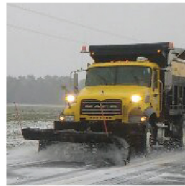
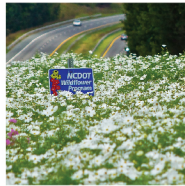




## **NORTH CAROLINA**

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)?

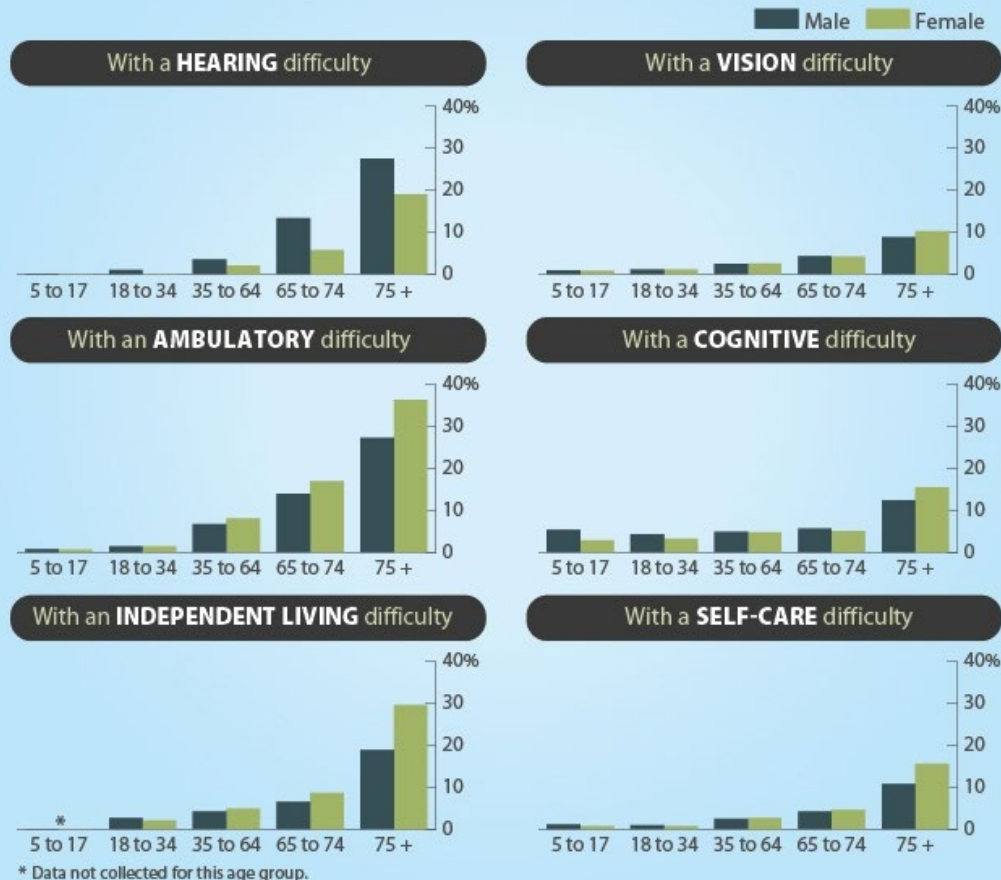


**The ADA is an "equal opportunity" law for people with disabilities.**

- 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



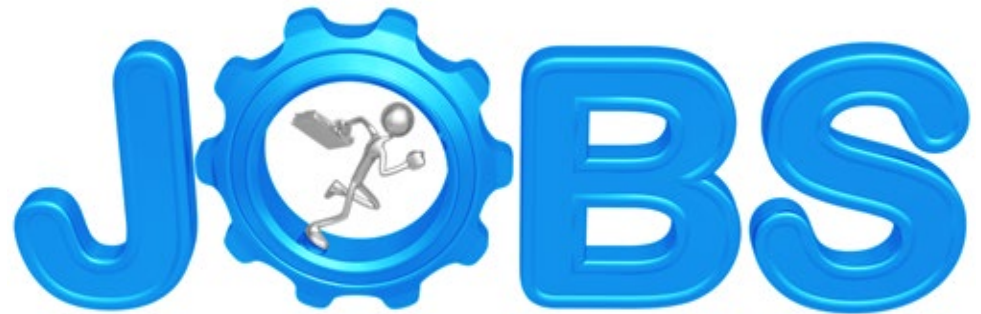
United States™  
**Census**  
Bureau

U.S. Department of Commerce  
Economics and Statistics Administration  
U.S. CENSUS BUREAU  
**census.gov**

Source: 2015 American Community Survey  
[www.census.gov/programs-surveys/acs/](http://www.census.gov/programs-surveys/acs/)

# 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

Mark Whisenant, Title VI Manager

984-236-1210

[mawhisenant@ncdot.gov](mailto:mawhisenant@ncdot.gov)

Jasmine Carter, Compliance Specialist

984-236-1215

[jmcarter1@ncdot.gov](mailto:jmcarter1@ncdot.gov)

Ashley Council, J.D., Title VI Officer

984-236-1214

[accouncil@ncdot.gov](mailto:accouncil@ncdot.gov)

Whitney McFadden, Title VI Officer

984-236-1213

[whmcfadden@ncdot.gov](mailto:whmcfadden@ncdot.gov)

# 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)?



## Title VI Program Checklist

I. Program Administration (General Requirements)	
<i>Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.</i>	
<b>Note:</b> Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.	
	<b>Completed</b>
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement ( <i>signed</i> )	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties <i>Name/Title:</i>	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions <i>reviewed and approved</i> the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. If you pass through FTA funds to other organizations, include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ No Subrecipients <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis if you have constructed or conducted planning for a facility, such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ No Facilities Planned or Constructed <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ No Construction Projects <input type="checkbox"/>	<input type="checkbox"/>
16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. <i>Year/Agency:</i>	<input type="checkbox"/>

## II. Transit Providers

*Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.*

**Note:** All NCDOT subrecipients that provide fixed route public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section.

➤ **Not Applicable** ☐ (Check this box if you do not provide fixed route services, and skip questions 17 and 18. This section does not apply to you if you only provide demand response services.)

Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)		Completed
17. Service standards ( <b>quantitative measures</b> ) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:		
• Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.)		<input type="checkbox"/>
• Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).)		<input type="checkbox"/>
• On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.)		<input type="checkbox"/>
• Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.)		<input type="checkbox"/>
18. Service policies ( <b>system-wide policies</b> ) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:		
• Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. <b>NOTE:</b> Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)		<input type="checkbox"/>
• Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)		<input type="checkbox"/>

Policy Statements should be located:

- Website
- Brochures/Schedules
- Inside the Vehicle

How are we tracking these?

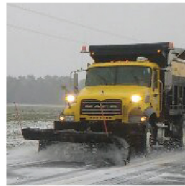
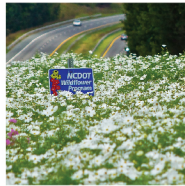
What happens if you are out of compliance?





## **NORTH CAROLINA**

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](https://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


The screenshot displays the NCDOT Business Partner Resources website. The header includes the text "Connect NCDOT BUSINESS PARTNER RESOURCES" and navigation links for Home, Help, and Site Map. A main menu bar contains "Doing Business", "Bidding & Letting", "Projects", "Resources", and "Local Governments". Below this, a secondary menu bar lists various categories: "Prequalify", "Small Business", "Consultants", "Directory of Firms" (which is highlighted in red), "Trucking", "Fleet & Material Mgmt", "DMV", "Public Trans", "Purchasing", "ROW", and "Turnpike". The "Directory of Firms" section is titled "Directory of Firms" and described as a "Complete listing of certified and prequalified firms." A breadcrumb trail at the bottom reads: "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 standards

# 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

DBE Certification	Lisa Wilson Liz Cruz Latega Powell Brandon Lee Pandora Broadwater	984-236-1240 984-233-9094 984-236-1241 984-236-1243 984-236-1244	lhwilson1@ncdot.gov <a href="mailto:ecruz@ncdot.gov">ecruz@ncdot.gov</a> <a href="mailto:lpowell23@ncdot.gov">lpowell23@ncdot.gov</a> <a href="mailto:bclee1@ncdot.gov">bclee1@ncdot.gov</a> <a href="mailto:pobroadwater@ncdot.gov">pobroadwater@ncdot.gov</a>
SBE/SPSF Certification	Bonnie Robinson	984-236-1242	bjrobinson@ncdot.gov
BOWD Supportive Services	Christy Thaxton Lisa Horton Larry Buie	984-236-1230 984-236-1235 984-236-1231	<a href="mailto:cwthaxton@ncdot.gov">cwthaxton@ncdot.gov</a> <a href="mailto:lhbonilla@ncdot.gov">lhbonilla@ncdot.gov</a> lmbuie1@ncdot.gov
Prequalification	Lloyd Royall	919-707-4816	prequal@ncdot.gov