5. Nondiscrimination in employment in Northern Ireland.

a. For the purposes of this subdivision "MacBride Fair Employment Principles" shall mean those principles relating to nondiscrimination in employment and freedom of work place opportunity which would require employers doing business in Northern Ireland to:

(i) increase the representation of individuals from underrepresented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs;

(ii) take steps to promote adequate security for the protection of employees from underrepresented religious groups both at the workplace and while traveling to and from work;

(iii) ban provocative religious or political emblems from the workplace;

(iv) publicly advertise all job openings and make special recruitment efforts to attract applicants from underrepresented religious groups;

(v) establish layoff, recall and termination procedures which do not in practice favor a particular religious group;

(vi) abolish all job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion;

(vii) develop training programs that will prepare substantial numbers of current employees from underrepresented religious groups for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of workers from underrepresented religious groups;

(viii) establish procedures to assess, identify and actively recruit employees from underrepresented religious groups with potential for further advancement; and

(ix) appoint a senior management staff member to oversee affirmative action efforts and develop a timetable to ensure their full implementation.

b. (i) With respect to contracts described in subparagraphs (ii) and (iii) of this paragraph, and in accordance with such subparagraphs, state agencies as defined in this article shall not contract for the supply of commodities, service or construction with any contractor who does not agree to stipulate to the following, if there is another contractor who will contract to supply commodities, services or construction of comparably quality at a comparable price or cost: the contractor and any individual or legal entity in which the contractor holds a ten percent or greater ownership interest and any individual or legal entity that holds a ten percent or greater ownership interest in the contractor either (A) have no business operations in Northern Ireland, or (B) shall make lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with MacBride Fair Employment Principles, and shall permit independent monitoring of their compliance with such principles.

(ii) In the case of contracts let by a competitive process, whenever the responsive and responsible offerer having the lowest price or best value offer has not agreed to stipulate to the conditions set forth in this subdivision and another responsive and responsible offerer who has agreed to stipulate to such conditions has submitted an offer within five percent of the lowest price or best value offer for a contract to supply commodities, services or construction of comparable quality, the contracting entity shall refer
such offers to the commissioner of general services, who may
determine, in accordance with applicable law and rules, that it is in
the best interest of the state that the contract be awarded to
other than the lowest price or best value offer.

(iii) In the case of contracts let by other than a competitive
process for goods or services involving an expenditure of an amount
greater than the discretionary buying threshold as specified in
section one hundred sixty-three of this article, or for construction
involving an amount greater than fifteen thousand dollars, the
contracting entity shall not award to a proposed contractor who has not
agreed to stipulate to the conditions set forth in this
subdivision unless the entity seeking to use the commodities,
services or construction determines that the commodities,
services or construction are necessary for the entity to perform its
functions and there is no other responsible contractor who will
supply commodities, services or construction of comparable quality
at a comparable price. Such determinations shall be made in writing
and shall be public documents.

c. Upon receiving information that a contractor who has made
the stipulation required by this subdivision is in violation thereof,
the contracting entity shall review such information and offer
the contractor an opportunity to respond. If the contracting entity
finds that a violation has occurred, it shall take such action as
may be appropriate and provided for by law, rule or contract,
including, but not limited to, imposing sanctions, seeking
compliance, recovering damages or declaring the contractor in default.

d. As used in this subdivision, the term "contract" shall not
include contracts with governmental and non-profit organizations,
contracts awarded pursuant to emergency procurement procedures or
contracts, resolutions, indentures, declarations of trust or other
instruments authorizing or relating to the authorization, issuance,
award, sale or purchase of bonds, certificates of indebtedness,
notes or other fiscal obligations, provided that the policies of
this subdivision shall be considered when selecting a contractor to
provide financial or legal advice, and when selecting managing
underwriters in connection with such activities.

e. The provisions of this subdivision shall not apply to contracts
for which the state or other contracting entity receives funds
administered by the United States department of transportation, except
to the extent Congress has directed that the department of
transportation not withhold funds from states and localities that
choose to implement selective purchasing policies based on agreement to
comply with the MacBride Fair Employment Principles, or to the
extent that such funds are not otherwise withheld by the department
of transportation.