170;

x. Executive Orders 12549 and 12689;

xi. Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352;

xii. New Restrictions on Lobbying, 31 C.F.R. Part 21;

xiii. Drug-Free Workplace, 31 C.F.R. Part 20;

xiv. The Hatch Act, 5 U.S.C. §§ 1501-1508 and 7324-7328;

xv. Enhancement of contractor protection from reprisal for disclosure of certain information, 41 U.S.C. § 4712

xvi. 2 C.F.R. § 200.323 and Section 6002 of the Solid Waste Disposal Act, as amended by Resource Conservation & Recovery Act;

xvii. State of New Jersey Executive Order No. 215 (Kean 1989), requiring environmental assessments or environmental impact statements.

xviii. Domestic preferences for procurements, 2 C.F.R. § 200.322;

xix. Federal Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200;

xx. New Jersey Department of Treasury, Office of Management and Budget Circular Letter 15-08-OMB, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid;

xxi. N.J.A.C. 17:27;

xxii. N.J.S.A. 10:5-1 et seq.;

xxiii. P.L. 1975, c.127 (N.J.S.A. 10:5-31 (NJLAD) and all implementing regulations);

xxiv. Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Reducing Text Messaging When Driving;

xxv. Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Encouraging Seat Belt Policies;

xxvi. American Rescue Plan Act of 2021, P.L. 117-2;

xxvii. Title VI of the Social Security Act, 42 U.S.C. § 801 et seq.;

xxviii. Executive Order No. 166 (emergency declaration regarding COVID-19 pandemic); and

xxix. U.S. Treasury Coronavirus State and Local Fiscal Recovery Funds, 31 C.F.R. Part 35.