



NORTH CAROLINA

Department of Transportation



Title VI Training: Integrated Mobility Division (IMD)

Title VI Program

October 13, 2020

What is Title VI?

- **Title VI of the Civil Rights Act of 1964:**
 - No person in the United States shall be discriminated against based on race, color, or national origin under any program or activity receiving Federal financial assistance.
- **1987 Civil Rights Restoration Act:**
 - No discrimination across all NCDOT programs and activities, and all modes, whether federally-assisted or state-funded, with the notable exception of creed/religion

What is Discrimination?

- **Federal Transit Administration (FTA):**
 - Any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid **recipient, subrecipient, or contractor** that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on **race, color, national origin, sex, age, creed (religion), or disability**. (49 U.S.C. 5332)

Role of Title VI Program

- Develop and administer NCDOT's Title VI programs and policies
- Prepare and submit Title VI implementation plans
- Execute NCDOT's complaints process, investigate and resolve claims of discrimination
- Review and assist in the development of the Unit's program directives to ensure Title VI requirements are included

Role of Title VI Program cont.

- Provide education and technical assistance to business units and subrecipients
- Submit annual reports to federal oversight agencies
- Ensure the Department, subrecipients and contractors, are complying with federal nondiscrimination requirements
 - Compliance reviews, corrective action and sanctions, etc.

Title VI Program Plan

- Internal regulatory document approved by FTA for direct recipients (i.e., NCDOT) and by NCDOT for subrecipients
 - Outlines procedures, strategies, and activities used to facilitate and assure nondiscrimination
 - Assists granting agency in its oversight of external civil rights programs
 - Must be approved by grantee's Board of Directors or appropriate governing entity
 - NCDOT – Secretary signs letter in NCDOT's Title VI plan
 - Subrecipient – Submit documentation to NCDOT showing their governing entity has approved their plan
 - Timeframe for subrecipient plans to IMD

Title VI Program Required Documents

- **Title VI Plan Review and Adoption**
- **Title VI Nondiscrimination Agreement Between The North Carolina Department of Transportation and The Organization**
- **Title VI Nondiscrimination Policy Statement**
- **Notice of Nondiscrimination**
- **Annual Education and Acknowledgement Form**

Description of Programs and Services

- **Section 2.0-2.6**
 - Detail the programs and services you provide and the town/city limits of geographical area/County.
 - Types of service(s), specific schedules, fees, service area(s), holiday schedules
- **Funding Sources / Tables**
 - FTA Formula Grants (delete any grant titles that do not apply)
- **Decision-Making Process**
 - Advisory boards and other committees
 - Periodic meetings and voting procedure
 - Organizational structure showing proper authority for the Title VI Coordinator

Programs and Services cont.

- **Title VI Coordinator**
 - Contact information and essential Title VI duties
 - Authority to administer program
 - Must receive training to implement the program
- **Change of Title VI Coordinator**
 - Include in the statement all officials that have signed Title VI documents for the system
- **Organizational Chart**
 - Summarize staffing
 - Include org chart in this section or appendix

Service Area Population Characteristics

- In order to ensure compliance with Title VI and related laws, the subrecipient must collect data to assess the extent to which its programs and services benefit (“are used or accessed by”) protected populations
- Demographic Profile of service area:
 1. Race, Ethnicity, Age, and Sex
 2. Disability
 3. Poverty
 4. Household Income
 5. Limited English Proficiency (LEP)

Public Involvement Plan

- Subrecipients may develop a different PIP if they do not wish to adopt the PIP in the template.
 - However, their PIP will also need to detail how they ensure inclusive participation by traditionally underserved populations.
- Subrecipients can also delete any outreach methods that are not available to them
 - e.g., if there is no local radio station, they can delete any references to the radio
- Ensure public's understanding of its rights
 - Notice to Public
 - Dissemination of information

Limited English Proficiency (LEP)

- **Safe Harbor Threshold** (*written* translation)
 - 5% or 1,000, whichever is less
 - Speaks English “less than very well”
- **Four Factor Analysis** (*reasonable* steps)
 - **Number or proportion** eligible to be served or likely to be encountered by the program
 - **Frequency** of contact with the program
 - **Nature and importance** of the program, activity, or service provided by the program to people's lives
 - **Resources** available and costs

Staff Training

- Subrecipients should outline in the plan :
 - Frequency of Title VI training (e.g., annually, biennially, etc.)
 - Training timeframes for new employees
 - How long training records will be maintained
 - Remainder of this section should not be altered
- Determine training needs of transit staff and (if applicable) contractors and subrecipients
- Provide training to TAB, as appropriate
 - Title VI Coordinator
 - Seek or request outside training, when necessary
 - State and federal agencies
- Document training efforts
 - Calendars and attendance records, certificates, etc.
 - Communications and contacts

Records and Reports

- Document all Title VI-related activities
 - Unless otherwise specified, retain records indefinitely
 - Records must be provided to NCDOT, upon request
- Title VI plans and triennial reports will be provided to NCDOT on IMD's PR schedule
 - Current plan: Title VI staff will review the plans and reports for compliance
 - IMD will ensure systems correct any deficiencies
 - Title VI staff will concur on no deficiencies

Tips for Transit Providers

- Ensure transit providers develop and detail transit service standards and policies in their Title VI plans
- In many cases, maps and tables will be more effective than just a narrative
- IMD will need to provide technical expertise to ensure completion of this section

Americans with Disabilities



What is the Americans with Disabilities Act (ADA)?



The ADA is an "equal opportunity" law for people with disabilities.

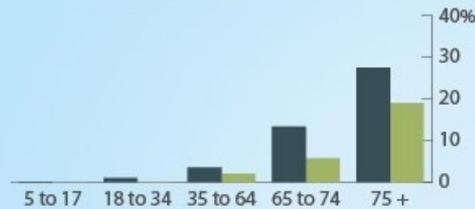
- July 26, 1990
- Civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate
- Applies to: employment, government programs, and public goods and services

How Common Are Specific Disabilities by Age?

Percentage of civilian noninstitutionalized population

Male Female

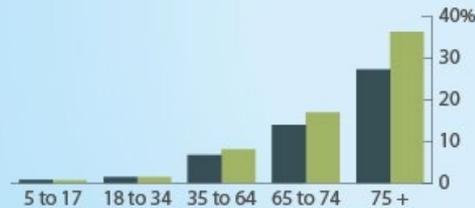
With a **HEARING** difficulty



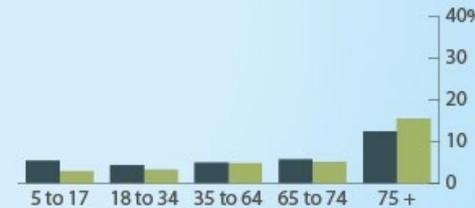
With a **VISION** difficulty



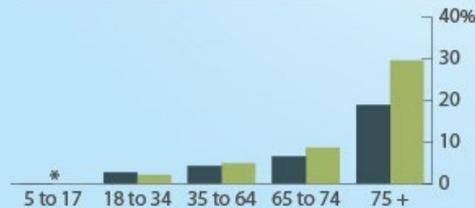
With an **AMBULATORY** difficulty



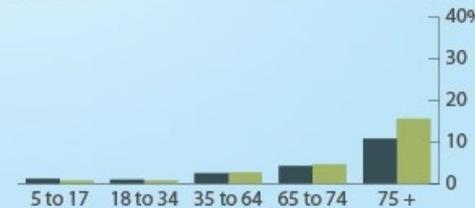
With a **COGNITIVE** difficulty



With an **INDEPENDENT LIVING** difficulty



With a **SELF-CARE** difficulty



* Data not collected for this age group.

**So what does this have
to do with me or my
company???**

**As an
EMPLOYER...**



Your employment practices must be non-discriminatory ... they must be accessible to those with a disability

What are Reasonable Accommodations?

**This may require providing
REASONABLE
ACCOMMODATIONS.**



Reasonable Accommodation:

Any change or adjustment in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to perform the essential functions of the job.

NCDOT Title VI Team

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IMD Title VI Actions

Proficiency Reviews:

PRs look in depth to see how the components of the Title VI are actually being carried out. In Section 5 of the Workbook, there are 16 in-depth questions on Title VI. A few include:

- How to file a complaint? (*Subrecipients must notify the public of its protections under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint. The notification may not be limited to a notice on the Subrecipient's website.*)
- Do you have procedures for investigating, tracking, and documenting Title VI complaints? If yes, please describe. (*Subrecipients must have a written procedures for tracking Title VI complaints.*)
- Did you report the complaints to IMD and the NCDOT Office of Civil Rights within 24 hours of receipt of the complaint? (*Title VI complaints must be reported to NCDOT within 24 hours of receipt of the complaint.*)
- Are schedules and other public information provided in languages other than English? If yes, what languages are provided?
- Does your system operate fixed route services? If so, have you established the following required Title VI service standards (on vehicle load, on-time performance, headways, and service availability) and service policies (vehicle assignment and distribution of transit amenities)?



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Department of Transportation



CERTIFICATIONS

Lisa H. Wilson
Certification Manager

October 13, 2020

Types of Certifications

DBE – Disadvantaged Business Enterprise –
Federal Projects

Subset of DBE - M/WBE – Minority/Women Business Enterprise – State Projects –
only one goal set as of April 2018

SBE – Small Business Enterprise – Maintenance Projects < \$500K

SPSF – Small Professional Services Firms – i.e., Consulting,
Engineering, Architectural, GIS

HUB – Historically Underutilized Businesses – State Projects

We now have an online portal for firms to apply!
connect.ncgot.gov/becertified

Purpose of DBE Program

- Ensure nondiscrimination in transportation contracting (e.g. highway, transit and aviation)
- Create a level playing field where DBEs can compete fairly for DOT-assisted contracts
- Ensure only firms that fully meet eligibility standards are permitted to participate as DBEs
- Assist in development of firms to compete successfully in the marketplace outside the DBE program
- Certification is a tool to help the business grow

DBE - Basic Eligibility Criteria

- Social Disadvantage: Designated socially disadvantaged groups (i.e., minority or women-owned)
- Economic Disadvantage: PNW < \$1.32mill
- SBA Size Limits for NAICS or Gross receipts <\$23.98mill; ACDBE < \$56.42mill
- Ownership: At least 51% by disadvantaged member(s)
- Control: Management, Policy and Operations

DBE Certification Process

- Step 1.** The packet is reviewed for completeness (**30 days**)
 - Step 2.** If complete, a certification officer reviews your information
 - Step 3.** Then a site visit is conducted at the primary place of business
 - Step 4.** After the site visit and thorough review of the information, a certification decision is issued and the firm is notified of the determination in writing (**90 days: review/site visit/decision**)
 - Step 5.** If certified, the firm's information is then entered in the online DBE Directory
 - Step 6.** If denied certification, the firm has the right to appeal the decision directly to USDOT
- Note: the UCP has 90 days to render an eligibility decision after receiving a complete application packet (sometimes 150 days)**

Benefits of DBE Certification

- Free Marketing in our Directory of Firms
- Business Opportunity & Workforce Development Unit (BOWD)
- Contract Protection
- HUB Reciprocity

Directory of Firms

- You can use this to find vendors
- Search by name, work codes, divisions, certification
- HUB vendors are listed, too



Directory of Firms

Complete listing of certified and prequalified firms.

[Home](#) ▶ [Doing Business](#) ▶ [Directory of Firms](#) ▶ [Firm Name](#) ▶ [Results](#) ▶ [Detail](#)

Top Contracting Needs

- Pavement Marking/Striping – Long Line Stripers
- Small Grading – Small Bridges, Lump Sum Grading
- Milling
- Drones
- Shoulder Construction
- Patching
- Signing – Temporary Traffic Control
- Seeding and Erosion Control
- Signalization – Loop Cutting, Signal Loop, Ramp Meters
- Storm Drainage (For Safety Projects)
- Water and Sewer
- Traffic Control
- Hauling/Off-road Hauling
- Rest Area – Janitorial Services
- Flat Concrete Work
- Litter Removal
- Utility Adjustments
- Guardrail/Guiderail

Small Business Enterprise Facts

- A NCDOT Program – not federally mandated
- A purchase order program for projects \$500,000 or less
- Projects will be advertised as SBE set-asides and only SBE certified firms can respond (green block) 
- The decision to designate as an SBE project is left up to the Divisions
- No prequalification required
- Race and Gender Neutral Program (no goals are set)
- GC license and bonding may be waived

Types of SBE Projects

- Grubbing
- Clearing and grading
- Hauling stone and other materials
- Erosion control and Landscaping
- Paint striping
- Drainage (pipe, curb and gutter, catch basin, etc.)
- Signal installation
- Fencing and Guardrail

Fully Operated Rental Equipment

- Furnish equipment and properly trained and qualified personnel
- Paid on an hourly basis
- Contact the County Maintenance Engineer for opportunities
- Pre-qualification isn't required
- Insurance is required (Worker's Comp and General Liability) – can purchase for time needed

Small Professional Services Firms (SPSF)

- From 2011 budget: NCDOT will identify professional services contracts of \$250,000 or less and direct them to SPSF
- Definition isn't codified; HB 206 was our attempt to set up for future goals
 - "Small Professional Services Firm" is an independent, for-profit firm that meets **size standards** as defined by the Small Business Administration (SBA) regulations, 13 C.F.R. Part 121, and **Sector 54** of the North American Industrial Classifications System (NAICS).

SPSF: Facts

- Race, ethnicity and gender neutral program
- Must perform professional, scientific, or technical work
- Must be for-profit
- Application must be notarized and include a Substitute W9
- SPSF's are listed on Subconsultant Form RS-2 with the response
- Firms must meet eligibility SBA size

Size Standards

- NCDOT uses US Small Business Administration (SBA) size standards established for Professional Services under the NAICS expressed in either number of employees or annual receipts in in millions of dollars (average of 3 years)
- Examples:
 - 541320 Landscape Architectural Services = \$8 m
 - 541330 Engineering Services = \$16.5 m
 - 541711 Research & Development in

Limited Services Contracts/ General Engineering Service Contract

- Find out from Division Engineers who wins these contracts (or posted on web site)
- Market your firm to them
- Develop a Capability Statement
- Example: Bike/Ped Plans and Studies - Limited Service Contract was recently advertised. For 3 years with option to renew for 2 years. Sub-consultants are allowed

Prequalification

Types of prequalification

- Subcontractor
- Division Let Bidder (POC) – Under \$5 million
- Central Let Bidder (Prime) – Let out of Raleigh
- Private Engineering Firm (PEF)

- Apply online – must have NCID first!

Certification ~~≠~~ Prequalification

Contact Information

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