

# **Exhibit A**

## **NONDISCRIMINATION AND ACCESSIBILITY**

### **SECTION 1 – REQUIREMENTS RELATING TO EMPLOYMENT AND SERVICE TO THE PUBLIC**

#### **A. EMPLOYMENT**

During the performance of this concession contract, the Concession Contractor agrees to the following:

1. The Concession Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, or disability. The Concession Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, or disability. Such action shall include, but not be limited to, the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Concession Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Secretary of the Interior and regulations and policies of the Office of Federal Contract Compliance Programs (OFCCP) setting forth the provision of this nondiscrimination clause.
2. The Concession Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Concession Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, or disability.
3. The Concession Contractor will send a notice to each labor union or representative of workers with which the Concession Contractor has a collective bargaining agreement or other contract or understanding. The notice will be provided by the Secretary of Labor, advising the labor union or workers' representative of the Concession Contractor's commitments under Section 202 of Executive order (E.O.) No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. Within 120 days of the commencement of a contract, every Government contractor holding a contract that generates gross receipts that exceed \$50,000 and having 50 or more employees shall prepare and maintain an Affirmative Action Program Plan at each establishment that shall set forth the contractor's policies,

practices, and procedures in accordance with the Affirmative Action Program requirement.

5. The Affirmative Employment Program Plan is to be filed by the Concession Contractor with the OFCCP. The Affirmative Employment Program Plan will be deemed to have been accepted by the Government at the time the appropriate OFCCP field, area, regional, or national office has accepted such plan unless, within 45 days thereafter, the director of the OFCCP has disapproved such plan.
6. The Concession Contractor will comply with all provisions of E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.
7. The Concession Contractor will furnish all information and reports required by E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to the Concession Contractor's books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
8. In the event of the Concession Contractor's noncompliance with the nondiscrimination clauses of this concession contract or with any of such rules, regulations, or orders, this concession contract may be canceled, terminated, or suspended in whole or in part, and the Concession Contractor may be declared ineligible for further Government concession contracts in accordance with procedures authorized in E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
9. The Concession Contractor will include the provisions of paragraphs (1) through (7) in every purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, so that such provisions will be binding upon each vendor. The Concession Contractor will take such action with respect to any purchase order as the Secretary of Labor may direct as a means of enforcing such provisions, including sanctions for noncompliance, provided, however, that in the event the Concession Contractor becomes involved in, or is threatened with, litigation with a vendor as a result of such direction by the Secretary of Labor, the Concession Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **B. CONSTRUCTION, REPAIR, AND SIMILAR CONTRACTS**

The preceding provisions A(1) through A(8) governing performance of work under this concession contract, as set out in Section 202 of E.O. No. 11246 of September 24, 1965, as amended by E.O. No. 11375 of October 13, 1967, shall be applicable to this concession contract and shall be included in all contracts executed by the Concession Contractor for the performance of concession, repair, and similar work contemplated by this concession contract.

## **C. FACILITIES**

1. Definitions as used herein:
  - a. Concession Contractor shall mean the Concession Contractor and its employees, agents, and contractors and the successors in interest of the Concession Contractor.
  - b. Facility shall mean any and all services, Concession Contractor Improvements, privileges, accommodations, or activities available to the general public and permitted by this agreement.
2. The Concession Contractor is prohibited from:
  - a. Publicizing facilities operated hereunder in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, color, religion, sex, age, national origin, or disability.
  - b. Discriminating by segregation or other means against any person.

## **SECTION 2 – ACCESSIBILITY**

The Concession Contractor must comply with the most current version of all applicable accessibility laws, rules, regulations, Executive Orders, and Reclamation policies including but not limited to Title V, Section 504, of the Rehabilitation Act of 1973, as amended in 1978. No person with a disability shall, because a Concession Contractor's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program, service, or activity provided by the Concession Contractor.

### **A. PROGRAM ACCESSIBILITY: EXISTING FACILITIES**

The Concession Contractor shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by persons with disabilities. .

### **B. Program Accessibility: New Construction and Alterations**

Each building or part of a building that is constructed or altered shall be designed, constructed, or altered so as to be readily accessible to and usable by persons with disabilities. The applicable design standards of the Architectural Barriers Act (42 U.S.C. 4151 4157) are found in 41 CFR 102-76.60 to 102-76.95 (Architectural Barriers Act Accessibility Standards, ABAAS).

All recreation facilities will incorporate accessibility design standards in place at the time of construction or modification. Where such standards do not address specific constructed elements, the existing accessibility design standards shall be applied to the extent practicable.

### **C. Communications**

The contractor shall take appropriate steps to ensure effective communication with applicants, participants, and members of the public. The contractor shall furnish, at its expense, appropriate auxiliary aids where necessary to afford a person with disabilities an equal opportunity to participate in, and enjoy the benefits of a program or activity conducted by the contractor.

The contractor shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

The contractor shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities.

The contractor shall post, in a prominent location, a statement of nondiscrimination that includes information on where to file a complaint. If a written or verbal complaint of

discrimination is received by the contractor, the complainant will be advised that they have the right to file an official complaint with the Director, Office of Civil Rights, Department of Interior, 1849 C Street, NW, Washington, DC, 20240. The contractor shall inform the Contracting Officer of all complaints of discrimination received, whether verbal or written.

**Exhibit A Approved Effective:** \_\_\_\_\_

**UNITED STATES OF AMERICA**

By: \_\_\_\_\_

Contracting Officer, Bureau of  
Reclamation

**CONCESSION CONTRACTOR**

By: \_\_\_\_\_

Title: \_\_\_\_\_