

This purpose of providing this plan template to sub-recipients is to only suggest a conceptual outline and some topics to consider. The components that are outlined in this template are not meant to be required in every case, or to be inclusive of all agency considerations. The content contained in the template may not be applicable to all sub-recipients. What content that is included in a plan should be the result of careful examination and research by an agency of their legal requirements that are applicable to their specific, individual, federal-aid programs under the law.

Title VI Plan For Agencies Over 200,000 Population

_____ ((Agency))
Federally Funded Transportation Program
TITLE VI PLAN

(Month) 200_

_____ (Agency) Commissioners

(Agency) Administrator

Public Works Director

Prepared by: _____
Job title
(Title VI Coordinator)
Office of _____

Title VI Plan Template - Large Agency (Population over 200,000)

I. Policy Statement, Authorities and Citations

A. Policy of Nondiscrimination

_____ (Agency) assures that no person shall on the grounds of race, color, national origin, sex, age, disability or income as provided by Title VI of the Civil Rights Act of 1964 and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any (Agency) sponsored program or activity. _____ (Agency) further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event _____ (Agency) distributes Federal aid funds to another entity, _____ (Agency) will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. The (Agency) Administrator, *(include any other governing or controlling bodies or commissions)* and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

(Agency) Administrator

Date

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

(Insert any local citations)

II. Organization, Staffing and Structure

A. Organizational Chart – Reporting Relationships

Place Organizational Chart here or attach to back of report with reference as what page to find it. Name the Title VI Coordinator for your organization.

B. Staffing and Structure

(Agency) Administrator

The (Agency) Administrator is authorized to ensure compliance with provisions of the (Agency)'s policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The (Agency)'s grants compliance function and Title VI coordination shall be performed under the authority of the (Agency) Administrator.

Title VI Coordinator

_____ (Agency) has created a position of _____ to perform the duties of the Title VI Coordinator and ensure implementation of the (Agency)'s Title VI Federally Funded Transportation Program. The _____ has other duties and responsibilities in addition to Title VI. Although the _____ their direct supervisor, this position shall have an indirect reporting relationship and access to the (Agency) Administrator.

III. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the (Agency) Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring _____ (Agency)'s compliance with Title VI requirements as follows:

A. Program Administration. Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the (Agency) Administrator.

B. Complaints. Review written Title VI complaints that may be received by _____ (Agency) following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. *Data Collection.* Review the statistical data gathering process performed by agency program staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII - Special Emphasis Program Areas).

D. *Environmental Impact Statements.* Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by the _____ (Agency Public Works department) for projects receiving Federal Highway Administration or other Federal assistance.

E. *Training Programs.* Conduct or facilitate training programs on Title VI issues and regulations for (Agency) employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.

F. *Title VI Plan Update.* Review and update the _____ (Agency) Transportation Program, Title VI Plan as needed or required. Present updated plan to the (Agency) Administrator for approval; submit amended Plan to ODOT.

G. *Annual Accomplishment Report.* Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required; and submit by _____.

H. *Public Dissemination.* Work with (Agency) staff to develop and disseminate Title VI program information to _____ (Agency) employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the (Agency)'s Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

I. *Elimination of Discrimination.* Work with the _____ Department, _____, and other (Agency) offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any (Agency) processes.

J. *Maintain Legislative and Procedural Information.* Federal laws, rules and regulations, ODOT guidelines, the current _____ (Agency) Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the (Agency)'s Title VI program will be maintained and updated by the Coordinator. Information will be made available to other (Agency) departments or the public as requested or required.

IV. Education and Title VI Training

In keeping with adopted _____ (Agency) policy of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities. Public Works staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

The Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other (Agency) employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. ODOT's Office of Equal Opportunity Internal and External Civil Rights Branch and the Contract Compliance Office may be asked to provide applicable training.

V. Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by _____ (Agency), as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the (Agency) and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

B. Procedures

- 1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with _____. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The (Agency) will not officially act or respond to complaints made verbally.*
- 2. Upon receiving the written complaint, _____ (Agency) will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the (Agency) may request the Oregon Department of Transportation (ODOT) Office of Civil Rights to conduct the investigation. In the event ODOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan.*
- 3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the _____ (Agency) the appropriate division and/or _____ (Agency) shall be notified of the complaint, within 15 calendar days.*

4. Once the _____ (Agency) decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
5. In cases where _____ (Agency) assumes investigation of the complaint, the (Agency) will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the (Agency) with his/her response to the allegations.
6. Within 60 days of receipt of the complaint, the Coordinator or ODOT investigator will prepare a written investigative report for the (Agency) Engineer and (Agency) Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and _____ (Agency)'s investigative report will be issue to ODOT's Office of Civil Rights within 60 calendar days of the receipt of the complaint.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the _____ (Agency)'s decision to ODOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate (Agency)'s final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating (Agency) will not be available.
11. An annual Log Of Complaints must be maintained by each (Agency). The Log of Complaints must contain the following information for each complaint filed:
- The name and address of the person filing the complaint
 - The date of the complaint
 - The basis of the complaint
 - The disposition of the complaint
 - The status of the complaint

Only qualified, well-trained investigators should conduct these investigations. _____ (Agency) will not investigate a complaint against itself.

VI. Sub-Recipient Review and Remedial Action Procedures

The Coordinator will assist ODOT to periodically conduct Title VI compliance reviews of _____ (Agency) sub-recipients. The review of select recipients of Federal-aid highway or other Federal funds, will be conducted to ensure adherence to Title VI requirements. The _____ will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, _____ (Agency) will submit to ODOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, _____ (Agency) and ODOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VII. Title VI Implementation Activities

A. Planning

Public Involvement in Planning Activities & Title VI

a) Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.

b) _____ staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.

c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the (Agency), including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

B. Design & Engineering / Environmental Activities

1. The _____ is responsible for transportation improvement projects and environmental permitting for projects. Studies are performed to assess various environmental factors evaluating demographic data.

2. Authorities. Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622;

3. Design /Environmental Review Process and Title VI

a) Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA),

NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.

- b) Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. Incorporate into the review process, adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the (Agency)'s Federal-aid highway activities.*
- c) In order to ensure dissemination of information and foster participation from affected populations, staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.*
- d) Staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.*
- e) Public Works staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with the (Agency) GIS Department to generate a map of the Federally funded transportation projects to include demographic data of the neighborhoods effected by the projects.*

D. Right-of-way Activities

- 1) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted (Agency) vendor procurement policies in the acquisition of contracted services*
- 2) Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.*
 - c) Follow guidelines in the for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.*
 - d) Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of- way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by ODOT and a copy of the _____ (Agency) Title VI Compliance brochure to all affected parties.*
 - e) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.*
 - f) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.*

- g) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.*
- h) Maintain statistical data including race, color, national origin, and sex on all relocatees affected by Federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.*

E. Construction and Maintenance Activities

- 1. Construction Management Section. This section is located in the _____ Division, and is responsible for administration of all new construction contracts and inspecting bridges. The _____ Division is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the (Agency) Engineer.*
- 2. Authorities. Construction Manual M41-01; Maintenance Manual M51-01; Local (Agency) Guidelines; Standard Specifications for Road, Bridge, and Municipal Construction*
- 3. Maintenance. The _____ Division is responsible for the efficient program for maintaining (Agency) roads, bridges, and parks/grounds by economically utilizing the resources of contractors, equipment, and materials.*
- 4. Authorities. Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction Section (M 41-10); Clark (Agency) Road Standards*
- 5. Construction and Maintenance Activities and Title VI*
 - a) Review all Federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the (Agency)'s Title VI Policy Statement (p. 2) and Assurances (Addendum 2, p. 14-15) herein.*
 - b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.*
 - c) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.*
 - d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.*
 - e) Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Coordinator.*

Exhibit 1 - _____ (Agency) Title VI Notice to the Public

_____ (Agency) hereby gives public notice that it is the (Agency)'s policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which _____ (Agency) receives Federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with _____ (Agency). Any such complaint must be in writing and filed with the _____ (Agency) Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the _____ (designated Agency office) at no cost to the complainant by calling (____) _____.

TEMPLATE

Exhibit 2 - _____ (Agency) Title VI Assurances

The (Agency) of _____ in the State of Washington, (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as

the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance through the Oregon Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

_____ (Agency) in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant

running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property

acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, of for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

Exhibit 2A _____, _____ (Agency) Administrator Date

1 – Title VI Assurances For Consultants, Contractors, Subcontractors, Suppliers, and Manufacturers

_____ (Agency) will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations.

The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination.

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials and Equipment.

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports.

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by _____ (Agency) or the Oregon Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to _____ (Agency), or the Oregon Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance.

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, _____ (Agency) and the Oregon Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a) Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- b) Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions.

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as _____ (Agency) or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request _____ (Agency) enter into such litigation to protect the interests of the (Agency) and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Exhibit 2B - Granting and Habendum Clauses

When _____ (Agency) is the recipient of real property, structures or improvements thereon, or interest therein **from** the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

GRANTING CLAUSE

NOW, THEREFORE, _____ (Agency), as authorized by law, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto _____ (Agency) all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto _____ (Agency), and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on _____ (Agency), its successors, and assigns.

_____ (Agency), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,) (and)1 (2) that _____ (Agency), shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally assisted programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the (Agency) shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

Exhibit 2C - Lease/Deed Provisions

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to included these clauses in all future deeds, licenses, leases, permits, or

similar instruments entered into by _____ (Agency) pursuant to the provisions of Title VI Assurances, item 7:

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the (Agency) shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by _____ (Agency) pursuant to the provisions of Title VI Assurances, item 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation --Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the (Agency) shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

1 Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of Civil Rights Act of 1964.