DRAFT

TITLE VI/NONDISCRIMINATION PLAN

COUNTY OF HIDALGO

100 E. Cano Street
Edinburg, Texas 78539

Title VI/Nondiscrimination Coordinator Contact Information

Valde Guerra, County Executive Officer
2818 South Business Highway 281
Edinburg, Texas 78539

Ph: (956)292-7655
Fx: (956)292-7034

TABLE OF CONTENTS

Introduction 3
Authorities 6
Policy Statement & Standard DOT Assurances 7
County Organizational Chart 8
Roles & Responsibilities 9
Title VI Plan Administration 13
Limited English Proficiency (LEP) Plan 16
Environmental Justice Plan 24
Public Participation Plan 27
Title VI Complaint Processing Procedures 32
Annual Work Plan & Accomplishment Report Process 37
Glossary 38
Summary of Attachments 41

DRAFT

INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any agency receiving federal assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI). Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 defined the word "program" to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance.

In addition to statutory authorities, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed in February of 1994, requires Federal agencies to achieve environmental justice as part of their mission by identifying disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice.

Also, Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP), provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. As a recipient of Federal financial assistance in certain programs and projects, the County of Hidalgo (hereinafter "the County) must make reasonable efforts to provide access to individuals with limited ability to speak, write, or understand the English language.

The County must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects because of race, color, sex, or national origin. Therefore, the primary goals and objectives of the County of Hidalgo's Title VI Non-Discrimination Plan are:

DRAFT

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by the County's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;

3. To prevent discrimination in County programs and activities, whether those programs and activities are federally funded or not;

4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, and all affected Title VI populations;

5. To establish procedures to annually review Title VI compliance of specific program areas within the County;

6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a County-provided service, project, program or activity.

As the recipient of Federal transportation funds, the County must comply with Federal and State laws, and related statutes, to ensure equal access to all persons, with respect to its programs and activities without regard to race, color, national origin, sex, age, or disability. Every effort will be made to prevent discrimination in any County-sponsored program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The County's Title VI Plan also establishes procedures to make sure that the County's contractor's and sub-recipients adhere to Federal and State laws and include in all written agreements or contracts assurances that the sub-recipient must comply with Title VI and other related statutes. The County, as a recipient receiving Federal funds in certain programs and activities, shall monitor its sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the County will make a good faith effort to ensure that the sub- recipient corrects any such deficiencies.

DRAFT

Federal Financial Assistance

Title VI states that no program or activity receiving "Federal financial assistance" shall discriminate against individuals based on their race, color, or national origin. Federal financial assistance may include grants and loans of federal funds, the grant or donation of Federal property and interests in property, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and any other federal arrangement, agreement, or contract which purpose is to provide federal assistance.

Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. Federal financial assistance may be received directly or indirectly.

DRAFT

AUTHORITIES

The authorities applicable to the County of Hidalgo's Title VI program are included below:

- **Title VI of the Civil Rights Act of 1964, (42 U.S.C. §2000d)** provides 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 receiving federal financial assistance."
- **Civil Rights Restoration Act of 1987** restored the intent of Title VI and the broad, institution-wide scope and coverage of nondiscrimination statutes to include all programs and activities of federal-aid recipients, sub-recipients, and contractors, whether those programs and activities are federally funded or not.
- **Federal Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.)** provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.
- **Uniform Act of 1970 (42 U.S.C. 4601)** which prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.
- **Section 504 of the Rehabilitation Act of 1973** which prohibits discrimination based on a handicap/ disability.
- **49 CFR Part 21** U.S. Department of Transportation (U.S. DOT) Regulations for the Implementation of Title VI – requires assurances from states that nondiscrimination under any program or activity for which the recipient receives federal assistance from the U.S. DOT, including the Federal Highway Administration (FHWA) will be prevented.
- **28 CFR 50.3** Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964
- **Executive Order No. 12898** Addresses federal actions to address Environmental Justice in minority populations and low income populations.
- **Executive Order No. 13166** Addresses the improvement of access to services for persons with Limited English Proficiency.
- **Executive Order No. 12250** Department of Justice Leadership and Coordination of Non-Discrimination Laws

DRAFT

POLICY STATEMENT & STANDARD DOT ASSURANCES

Policy Statement:

The County of Hidalgo, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statues, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation in any federally or non-federally funded program or activity administered by the County of Hidalgo.

The nondiscrimination statement signed by all members of the County's Commissioners' Court, is located as Attachment 01 of this plan.

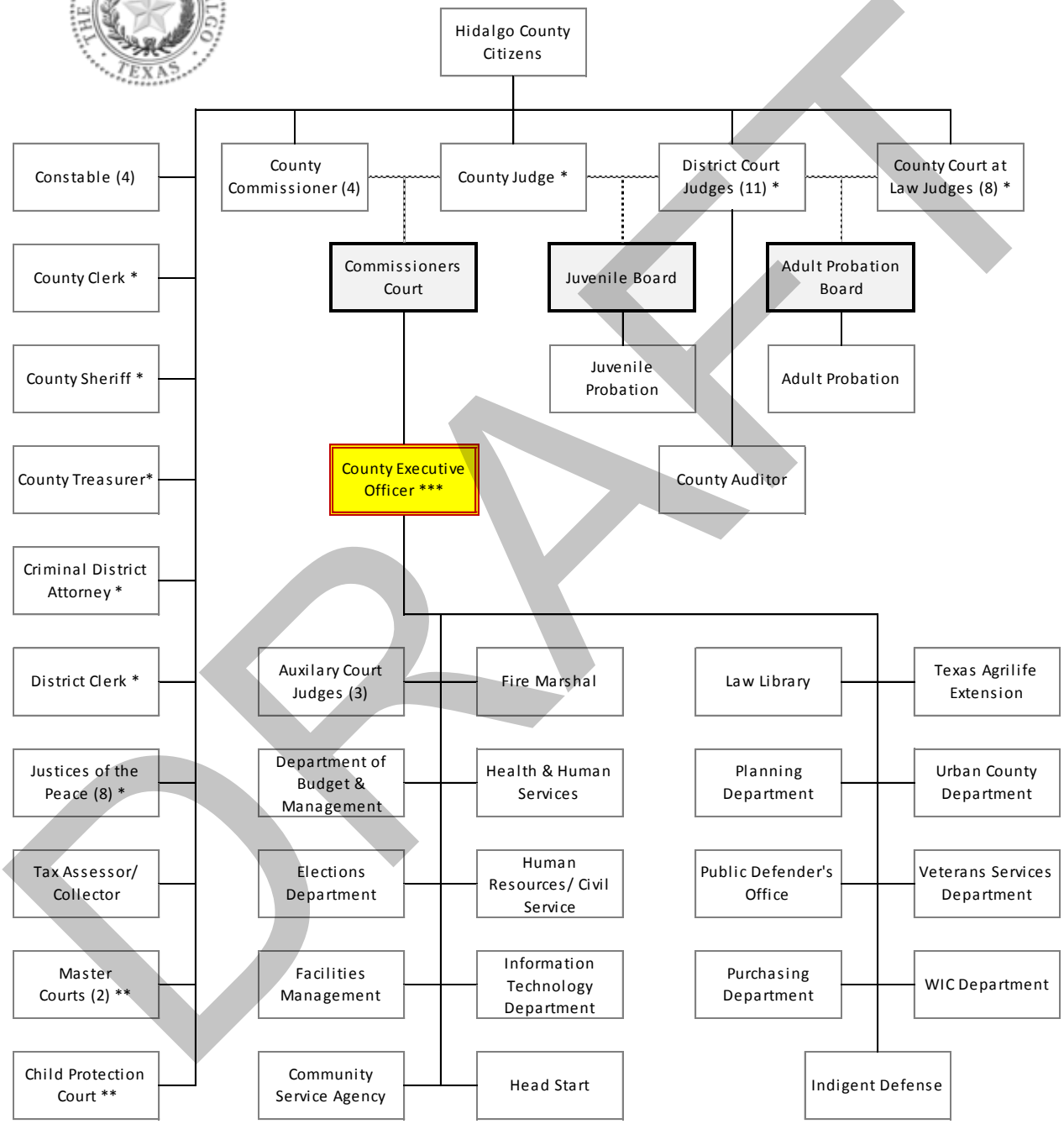
Standard DOT Assurances:

23 CFR 200.9(a)(1) requires assurances from the County of Hidalgo 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 otherwise be subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the U.S. Department of Transportation (USDOT), including the FHWA.

The Title VI Assurances are submitted to TXDOT every three years or when there is a change in administration for any of the presiding Commissioners' Court members. The updated Title VI Assurances signed by all members of the County's Commissioners' Court, is located as Attachment 02 of this plan.

DRAFT

COUNTY ORGANIZATIONAL CHART



DRAFT

* Members of Bail Bond Board

** State appointed judges

*** Title VI/Nondiscrimination Coordinator

ROLES & RESPONSIBILITIES

Title VI/Nondiscrimination Coordinator:

The County of Hidalgo's Title VI/Nondiscrimination Coordinator is its County Executive Officer. The County Executive Officer reports to the County Commissioners' Court and shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances for the County of Hidalgo.

The Title VI/Nondiscrimination Coordinator is authorized to ensure compliance with the provisions of the County's statement of nondiscrimination and with the appropriate laws and regulations. The Title VI/Nondiscrimination Coordinator will also ensure implementation of the County's nondiscrimination policy statement and will be responsible for initiating, monitoring, and ensuring the County's compliance with Title VI requirements.

The Title VI/Nondiscrimination Coordinator's role and responsibilities include but are not limited to the following:

1. Program Administration. Being the focal point for the Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance. Ensuring that Title VI requirements are included in appropriate policy directives and that the procedures used have built in safeguards to prevent discrimination. Ensure compliance with Title VI assurances, policies, and program objectives.

2. Public Dissemination of Information. Develop and disseminate Title VI program information (and, where appropriate, in languages other than English) to County employees/officials, and sub-recipients, including contractors, subcontractors, consultants and the general public. The public dissemination program shall involve the posting of the County's Title VI Policy Statement: a) in contracts or other agreements and bid specification packages; b) on the County's internet website, www.co.hidalgo.tx.us; c) in certain County buildings. The dissemination to employees/officials will include: a) an annual broadcast to County employees; b) Posting on the County's internet website; c) Acknowledgements of the County's Title VI and LEP Plan in the new employee orientation (Attachment 04).

3. Annual Work Plan and Accomplishment Report. Coordination, compilation, and submission of the Annual Work Plan and Accomplishment Report to the Texas Department of Transportation, Office of Civil Rights via TXDOT's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report Development

DRAFT

Guide, as presented in TXDOT's Title VI/Nondiscrimination Technical Assistance Guide for Sub-Recipients. The Annual Work Plan and Accomplishment Report is due one year from the date of approval of the Title VI plan and then annually on that same date. Ensure the following areas are adequately addressed in the plan:

- Title VI compliant procedures
- Record of Title VI investigations, complaints or lawsuits, and dispositions
- Plan to involve persons with Limited English Proficiency (LEP)
- Environmental Justice Plan
- Title VI notices to the public
- Annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year

4. Elimination of Violations. Assisting with the correction of Title VI related problems or discriminatory practices or policies found through self-monitoring and review activities. When deficiencies are found, reasonable procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s).

5. Complaint Process. Implementation of procedures for the prompt processing of Title VI internal and external discrimination complaints.

6. Compliant Resolution. Overseeing the investigation of external Title VI complaints.

7. Training Program Development. Facilitate the development and implementation of training programs on Title VI issues and regulations and, other nondiscrimination authorities, for County employee/officials, contractors, and sub-recipients. A summary of training conducted will be reported in the annual update.

8. TXDOT Notice. Forwarding Title VI complaints filed against the County of Hidalgo to TXDOT within 10 calendar days for investigation.

9. Data Collection. Coordinating the collection and maintenance of statistical data on race, color, national origin, English language proficiency and sex of participants in the beneficiaries of County programs. Most information will be gathered through Census data and maps. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

DRAFT

10. Title VI Plan Update. If updated, providing a copy of the Title VI Plan to the Texas Department of Transportation. The County will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change in the County's Title VI Plan administrative structure and staffing or changes to the plan's complaint procedures, etc.

Title VI Coordinator Contact Information:

County of Hidalgo Executive Office
Title VI/Nondiscrimination Coordinator
2818 S. Bus. Hwy. 281
Edinburg, Texas 78539

Phone: (956)292-7655
Fax: (956)292-7034

Departments/Elected Offices:

The County of Hidalgo Departments and Elected Offices, including Hidalgo County Head Start Program and Community Service Agency, will coordinate with the Title VI/Nondiscrimination Coordinator to ensure compliance with Title VI requirements for TXDOT. Department Heads and Elected Officials responsibilities for Title VI requirements include, but are not limited to the following:

1. Environmental Justice compliance on all TXDOT or other federally funded projects; and

2. Collecting and analyzing data to numerically assess the reach and impact of its program funds.

3. Comply with Limited English Proficiency Plan and Environmental Justice/Public Participation monitoring and reporting requirements

4. Coordinate with Title VI/Nondiscrimination Coordinator to ensure all required information is provided in a timely manner

Purchasing Department:

The County of Hidalgo's Purchasing Department shall make sure that the notifications in Attachment 02, Appendixes A and E are included in all solicitations for bids for work or

DRAFT

material, and as an associated component of the contract, including the following language which should not be incorporated by reference but directly incorporated:

> The County of Hidalgo, 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.

The clauses in Attachment 02, Appendix B shall be inserted 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.

The clauses in Attachment 02, Appendix C shall be included, where applicable, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the County of Hidalgo with other parties for the subsequent transfer of real property acquired or improved under the programs administered by the County of Hidalgo.

The clauses in Attachment 02, Appendix D shall be included, where applicable, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the County of Hidalgo with other parties for the construction or use of or access to space on, over, or under real property acquired, or improved under the programs administered by the County of Hidalgo.

Attachment 03, Form FHWA 1273, must be attached to all construction contracts funded under Title 23 (Federal Highway Administration) for $10,000 or more.

DRAFT

TITLE VI PLAN ADMINISTRATION

The Title VI/Nondiscrimination Coordinator shall have lead responsibilities for coordinating the administration of the Title VI and related statutes program, plan and assurances for the sub-recipient.

Dissemination of the County's Title VI Policy:

The County of Hidalgo disseminates its Title VI Nondiscrimination Policy Statement, Title VI Nondiscrimination Plan, and complaint procedures internally and externally, to the general public, by including the policy statement on the County's website. The website also provides access to forms to file external discrimination complaints under Title VI.

Title VI information posters shall be sent to all County Department Heads and Elected Officials to post in a conspicuous location in their department or building.

Title VI Nondiscrimination information disseminated to County employees via the County website, www.co.hidalgo.tx.us, and through an annual notice. New County employees hired on or after September 1, 2016, are informed of the provisions of Title VI, provided a copy of the Title VI Nondiscrimination Policy Statement, and are required to sign an Acknowledgement of Receipt during New Employee Orientation. (Attachment 04)

All subcontractors and vendors who receive payments from the County of Hidalgo, where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 and 49 CFR Part 21. Written contracts shall include nondiscrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

The name of and contract for the Title VI/Nondiscrimination Coordinator is available on the County website, at www.co.hidalgo.tx.us. Additional information relating to nondiscrimination obligations and information on filing complaints can be obtained from the County's Title VI/Nondiscrimination Coordinator located in the County Executive Office.

Complaints:

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English

DRAFT

Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the County's Title VI/Nondiscrimination Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

Data Collection & Analysis:

Statistical data on race, color, national origin, English language proficiency and sex of participants in and beneficiaries of federally funded programs, e.g. impacted citizens and affected communities, will be gathered and maintained by the County on a project-by-project basis.

Hidalgo County department heads/elected officials, including Head Start Program and Community Service Agency, will use surveys, questionnaires, and/or Census data and maps to perform the following:

1. Analyze the population benefitting from a project, including analyzing the benefits to traditionally underserved populations, if any;
2. Identify the population burdened by the projects, including traditionally underserved populations;
3. Perform a language needs assessment;
4. Determine how best to disseminate information to the affected populations;
5. Determine how best to prioritize investments; and
6. Analyze the impact of the investment.

The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews:

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and issues. The reviews will be conducted by the Coordinator to assure effectiveness in their compliance with Title VI provisions. The Title VI/Nondiscrimination Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The County will conduct reviews annually by the end of the calendar year.

TXDOT Annual Reporting Form:

The Title VI/Nondiscrimination Coordinator will be responsible for coordination, compilation, and submission of the Annual Work Plan and Accomplishments Report to the Texas Department of Transportation, Office of Civil Rights via TXDOT's Title VI/Nondiscrimination Annual Work Plan & Accomplishments Report Development Guide,

DRAFT

as presented in TXDOT's Title VI/Nondiscrimination Technical Assistance Guide for Sub-Recipients.

TXDOT Title VI Plan Updates:

If this plan is updated, a copy of the Title VI/Nondiscrimination Plan will be submitted to the Texas Department of Transportation within 90 days from date of approved update. The County will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change of Commissioners' Court members.

Remedial Action:

The County, through the Title VI/Nondiscrimination Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When deficiencies are identified, procedures will be promptly implemented to correct the deficiencies and establish written corrective action(s). The period to determine corrective action(s) and respond in writing to ensure compliance may not exceed 90 days from the date the deficiencies are identified.

Record Keeping:

Any records related to the Title VI/Nondiscrimination Plan shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer; however, should records be the subject of a grievance, administrative action, litigation or other formal complaint, said records must be maintained for the minimum retention period and thereafter until the final disposition or resolution of the complaint.

DRAFT

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Purpose:

The purpose of the Limited English Proficiency (LEP) Plan is to clarify the responsibilities of the County and those entities that undertake governmental duties on behalf of the County (including contractors and subcontractors) and to assist them in fulfilling their responsibilities to LEP persons. This plan also serves to show the County's commitment to ensure its departments communicates effectively with Limited English Proficiency individuals and provide persons with limited English proficiency access to all County programs.

An LEP individual is a person who does not speak English as his or her primary language and who has a limited ability to speak, read, write, or understand English.

All County department heads or elected officials, including Hidalgo County Head Start Program and Community Service Agency, and those entities that undertake governmental duties on behalf of the County (including contractors and subcontractors) must make a meaningful attempt to provide LEP persons with a means of effective communication.

LEP Policy Statement:

It is the policy of the County of Hidalgo to provide timely meaningful access for LEP persons to all County programs and activities. Language assistance services shall be provided to persons with LEP whenever a person with LEP requests language assistance services, as set forth herein.

LEP Plan Summary:

The County of Hidalgo has developed the Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services, programs, and/or activities provided by the County of Hidalgo. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, how to notify LEP persons that assistance is available, and information for future plan updates.

In order to decide what reasonable steps County departments/offices should take to ensure meaningful access for LEP persons, the County of Hidalgo considers the following:

DRAFT

1. The number or proportion of LEP persons eligible to be served or likely encountered by the County program, activity, or service;

2. The frequency with which LEP individuals come in contact with the County program, activity, service;

3. The nature and importance of the program, activity, or service provided by the County;

4. The resources available to the County and overall costs to provide the LEP assistance.

A brief description of the above considerations is provided in the following section.

Four-Factor Analysis:

The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the County will undertake to guarantee access to their programs, activities, or services.

1. Number or proportion of LEP persons eligible to be served or likely encountered by the County program, activity, or service.

   The County of Hidalgo and its departments/offices will use various methods to identify LEP persons with whom they have contact. These may include:

   - Current or past experiences with LEP persons encountered by the department's staff:
     - The number and type of such encounters must be periodically analyzed by the department to determine the breadth and scope of the language services required.

   - Most recent U.S. Census Bureau data:
     - Departments shall analyze data from the most recent U.S. Census Bureau data, regarding languages spoken in the County of Hidalgo as well as those who self-identified that they spoke English less than "very well".

DRAFT

The County of Hidalgo has examined the U.S. Census Bureau's American Community Survey (ACS) data, 2012-2016 ACS 5-year Estimates, for Hidalgo County, Texas, and was able to make the following approximations:

Table 1: Limited English Proficiency Summary

Subject	Total	People who speak only English at home		Distribution of people who speak a language other than English at home			
				Spanish		Other	
		Est. Count	Approx. %	Est. Count	Approx. %	Est. Count	Approx. %
Total Population	748,112	115,361	15.4%	624,519	83.5%	8,232	1.1%
5-17 Years	199,206	40,480	35.1%	157,695	25.3%	1,031	12.5%
18-64 Years	462,996	51,600	44.7%	405,463	64.9%	5,933	72.1%
65 year and over	85,910	23,281	20.2%	61,361	9.8%	1,268	15.4%

Table 2: Distribution of People who Speak English "less than very well"

Language	People who speak a language other than English at home	People who speak English less than very well	
		Est. Count	Approx. %
Spanish	624,519	234,724	31.38%
Other Indo-European	2,129	457	0.06%
Asian and Pacific Island	5,501	2,040	0.27%
Other/Unspecified	602	145	0.02%

Table 2 reflects LEP groups who speak languages other than English at home and who speak English less than very well.

The information reflected on Table 1 and Table 2 are calculations derived from a combination of data from various segments of information collected by the U.S. Census Bureau American Community Survey.

Approximately 237,366 persons (or 31.7%) of the County's overall population speak English less than "very well", of which 234,724 (or 31.38% of the overall population) are Spanish speaking persons and 2,642 (or 0.35% of the overall population) speak Indo-European, Asian/Pacific Island, or another unspecified language.

2. Frequency with which LEP individuals come in contact with the County of Hidalgo programs, activities, or services.

DRAFT

In addition to research conducted to identify LEP persons in Hidalgo County, all county departments/offices must also annually compile information regarding the frequency of contact with LEP persons. The more frequent the contact and/or the number of requests for other languages other than English, the more likely that language services for a specific language will be needed.

Actions taken for a department/office that serves a LEP person one time or occasionally will be different from those that serve LEP persons every day.

All County departments/offices will assess the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquiries and in person inquiries for LEP assistance or materials, requests for language interpreters or translated material, and may include surveying public meeting attendees.

3. Nature and importance of the program, activity, or service provided by the County.

   The County of Hidalgo recognizes that within a range of programs and services it provides, the nature of some programs and services may be more important to the LEP persons than others.

   To determine the nature and importance of County program, activity, or service provided to LEP persons, County departments/officers are to:

   a. Identify the programs, services, and activities that could have a serious consequence if language barriers prevent LEP persons from accessing those programs, services, or activities.

   b. Determine the potential impacts that inability to access County services, programs, or activities may have on the LEP person.

   County departments/offices whose projects have a significant impact on LEP residents may be required by the County to develop a Language Access Plan for the program/project.

4. The resources available to the County of Hidalgo and overall costs.

   County departments/offices shall assess their available resources that could be used for providing LEP assistance. This must include identifying the following:

DRAFT

- what staff and/or volunteer language interpreters are readily available, see Attachment 05;
- how much a professional interpreter and translation service would cost;
- which documents should be translated;
- which organizations the department/office could partner with for interpreter and translation services or outreach efforts;
- which financial resources could be used to provide assistance; and
- what level of staff training is needed.

After analyzing the four factors, the County of Hidalgo developed the LEP Plan outlined in the following section for assisting LEP persons.

How to Identify an LEP person who need Language Assistance:

Below are tools that may be used by County departments/offices to help identify persons who may need language assistance:

- Have language identification cards or Census Bureau "I speak cards" at customer service counters in County departments/offices which invite LEP persons to identify their language needs to staff. While staff may not be able to provide translation assistance at the initial contact with an LEP person, the cards are an excellent tool to identify language needs for future contacts.
- Posting notices in commonly encountered languages notifying LEP persons of language assistance to encourage LEP to self-identify. Attachment 06

Language Assistance Measures:

When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. Bilingual staff may be able to assist with communications with LEP persons.

Each department/office should complete the Employee Language Report (Attachment 05) and return it to the Title VI/Nondiscrimination Coordinator.

The Coordinator will compile a list of individuals who fluently write or speak a language other than English and distribute to the department heads and elected officials. If staff cannot assist, the County shall access available resources for another form of translation service.

DRAFT

Use of informal interpreters, such as family or friends of the LEP person seeking services, or other customers, **is discouraged**, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies, but shall be documented and subject to approval of a supervisor.

No staff may suggest or require an LEP person provide an interpreter in order to receive services.

Staff Training:

County departments heads and elected officials are required to fully understand, direct staff to comply, and must implement the Title VI/Nondiscrimination Plan including the LEP Plan and to reinforce its importance.

The Hidalgo County Executive Office is also available to assist with information and training requests.

All staff will be provided with the LEP Plan and will be educated on procedures and services available. LEP Plan information will also be a part of the staff orientation process for new employees. Training topics may include the following:

- County LEP Policy and procedures
- Understanding of Title VI LEP responsibilities
- What language assistance services Hidalgo County offers
- Use of LEP Interpreter Services
- Documentation of language assistance requests; and
- How to handle a complaint

Translation Services:

The County of Hidalgo's Title VI/Nondiscrimination Coordinator, in coordination with county departments/offices, will create and maintain a list of bilingual staff (and the languages they speak) to assist with translations.

Written materials routinely provided in English should be provided in frequently encountered languages. Documents, meeting notices, flyers, or agendas for which the target audience is expected to include LEP individuals, must be printed in an alternative language based on the known LEP population.

DRAFT

Vital documents or information contained within a document should be translated when a significant number or percentage of LEP population is likely to be affected by the program/activity and it contains information that is critical for obtaining services and/or benefits.

Public service announcements should be provided in regularly encountered languages.

Providing Notice of Available Language Services to LEP Persons:

County departments/offices are encouraged to post signs that language assistance is available in public areas such as intake areas, customer service areas and other entry points to the department.

Statements may be placed in outreach documents indicating that language services are available from the County of Hidalgo.

Monitoring and updating the LEP Plan:

The LEP Plan will be re-evaluated on a regular basis. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available or when the County's Title VI/Nondiscrimination Coordinator begins acquiring statistically significant requests for interpretive or translation services in the County's service area.

Consideration will be given to changes in demographics, types of services, or other needs when determining the frequency of the LEP Plan reevaluations. Each reevaluation should examine all Plan components and assess the following:

- How many LEP persons were encountered and what languages?
- Were their needs met?
- What is the current LEP population in the County of Hidalgo?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified Hidalgo County programs? Are there other programs that should be included?
- Has the County's or a specific county department's available resources, technology, staff, and financial costs changed?
- Has the County fulfilled the goals of the LEP Plan?
- Are identified sources of assistance still available and viable?

County department heads and elected officials must maintain the data annually and should complete Attachments 05 – 08 and return to the Title VI/Nondiscrimination

DRAFT

Coordinator by December 31 of each year. Department Heads/Elected Officials may adopt alternate methods to document LEP encounters provided that such methods comply with this policy, contain the information found in Attachment 07 "Log of LEP Requests" and are approved by the County's Title VI Coordinator.

Dissemination of the LEP Plan:

For more information regarding the County's policies on LEP, a copy of the LEP Plan can be found on our website at http://www.co.hidalgo.tx.us. Copies of the LEP Plan will be provided to any person or agency requesting a copy. Any questions or comments regarding this plan should be directed to the Hidalgo County Title VI Coordinator at:

County of Hidalgo Executive Office
Title VI/Nondiscrimination Coordinator
2818 S. Bus. Hwy. 281
Edinburg, Texas 78539

Phone: (956)292-7655
Fax: (956)292-7034

DRAFT

ENVIRONMENTAL JUSTICE PLAN

Purpose:

The purpose of this plan is to outline the County of Hidalgo's plan for addressing Federal and state non-discrimination requirements, as they relate to Environmental Justice, outlined under Title VI, Federal Executive Order 12898 and other related regulations and statutes.

To be effective, an environmental justice plan must incorporate comprehensive measures for including the public in legal and policy decisions related to environmental issues.

Environmental Justice Plan Summary:

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, signed in February of 1994, requires a Federal agency to achieve Environmental Justice as a part of its mission by identifying disproportionately high and adverse human health or environmental Effects on its program, policies, and activities on minority and low income populations.

FHWA requires TXDOT to carryout Environmental Justice responsibilities as part of its non-discrimination program.

The County utilizes data from the U.S. Census Bureau, public outreach (scoping meetings, public meetings, and public hearings), information on poverty guidelines from the Department of Health and Human Services, and local agency coordination (including, but not limited to MPOs, local elected officials, county government, etc.) to establish demographic characteristics and trends.

The data is used to identify and engage traditionally underserved populations, including those covered under existing Environmental Justice (EJ) policies, as well as populations with Limited English Proficiency (LEP).

County departments/offices, including Hidalgo County Head Start and Community Service Agency, if applicable, will be asked to do the following when considering a project/program:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.

DRAFT

- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.
- Each department/office will oversee this process and review the final resulting project documents to ensure compliance with federal regulations.

The department/office will take the following steps when engaging in any federally funded program or activity which may have any adverse human health or environmental effect:

STEP ONE: Determine if an underserved population group is present within the project area. If a conclusion is that no underserved population group is present within the project area, document low the conclusion was reached. If the conclusion is that there are underserved population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts defined in the County's Title VI/Non-Discrimination Plan Glossary, "Adverse Effects." If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project. Include public participation of the affected population per the Public Participation Plan. Consider the following questions:

- Question 1 – Are there alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?
- Question 2 – Considering the overall public interest, is there a substantial need for the project?
- Question 3 – Will the alternatives that would satisfy the need for the project and have less impact on protected populations: (a) have other social economic or environmental impacts that are more severe than those of the proposed action; (b) have increased costs of extraordinary magnitude?

STEP FOUR: Include all findings, determinations, or demonstrations. The County departments/officer will be required to document the following:

DRAFT

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; or
- Mitigation measures are being taken to reduce the harm to low-income or minority populations.

County department heads and elected officials must maintain a Log (Attachment 11) and should complete and return the Log to the Title VI/Nondiscrimination Coordinator by December 31 of each year.

Record Retention:

County departments/offices must maintain records evidencing its environmental justice compliance, which include, but are not limited to, its findings and determinations.

The records shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer.

DRAFT

PUBLIC PARTICIPATION PLAN

Purpose:

This section details how the County notifies the public regarding the development of plans and improvement programs, solicits their comments, and addresses those comments in the final documents. Additionally, this section details how the County manages the Public Participation process.

The purpose and objective of the County's Public Participation Plan is to:

- Provide County departments/offices with a framework to develop meaningful public participation.
- Provide opportunity for interested parties to identify environmental concerns;
- Encourage public participation opportunities in a wide and varied audience, including traditionally underserved groups;
- Obtain meaningful public input and participation to inform the planning and decision- makers; and
- Inform and educate stakeholders and interested parties.

The public participation plan should be developed early in the process.

Public Participation Plan Summary:

The Public Participation Plan (PPP) demonstrates how the County, provides opportunities for public review and comment at key decision points during the countywide improvement planning process as dictated by Environmental Processes for federally funded projects. The process consists of open discussion of planning documents in local government forums, public meetings, informational exhibits, published advertisements and, if required, a Public Hearing.

Types of Public Participation Procedures:

To ensure a rich and diverse public participation process, impacted parties must be informed and educated on programs, projects planned, and projects underway.

Early in the planning process, projects are included in the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP). Meetings to discuss the recommended projects included in the STIP/TIP are advertised allowing any interested citizen to provide input in the project planning and programming process. In some instances, these meetings can be considered adequate

DRAFT

public participation for minor projects constructed in existing right of way and/or general maintenance projects. However, depending on the type and complexity of the project, public concerns, associated social, economic, and environmental factors, additional public participation may be required.

The following strategies are utilized by the County departments/offices to ensure that interested parties receive timely information in a variety of formats. Each department will determine the best form of communication for their programs.

Types of additional public participation efforts may include:

1. Commissioners Court Meetings – Citizens may be present during any of the Commissioners' Court meetings. The Commissioners' Court meets every other Tuesday at 9:30 am, unless otherwise designated.

   The agenda for the Commissioners' Court meeting can be found at http://agenda.hidalgocounty.us/agenda_publish.cfm. Furthermore, the meeting can be streamed online.

   The Commissioners Court meeting offers the public an opportunity to bring topics and issues to Commissioners' Court members' attention. Each regular Commissioners' Court meeting allows citizens 3 minutes each to speak on a topic. A limited amount of time of no longer than thirty (30) minutes will be set aside during each regular or special meeting of the Commissioners' Court for Open Forum to allow individuals or groups of individuals who are not listed on the agenda of Commissioners' Court to address the Commissioners' Court.

   A citizen can sign up to speak during Open Forum by completing a Public Participation Form and submitting the form to the Court Administrator prior to the commencement of the particular meeting of Commissioners Court.

2. Public Outreach – The methods of gathering and implementing public participation for a planning process may differ widely, depending on the type and scope of a project or program.

   Partnerships with Community-based organizations provide the opportunity to connect with specific audiences and are an integral part of identifying and reaching out to underserved groups. County departments/offices can reach out to specific organizations to provide these groups with project information and encourage them to become involved.

DRAFT

Community-based organizations are groups that serve a broad range of community interests. Organizations include senior centers; civic groups; business organizations; community development corporations, churches and other faith-based organizations; service clubs; schools that provide English as a second language programs; service providers for youths, families, and persons with disabilities; and many others.

3. Websites – County departments/offices that have websites that provide for two-way communication can continuously update information about programs and projects.

4. Publications – County departments/offices should maintain a stakeholder list with contact information for organizations and individuals. Electronic newsletters quickly and easily disseminate information to contact lists.

5. Media Campaigns – A comprehensive regional media campaign can be used when outreach is needed to the broader community, if fees are reasonable and the department/office has the available resources.

   A media campaign might include press releases; public service announcements; press conferences with community leaders; feature articles; or interviews, depending on the nature of the project and the resources available. To ensure media exposure, the department/office could buy advertisements but should do so strategically to keep costs low.

6. Scheduled Community Meetings – The need for scheduled community meetings during the life of the project or program will vary. A construction project for example could have scheduled meetings during project development, design, at the start of construction, and at various times during construction. Each department/office will make the determination of what is needed.

   Selection of Meeting Places: When determining locations and schedules for public meetings, the department/office will:
   - Schedule meetings at times and locations that is convenient and accessible for minority, low-income, and Limited English Proficient (LEP) communities
   - Employ different meeting sizes and formats including town hall type meeting formats;
   - Coordinate with community organizations, educational institutions, and other organizations to implement public engagement strategies that reach

DRAFT

out specifically to members of affected minority, low-income, and/or LEP communities;
- Provide opportunities for public participation through means other than written communication, such as one-on-one interviews.
- Meetings are conducted in locations that are always ADA accessible and convenient to public transit, when possible;
- Sign language interpreter requests can be accommodated if requested in advance. Each department will determine the amount of notice required.

7. Direct Notification – The use of door to door delivery of information should be used when required by federal, state or local law or depending on the nature of the program, project, or activity and the resources available.

8. Social Media – Social media and social networking websites including Facebook, Twitter, YouTube, and blogs. It is important to choose the social media and networking platforms that have the best chance of reaching the intended audience.

9. State And Regional Organizations – The County receives funding through various state and federal agencies with their own public participation plans. The Texas Department of Transportation (TxDOT) website states "public hearings and meetings allow you to participate in the transportation planning process and help you better understand the road, rail and aviation projects that affect your community." Further details about the Texas Department of Transportation (TxDOT) public participation process can be found at http://www.txdot.gov/inside-txdot/get-involved.html .

Use of Public Comment:

All public input should be derived from as diverse a range of sources as possible. At the department's discretion, as appropriate and whenever possible, public comments may be used to revise work scopes, plans, and programs. (Sample: Attachment 12).

Effectiveness Assessment:

County departments/offices should use the information obtained through its public outreach efforts to review the effectiveness and progress of its programs. In turn, the public participation plan should be updated periodically to ensure compliance with Title VI of the Civil Rights Act of 1964 and executive orders for Environmental Justice and individuals that are Limited English Proficient. The Title VI/Nondiscrimination Coordinator will be responsible for coordinating any plan updates.

DRAFT

Record Retention:

The records shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer.

DRAFT

TITLE VI COMPLAINT PROCESSING PROCEDURES

Purpose:

The purpose of the discrimination complaint procedures is to describe the process used by the County of Hidalgo for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the County's program, activities, and services as required by statute.

The complaint procedures apply to the beneficiaries of County programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub- recipients of Federal and state funds.

These 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.

Filing a Complaint:

Any person who, based on race, religion, color, national origin, sex, age, or disability believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the County of Hidalgo or its sub-recipients, consultants and contractors may bring forth a discrimination complaint under Title VI. Only complaints based on the complainant's protected status will be considered under Title VI.

The complainant may file a signed, written complaint up to 180 calendar days from the date of the alleged act of discrimination or the date the person(s) became aware of the alleged act(s) of discrimination. The County may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. In cases where the complainant is unable or incapable of providing a written statement, the complainant shall be interviewed and assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

DRAFT

The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. The complaint should include the following information:

- Complainant name, mailing address, and a method of contact (i.e., telephone number, email address, etc.);
- How, when, where and why the alleged discrimination occurred. Include the location, names and contact information of any witnesses; and
- Other information that the complainant deems significant.

Items that would not be considered a formal complaint (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

- An anonymous complaint that is too vague to obtain required information,
- Inquiries seeking advice or information,
- Courtesy copies of court pleadings,
- Courtesy copies of internal grievances.

The Title VI Complaint Form (Attachment 13) may be used to submit the complaint information. Complaint forms can also be obtained at the Hidalgo County Executive Office or online at http://www.co.hidalgo.tx.us.

To request additional information on County of Hidalgo's nondiscrimination obligations, to file a Title VI Complaint, or to request a complaint form, please submit a written request or complaint to:

County of Hidalgo Executive Office
Title VI/Nondiscrimination Coordinator
2818 S. Bus. Hwy. 281
Edinburg, Texas 78539

Phone: (956)292-7655
Fax: (956)292-7034

Complaint Process:

The Hidalgo County Title VI/Nondiscrimination Coordinator will acknowledge receipt of the complaint, and begin an investigation, within ten (10) business days of receipt of a complaint alleging discrimination based on race, color, national origin, sex, age or disability. (Attachment 14 – Complaint Process Flowchart). The Title

DRAFT

VI/Nondiscrimination Coordinator must also provide appropriate assistance to complainants, including those persons with disabilities, or who may be limited in their ability to communicate in English.

The Title VI/Nondiscrimination Coordinator has overall responsibility for the discrimination compliant process and procedures. The Title VI/Nondiscrimination Coordinator may, at his/her discretion, assign a capable person to investigate the compliant. The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Title VI/Nondiscrimination Coordinator. The Title VI/Nondiscrimination Coordinator will interview the complainant and if necessary assist the person in converting a verbal complaint to writing. All complaints must, however, be signed by the complainant or his/her representative. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

Transportation related discrimination complaints filed under Title VI with the County of Hidalgo in which the County or its sub-recipients are named as the respondent shall be forward to Texas Department of Transportation, Office of Civil Rights for investigation within 10 calendar days of receipt of the complaint.

The Title VI/Nondiscrimination Coordinator shall make every effort to address all complaints in an expeditious and thorough manner. The Title VI/Nondiscrimination Coordinator will contact the complainant in writing no later than thirty (30) business days after receipt of complaint for additional information, if needed. The Complaint will be copied, filed and logged. If the complainant fails to provide the requested information in a timely basis, Title VI/Nondiscrimination Coordinator may administratively close the complaint.

The Title VI/Nondiscrimination Coordinator will complete the investigation within sixty (60) calendar days of receipt of a complaint. If additional time is needed for investigation, the complainant will be notified. A written investigation report will be prepared by the Title VI/Nondiscrimination Coordinator. This report shall include a summary description of the incident, findings for each issue, and recommended corrective action, if any. The written investigation report will be provided to the Criminal District Attorney's Civil Litigation Division for review prior to distribution.

DRAFT

The investigation and recommended decision will be forwarded to the state agency (if sub -recipient) or federal agency (if recipient) for the program or activity involved. If the investigator is unsure which agency to send the investigation, it should be sent to:

U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section, NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
1-888-848-5306

Disposition of Complaint:

A final written response letter will be provided to the complainant and the department for the program involved within 10 calendar days of completing the investigation. In the letter notifying complainant that the complaint is not substantiated, the complainant is also advised of his or her right to appeal with the County within five (5) business days from receipt of the closing letter or that they may file a complaint externally with the U.S. Department of Transportation or other applicable federal agency. If there is no appeal or no findings, the complaint will be closed. If required, the investigation report will be forwarded to the appropriate state or federal agency.

Complaint Logs:

The Title VI/Nondiscrimination Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming the County of Hidalgo, which alleges discrimination with respect to Title VI concerns. (Attachment 15). The log shall include information on each complainant to include:

- The identity of the complainant,
- The recipient,
- The race, color, sex or national origin of the complainant,
- The nature of the complaint,
- The dates the complaint was filed,
- A summary of the allegation,
- The date the investigation was completed,
- The disposition,
- The date of the disposition, including whether the parties to a lawsuit have entered into a consent decree; and
- Any other pertinent information (such as age or disability)

DRAFT

County departments/elected offices Responsibilities: (under this Section)

All Title VI complaints must be forwarded to the Title VI/Nondiscrimination Coordinator to investigate, regardless of whether the County department/elected official is required to conduct a separate investigation. The Title VI/Nondiscrimination Coordinator's investigation does not replace any other statutory obligation to investigate. The County department head and elected official, including Hidalgo County Head Start and Community Service Agency must:

- Post the Title VI Complaint Procedure and Complaint Form (Attachment 16) in a conspicuous location in their building or department, whereby the public and employees have access to the information;
- Refer any Title VI Complaint to the Title VI/Nondiscrimination Coordinator within 48 hours of receipt;
- Maintain a log of Title VI Complaints received (Attachment 15) and forward the log of Title VI Complaints to the Title VI/Nondiscrimination Coordinator by the 1st of each month.

Record Keeping:

The Title VI/Nondiscrimination Coordinator will maintain permanent records, which include, but are not limited to:

- Signed acknowledgements of receipt from the employees indicating the receipt of the Hidalgo County Title VI Plan and LEP Plan;
- Copies of the Title VI complaints or lawsuits and related documentation;
- Compliance records, and records of correspondence to and from complainants; and
- Title VI investigations

The records s shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer; however, should records be the subject of a grievance, administrative action, litigation or other formal complaint, said records must be maintained for the minimum retention period and thereafter until the final disposition or resolution of the complaint.

DRAFT

ANNUAL WORK PLAN & ACCOMPLISHMENT REPORT PROCESS

1. The County of Hidalgo Title VI/Nondiscrimination Plan will be communicated to each County Department Head and elected official who will review the plan with departmental employees.

2. The County's Title VI Plan and Policy Statement will be published on the County's website. The Policy Statement will also be posted in conspicuous locations in County buildings.

3. Appendix A through E of the Assurances (Attachment 02) including the Form FHWA 1273 (Attachment 03) will be included in all County contracts as outlined in the Title VI/Nondiscrimination Plan.

4. Procedure for responding to individuals with Limited English Proficiency will be implemented.

5. All County employees will made aware of the LEP procedure and the Title VI complaint procedure.

6. All County departments/offices will be made aware of the procedure for compliance with environmental justice.

7. The following data will be collected and reviewed in the annual report produced by the Title VI/Nondiscrimination Coordinator and transmitted in the annual report submitted to TXDOT:

    a. Complaints – The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
    b. LEP Needs – Number of requests for language assistance or number of instances in which language assistance was required, and the outcome of these requests.
    c. Environmental Justice – Environmental Justice efforts engaged in for the year, and any mitigation measures, including public participation efforts.

8. The County's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report will be submitted to TXDOT annually (Based on the date of approval of the Title VI plan). The Report will provide an updated status on an annual basis of the County's implementation and monitoring of the Title VI/Nondiscrimination Plan.

DRAFT

GLOSSARY

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death,
- Air, noise and water pollution and soil contamination,
- Destruction or disruption of man-made or natural resources,
- Destruction or diminution of aesthetic values,
- Destruction or disruption of community cohesion or community's economic vitality,
- Destruction or disruption of the availability of public and private facilities and services,
- Adverse employment effects,
- Displacement of person's businesses, farms or non-profit organizations,
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community,
- Denial of, reduction in, or significant delay in the receipt of benefits of the County programs, policies and activities.

1. Significant Adverse Effects In Minority and Low-Income Populations – An adverse effect that:

    a. is predominantly borne by a minority population and/or a low- income population, or
    b. Will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Elderly – Any persons over the age of 65.

Federal financial assistance – includes grants and loans of federal funds, the grant or donation of Federal property and interests in property, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and any other federal arrangement, agreement, or contract which purpose is to provide federal assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. Federal financial assistance may be received directly or indirectly.

DRAFT

Limited English Proficiency – Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the County.

Low Income – A person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.

The national poverty guidelines are issued annually by the Department of Health and Human Services and are available at: http://aspe.hhs.gov/poverty/15poverty.cfm.

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

Minority – Persons considered minorities are identified by the Census as people of African, Hispanic, Asian, American Indian, or Alaskan Native origin. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice consider minority persons as persons belonging to any of the following groups:

a. Black - a person having origins in any of the black racial groups of Africa.
b. Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
c. Asian - a person having origins in the Far East, Southeast Asia, or the Indian subcontinent.
d. American Indian and Alaskan Native - a person having origins in North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

DRAFT

Person with Disabilities – Under the Americans with Disabilities Act of 1990, a qualified individual with a disability is a person that

a. has a physical or mental impairment that substantially limits one or more major life activities;
b. has a record of such impairment; or
c. is regarded as having such impairment.

Sub-Recipient – Any agency such as a council or government, regional planning agency, education institution, for example, that received Federal Highway Administration (FHWA) funds through the State Department of Transportation and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

DRAFT

SUMMARY OF ATTACHMENTS

Attachment 01 – Title VI Nondiscrimination Statement (English/Spanish)

Attachment 02 – Title VI Assurances

Attachment 03 – Form FHWA 1273

Attachment 04 – Acknowledgement of Receipt of Title VI Plan

Attachment 05 – Employee Language Report

Attachment 06 – LEP Interpreter Services Poster

Attachment 07 – LEP Requests Log

Attachment 08 – LEP Annual Report

Attachment 09 - Environmental Justice Checklist

Attachment 10 – Environmental Justice Demographic Surveys (English/Spanish)

Attachment 11 – Environmental Justice Log

Attachment 12 – Public Meeting Comment Form (English/Spanish)

Attachment 13 – External Complaint Form (English/Spanish)

Attachment 14 – External Complaint Process Flowchart

Attachment 15 – External Complaint Log

Attachment 16 – External Complaint Poster (English/Spanish)

DRAFT

County of Hidalgo

Title VI & Related Statues
Nondiscrimination Policy Statement

The County of Hidalgo, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statues, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation in any federally or non-federally funded program or activity administered by the County of Hidalgo.

This Policy Statement was adopted by the County of Hidalgo Commissioner's Court on the 29th day of January, 2019.

Hidalgo County Commissioners' Court

_____
Richard Cortez, Hidalgo County Judge

_____
David Fuentes
Commissioner, Precinct 1

_____
Eduardo Cantu
Commissioner, Precinct 2

_____
Jose M. Flores
Commissioner, Precinct 3

_____
Ellie Torres
Commissioner, Precinct 4

DRAFT

Condado de **H**idalgo

Titulo VI ye Estatutos Relacionados
Declaracion de No Discriminacion

El Condado de Hidalgo, como recipiente de Asistencia Financiera Federal y segun el Acta de Derechos Civiles Titulo VI del 1964 Y estatutos relacionados, asegura que ninguna persona sera excluida a causa de raza, religion (donde el objetivo principal es asistencia financiera para proveer empleo segun 42 U.S.C. § 2000d-3), color, origen nacional, sexo, edad o incapacidad de participacion en, o negados los beneficios de, o de otra manera sea sujeto a discriminacion o represalias en cualquiera de los programas o actividades administrados por el Condado de Hidalgo, sin importar si los recursos financieros sean proveniente del gobierno federal.

Esta declaración de póliza fue adoptada por la Corte de Comisionados del Condado de Hidalgo en el 29 dia de Enero, 2019.

Corte de Comisionados del Condado de Hidalgo

_____
Richard Cortez, Juez del Condado de Hidalgo

_____
David Fuentes
Comisionado, Precinto 1

_____
Eduardo Cantu
Comisionado, Precinto 2

_____
Jose M. Flores
Comisionado, Precinto 3

_____
Ellie Torres
Comisionado, Precinto 4

DRAFT

The United States Department of Transportation (USDOT)
Standard Title VI/Nondiscrimination Assurances

DOT Order No. 1050.2A

The **COUNTY OF HIDALGO** (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 Department of Transportation programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) 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 Department of

DRAFT

Transportation programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The County of Hidalgo, 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.

5. 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.

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 will extend to rights to space on, over, or under such property.

7. 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, subrecipients, subgrantees, 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.

DRAFT

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, **COUNTY OF HIDALGO** also agrees to comply (and require any subrecipients, subgrantees, 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 **COUNTY OF HIDALGO** 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 all Department of Transportation programs. This ASSURANCE is binding on Texas, other recipients, subrecipients, subgrantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in all Department of Transportation programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

This Title VI/Non-discrimination Assurance was adopted by the County of Hidalgo Commissioner's Court on the 29th day of January, 2019.

_____
Richard Cortez, Hidalgo County Judge

_____
David Fuentes
Commissioner, Precinct 1

_____
Eduardo Cantu
Commissioner, Precinct 2

_____
Jose M. Flores
Commissioner, Precinct 3

_____
Ellie Torres
Commissioner, Precinct 4

DRAFT

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:

1. **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 Nondiscrimination 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.

6. **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.

DRAFT

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 **COUNTY OF HIDALGO** will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all Department of Transportation programs, 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 **COUNTY OF HIDALGO** 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 **COUNTY OF HIDALGO** 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 **COUNTY OF HIDALGO**, its successors and assigns.

The **COUNTY OF HIDALGO**, 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 **COUNTY OF HIDALGO** 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 nondiscrimination 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.)

DRAFT

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 **COUNTY OF HIDALGO** pursuant to the provisions of Assurance 7(a):

A. 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:

    1. 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, **COUNTY OF HIDALGO** 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.*

C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the **COUNTY OF HIDALGO** 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 **COUNTY OF HIDALGO** and its assigns.*

(*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.)

DRAFT

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 **COUNTY OF HIDALGO** pursuant to the provisions of Assurance 7(b):

A. 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, **COUNTY OF HIDALGO** 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.*

C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, **COUNTY OF HIDALGO** will there upon revert to and vest in and become the absolute property of **COUNTY OF HIDALGO** and its assigns.*

(*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.)

DRAFT

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 U.S.C. § 4 71, Section 4 7123), 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, subrecipients 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 Nondiscrimination 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).

DRAFT

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS

I. General
II. Nondiscrimination
III. Nonsegregated Facilities
IV. Davis-Bacon and Related Act Provisions
V. Contract Work Hours and Safety Standards Act Provisions
VI. Subletting or Assigning the Contract
VII. Safety: Accident Prevention
VIII. False Statements Concerning Highway Projects
IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
X. Compliance with Governmentwide Suspension and Debarment Requirements
XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of $10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding $10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

DRAFT

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

DRAFT

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

DRAFT

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of $10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding $2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 “Contract provisions and related matters” with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH–1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

DRAFT

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g. , the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH–347 is available for this purpose from the Wage and Hour Division Web site at http://www.dol.gov/esa/whd/forms/wh347instr.htm or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

DRAFT

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH–347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

DRAFT

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of $100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contacting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

DRAFT

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
(2) the prime contractor remains responsible for the quality of the work of the leased employees;
(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

DRAFT

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.
2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost $25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1**. Instructions for Certification – First Tier Participants:**

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. “First Tier Covered Transactions” refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier Participant” refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (https://www.epls.gov/), which is compiled by the General Services Administration.

DRAFT

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. **Instructions for Certification - Lower Tier Participants:**

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost $25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. “First Tier Covered Transactions” refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier Participant” refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (https://www.epls.gov/), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

DRAFT

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed $100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed $100,000 and that all such recipients shall certify and disclose accordingly.

DRAFT

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

DRAFT

County of Hidalgo

Acknowledgement of Receipt: Title VI/Nondiscrimination Policy and Limited English Proficiency (LEP) Plan

Title VI Policy Statement: The County of Hidalgo, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation in any federally or non-federally funded program or activity administered by the County of Hidalgo.

LEP Policy Statement: It is the policy of the County of Hidalgo to provide timely meaningful access for Limited English Proficiency (LEP) persons to all County programs and activities. Language assistance services shall be provided to persons with LEP whenever a person with LEP requests language assistance services, as set forth in the Title VI Plan.

I hereby acknowledge the receipt of the Hidalgo County Title VI/Nondiscrimination Policy Statement and the LEP Policy Statement stated above. I have read the same and am committed to ensuring that no person is excluded from participation in, or denied the benefits of County programs, activities or services on the bases discussed above. I understand that the entire Title VI/Nondiscrimination Plan (including the County's Limited English Proficiency Plan and Environmental Justice Plan) and applicable complaint forms can be found online at: www.co.hidalgo.tx.us, or are available upon written request to the Title VI/Nondiscrimination Coordinator. I understand that questions, concerns or complaints regarding this policy that I may have or from other employees or citizens may be referred to the Title VI Nondiscrimination coordinator at:

Valde Guerra, County Executive Officer
Title VI/ Nondiscrimination Coordinator
County of Hidalgo
2818 South Business Highway 281
Edinburg, TX 78539

Ph: (956)292-7655
Fx: (956)292-7034

Email: titlevi@co.hidalgo.tx.us

_____ _____
Employee Name Employee Number (if available)

_____ _____
Employee Signature Date

_____
Department/Office

DRAFT

County of Hidalgo

Employee Language Report

Voluntary Participation: Please indicate employees who possess language skills other than English and who are willing to assist a Limited English Proficiency (LEP) individual who requires language assistance.

Department: _____ Date: _____

LEP Department Contact: _____

Employee Name	Employee Phone	Language	Speaking			Reading			Writing			Understanding		
			Basic	Advance	Native	Basic	Advance	Native	Basic	Advance	Native	Basic	Advance	Native
			Place an 'x' in the column to indicate level of language skill											

DRAFT

County of Hidalgo

LEP Interpreter Services Poster

DRAFT

English:

Free Interpreter services are available. Please ask someone at the front desk.

Español:

Tenemos a su disposición servicios de intérpretes gratuitos. Si esta interesado, por favor solicítele ayuda a la recepcionista.

County of Hidalgo

Log of LEP Requests

Instructions: Data should be kept for the fiscal year ending December 31st. Return completed log to the Hidalgo County Executive Office, Title VI/Nondiscrimination Coordinator by January 15th of each year.

Department: _____ Reporting Period: _____ (From) - _____ (To)

LEP Department Contact: _____

Date of Request or Interaction	Language Requested	Program or Activity	Translation Service provided (in person, telephone, written, Google translate, contractor, family member, community volunteer)	Documents translated (Vital documents and documents warning of hazard/danger should be translated in English & Spanish)	Costs of Translation (if any)

DRAFT

County of Hidalgo

LEP Annual Report

Instructions: This report is to be completed by County Departments/Offices and submitted to the Hidalgo County Executive Office via email at titleVI@co.hidalgo.tx.us

Dept | Contact Person | Telephone | Report Year

LEP Encounters

Total Number of Encounters

Language most frequently requested: ☐ Spanish ☐ Other (specify) _____
(Select only one - Place an 'x' in the box)

LEP service most frequently used: ☐ Oral Interpretation (in person) ☐ Written Translation ☐ Telephone Interpretation
(Select only one - Place an 'x' in the box)

Most frequent method LEP service is rendered: ☐ Employee ☐ Contractor ☐ Community Volunteer ☐ LEP Person's Family/Friend
(Select only one - Place an 'x' in the box)

☐ Other Method (specify): _____

LEP Expenditures

Total LEP expenses: $

Spanish: $ | Other Language (specify): _____ $

Oral Interpretation (in person): $ | Written Translation: $ | Telephone Interpretation: $

Translation of Documents

Total number of documents translated upon request: | Total number of vital documents translated:

Types of Documents Translated:

☐ Application ☐ Brochure ☐ Notice ☐ Other Document (specify): _____

LEP Complaints

Total number of complaints: | Number of complaints resolved:

Compliant Information

Date Filed	Date Resolved	Description

Be sure to attach any written department-specific policies and procedures that support your responses.

DRAFT

LEP Areas	Yes	No	Explanation / Comment *Include any explanations/examples/comments that apply to each question.*
Assessing and Recording Language Needs			
1. Has the department taken steps to identify the non-English languages that are likely to be encountered in its service delivery area?			
2. Has the department identified the language needs of each LEP individual encountered and recorded this information?			
3. Does the department document the name and affiliation (e.g. staff interpreter, contract interpreter, etc.) of the person providing language services for each encounter with an LEP individual?			
4. Has the department identified the points of contact within their organization where language assistance is likely to be needed? (e.g. reception desks, intake counters, etc.)			
5. Has the department identified the resources that will be needed to provide effective language assistance and the location/availability of these resources?			
Oral Language Interpretation			
6. Does the department hire staff with language skills who are trained and competent in the skill of interpreting in the other language(s)?			
7. Does the department contract with interpreter service(s)?			
8. Does the department use volunteer community interpreters?			
9. Does the department use telephone interpreter service(s)?			
Translation of Written Materials			
10. Does the department provide written materials in languages other than English?			
11. Does the department translate application forms and other materials in languages other than English?			
Methods for Providing Notice to LEP Individuals			
12. Does the department use language identification cards to determine the language needs of LEP individuals?			
13. Does the department provide notice of language assistance services in the languages other than English?			
14. Does the department include a statement in brochures and other materials routinely disseminated to the public notifying LEP individuals that language assistance services are available?			

DRAFT

LEP Areas	Yes	No	Explanation/Comment *Include any explanations/examples/comments that apply to each question.*
Training Staff			
15. Have all staff been trained on departments LEP for addressing the language needs of LEP individuals?			
16. Does the department maintain records of the staff that has received training on language access policies and procedures?			
Monitoring			
17. Does the department monitor LEP plan at least annually to evaluate its effectiveness at serving LEP individuals and modify it accordingly?			
Customer Service			
18. Does the department solicit and track customer feedback related to LEP individuals?			
19. Does the department have a complaint process in place to address concerns and complaints from LEP individuals about the department's LEP services?			
20. Does the department track the number of complaints and concerns received?			
21. Has the department addressed LEP complaints and concerns? Explain and identify if any corrective actions were taken and when.			
LEP Budget			
22. Does the department budget for LEP services in its annual budget projections? If Yes, detail how much and in what areas.			
Comments			

DRAFT

County of Hidalgo

Environmental Justice Compliance Checklist

Instructions: Use this worksheet to maintain a log of projects that require an Environmental Justice assessment.

Select one, based on the questions below:

☐ **A - This project will not have an effect on human health or environmental**

☐ **B - This project will have an effect on human health or environmental**

1. Environmental Justice (E.O. 12898)

a. **Step 1: Is the project located in or designed to serve a predominantly minority or low-income neighborhood?**

☐ Yes, continue to Step 2.

☐ No, compliance with this section is complete. Mark box "A" above.

b. **Step 2: Would there be an adverse environmental impact caused by the proposed action?**

☐ Yes, perform an Environmental Justice (EJ) analysis using census, geographic, and other data to determine if a low-income/minority population is disproportionately impacted and continue to Step 3.

☐ No, compliance with this section is complete. Mark box "A" above.

c. **Step 3: Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community at large?**

☐ Yes, continue to Step 4.

☐ No, compliance with this section is complete. Document the determination of no disproportionate impacts. Mark box "A" above.

d. **Step 4: Has mitigation measures been considered and does the mitigation plan include input from public participation of the affected population?**

Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, public participation processes must involve the affected population(s) in the decision-making process.

☐ Yes, compliance with this section is complete. Continue.

☐ No, project cannot move forward until Environmental Justice mitigation is considered and public participation of the affected population is involved, per the Public Participation Plan.

e. **Step 5: Document findings and mitigation efforts. Provide log to Title VI Coordinator by August 31st of each year.**

DRAFT

County of Hidalgo

Demographic Survey

COUNTY OF HIDALGO _____ DEMOGRAPHIC SURVEY
Project Name

Location: _____ Date: _____ Home Zip Code: _____

Voluntary Information:
Please provide the following information about yourself. Please check appropriate box.

Gender
☐ Female ☐ Male

Disability
☐ Yes ☐ No

Age
☐ 0-21 ☐ 22-40 ☐ 41-65 ☐ Over 65

Ethnicity/Race
☐ White (non-Hispanic) ☐ Native American/Other Pacific Islander
☐ Asian ☐ Black
☐ American Indian ☐ Hispanic
☐ Other: _____

First Language
☐ English ☐ Chinese dialect
☐ Spanish ☐ Russian
☐ Vietnamese ☐ Other: _____

Second Language
☐ English ☐ Chinese dialect
☐ Spanish ☐ Russian
☐ Vietnamese ☐ Other: _____

Household Income
☐ $0 - $12,000 ☐ $37,000 - $48,999
☐ $12,001 - $24,999 ☐ $49,000 - $59,999
☐ $25,000 - $36,999 ☐ $60,000 +

Household Size _____ **Adults** _____ **Children** _____

Who are you representing?
Voluntary Information

1. Minority population/organizations
☐ Asian ☐ Native American/Other Pacific Islander
☐ American Indian ☐ Hispanic
☐ Black ☐ Other: _____

2. Low-income population
☐ Yes ☐ No

3. Persons with disabilities
☐ Yes ☐ No

4. Elderly Population
☐ Yes ☐ No

DRAFT

County of Hidalgo

Encuesta Demográfica

CONDADO DE HIDALGO _____ ENCUESTA DEMOGRÁFICA
Nombre de Proyecto

Local: _____ Fecha: _____ Código Postal de Su Hogar: _____

Informacion Voluntario:
Favor de proporcionar la siguiente información sobre usted. Favor de marcar la casilla correspondiente.

Género
☐ Femenino ☐ Masculino

Discapacidad
☐ Sí ☐ No

Edad
☐ 0-21 ☐ 22-40 ☐ 41-65 ☐ Mayor 65

Etnicidad/Raza
☐ Blanco (no hispano)
☐ Asiático
☐ Indigena Americano
☐ Otro: _____
☐ Hawaiano Nativo/otro Nativo Polinesio
☐ Negro
☐ Hispano

Primer Idioma
☐ Inglés ☐ Dialecto Chino
☐ Español ☐ Ruso
☐ Vietnamita ☐ Otro: _____

Segundo Lenguaje
☐ Inglés ☐ Dialecto Chino
☐ Español ☐ Ruso
☐ Vietnamita ☐ Otro: _____

Ingreso Familiar
☐ $0 - $12,000
☐ $12,001 - $24,999
☐ $25,000 - $36,999
☐ $37,000 - $48,999
☐ $49,000 - $59,999
☐ $60,000 +

Tamaño de la familia _____ **Adultos** _____ **Niños** _____

¿A quién representa?
Informacion Voluntaria

1. Población Minoria/oganización
☐ Asiático
☐ Indigena Americano
☐ Negro
☐ Hawaiano Nativo/otro Nativo Polinesio
☐ Hispano
☐ Otro: _____

2. Población de Bajos Ingresos
☐ Sí ☐ No

3. Personals con discapacidad
☐ Sí ☐ No

4. Población de Edad Avanzada
☐ Sí ☐ No

DRAFT

County of Hidalgo

Environmental Justice Compliance Log

Department:		Reporting Period:		to	

	Project	Adverse human health and environmental impact	Impacted Groups (underserved population)	Description of Public Participation Plan	Date(s) of Public Participation Efforts	Public Participation Plan Findings/Conclusions	Efforts to mitigate (if any) If none, why not?	Identify Source Documentation (e.g. mapping of low-income and minority populations in the vicinity of the project site. EJ analysis. Mitigation Plan, meeting notices, public forums)	Other
1.									
2.									
3.									
4.									
5.									
6.									
7.									

DRAFT

For additional information see the following resources:

EPA's "EJ View" Tool provides information relevant to EJ assessments: https://ejscreen.epa.gov/mapper/

Census data and maps also available at: http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml

Tract-level data on race & income: https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx

EJ maps & analysis, by location: http://www.scorecard.org/community/ej-index.tcl

PREPARER:

Print Preparer Name	Position Title	Signature	Date

AUTHORIZED DEPARTMENT HEAD/ELECTED OFFICIAL:

Print Authorized Representative Name	Signature	Date

County of Hidalgo

Public Meeting Comment Form

COUNTY OF HIDALGO PUBLIC MEETING ON _____ PROJECT

Please use the space provided below to write comments, and attach additional pages if necessary. You may leave the form at the meeting, or mail it to the address provided below. Public comments will be accepted throughout the development of the project until _____. We appreciate your interest and value your input.

Did you attend a Public Meeting? ☐ Yes ☐ No If yes, meeting location? _____
Comments:

_____

_____

_____

Other information:

Will this project be a benefit to you? ☐ Yes ☐ No
If no, please explain: _____

_____

Will this project result in a burden on you? ☐ Yes ☐ No
If yes, please describe burden: _____

_____

If there are any measures which can mitigate the burden, please state: _____

_____

Please Print: Your Name: _____

Address: _____

Telephone: _____

Email: _____

Check each of the following boxes that apply to you:

☐ I am employed by Hidalgo County

☐ I do business with Hidalgo County

☐ I could benefit monetarily from the project or other item about which I am commenting.

Please mail your comments to:
(Department overseeing project)

DRAFT

County of Hidalgo

Formulario Para Comentarios

CONDADO DE HIDALGO REUNIÓN PUBLICA PARA PROYECTO _____

Utilice el siguiente espacio para escribir comentarios y adjuntar páginas adicionales si es necesario. Puede dejar el formulario en la reunión, o por correo a la dirección indicada más abajo. Los comentarios del público serán aceptados en todo el desarrollo del proyecto hasta _____ . Agradecemos su interés y valoramos sus opiniones.

¿Asistió a una reunión pública? ☐ Sí ☐ No ¿Local de la reunión? _____
Comentarios:

_____

_____

_____

Otra información:

¿Este proyecto será un beneficio para usted? ☐ Sí ☐ No
Por favor explique: _____

_____

¿Este proyecto resultará en algún agobio para usted? ☐ Sí ☐ No
Por favor describa el agobio: _____

_____

Si hay medidas que pueden mitigar el agobio, indique: _____

_____

Favor de escribir en letra de molde: Su Nombre: _____

Dirección: _____

Teléfono: _____

Email: _____

Marca cada una de las siguientes casillas que le correspondan:

☐ Soy empleado de el Condado de Hidalgo

☐ Hago comercio con el Condado de Hidalgo

☐ Podría beneficiarse monetariamente a partir del proyecto u otro elemento sobre el que estoy comentando

Favor de mandar sus comentarios por correo a:
(Departamento que supervisa el proyecto)

DRAFT

County of Hidalgo

External Title VI Discrimination Complaint Form

This form may be used to file a complaint with the County of Hidalgo based on violations of Title VI of the Civil Rights Act of 1964. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day, you have 60 days after you became aware to file a complaint. Return the signed form to:

Hidalgo County Executive Office ▪ ATTN: Title VI/Nondiscrimination Coordinator
2818 South Business Highway 281, Edinburg, Texas 78539
Phone:(956)292-7655 ▪ Fax:(956)292-7034

If you need assistance completing this form please call the Title VI/Nondiscrimination Coordinator, Mr. Valde Guerra at the phone number listed above.

Last Name		**First Name**		
Mailing Address		**City**	**State**	**Zip**
Telephone	**Alternate Telephone**	**E-mail Address**		

Please state the basis of your complaint

☐ Race _____ ☐ Age _____ ☐ National Origin _____

☐ Color _____ ☐ Gender _____ ☐ Disability _____

Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages, if necessary.)

The law prohibits intimidation or retaliation against anyone because he/she either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of individuals responsible for the discriminatory action(s):

DRAFT

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint. (Attach additional pages, if necessary).

	Name	Address	Telephone
1.			
2.			
3.			
4.			

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- ☐ U.S. Department of Transportation (DOT) _____
- ☐ Federal Highway Administration (FHWA) _____
- ☐ Federal Transit Administration (FTA) _____
- ☐ Office of Federal Contract Compliance Programs (OFCCP) _____
- ☐ U.S. Equal Employment Opportunity Commission (EEOC) _____
- ☐ U.S. Department of Justice (DOJ) _____
- ☐ Other _____

Have you discussed the complaint with any Hidalgo County representative? If yes, provide the name, position, and date of discussion.

Briefly explain what remedy, or action, you are seeking for the alleged discrimination.

Please provide any additional information and/or photographs, if applicable, that you believe will assist with an investigation.

We cannot accept an unsigned complaint. Please sign and date the complaint form below.

_____ _____
Complainant's Signature **Date**

FOR OFFICE USE ONLY

Date Compliant Received: _____ Case#: _____

Processed by: _____ Date Referred: _____

Referred to: ☐ USDOT ☐ FHWA ☐ FTA ☐ OFCCP ☐ EEOC ☐ Other _____

DRAFT

Condado de Hidalgo

Forma Externa de Queja Título VI Discriminación

Este formulario puede ser utilizado para presentar una queja con el Condado de Hidalgo basado en violaciónes del Título VI de la Ley de Derechos Civiles de 1964. Las quejas deben ser presentadas dentro de los 180 días de la supuesta discriminación . Si usted no podría razonablemente se espera conocer el acto era discriminatoria dentro de 180 días, tiene 60 días después de ser consciente de presentar una queja . Envíe el formulario firmado a:

Hidalgo County Executive Office ▪ ATTN: Title VI/Nondiscrimination Coordinator
2818 South Business Highway 281, Edinburg, Texas 78539
Phone:(956)292-7655 ▪ Fax:(956)292-7034

Si necesita ayuda para completar este formulario, por favor llame al Coordinador del Título VI / No Discriminación, el Sr. Valdé Guerra al número de teléfono indicado anteriormente .

Apellido		**Nombre**		
Dirección		**Ciudad**	**Estado**	**Código Postal**
Teléfono	**Teléfono Alternativo**	**Correo Eléctronico**		

Indica por favor la(s) base(s) de su queja:

☐ Raza _____ ☐ Edad _____ ☐ Nacionalidad _____

☐ Color _____ ☐ Género _____ ☐ Disability _____

Fecha y lugar de la(s) presunta(s) acción(es) discriminatoria(s). Favor de incluir la primera fecha de la presunta discriminación y la fecha más reciente de la presunta discriminación.

¿Cómo se discriminó contra usted? Describa la naturaleza de la acción, decisión o las circunstancias de la presunta discriminación. Explique, de la manera mas clara posible, que sucedió y porqué cree usted que su estatus protegido fue un factor en la discriminación. Incluya como otras personas fueron tratadas de distinta manera que usted. (Adjunte hojas adicionales de ser necesario).

La ley prohíbe intimidación o represalias contra cualquier persona ya sea por tomar acción o por participar en la toma de acción para asegurar los derechos protegidos por estas leyes. Si usted siente que se han tomado represalias en su contra, aparte de la presunta discriminación mencionada anteriormente, favor de explicar las circunstancias a continuación. Explique la acción que usted tomó que cree sea la causa de la presunta represalia.

Nombre de los individuos responsables de la(s) acción(es) discriminatoria(s):

DRAFT

Nombre de personas (testigos, compañeros de trabajo, supervisores u otros) a quienes podamos contactar para obtener información adicional para respaldar o aclarar su queja: (Adjunte hojas adicionales de ser necesario).

	Nombre	**Direccion**	**Teléfono**
1.			
2.			
3.			
4.			

Alguna vez ha presentado, o tiene la intención de presentar, una queja con respecto a esta situación con cualquiera de las organizaciones que se mencionan a continuación? De ser así, favor de proporcionar las fechas en que se presentaron. Marque todas las que apliquen.

- ☐ Departamento de Transporte de los EE.UU. _____
- ☐ Administración Federal de Carreteras de los EE.UU. _____
- ☐ Administración de Transporte Federal de los EE.UU. _____
- ☐ Oficina de Programas de Cumplimiento de Contratos Federales de los EE.UU _____
- ☐ Comisión para la Igualdad de Oportunidades en el Empleo de los EE.UU. _____
- ☐ Tribunal Federal o Estatal de los EE.UU. _____
- ☐ Otros _____

¿Ha hablado sobre la queja con algún representante de el Condado de Hidalgo? De ser así, favor de proporcionar el nombre y puesto de la persona y la fecha en la que tuvo la conversación.

Explique brevemente que remedio, o acción está usted buscando por la presunta discriminación.

Favor de proporcionar cualquier información adicional y/o fotografías, si son pertinentes, que usted crea ayudarán a la investigación.

No podemos aceptar una queja sin firma. Favor de incluir su firma y la fecha a continuación:

_____ _____

Firma del Demandante **Fecha**

UNICAMENTE PARA USO OFICIAL

Fecha de Recibo de Queja: _____ No. de Caso: _____

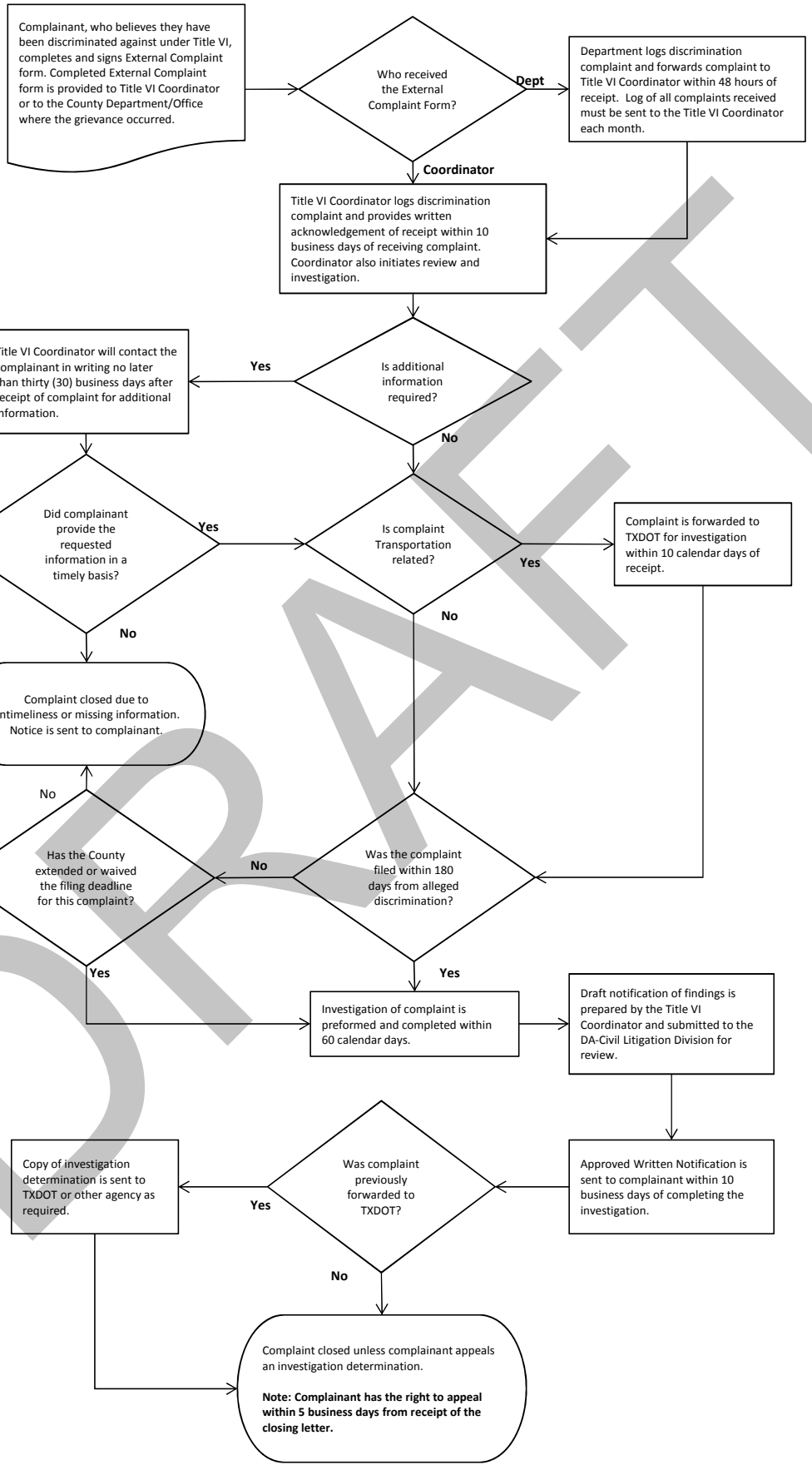
Procesado por: _____ Fecha Remitida: _____

Remitida a: ☐ USDOT ☐ FHWA ☐ FTA ☐ OFCCP ☐ EEOC ☐ Other _____

DRAFT

County of Hidalgo

External Complaint Process Flowchart



DRAFT

County of Hidalgo

Title VI / Nondiscrimination External Complaint Log

Instructions: Title VI/Nondiscrimination Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming the County of Hidalgo, which alleges discrimination with respect to Title VI concerns.

	Date Complaint Filed	Name of Complainant	Race	Color	Gender	National Origin	Program or Activity	Summary of Allegation(s)	Investigation Dates		Disposition	Disposition Date	Other Pertinent Information (including age, disability, or any corrective action or consent decree)	Complaint sent to granting state / federal agency?	
									Start	Completion				Agency	Date
1.															
2.															
3.															
4.															
5.															
6.															
7.															
8.															
9.															
10.															

DRAFT

County of Hidalgo

External Compliant Process Poster

TITLE VI

Protecting your civil rights

It is the policy of the County of Hidalgo to ensure no person shall on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any department programs or activities (Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d).

Any person who believes they have been subjected to unlawful discriminatory practices under Title VI has the right to file a formal complaint. Any such complaint must be filed in writing or in person with the County's Title VI Nondiscrimination Coordinator within 180 days following the date of the alleged discriminatory action.

County of Hidalgo Executive Office
Title VI/Nondiscrimination Coordinator
2818 S. Bus. Hwy. 281
Edinburg, Texas 78539
Phone: (956)292-7655
Fax: (956)292-7034

Email: titlevi@co.hidalgo.tx.us

DRAFT

County of Hidalgo

External Compliant Process Poster

TÍTULO VI

Protegiendo sus derechos civiles

Es política del Condado de Hidalgo garantizar que ninguna persona, por motivos de raza, color, origen nacional, sexo, edad o discapacidad, sea excluida de la participación en, se le nieguen los beneficios de, o de otra manera sea objeto de discriminación bajo cualquier programas o actividades del departamento (Título VI de la Ley de Derechos Civiles de 1964, 42 U.S.C. Sección 2000d).

Cualquier persona que crea que ha sido sometida a prácticas discriminatorias ilegales bajo el Título VI tiene el derecho de presentar una queja formal. Cualquier queja debe presentarse por escrito o en persona ante el Coordinador de No Discriminación del Título VI del Condado dentro de los 180 días posteriores a la fecha de la presunta acción discriminatoria.

County of Hidalgo Executive Office
Title VI/Nondiscrimination Coordinator
2818 S. Bus. Hwy. 281
Edinburg, Texas 78539
Teléfono: (956)292-7655
Fax: (956)292-7034

Correo electrónico: titlevi@co.hidalgo.tx.us

DRAFT