

EXHIBIT “C”

**REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE
EQUAL EMPLOYMENT OPPORTUNITY, MBE/WBE PARTICIPATION**

The Subcontractor will include the provisions of this Exhibit C in every construction contract, subcontract, and purchase order or service agreement, at any tier, except where otherwise indicated.

This Exhibit C sets forth specific requirements with which the Subcontractor agrees to comply over the life of the contract. Subcontractors and their subcontractors working on the project shall be required to comply with all reporting requirements of Turner Construction and McWhinney (owner). Reports shall be submitted in a timely manner either weekly or monthly as applicable. Required reports include, but are not limited to the following:

- A. List of Subcontractors and Vendors Utilized During the Month

I. EQUAL EMPLOYMENT OPPORTUNITY

A. NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

- 1. The Subcontractor’s attention is called to the “Equal Opportunity Clause” and the “Equal Employment Opportunity Construction Contract Specifications” set forth herein.
- 2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor’s aggregate work force in each trade on all construction work on the project, are as follows:

Goals for Minority Participation for each trade: 11.9%
Anaheim-Santa Ana-Garden Grove SMSA

Goals for Female Participation for each trade: 6.9%
Nationwide

These goals are applicable to all of the Contractor’s construction work performed on the project. Compliance with the goals is measured against the total work hours performed.

- 3. As used in this Sections I of these Specifications (this Attachment):
 - a) “Covered Area” means Orange County.
 - b) “Minority” includes:
 - (1) Black (all persons having origins in any of the Black African racial groups, not of Hispanic origin);
 - (2) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (3) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-Continent, or the Pacific Islands); and
 - (4) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable

tribal affiliations through membership and participation or community identification).

4. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
5. The Contractor shall implement the specific affirmative action standards provided in Paragraphs 6a through 6n of these specifications. The goals set forth in the solicitation from which this Contract resulted are expressed as percentages of the total hours of employment of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.
6. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effect to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
 - a) Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other onsite supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
 - b) Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organization's responses.
 - c) Maintain a current file of the names, addresses, and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and or what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional action the Contractor may have taken.
 - d) Provide immediate written notification when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
 - e) Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory

personnel such as Superintendents, General Foreman, etc., prior to the initiation of construction work at any jobsite. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

- f) Disseminate the Contractor’s EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor’s EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
 - g) Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor’s recruitment area and employment needs.
 - h) Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of the Contractor’s work force.
 - i) Validate all tests and other selection requirements where there is an obligation to do so under federal or local laws.
 - j) Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
 - k) Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor’s obligations under these specifications are being carried out.
 - l) Ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
 - m) Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
 - n) Conduct a review, at least annually of all supervisors’ adherence to and performance under the Contractor’s EEO policies and affirmative action obligations.
7. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (6a through 6n).
8. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the specifications if a particular group is employed in a substantially disparate manner.

9. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex or national origin.
10. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in Paragraphs 6a through 6n of these Specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity.
11. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents.

II. LABOR WAGE COMPLIANCE

- A. The Contractor shall comply with all provisions of Division 2, Part 7, Chapter 1 of the Labor Code of the State of California Section 1770-1780. *Copy Attached*
- B. The contractor to whom the contract is awarded and its subcontractors hired for the Project are required to pay not less than the specified general prevailing wage rates to all workers employed in the execution of the contract.
- C. The contractor is responsible for ascertaining and complying with all current general prevailing wage rates for crafts and any rate changes that occur during the life of the contract. Information on all prevailing wage rates and all rate changes shall be posted at the jobsite for all workers to view.
- D. Under the provisions of said Labor Code, the State Department of Industrial Relations will ascertain the prevailing hourly rate in dollars and details pertinent thereto for each craft, classification or type of workers, or mechanics needed to execute any contract which may be awarded by the Owner.
- E. Determinations of the prevailing wage rates and the prevailing wage rates for holiday and overtime work for the Los Angeles County where the Great Wolf Lodge project is to be performed is available from the Department of Industrial Relations. The Wage Determination covering this project is [LOS 2011-1](#). Copies of these prevailing wage rates are on file and available to any interested party upon request from Turner and the following web sites:
<http://www.dir.ca.gov/dlsr/PWD/index.htm> & <http://www.wdol.gov/>
- F. Employment of Indentured Apprentices:
 1. Contractor shall comply with Section 1777.5 and 1777.7, Labor Code, State of California.
 2. All contractors shall employ registered apprentices at a ratio of not less than one hour of apprentice's work for every five hours of labor performed by a journeyman. All Contractors shall be responsible for the compliance of all Subcontractors.
 3. The Contractor and all subcontractors shall keep an accurate record showing the name of the craft and wage rate of each apprentice and journeyman employed by each entity. Records shall be made available to the Division of Apprenticeship Standards and the Great Wolf Lodge project for the purpose of determining compliance. Failure to comply may result in withholding payments and other penalties as provided by the Labor Code.

G. Certified Payroll Records:

Contractors and subcontractors are required to keep accurate payroll records showing the name, address, social security number and work classification of each employee; also, the straight time and overtime hours worked each day and each work, the fringe benefits, and, the actual per diem wage paid to each journey person, apprentice worker and other employee hired in connection with the public works project.

For record keeping purposes only, each Contractor shall submit weekly certified payroll records to Turner Construction, the General Contractor, through the use of *Turner's LCP Tracker online system*. The General Contractor must submit its certified payroll reports and those of its subcontractors, at all tiers, to the owner within seven (7) days after their payroll period. In the event that no work has been performed during a given week, a Non-Performance Report shall be submitted for the week. Failure of the contractor to comply with the Labor Code requirements to pay prevailing wages and to maintain certified payroll records may result in withholding from progress payments amounts for underpaid wages and penalties as authorized by the Labor Code.

Employee payroll records shall be certified and shall be made available for inspection at all reasonable hours at the principal office of the contractor/subcontractor, or shall be furnished to any employees, or his/her authorized representative on request, pursuant to the California Labor Code.

H. Contractors shall participate in a Pre-Construction Conference prior to beginning work on the project site. Attendance at such conference is mandatory unless otherwise waived by Turner Construction. The purpose of the Pre-Construction Conference is to ensure that all Contractors have knowledge of the wage requirements for this project and are fully acquainted with all reporting requirements, procedures and associated penalties.

III. MINORITY/WOMAN BUSINESS ENTERPRISE PARTICIPATION (MBE/WBE) REQUIREMENTS

It is the policy of Turner to promote economic advancement of Minority and Women Business Enterprises through the award of contracts and subcontracts. Turner does not discriminate against any individual or business because of race, creed, color, sex, religion, national origin, or physical handicap in the award of contracts and/or subcontracts. The MBE/WBE Program is a real and substantial part of Turner's overall operation and includes outreach to the minority/women business communities.

A. Turner Construction Company has established an overall goal of twenty percent 20% MBE/WBE participation for this project.

B. During the performance of this contract, the Subcontractor agrees to comply with specific requirements to ensure participation by minority and women owned businesses in the construction of this project. The provisions of this section represent distinct obligations in addition to those set forth in the preceding Sections.

The Subcontractor agrees as follows:

1. MBE/WBE Participation Goals:

When subcontract opportunities are available, a good faith effort will be made to find and utilize firms certified as Minority Business Enterprise and/or Woman Business Enterprises to count toward the 20% MBE/WBE goal established for the project.

All Minority and Woman Business Enterprises must provide proof of certification by a government agency, the National Minority Supplier Development Council (NMSDC), Women Business Enterprise National Council (WBENC) or one of its local Councils in order to be counted toward meeting the MBE requirements of the contract. Self-certification is not acceptable.

2. Definitions:

- a) Minority Business Enterprise - (MBE) is a business that is at least 51% owned by one or more individuals who are African American, Hispanic American, Native American, Asian-Pacific American or Asian-Indian American; and whose management and daily operations are controlled by one or more of minority owners.
- b) Woman Business Enterprise - (WBE) is a business that is at least 51% owned by one or more women; and whose management and daily business operations are controlled by one or more of the women owner(s).
- c) Eligible MBE/WBE Firm is any contractor, subcontractor, vendor or supplier providing services, products or materials pursuant to this subcontract for the construction of the Great Wolf Lodge

3. MBE/WBE Reporting Requirements:

Subcontractor shall submit the attached Form “List of Subcontractors Utilized During the Month”. This form must be submitted monthly with your application for payment. This report must identify all subcontractors and vendors utilized during the month and further identifying those firms that are Certified MBE/WBE firms. Proof of certification for any MBE/WBE firm listed should be attached to the report. Failure to submit this form may result in delay of payment until the form is received.

Inquiries regarding the Turner’s Equal Opportunity/MWBE Program should be directed to:

Michelle Smith-Ballard, Director of Community Affair
Turner Construction Company
1900 S. State College Blvd.
Anaheim, California 92806
(714) 949-9041 Fax (714) 712-4440

This Exhibit “C” sets forth specific requirements with which all Subcontractors and their Subcontractors shall comply. Subcontractors working on the project agree to cooperate with the staff of Turner Construction Company in carrying out their monitoring and enforcement activities.

It is not intended that this Exhibit “C” be all inclusive. The Subcontractor is responsible for complying with all applicable governmental regulations and requirements set forth for construction projects.

**TURNER CONSTRUCTION COMPANY
LIST OF SUBCONTRACTORS/VENDORS UTILIZED DURING THE MONTH**

NAME OF PROJECT _____ MONTH OF _____
 FIRM SUBMITTING REPORT _____ CONTACT PERSON _____
 NAME OF TURNER SUBCONTRACTOR _____ START DATE _____
 DESCRIPTION OF WORK _____ TELEPHONE _____

This form is to be completed monthly by all contractors at all tiers listing all firms (subcontractors and vendors with operators) performing work for your firm on the project site during the month. This information must be furnished to **TURNER CONSTRUCTION** no later than the fifth day of each month.

<u>SUBCONTRACTOR'S NAME ADDRESS AND TELEPHONE</u>	<u>DESCRIPTION OF WORK PERFORMED</u>	<u>AMOUNT OF CONTRACT OR PURCHASE ORDER*</u>	<u>MBE</u>	<u>WBE</u>	<u>Other</u>	
			<u>(Please Check all that apply)</u>			
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
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Company Official Signature & Title: _____ Date Signed: _____