

FAQ's

To Which Contracts do the Equal Opportunity Clearance Requirements Apply?

Federal or federally-assisted contracts: All business entities with contracts over \$10,000 must obtain EO Clearance.

City- and state-funded contracts: “Prime contractors” with contracts over \$1,000,000 and all “subcontractors” must obtain EO Clearance. All subcontractor must comply, but different forms apply for subcontractors with contracts greater than or less than \$750,000. See below for a more detailed explanation and links to the appropriate forms.

LOAN/CONTRACT	Entity	CONTRACT	SUBMISSION
Federal/Federally assisted	All entities	\$10,000 or greater	Construction Employment Report
City and state funded	“Prime contractors”	\$1,000,000 or greater	and Contractor Affirmation Statement
		\$750,000 or greater	
	“Subcontractors”	Less than \$750,000	Less than \$750,000 Certificate and Contractor Affirmation Statement

** Prime contractor refers to whichever entity enters into contract with HPD. On HPD-assisted development projects, the developer or borrower is likely to be the prime contractor and the general contractor and all tiers of subcontractors are considered subcontractors.*

How Does a Business Entity Obtain EO Clearance?

When clearance is required, the business entity must submit a compliance package consisting of the following items:

- **Transmittal Form**
- **Employment Report**

Subcontractors with city or state-funded contracts of less than \$750,000 may submit a Less than \$750,000 Certificate instead of the Employment Report

- **Contractor Affirmation Statement**
- **Pre-Award Conference (PAC) Certificate**

A representative of the entity must also attend a pre-award conference (“PAC”). One representative may attend on behalf of multiple, related entities. PACs are offered every Tuesday at **100 Gold Street from 10am-12pm**.

Once a business entity (i) has submitted a complete compliance package, (ii) attended a PAC, and (iii) is determined eligible to participate in publicly-funded programs and activities and to be in compliance with the anti-discrimination requirements of New York City Executive Order 50 and federal Executive Order 11246, HPD will issue a Certificate of Compliance. No eligible business entity may begin work on an HPD-assisted project prior to receiving a Certificate of Compliance.

When and How Should EO Clearance Documents be Submitted?

Contractors should submit the compliance package to their project manager at least 10 days prior to closing. When applicable, the compliance package should be submitted at the same time as the sponsor review disclosure statement.

General contractors should collect EO packages on behalf of their subcontractors and submit them to the Division of Economic Opportunity and Regulatory Compliance at least 10 days in advance of the subcontractor(s) beginning work on site. Subcontractors should not begin work on site until they have been cleared.

In both cases, the compliance package may be submitted by email at EO50@hpd.nyc.gov.

What is Required if I already Received EO Clearance?

EO Clearance lasts for 36 months. For all new projects during this time, business entities will only need to submit an abbreviated compliance package:

- **Transmittal Form**
- **Construction Employment Report**
- **Contractor Affirmation Statement**
- **A copy of a valid Certificate of Compliance**
- **Pre-Award Conference certificate**

These documents should be submitted prior to closing (for developers and general contractors) or prior to the subcontractor beginning work on site.

Credit for attending a PAC also lasts for 36 months, and business entities do not need to attend a PAC for each new contract initiated during the 36-month clearance period.

More information?

Questions regarding EO clearance should be directed to EO50@hpd.nyc.gov.