



**TOWN OF WISE
TITLE VI PROGRAM**

Title VI Coordinator
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Town Manager

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FISCAL YEAR: 2024

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TITLE VI STATEMENT OF COMMITMENT

The Town of Wise, hereinafter also referred to as the Local Project Administrator or "LPA" on various Virginia Department of Transportation Projects, will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200 and other applicable directives. **These authorities provide that 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 otherwise subjected to discrimination under any program or activity for which LPA receives federal assistance.**

Further, as a recipient of federal-aid funding, Town of Wise strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction, and project development. Town of Wise will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by the LPA is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties.

Every employee and representative of the Town of Wise shall perform all official duties and actions in full accord with Title VI of the Civil Rights Act of 1964, applicable statutes, executive orders, regulations, and policies enunciated there under.

The Town Manager has been designated as the LPA's Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

Employees of the LPA, contractors or applicants with questions, problems or complaints regarding this statement, and the implementation of the stated provisions, should contact the Town Manager, at 276-328-6013 extension 203 or email at mgr@townofwise.org.

Laura C Roberts
Town Manager for the Town of Wise
Agency Administrator

7/1/23
Date

I. ORGANIZATION AND STAFF RESPONSIBILITIES

A. The Town Council of the Town of Wise, Virginia has designated the Town Manager as the Title VI Coordinator. The Town Manager is appointed by the Town of Wise Council and reports directly to the Town Council. The Town Manager is responsible for management and administration of the day-to-day operations of the Town of Wise. The Town Manager, the Town Planner, occasionally other Town of Wise department heads, and sometimes Consulting Firms hired by the Town of Wise administer federally funded grants for the Town of Wise.

B. Statement of Responsibility and Authority of Title VI Coordinator

The Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPA compliance with Title VI requirements as follows:

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 Town of Wise Council

Complaints

- Review written Title VI complaints that may be received by the Town of Wise following the adopted procedural guidelines.

Data Collection.

- Review statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

Training Programs

- Conduct or facilitate training programs on Title VI issues and regulations for the Town's employees; and facilitate Title VI training for appropriate staff, contractors, and sub-recipients. A log or summary of training conducted shall be kept.

Title VI Plan Update

- Review and update the Town of Wise Title VI Implementation Plan as needed or required
- Present updated plan to the Town of Wise Council for approval.
- Publish/post the Title VI Implementation Plan.

Public Dissemination

- Work with the Town of Wise staff to develop and disseminate Title VI program information to employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.
- 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
- Ensure written or verbal information in languages other than English is being provided, where appropriate.

Elimination of Discrimination

- Work with the Town's program areas to establish procedures for promptly resolving deficiencies, as needed
- Recommend procedures to identify and eliminate discrimination that may be discovered in any of the Town's processes

Maintain Legislative and Procedural Information.

- Keep informed about Federal laws, rules, and regulations, FHWA or VDOT guidelines that may affect the current Town of Wise Title VI Plan and administration of the Town's Title VI Program.
- Ensure information is made available to the public as requested or required.

C. Program Administration. The Town of Wise's Title VI program has been developed to ensure nondiscrimination in all of its programs and activities. Project Managers, to include outside consultants will also work with the Title VI Coordinator to ensure that all advertisements and solicitations comply with Title VI, and that contractors and their respective subcontractors comply with Title VI.

II. TITLE VI PROGRAM IMPLEMENTATION

A. Program Areas – Review and Monitoring Procedures

Planning

- **Planning Process –**
Conduct public input sessions
Conduct public hearings
Conduct planning surveys
Planning Commission meetings
- **Public involvement in planning activities-**
Public Input Sessions and Public Hearings are conducted in Council Chambers of the Wise Municipal Building after advertisement in the local newspaper as required by law. In addition to advertisement in the local newspaper, notices are posted on the Town of Wise webpage and on the Planning & Community Development Facebook page. Printed notices are posted on bulletin boards in the lobby of the municipal building. In cases of public hearings regarding zoning, adjacent property owners are sent certified letters notifying them of public hearings regarding zoning issues. Language has been added to all public notices regarding LEP participation, Language has been added to all public notices regarding participation by persons with disabilities
Public hearings are held in the evenings to allow for participation from those working during the day and information regarding ways to provide input if unable to attend is also provided

Design/Project Development

- **Design and Environmental Review Process**
Public Input sessions and public hearings are held at various stages throughout the design and environmental review process. Signage, accessibility, and persons available to present and answer questions during the input sessions and public hearings are made available.

Right of Way

- **Right of Way Process** – In the event that Right of Way is in question and the Town of Wise needs to obtain an easement and or property acquisition, the Town of Wise determines whether or not the property owner understands (is English proficient) and if not, follows protocol to determine in which language the property owner is proficient and proceeds accordingly to provide an interpreter before obtaining any signatures. If real estate appraisers are required, public advertisements and direct solicitations are used to solicit bids and/or statements of qualifications and/or proposals. Title VI required language is included in the advertisements as well as in any subsequent contracts.

Construction/Maintenance

- **Construction/Maintenance Section**
Construction/Maintenance is overseen by the Town Manager – the Town Manager is responsible for review and signing contracts related to any construction or maintenance agreements. If the Town uses a consultant for project management, the consultant is responsible for including all required Title VI assurances in the contract bid documents. If the Town Manager and appropriate department heads are managing a project, the Town Manager and department head will ensure that the Title VI assurances are included in contracts.
- **Construction/Maintenance Section activities and Title VI**
 - Title VI assurances Appendix A&E are included in contracts, subcontracts, and material supply agreements as required by law.

Consultant Contracts Administration

The Town Manager and appropriate department head for the specific project reviews plans and specifications prior to advertisement for bids. The consultants are contractually bound to include the Title VI assurances Appendix A & E in the specifications and must demonstrate that they appear in the specifications .

B. Sub-recipients - Reviews and Monitoring Procedures

The Town of Wise will conduct Title VI compliance reviews and monitoring of its sub-recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. The Town of Wise 's staff will periodically review operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

The Town of Wise will also conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements.

When irregularities occur in the administration of Federal-aid highway programs at sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The Town of Wise will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The Town of Wise will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

When a sub-recipient fails or refuses to voluntarily comply with requirements, the Town of Wise will submit to VDOT's Civil Rights Administrator -Title VI Coordinator copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted 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, the Town of Wise and VDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

Consultants and sub-consultants Reviews

The Town of Wise will evaluate consultant and subconsultant compliance using a Title VI Evaluation form to conduct reviews. Consultants and sub-consultants will submit the Title VI Evaluation form to the Town of Wise Title VI Coordinator for review and approval. A copy of the Title VI Evaluation form can be found in Section VII.

C. Title VI Training

The Title VI coordinator will provide annual training to department heads.

D. Dissemination of Title VI Information

Community Outreach and Public Education

The Town of Wise will develop and disseminate Title VI Program information to its employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination will include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, the publication of the Town of Wise's Title VI Policy Statement, and informational brochures. Public dissemination will also include posting of public service announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community.

The Town of Wise is committed to document and analyze the impacts of transportation projects on minority and low-income populations as a normal part of analysis efforts. A key aspect of the analysis is to ensure the involvement of affected communities in the project development process. The Town of Wise has developed Guidelines to provide Environmental, Planning, Right of Way,

Location and Design, Civil Rights and any other applicable with a consistent framework for developing an effective public involvement strategy. They contain only principles and general procedures, which means that the specific approach must be tailored to the unique circumstances of each project and those communities affected by it. If the procedures do not seem appropriate for a particular project, then the team will develop a more suitable approach.

- E. **Limited English Proficiency** – Language access is required for legal compliance with federal regulations, which require organizations that receive funding from the Federal Government to take reasonable steps to ensure meaningful access to services for individuals with Limited English Proficiency (LEP). Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin, including limited English Proficiency. E.O. 13166 says that people who have limited English proficiency should have meaningful access to federally conducted and federally funded programs and activities.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English are Limited English Proficient (LEP). For a LEP person, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. LEP persons may be entitled to language assistance at no cost to them with respect to a service, benefit, or encounter.

The Town of Wise provides meaningful access to programs and activities by giving LEP persons adequate and understandable information to participate in programs and activities and by taking reasonable steps to remove barriers for LEP persons. Meaningful access to LEP persons means ensuring that LEP persons can communicate effectively and act appropriately based on that communication. The Town of Wise offers translation services that can be utilized in the event that a translator is needed for persons with Limited English Proficiency.

Statement of Commitment: The Town of Wise will take reasonable steps to ensure LEP persons have meaningful access to programs, activities, services, and information that are normally provided in English. Failure to ensure that LEP persons can effectively participate in federally assisted programs and activities may violate the prohibition against national original discrimination under Title VI of the Civil Rights Act of 1964.

Implementation Guidelines: When staff encounter LEP persons or request for language assistance, the guidelines described below will be used to determine what assistance can be provided. The language assistance services available to the Town's staff that need to communicate with any LEP person or for any LEP person to communicate with the Town's staff, solicit assistance or conduct business with the staff are: interpreters, translation of documents, on demand over the phone interpretation.

The need for LEP services depends on the type of contact: In-person Contact – Use the Language Identification Flashcard to attempt to identify the language spoken; Written Contact or Documents – engage translation services from an on-call contractor; Request for translation at a meeting – use a translation service. Cost alone will not determine whether a request is granted. Language assistance services deemed appropriate will be made available at the expense of the town.

Four-factor analysis: Demography – number and proportion of LEP persons served and languages spoken in service area; Frequency – rate of contact with service or program; Importance – nature and importance of program/service to people’s lives; Resources – available resources, including language assistance services.

The Title VI Coordinator will: Post written notices on the website and/or in a public area regarding the right to free language assistance for persons conducting business with the Town in the most likely to be encountered languages as determined using the four-factor analysis; ensure that public notices and publications include statements that the Town provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities; maintain language assistance resource list, updating with current resources; ensure staff understand the right to free language assistance for LEP persons and how to use language assistance resources and to include statements in public notices and publications that the Town provides reasonable accommodations.

The Title VI Coordinator will also review the Town’s activities on a regular basis for providing meaningful access to LEP persons; review document requests for translation services and encounters with LEP persons and provide reports when requested; regularly review demographic data based on the four-factor analysis. If a language other than English is the primary language of greater than 5% of the population, then the LEP guidelines may need to be modified to meet new needs; collect and maintain demographic statistics on persons who participate in their programs and services; and solicit input/feedback from the Wise County Social Services Department and Community-based organizations servicing LEP persons.

III. DISCRIMINATION COMPLAINT PROCEDURES

Any person who believes they—or a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of the Town of Wise -- a recipient of Federal financial assistance through the Virginia Department of Transportation -- may file a Title VI complaint. The Title VI Complaint Form can be found at the end of this document.

Where can one file?

Complaints related to the Federal-aid highway program may be filed with VDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ.

When must one file?

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

What should a complaint look like?

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the receiving agency and provide the allegations by telephone, and the agency should transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

How are complaints routed?

FHWA Division Offices do not investigate Title VI complaints. Likewise, State DOTs and its Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against the Town of Wise (a Subrecipient of Federal financial assistance).
- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the Town of Wise, The Town of Wise will forward the complaint to VDOT, which will forward the complaint to the VDOT's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with VDOT, VDOT will forward the

complaint to the VDOT's FHWA Division Office, which should forward the complaint to HCR.

- VDOT and the Town of Wise will log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, VDOT, and the Town of Wise .

Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8 th Floor E81-105 Washington, DC 20590
Email	CivilRights.FHWA@dot.gov
Fax	202-366-1599
Questions?	202-366-0693

What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- **Referral/Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI

What are the timeframes for investigation?

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

If VDOT is delegated an investigation from FHWA, VDOT must complete the investigation within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA) as stipulated in 23 CFR §200.9(b)(3)

How does the Investigating Agency gather information?

There are no regulatory requirements for how information is gathered, but VDOT and the Town of Wise are required to keep detailed records on how they comply with Title VI and to provide USDOT with access to documents and persons with relevant information. 49 CFR §21.9. Typically, the respondent will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or VDOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

Once FHWA starts an investigation, what are the potential outcomes?

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, HCR (or an investigator for VDOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction,

then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.

- If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
 - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
 4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
 5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
 - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR

IV. COMPLIANCE AND ENFORCEMENT PROCEDURES

Remedial Action

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report will include a draft corrective action plan (CAP) with projected due dates. The program area staff/Title VI Liaison or the Subrecipient will be able to propose remedial actions to correct the deficiencies. Program areas and Subrecipients are expected to correct all deficiencies according to their CAP and provide periodic updates to the Title VI Officer/ Coordinator/ Specialist assigned to the review. The Title VI Coordinator/or appropriate designee will provide technical assistance, as needed, and work with the (program area's) Title VI Liaison or Subrecipient's Title VI Coordinator to ensure implementation of the CAP. When the Title VI Coordinator or appropriate designee has determined that a sub- recipient's deficiencies are sufficiently corrected, the program area Title VI Liaison or the Subrecipient will be notified that the review process is complete and no further progress reporting is needed. The Subrecipient will receive an official Closeout Letter signed by the Town of Wise Title VI Coordinator.

Affecting Compliance

When an internal program area refuses to cooperate or comply with Title VI, the Title VI Specialist/Coordinator will elevate the matter to the Director, after which, the matter may be referred to the State DOT Civil Rights Manager or responsible USDOT Operating Administration (OA).

When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report, the Subrecipient moves from a "deficiency status" to noncompliance; the Town of Wise will submit two copies of the case file to the State DOT or FHWA with a recommendation that the sub- recipient be found in noncompliance; and/or, may, with the concurrence of the State DOT or FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

Sanctions

In the event that a Subrecipient or contractor ("recipient") fails or refuses to comply with Title VI, the first step taken by the internal program area with oversight of the recipient will be the Town of Wise attempts the resolve the issue using the program area's normal administrative solutions. However, the Town of Wise may take any or all of the following steps, with the concurrence of VDOT or USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by the Town of Wise to voluntarily resolve the compliance issue:

- a. Cancel, terminate, or suspend the contract or agreement in whole or in part;
- b. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;
- c. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or,

- d. Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings. Other means authorized by law.

V. AUTHORITIES

This section is a reference source of the applicable authorities related to Title VI of the Civil Rights Act of 1964 as amended.

Title VI of the 1964 Civil Rights Act (42 USC 2000d et seq) requires that “No person in the United States shall, on the ground 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.”

The Civil Rights Restoration Act of 1987, P.L. 100-209 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

49 CFR Part 21, the U.S. Department of Transportation’s Implementing Regulations of Title VI of the Civil Rights Act of 1964.

23 Code of Federal Regulations (CFR) Part 200, the Federal Highway Administration’s Title VI Program Implementation and Review Procedures.

USDOT Order 1050.2A

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).

Executive Order 12898 (issued February 11, 1994) addresses disproportionate adverse environmental, social, and economic impacts that may exist in communities, specifically minority and low-income populations.

Executive Order 13166 (issued August 16, 2000) addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

VI. TITLE VI ASSURANCES (STANDARD DOT TITLE VI ASSURANCES -USDOT 1050.2A)

TITLE VI/NONDISCRIMINATION ASSURANCES

DOT Order No.1050.2A

The *Town of Wise*, (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation – Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Highway Program:

- D. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 I of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Town of Wise in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- E. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
- F. 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 will extend to rights to space on, over, or under such property.
- G. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, 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, or 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 will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal

financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, the *Town of Wise* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *USDOT* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *USDOT*. You must keep records, reports, and submit the material for review upon request to *USDOT*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The *Town of Wise* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal-Aid Highway Program*. This ASSURANCE is binding on the *Commonwealth of Virginia*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Town of Wise

by Lance C Roberts
(Signature of Authorized Official)

DATED 7/1/23

APPENDIX A

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:

- H. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
1. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Town of Wise* will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by 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 pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Town of Wise* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the *Town of Wise* 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Town of Wise, its successors and assigns.

The Town of Wise 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 will on the grounds of race, color, 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]* (2) that the *Town of Wise* will use the lands and interests in lands and interests in lands so conveyed, 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 and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Town of Wise pursuant to the provisions of Assurance 7(a):

- J. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
- K. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the Town of Wise will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued. *
- L. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the Town of Wise will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the Town of Wise and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Town of Wise pursuant to the provisions of Assurance 7(b):

- M. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, 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 the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the *Town of Wise* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- N. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the *Town of Wise* will there upon revert to and vest in and become the absolute property of the *Town of Wise* and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency,
And resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*)

SECTION VII
Town of Wise
Consultant Title VI Evaluation Form

Introduction: The Town of Wise is a recipient of federal financial assistance. As a recipient, the Town of Wise is required to comply with Title VI of the Civil Rights Act of 1964, as amended and other nondiscrimination laws and authorities. Title VI of the Civil Rights Act of 1964, and other directives prohibit agencies and sub-recipients receiving federal assistance from discriminating against anyone or any group in the United States on the grounds of race, color, national origin, sex, age, disability, or low-income. The United States Department of Transportation and the Federal Highway Administration Regulations (49) Code of Federal Regulations (CFR), Part 21, and 23 CFR, Part 200 respectively, and other applicable orders and authorities provide guidelines, actions, and responsibilities for the Town of Wise's implementation of the Title VI Program. These laws and regulations include but are not limited to the following:

- The 1970 Uniform Act (42 USC 4601) – prohibits unfair treatment of isplaces
- Section 504 of the 1973 Rehabilitation Act (29 USC 790) – prohibits discrimination based on disability
- The Federal-Aid Highway Act of 1973 (23 USC 324) – prohibits discrimination based on gender
- The 1975 Age Discrimination Act (42 USC 6101) – prohibits age discrimination (any age)
- The Civil Rights Restoration Act of 1987 – clarified the original intent of nondiscrimination organization-wide
- Executive Order 12898 on Environmental Justice (EJ) addresses disproportionately high and adverse human health and environmental effects on minority and low-income populations
- Executive Order 13166 on Limited English Proficiency (LEP) – ensures people who are limited English proficient (LEP) have meaningful access to services

In brief, these laws and regulations prohibit discrimination in federally assisted programs and activities. Title VI of the 1964 Civil Rights Act states that:

“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.”

By contracting with the Town of Wise, a consultant is obligated to comply with the laws and regulations listed above and within the Memorandum of Agreement or contract executed between the Town of Wise and the consultant. The Town of Wise's Title VI Coordinator monitors and organizations compliance with the non-discrimination provisions.

To monitor compliance, each consultant and all sub-consultants are required to submit a Title VI Evaluation Form. This requirement is applicable for all consultants.

The Title VI Evaluation Form provides documentation that a consultant has procedures in place to prevent discrimination in programs and services based on Title VI.

The Town of Wise will request a Title VI Evaluation Form within ten (10) days of notification of selection for new contractors or contractors that do not have a current assessment on file with the Town of Wise.

The Assessment Form should be submitted to the Town of Wise Title VI Coordinator. These are the divisions we currently receive Title VI Evaluation Forms from:

Planning Division

Design/Project Division

Right of Way Division

Construction/Maintenance Division

Once the Title VI Evaluation Form is provided to the Town of Wise, the Title VI Coordinator reviews the information and may request additional information and/or recommend corrective actions. The Title VI coordinator may schedule an on-site review within the review time frame to confirm information provided in this evaluation form.

If the report is approved, a letter will be sent out with an expiration date for one year from the date of the approval letter. Typically the letter remains current and on file with the Town of Wise for a period of one year. An updated report is required annually for contractors and consultants who continue to perform under a contract with the Town of Wise. The Title VI Coordinator may randomly schedule on site compliance reviews at the consultant's/contractor's office. It should be noted that if the Town of Wise conducts an on-site compliance review the contractor/consultant can still be found to be out of compliance during the one year period.

Failure to comply with the nondiscrimination provisions may result in cessation of negotiations, withholding of payments, cancellation, termination, or suspension of the contract in whole or in part.

Should you have any questions about the Town of Wise's Title VI Program or the Evaluation form, contact the Town of Wise Manager's office at (276)328-6013 ext. 203 or via email at mgr@townofwise.org

**SECTION VII
TITLE VI EVALUATION FORM**

This Title VI Evaluation Form is used as a Pre-award Review and Post-award Review. The Town of Wise is required to conduct routine assessments prior to releasing funds to ensure Title VI compliance. A pre-award review assists in determining whether applicants operate in a nondiscriminatory manner. Pre-award reviews can also be used to require applicants to take preventive measures to ensure that discrimination will not occur in their services as a condition of receiving contracts. Pre-award reviews represent a frontline approach to eliminating and preventing discrimination before it occurs.

Post-Award Reviews are generally conducted after a contractor begins the scope of work. However to minimize the burden on the Town of Wise's consultants, the Town of Wise has developed a form that serves as both pre-award and post-award compliance tool.

The Town of Wise must also conduct on-site reviews of prime contractors periodically to ensure the contractor remains in compliance with Title VI and to verify that the contractor has preventive measures to ensure nondiscrimination by their sub-contractors.

Name of Preparer:

Preparer's Title:

Phone #:

Email address:

Name of Organization:

Address of Organization:

Address of Virginia location where project will be done:

Type of Contractor/Organization:

Private Organization

Supplier

Governmental Agency

Other

Workforce for Virginia Location(s)

Total: _____ % Minority: _____ % Female: _____

Business Ownership/Control: _____ Minority _____ Female _____ DBE Certified _____ SwaM Certified

Does your organization currently have contracts or subcontracts with the Town of Wise? _____

What is your organization's most recent date of Title VI approval? _____

Status of Project(s): _____ Value of current Contract(s): \$ _____

What does your organization have in place to ensure nondiscrimination in your scope of work and your programs and services? _____

Organization, Staffing and Training:

What type of services will your organization provide? _____

Provide the name, position, title and contact information for the person responsible for administration of Title VI policies and procedures (Title VI Coordinator): _____

Title VI Nondiscrimination:

Is your Title VI Coordinator, project managers, and other staff made aware of Title VI compliance and regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation Title 49, Code of Federal Regulations, Part 21 and the Federal Highway Administration's 23 Code of Federal Regulations 200? Please explain how they are made aware. _____

What procurement procedures does your organization have in place to ensure nondiscrimination in the selection and retention of subcontractors including procurement of materials and leases of equipment? _____

How does your organization notify your subcontractors and suppliers of their obligations under this contract and the regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability and low income populations? _____

Are facilities and meeting areas fully accessible to persons with disabilities: _____

Does your organization have a system in place to accommodate persons with disabilities? If yes, how does your organization notify the public? If no, please explain. _____

How are limited English proficient persons made aware that they can receive translation services for access to services? _____

Has your organization been reviewed by any governmental agencies for compliance with Title VI and other laws and regulations? If yes, provide a copy of the letter identifying the review findings? _____

Does your organization receive federal assistance (grants, loans, donations of property, or detail of personnel) from any Federal government entity? _____

List any discrimination complaints and/or lawsuits received in Virginia during the reporting period. Include the basis for the complaint (ethnicity, gender, etc.) and summarize the outcome or resolution. If applicable, include a copy of the investigation report. _____

Disadvantaged Business Enterprises (DBE)

Did your organization award any contracts/subcontracts related to this project work to DBEs during the reporting period? _____

If yes, provide the following:

Name and amount awarded to DBE: _____

Total # of contract awarded to DBEs _____

Total dollar amount of contracts awarded to DBEs: _____

I certify that the data given in this report is correct to the best of my knowledge. (Report must be submitted with original signature, not a photocopy.)

Signature: _____

Authorized Officer

Title

Date

TITLE VI COMPLAINT FORM

SECTION I. I believe that I have been (or someone else has been) discriminated against on the basis of: _____ Race _____ Color _____ National Origin

SECTION II.

First Name: _____

State: _____

Email address: _____

SECTION III.

Are you filing this complaint on your own behalf? _____ yes _____ no

If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you are filing for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party: _____ yes _____ no

Are you represented by legal counsel for this matter? _____ yes _____ no

If yes, please provide the name and contact information of legal counsel:

Have you previously filed a civil rights complaint with FHWA?

_____ yes _____ no

SECTION IV Name of Public Entity complaint is against: _____

SECTION V

Have you filed this complaint with any of the following agencies?

_____ US Department of Justice

_____ US Department of Transportation

_____ Virginia Department of Transportation

_____ Town of Wise

_____ US Equal Employment Opportunity Commission

Other: _____

Have you filed a lawsuit regarding this complaint? _____ yes _____ no

If yes, please provide the case number: _____

SECTION VI

Please include details of your complaint below. FHWA will contact you to request any additional documentation you may want to submit on behalf of your complaint.

Important: We cannot accept your complaint without a signature, so please sign your first name:

Signature

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against the Town of Wise (a Subrecipient of Federal financial assistance).
- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the Town of Wise, The Town of Wise will forward the complaint to VDOT, which will forward the complaint to the VDOT's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with VDOT, VDOT will forward the complaint to the VDOT's FHWA Division Office, which should forward the complaint to HCR.
- VDOT and the Town of Wise will log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, VDOT, and the Town of Wise.

Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8 th Floor E81-105 Washington, DC 20590
Email	CivilRights.FHWA@dot.gov
Fax	202-366-1599
Questions?	202-366-0693