

Georgia Association of Metropolitan Planning Organizations

**TITLE VI
and
Disadvantaged Business Enterprise
Program**

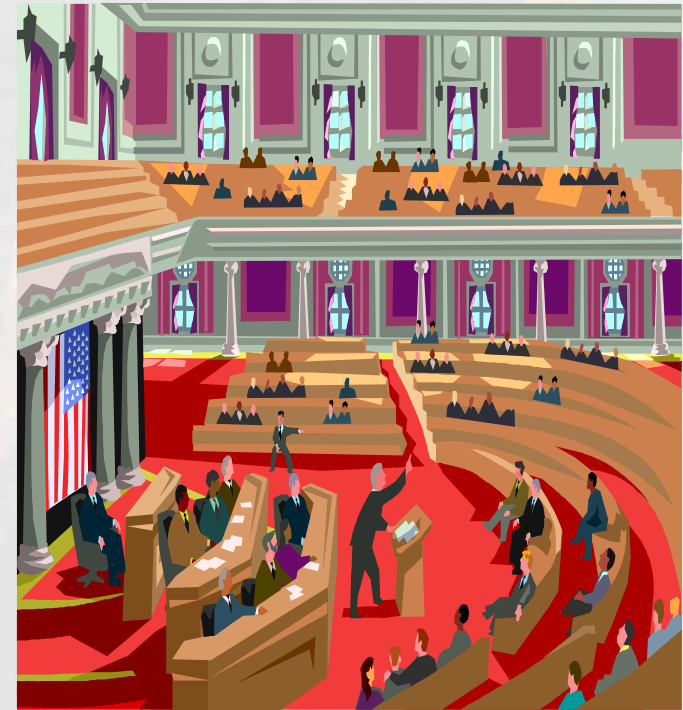
**Presented by: Michael G. Cooper, Director Equal Opportunity
Georgia Department of Transportation**

Title VI of 1964 Civil Rights Act (42 U.S.C. 2000d)

“No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Civil Rights Restoration Act of 1987

- Clarified the original intent of Congress in Title VI of the Civil Rights Act.
- Restored the broad, institution-wide scope and coverage of the non-discrimination statutes to include **ALL** programs and activities of federal aid recipients, sub-recipients and contractors.



What is covered Under Title VI?

The program or agency must:

1. Providing a service, aid or benefit;
2. Must be located within United State;
3. Receiving direct (recipient) or indirect (sub-recipient) federal funding or assistance, including contractual means;

Areas: Planning, Construction, Employment; Housing, Community Development, Law Enforcement, Recreation, Agriculture, etc.

Key Terms of Title VI

- **Beneficiary** – person or entity that directly or indirectly receives advantages from a federally funded program.
- **Recipient** – receives federal financial assistance and/or operates a program or activity and is subject to Title VI of the Civil Rights Act of 1964. (state agency, municipalities, educational institutions, private organizations)
- **Sub-recipients** – receives federal assistance from primary recipient to carry out program or activity. (contractors, subcontractors)
- **Financial Assistance** – (grants, loans, sale or lease of property, technical assistance, tax incentives, donations, training).

Other Nondiscrimination Authorities

- **Expanded the range and scope of Title VI coverage and applicability**
 - The 1970 Uniform Act (42 USC 4601) (Land Acquisition)
 - Section 504 of the 1973 Rehabilitation Act (29 USC 790)
 - The 1973 Federal-aid Highway Act (23 USC 324) (sex)
 - The 1975 Age Discrimination Act (42 USC 6101)
 - Implementing Regulations (49 CFR 21 & 23 CFR 200)
 - Executive Order 12898 on Environmental Justice (EJ)
 - Executive Order 13166 on Limited English Proficiency (LEP)

Discrimination



- That **act** (action or inaction), verbal or non-verbal, whether intentional or unintentional, through which a person in the United States of solely because of their race, color, national origin, sex, age, disability, etc. is subjected to **disparate/unequal treatment or impact**, in any program or activity receiving Federal financial assistance from FHWA under 23 USC.

Elements of Standard USDOT Assurances

- **Appendix A** – All Contracts;
- **Appendix A(5)(a&b)** – provides for sanctions for noncompliance with nondiscrimination provisions of contract;
- **Appendix B** – Deeds Transferring Property;
- **Appendix C** – Deeds, Leases, Permits for further transfer of property acquired, or improved for construction, use of or access to space on, over, or under property acquired.

The DOT Order on Environmental Justice

Presidential Order/Executive Order 12898

The Federal Highway Administration has three fundamental environmental justice principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.*

The DOT Order on Environmental Justice (cont'd.)

- **The *U.S. DOT Order* applies to all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Authority (FTA), or other U.S. DOT components:**

Policy Decisions,
System Planning,
Metropolitan and Statewide Planning,
Project Development and Environmental Review under NEPA,
Preliminary Design,
Final Design Engineering,
Right-of-Way,
Construction,
Operations;
Maintenance



Limited English Proficiency (LEP)

Limited English Proficiency: Promotes a cooperative understanding of the importance of language access to Federal programs and Federally-assisted programs.

www.lep.gov. LEP.gov

Recipients and sub recipients must take reasonable steps to ensure individuals that do not speak, read, write or understand English as a primary language have access to information on federally assisted programs and services. Failure to allow participation may be a violation under Title VI.

Key to *Title VI* Compliance

- **Ensure that service recipients receive**

- √ Equal treatment
- √ Equal access
- √ Equal rights
- √ Equal opportunities

without regards to their race, color, national origin, including Limited English Proficiency (LEP)

Title VI Non-Compliance Penalties

- **WITHOLDING** of federal funds to the recipient (GDOT) until the recipients compliance, and or
- **CANCELLATION, TERMINATION** or **SUSPENSION** of federal funds, in whole or in part.

Georgia DOT's DBE Policy

In accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26 GDOT has:

1. established a Disadvantaged Business Enterprise (DBE) Program.
2. signed an assurance that it will comply as a condition of receiving federal financial assistance.

Policy Assurances

- **Ensure nondiscrimination in awards and administration of USDOT-federally assisted contracts**
- **Create a level playing field on which DBE can compete fairly**
- **Narrowly tailor program in accordance with applicable law**
- **Help remove barriers to DBE participation**
- **Provide flexibility of opportunities for DBE businesses**
- **Assist the development of DBEs so that they can compete in the marketplace outside the DBE Program**

Monitoring Execution of DBEs' Work

- **Monitoring DBE contractors is:**



- key to the success of small, minority, women DBE participation Program;
- required by federal law to assure DBEs are actually performing the work;
- responsibility of Resident engineers and Inspectors.

Monitoring Execution of DBEs' Work, (cont'd.)

- Know whether a project has a DBE goal and the amount of the goal;
- Know the names of any DBE contractors or suppliers who have contracts to work on the project;
- Know what work the DBE has been subcontracted to do;
- Keep apprised of the schedule for DBE work and notify the Office of Administration when the DBE is scheduled to be on the job;
- Monitor and document work performed by the DBE and note whether the work is being performed by employees of the DBE firm or by the prime contractor or another non-DBE firm

Disadvantaged Business Enterprise Reporting

- **Ensure completion and submittal of DBE reports by the prime contractor**
- **Monitor closely payments to DBE's – prompt payment**
- **Ensure DBE goal is met - No separate city or county goals can be established, if a federal goal is present**
- **Address discrepancies and/or discrimination early**
- **Submit copies of all correspondence and reports are sent to EEO Office**

DATE _____

MONTHLY DBE PARTICIPATION REPORT

REPORT NO.: _____

PROJECT NO.(S): _____ COUNTY: _____

CONTRACTOR: _____ CONTRACT AMOUNT: \$ _____

CONTRACT ID #: _____ DBE REQUIRED (%): _____ DBE AMOUNT: \$ _____

DATE WORK BEGAN: _____ % DOLLAR COMPLETE: _____ % PROJECT COMPLETE: _____

MONTHLY REPORTING REQUIRED: (CHECK ONE):

| | | | | | | | |
|-----------------------------------|--------------------------------|----------------------------------|------------------------------------|----------------------------------|-----------------------------------|---------------------------------|--------------------------------|
| <input type="checkbox"/> JAN 31 | <input type="checkbox"/> APRIL | <input type="checkbox"/> APRIL | <input type="checkbox"/> JULY | <input type="checkbox"/> JULY 31 | <input type="checkbox"/> OCTOBER | <input type="checkbox"/> OCT 31 | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> FEBRUARY | <input type="checkbox"/> MAY | <input type="checkbox"/> MAY | <input type="checkbox"/> AUGUST | <input type="checkbox"/> AUG 31 | <input type="checkbox"/> NOVEMBER | <input type="checkbox"/> NOV 30 | |
| <input type="checkbox"/> MARCH 31 | <input type="checkbox"/> JUNE | <input type="checkbox"/> JUNE 30 | <input type="checkbox"/> SEPTEMBER | <input type="checkbox"/> SEPT 30 | <input type="checkbox"/> DECEMBER | <input type="checkbox"/> DEC 31 | |

S=SUPPLIER O=OWNER/OPERATOR SC=SUBCONTRACTOR SAR=SUBCONTRACTOR AGREEMENT RECEIVED RN=RACE NEUTRAL RC=RACE CONSCIOUS

| APPROVED DBE | VENDOR # | DESCRIPTION OF WORK | S | O | SC | SAR | RN | RC | ORIG SUBCONTRACT AMT | EARNINGS-TO-DATE |
|--------------|----------|---------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|----------------------|------------------|
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |

TOTAL DBE EARNINGS TO DATE: _____

% CONTRACT: _____

I HEREBY CERTIFY THAT THE ABOVE STATEMENT IS **TRUE** AND CORRECT AND SUPPORTING DOCUMENTATION IS ON FILE AND IS AVAILABLE FOR INSPECTION BY DEPARTMENT PERSONNEL AT ANY TIME.

PRINT NAME: _____

SIGNATURE: _____

(MANDATORY) CONTRACTOR

REMARKS _____

FOR DEPARTMENT USE ONLY:

THIS DOCUMENT HAS BEEN REVIEWED AT THE PROJECT LEVEL BY:

PRINT NAME: _____ TITLE _____

SIGNATURE: _____ TITLE _____

(MANDATORY)

THIS DOCUMENT HAS BEEN REVIEWED AT THE DISTRICT LEVEL BY:

PRINT NAME: _____ TITLE _____

SIGNATURE: _____ TITLE _____

(MANDATORY)

ARRA Funding for Federal Highway, Transit and Aviation Emphases:

- National investment to ensure opportunities with all groups working together
- Provide opportunities for small, minority, female and disadvantaged businesses
- Assist with education, training, bonding, joint ventures
- Reporting and Documenting DBE participation

GDOT: Title VI Complaint Process

**Complaints
must be:**

- written,
- signed;
- filed within 180 calendar days of the discriminatory act.

GDOT: Title VI Complaint Process (cont'd)

Complaints should include:

- **Your name, address, and telephone number**
 - If filing on behalf of another person, include your name, address, telephone number, and your relation to that person (e.g. friend, attorney, parent, etc.)
- **Name and address of agency, institution, or department you believe discriminated against you**
- **How, why, and when you believe you were discriminated against**
- **Names of any persons that the investigating agency could contact for additional information to support or clarify the allegations.**

Reporting Violation or Complaint

To report a ***Title VI*** violation or complaint, please contact:

Georgia Department of Transportation
Carol Barnett
Title VI/Environmental Justice Coordinator
Equal Opportunity Division
One Georgia Center
600 W. Peachtree St., N.W.
7th Floor
Atlanta, GA 30308
(404) 631-1972

Complaints can also be submitted at the same address and number to :
Michael G. Cooper, Director Equal Opportunity

Reporting Violation or Complaint

To report a ***Title VI*** violation or complaint to FHWA, please contact:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, S.E.
8th Floor E81-314
Washington, DC 20590-9898

(202) 366-0693/366-0752

Office of Inspector General (OIG) Hotline- Georgia
Investigations: (404) 562-3850



It's Question Time!