



TITLE VI / NONDISCRIMINATION PLAN

CITY OF MISSION

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Title VI/Nondiscrimination Contact Information:

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**CITY OF MISSION
TITLE VI NON-DISCRIMINATION PLAN
ADMINISTRATIVE POLICY MANUAL**

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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 City of Mission (hereinafter “the City”) must make reasonable efforts to provide access to individuals with limited ability to speak, write, or understand the English language.

The City 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 City of Mission's Title VI Nondiscrimination Plan are:

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;

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2. To ensure that people affected by the City'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 City 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 City;
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 City-provided service, project, program or activity.

As the recipient of Federal transportation funds, the City 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 City-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 City's Title VI Plan also establishes procedures to make sure that the City'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 City, 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 City will make a good faith effort to ensure that the sub-recipient corrects any such deficiencies.

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

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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.

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AUTHORITIES

The authorities applicable to the City of Mission'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

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POLICY STATEMENT & STANDARD DOT ASSURANCES

Policy Statement:

The City of Mission, 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 City of Mission.

Norie Gonzalez Garza, Mayor

Standard DOT Assurances:

The City of Mission, Texas (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. § 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:

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"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 OST-R.

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 University Transportation Centers Program:

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

"The City of Mission, Texas, 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 insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, 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.

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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. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *The City of Mission, Texas* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the OST-R access to records, accounts, documents, information, facilities, and staff. You also recognize that you must

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comply with any program or compliance reviews, and/or complaint investigations conducted by OST-R. You must keep records, reports, and submit the material for review upon request to OST-R, 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 City of Mission, Texas gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the University Transportation Centers Program. This ASSURANCE is binding on *The City of Mission, Texas*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the University Transportation Centers Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Norie Gonzalez Garza, Mayor

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Organization and Staffing

Pursuant to 23 CFR 200, City of Mission has appointed a Title VI Coordinator who is responsible for City of Mission's Title VI Program.

City of Mission

Anna Carrillo, City Secretary

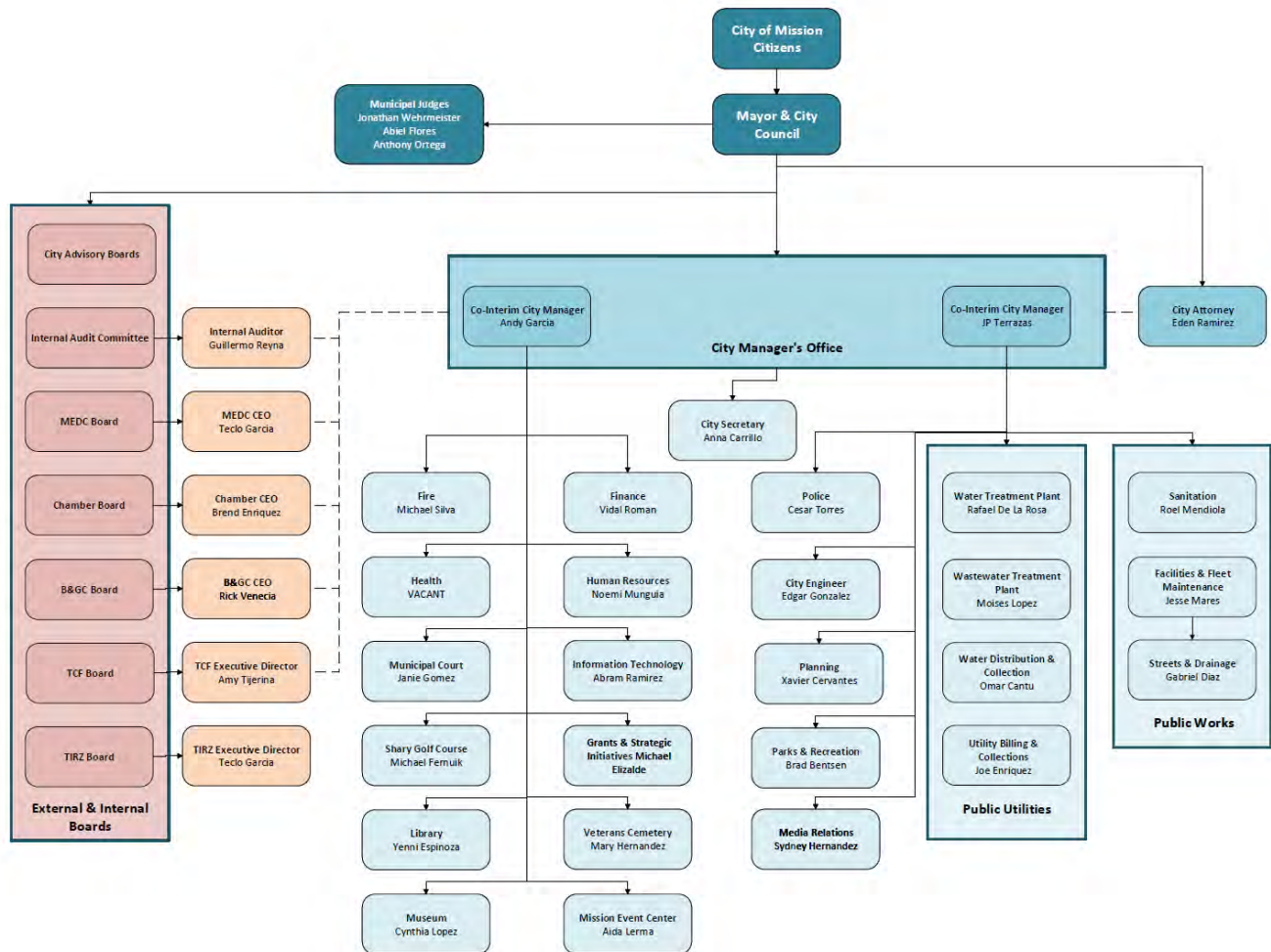
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CITY ORGANIZATIONAL CHART



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ROLES & RESPONSIBILITIES

Title VI /Nondiscrimination Coordinator:

The City of Mission's Title VI/Nondiscrimination Coordinator is its City Secretary or designee. The City Secretary reports to the City Council and shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances for the City of Mission.

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

The Title VI/Nondiscrimination Coordinator's (or designee) 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 City departments/offices, sub-recipients (including contractors, subcontractors, and consultants) and the general public. The public dissemination program shall involve the posting of the City's Title VI Policy Statement: a) in contracts or other agreements and bid specification packages; b) on the City's website, www.missiontexas.us; c) in certain City buildings. The dissemination to departments/offices will include: a) an annual broadcast to City employees; b) Posting on the City's website; c) Acknowledgements of the City's Title VI and LEP Plan in the new employee orientation.
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 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

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and then annually on that same date. Ensure the following areas are adequately addressed in the plan:

- Title VI complaint 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 external Title VI discrimination complaints.
 6. **Complaint 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 City departments/offices, 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 City of Mission 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 City 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.
 10. **Title VI Plan Update.** If updated, providing a copy of the Title VI Plan to the Texas Department of Transportation. The City will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change in the City's Title VI Plan administrative structure and staffing or changes to the plan's complaint procedures, etc.

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Departments/Elected Offices:

The City of Mission Departments 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
2. Collecting and analyzing data to numerically assess the reach and impact of its program funds
3. Complying with Limited English Proficiency Plan and Environmental Justice/Public Participation monitoring and reporting requirements
4. Coordinating with Title VI/Nondiscrimination Coordinator to ensure all required information is provided in a timely manner

Purchasing Department:

The City of Mission's Purchasing Department shall make sure that the notifications in, Appendixes are included in all solicitations for bids for work or material, and as an associated component of the contract, including the following language which should not be incorporated by reference but directly incorporated:

The City of Mission, 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, Appendix A 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, Appendix B 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 City of Mission with other parties for the subsequent transfer of real property acquired or improved under the programs administered by the City of Mission.

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The clauses in, 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 City of Mission 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 City of Mission.

Appendix D, must be attached to all construction contracts funded under Title 23 (Federal Highway Administration) for \$10,000 or more.

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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 City's Title VI Policy:

The City of Mission disseminates its Title VI Nondiscrimination Policy Statement, Title VI Nondiscrimination Plan, and complaint procedures to the general public on the City's website which also provides access to forms to file external discrimination complaints under Title VI.

Title VI information posters shall be sent to all City Department Heads/Elected Officials to post in a conspicuous location in the departments/offices under their supervision.

The City disseminates Title VI/Nondiscrimination information to City employees via the City website, www.missiontexas.us and through an annual notice. New City 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.

All subcontractors and vendors who receive payments from the City of Mission, 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 City website, at www.missiontexas.us. Additional information relating to nondiscrimination obligations and information on filing complaints can be obtained from the City's Title VI/Nondiscrimination Coordinator.

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

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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 City on a project-by-project basis.

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 City 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, 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 City will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change of City Manager.

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Remedial Action:

The City, 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.

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LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Purpose:

The City of Mission receives funds from the U.S. Department of Transportation (USDOT) via the Federal Highway Administration through the Texas Department of Transportation (TxDOT), thus requiring the City to, at a minimum, apply the four-factor analysis to the available data. Any LEP program requirement suggested by this analysis would extend to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one program of the recipient receives the Federal assistance.

This Limited English Proficiency Plan has been prepared to address the City of Mission's responsibilities, as a sub-recipient of Federal financial assistance, as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42

U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all State and local agencies which receive Federal funds, including all City of Mission departments receiving Federal grant funds.

LEP Plan Summary:

The City of Mission 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 City of Mission. 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 City departments/offices should take to ensure meaningful access for LEP persons, the City of Mission considers the following:

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

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2. The frequency with which LEP individuals come in contact with the City program, activity, service;
3. The nature and importance of the program, activity, or service provided by the City;
4. The resources available to the City and overall costs to provide the LEP assistance.

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

How to Identify an LEP person who need Language Assistance:

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the City's services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How City staff may identify an LEP person who needs language assistance:

- Post notice of the LEP Plan and the availability of interpretation or translation services in languages LEP persons would understand.
- All City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City sponsors an informational meeting or event, an advance public notice of the event will be published including asking for any special needs related to needing a translator (LEP) or ASL interpreter (hearing impaired individuals). Additionally, a staff person may greet participants as they arrive and, by informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be available at the event it will help identify the need at future events.

Language Assistance Measures

For those persons who speak English "not well" or "not at all", the City will strive to offer the following measures:

1. City staff will take reasonable steps to provide LEP clients who have difficulty communicating in English the opportunity for meaningful access.
2. The following resources will be available to accommodate LEP persons:

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- Interpreters for the Spanish language will be made available and provided within a reasonable time period, an internal survey indicates that a certain number of City staff consider themselves bilingual and may be able to interpret or translate.
- Language interpretation will be accessed for all other languages through a telephone interpretation service.

Staff Training:

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:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for the City of Mission will be required to follow the Title VI LEP guidelines.

Translation Services:

The City of Mission's Title VI/Nondiscrimination Coordinator, in coordination with City 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.

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.

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Providing Notice of Available Language Services to LEP Persons:

City 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/office.

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

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 City's Title VI/Nondiscrimination Coordinator begins acquiring statistically significant requests for interpretive or translation services in the City'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:

- The documented number of LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- The current LEP population in the service area.
- Has the need for translation services changed?
- Have local language assistance programs been effective and sufficient to meet the need?
- Are the City's financial resources sufficient to fund language assistance resources needed?
- Does the City fully comply with the goals of this LEP Plan?
- Documented complaints received concerning the City's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

Dissemination of Mission's LEP Plan

- Post signs in English and Spanish at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services. Post the LEP Plan itself on the City website in English and Spanish.
- State on agendas and public notices, in the language that LEP persons would understand, that documents are available in that language upon request from the City Secretary's Office.
- Continue to monitor and log any requests for translated documents or interpretive services.

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- Continue to make the City's external webpage translatable into various languages with the existing "Select Language" menu.

For more information regarding the City's policies on LEP, a copy of the LEP Plan can be found on our website at www.missiontexas.us. A copy of the Plan document may be requested from:

City of Mission
Anna Carrillo, City Secretary
1201 E. 8th Street
Mission, TX 78572
956-580-8737
Email: adacoordinator@missiontexas.us

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ENVIRONMENTAL JUSTICE PLAN

Purpose:

The purpose of this plan is to outline the City of Mission'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 and addressing disproportionately high and adverse human health or environmental effects of its program, policies, and activities on minority and low-income populations.

The Federal Highway Administration Act (FHWA) requires the City of Mission, as a sub-recipient receiving federal financial assistance through the Texas Department of Transportation (TXDOT), to carry out Environmental Justice responsibilities as part of its nondiscrimination program.

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

- Integrate the requirements of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations*, into programs, policies, and activities.
- Identify minority and low-income populations affected by a project using the most recent Census data and the definition of low-income as established by the U.S. Department of Health & Human Services.
- If a disproportionate effect is anticipated, following mitigation procedures.
- Develop public participation procedures to ensure the participation of the identified minority and low-income populations located within the limits of a proposed project.

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- Notify affected protected group residents of public meetings or hearings regarding a proposed project, and make meetings and hearings accessible.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discuss and, if necessary, implement 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 how 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 City's Title VI/Nondiscrimination 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 and document the answers to the following questions:

- Question 1 – Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?
- Question 2 – Are there alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?
- Question 3 – Considering the overall public interest, is there a substantial need for the project?
- Question 4 – 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: Record and keep all findings, documents, determinations, and/or demonstrations. City departments/offices will be required to document the following:

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- 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 outweigh the overall impacts; or
- Mitigation measures are being taken to reduce the harm to low-income or minority populations.

Record Retention:

City 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 Records Retention Schedules issued by the Texas State Library and Archives Commission, whichever is longer.

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PUBLIC PARTICIPATION PLAN

Purpose:

This section details how the City notifies the public of development plans and improvement programs. The City solicits the public comments and addresses those comments in final documents. Additionally, this section details how the City manages the Public Participation Process.

Public Participation Plan Summary:

The Public Participation Plan (PPP) demonstrates how the City, working with TxDOT, provides opportunities for public review and comment at key decision points during the citywide transportation improvement planning process as dictated by the City's Project Delivery Model (PDM) and TxDOT's 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.

All City projects follow the procedures specified in the City's Project Delivery Model (PDM) Communication Plan which require a Public Meeting to provide the public with information on the project and its likely impact on the project area. Then all projects pass through the Office of the Coordinator for review to ensure that the Public Participation requirements are incorporated into the project plan and being followed.

Types of Public Participation Procedures:

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

City departments/offices should comply with any public participation requirements which may be applicable to specific projects that the City department/office is undertaking. (i.e.: including applicable projects in the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) which may have public participation components.

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

Types of additional public participation efforts may include:

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1. City Council Meetings – Citizens may be present during any of the City Council meetings. The City Council meets the second and fourth Tuesday at 4:30 pm, unless otherwise designated.

The agenda for the City Council meeting can be found at www.missiontexas.us. Furthermore, the meeting can be streamed online.

A citizen can sign up to speak on any item on the agenda during Citizens Participation by completing a Public Participation Form and submitting the form to the City Secretary prior to the commencement of the particular meeting of the Council

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. City departments/offices can reach out to specific organizations to provide these groups with project information and encourage them to become involved.

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 – City departments/offices that have websites that provide for two-way communication can continuously update information about programs and projects.
4. Publications – City 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

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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.
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 may include 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.

Use of Public Comment:

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

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.

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TITLE VI COMPLAINT PROCESSING PROCEDURES

Purpose:

The purpose of the discrimination complaint procedures is to describe the process used by the City of Mission 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 City's program, activities, and services as required by statute.

The complaint procedures apply to the beneficiaries of City 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, disability or other applicable protected category believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City of Mission 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 City 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. In cases where the complainant is unable or incapable of providing a written statement, the complainant shall be interviewed and assisted in converting a verbal complaint or appeal into writing. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

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

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- 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.

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

City of Mission
Anna Carrillo, City Secretary
1201 E. 8th St., Mission, Texas 78572
Tel: (956) 580-8737
Email: adacoordinator@missiontexas.us

Complaint Process:

The Mission City Title VI/Nondiscrimination Coordinator or designee 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 – External Complaint Process Flowchart). The Title 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 complaint process and procedures. The Title VI/Nondiscrimination Coordinator may, at his/her discretion, assign a capable person to investigate the complaint. 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

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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 City of Mission in which the City 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 Mission City Criminal District Attorney's Civil Litigation Division for review prior to distribution.

Investigation Reporting Process:

Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Office of the City Manager for review.

The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either acted or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

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City of Mission
Anna Carrillo, City Secretary
1201 E. 8th Street
Mission, TX 78572
956-580-8721
Email: adacoordinator@missiontexas.us

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the Texas Department of Transportation, Office of Civil Rights within 30 days of the date the investigation is completed.

Records

All records and investigation working files are maintained in a confidential area. Records are kept for a minimum of three years.

Disposition of Complaint:

A final written response letter will be provided to the complainant and the department/office for the program involved within 10 calendar days of completing the investigation. In a letter notifying complainant that the complaint is not substantiated, the complainant is also advised of his or her right to appeal with the City within five (5) business days from receipt of the closing letter or that they may file a complaint externally with an 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.

Appeal Process:

Upon receipt of a written request for appeal, the Title VI Coordinator or designee will verify timeliness of filing. An appeal request mailed via US mail is considered filed on the date postmarked.

If the appeal request is determined to be filed timely, the Title VI Coordinator or designee will send a notice of receipt of appeal to the appealing complainant informing them of the appointment of the appeal committee and general appeal process and will initiate the Title VI Appeal Committee review process.

The Title VI Appeals Committee will be composed of three members and will be tasked with reviewing any Title VI appeal and submitting a written appeal decision. The three-member committee will consist of the Director or designee from the following three departments/offices:

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- a. Executive Office
- b. Department of Health & Human Services
- c. Fire Marshal's Office

If a Committee representative or the representative's department/office is involved in the complaint, or is otherwise conflicted to participate as a member of the committee, the Title VI Coordinator will have the discretion to choose a replacement.

The Title VI Appeals Committee will choose one individual among them to serve as chair of the committee. The City's Legal Counsel will serve to advise the committee as needed.

Within 30 calendar days after receipt of the appeal, the City's Title VI Appeals Committee will review the complainant's permanent file including but not limited to the final investigation. During this time, the Committee shall confer a minimum of one time to discuss the matter and their decision.

After review of the complainant's permanent file, the Committee shall vote to either:

- a. Accept the City's findings;
- b. Reject the City's findings;
- c. Accept in part and reject in part the City's findings; and/or
- d. Recommend any applicable action to be taken.

Within 15 calendar days after the Title VI Appeals Committee's final decision, the Title VI Appeals Committee will provide a written appeal decision to the Title VI Coordinator which shall include the Committee's conclusions.

The Title VI Coordinator shall provide complainant with a copy of the Title VI Appeals Committee's final appeal decision. If necessary, Title VI Coordinator may take recommended action.

Complaint Logs:

The Title VI/Nondiscrimination Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming the City of Mission, 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

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- 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
- Any other pertinent information (such as age or disability)

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 Mission City 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;
- Title VI investigations; and
- Any appeals decisions, responses or other pertinent records

The records shall be maintained for a period of ten (10) years or in accordance with Records Retention Schedules issued by the Texas State Library and Archives Commission, 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.

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ANNUAL WORK PLAN & ACCOMPLISHMENT REPORT PROCESS

1. The City of Mission Title VI/Nondiscrimination Plan will be communicated to each City Department Head/Elected Official who will review the plan with their department/office employees.
2. The City's Title VI Plan and Policy Statement will be published on the City's website. The Policy Statement will also be posted in conspicuous locations in City buildings.
3. Appendix A of the Assurances will be included in all City contracts as outlined in the Title VI/Nondiscrimination Plan.
4. Procedure for responding to individuals with Limited English Proficiency will be implemented.
5. All City employees will be made aware of the LEP procedure and the Title VI complaint procedure.
6. All City 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 City'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 City's implementation and monitoring of the Title VI/Nondiscrimination Plan.

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STANDARD TITLE VI /NONDISCRIMINATION ASSURANCES

DOT ORDER NO. 1050.2A

The City of Mission (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 (USDOT), through the Federal Highway Administration (FHWA), 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 Code of Federal Regulations (CFR) 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 CFR §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.

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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 USDOT programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §21.23(b) and §21.23(e) of 49 CFR §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 USDOT programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Mission, 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:

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

By signing this ASSURANCE, the City of Mission 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 City of Mission gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and

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Federal financial assistance extended after the date hereof to the recipients by USDOT 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 City of Mission on the 26th day of May, 2026.

Norie Gonzalez Garza, Mayor

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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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Office of the Secretary for Research and Technology (OST-R), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability 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 Non-discrimination 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 OST-R 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 OST-R, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the OST-R may determine to be appropriate, including, but not limited to:
 1. withholding payments to the contractor under the contract until the contractor complies; and/or
 2. cancelling, terminating, or suspending a contract, in whole or in part.

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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 OST-R may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or 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.

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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 City of Mission, Texas will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary 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, Non-discrimination 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 City of Mission, Texas all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto The City of Mission, Texas 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 City of Mission, Texas, its successors and assigns.

The City of Mission, Texas, in consideration of the conveyance of said lands and interest 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 City of Mission, Texas will use the lands and interests in lands and interest 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, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation,

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Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and

(3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

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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 City of Mission, Texas 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 Non-discrimination covenants, the City of Mission, Texas 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 Non-discrimination covenants, the City of Mission, Texas 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 City of Mission, Texas and its assigns. *

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

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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 (Title of Recipient) 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 or, 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 of the above Non-discrimination covenants, the City of Mission, Texas will have the right to terminate the (license, permits, 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 Non-discrimination covenants, the City of Mission, Texas will there upon revert to and vest in and become the absolute property of the City of Mission, Texas and its assigns. *

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

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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 non-discrimination statutes and authorities, including, but not limited to:

Pertinent Non-Discrimination 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. § 471, Section 47123, as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- **The Civil Rights Restoration Act of 1987**, (PL 100-209), Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- **Titles II and III of the Americans with Disabilities Act**, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38.
- **The Federal Aviation Administration's Non-discrimination statute** (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- **Executive Order 12898**, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

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- **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).

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SUMMARY OF ATTACHMENTS

- Attachment 1 – Title VI/Nondiscrimination Statement (English/Spanish)
- Attachment 2 – Form FHWA 1273
- Attachment 3 – Acknowledgement of Receipt of Title VI Plan
- Attachment 4 – LEP Interpreter Services Poster
- Attachment 5 – Employee Language Report
- Attachment 6 – LEP Requests Log
- Attachment 7 – LEP Annual Report
- Attachment 8 - Environmental Justice Checklist
- Attachment 9 – Environmental Justice Demographic Surveys (English/Spanish)
- Attachment 10 – Public Meeting Comment Form (English/Spanish)
- Attachment 11 – External Title VI/ADA Discrimination Complaint Form (English/Spanish)
- Attachment 12 – External Complaint Process Flowchart
- Attachment 15 – External Complaint Log
- Attachment 16 – External Complaint Poster (English/Spanish)

City of Mission

Title VI & Related Statues Nondiscrimination Policy Statement

The City of Mission, 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 City of Mission.

This Policy Statement was adopted by the City Council of the City of Mission on May 26, 2026.

CITY OF MISSION

Norie Gonzalez Garza, Mayor

Ciudad de Mission

Titulo VI y Estatutos Relacionados Declaracion de No Discriminacion

La Ciudad de Mission 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 declaracion de poliza fue adoptada por el Concilio de la Ciudad de Mission el 26 de Mayo, 2026.

CIUDAD DE MISSION

Norie Gonzalez Garza, Alcaldesa

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated 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. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

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, United States Code, as required in 23 CFR 633.102(b) (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). 23 CFR 633.102(e).

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. 23 CFR 633.102(e).

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) in accordance with 23 CFR 633.102. 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 solicitation-for-bids or request-for-proposals 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). 23 CFR 633.102(b).

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. 23 CFR 633.102(d).

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. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A 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 Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), 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 Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), 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 Part 230, Subpart A, 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 (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 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 this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 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. 23 CFR 230.409 (g)(4) & (5).

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, sexual orientation, gender identity, 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 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 or other knowledgeable company official.

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, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure 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 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. 23 CFR 230.409. 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, sexual orientation, gender identity, 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, sexual orientation, gender identity, 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 thereunder. 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, sexual orientation, gender identity, 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, 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. Assurances Required:

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient 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 recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

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 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 more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, 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, sexual orientation, gender identity, 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), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

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 (29 CFR 5.5)

a. *Wage rates and fringe benefits.* All laborers and mechanics employed or working upon the site of the work (or otherwise working in construction or development of the project under a development statute), 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 basic hourly 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. As provided in paragraphs (d) and (e) of 29 CFR 5.5, the appropriate wage determinations are effective by operation of law even if they have not been attached to the contract. Contributions made or costs reasonably anticipated for bona fide fringe benefits under the Davis-Bacon Act ([40 U.S.C. 3141\(2\)\(B\)](#)) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.e. 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 must be paid the appropriate wage rate and fringe benefits on the wage determination for the classification(s) of work actually performed, without regard to skill, except as provided in paragraph 4. of this section. 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 classifications and wage rates conformed under paragraph 1.c. of this section) and the Davis-Bacon poster (WH-1321) must 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. *Frequently recurring classifications.* (1) In addition to wage and fringe benefit rates that have been determined to be prevailing under the procedures set forth in [29 CFR part 1](#), a wage determination may contain, pursuant to § 1.3(f), wage and fringe benefit rates for classifications of laborers and mechanics for which conformance requests are regularly submitted pursuant to paragraph 1.c. of this section, provided that:

(i) The work performed by the classification is not performed by a classification in the wage determination for which a prevailing wage rate has been determined;

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

(iii) The wage rate for the classification bears a reasonable relationship to the prevailing wage rates contained in the wage determination.

(2) The Administrator will establish wage rates for such classifications in accordance with paragraph 1.c.(1)(iii) of this section. Work performed in such a classification must be paid at no less than the wage and fringe benefit rate listed on the wage determination for such classification.

c. *Conformance.* (1) The contracting officer must 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 be classified in conformance with the wage determination. Conformance of an additional classification and wage rate and fringe benefits is appropriate 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 used 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) The conformance process may not be used to split, subdivide, or otherwise avoid application of classifications listed in the wage determination.

(3) 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 will be sent by the contracting officer by email to DBAconformance@dol.gov. 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.

(4) 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 will, by email to DBAconformance@dol.gov, refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination 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.

(5) The contracting officer must promptly notify the contractor of the action taken by the Wage and Hour Division

under paragraphs 1.c.(3) and (4) of this section. The contractor must furnish a written copy of such determination to each affected worker or it must be posted as a part of the wage determination. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 1.c.(3) or (4) of this section must 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.

d. *Fringe benefits not expressed as an hourly rate.* 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 may either pay the benefit as stated in the wage determination or may pay another bona fide fringe benefit or an hourly cash equivalent thereof.

e. *Unfunded plans.* 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, in accordance with the criteria set forth in § 5.28, 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.

f. *Interest.* In the event of a failure to pay all or part of the wages required by the contract, the contractor will be required to pay interest on any underpayment of wages.

2. Withholding (29 CFR 5.5)

a. *Withholding requirements.* The contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for the full amount of wages and monetary relief, including interest, required by the clauses set forth in this section for violations of this contract, or to satisfy any such liabilities required by any other Federal contract, or federally assisted contract subject to Davis-Bacon labor standards, that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to Davis-Bacon labor standards requirements and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld. In the event of a contractor's failure to pay any laborer or mechanic, including any apprentice or helper working on the site of the work all or part of the wages required by the contract, or upon the contractor's failure to submit the required records as discussed in paragraph 3.d. of this section, the contracting agency may on its own initiative and 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.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with paragraph

2.a. of this section or Section V, paragraph 3.a., or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

3. Records and certified payrolls (29 CFR 5.5)

a. *Basic record requirements* (1) *Length of record retention.* All regular payrolls and other basic records must be maintained by the contractor and any subcontractor during the course of the work and preserved for all laborers and mechanics working at the site of the work (or otherwise working in construction or development of the project under a development statute) for a period of at least 3 years after all the work on the prime contract is completed.

(2) *Information required.* Such records must contain the name; Social Security number; last known address, telephone number, and email address of each such worker; each worker's correct classification(s) of work actually performed; 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 [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act); daily and weekly number of hours actually worked in total and on each covered contract; deductions made; and actual wages paid.

(3) *Additional records relating to fringe benefits.* Whenever the Secretary of Labor has found under paragraph 1.e. of this section 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 [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act, the contractor must 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.

(4) *Additional records relating to apprenticeship.* Contractors with apprentices working under approved programs must maintain written evidence of the registration of apprenticeship programs, the registration of the apprentices, and the ratios and wage rates prescribed in the applicable programs.

b. *Certified payroll requirements* (1) *Frequency and method of submission.* The contractor or subcontractor must submit weekly, for each week in which any DBA- or Related Acts-covered work is performed, certified payrolls to the contracting

agency. The prime contractor is responsible for the submission of all certified payrolls by all subcontractors. A contracting agency or prime contractor may permit or require contractors to submit certified payrolls through an electronic system, as long as the electronic system requires a legally valid electronic signature; the system allows the contractor, the contracting agency, and the Department of Labor to access the certified payrolls upon request for at least 3 years after the work on the prime contract has been completed; and the contracting agency or prime contractor permits other methods of submission in situations where the contractor is unable or limited in its ability to use or access the electronic system.

(2) *Information required.* The certified payrolls submitted must set out accurately and completely all of the information required to be maintained under paragraph 3.a.(2) of this section, except that full Social Security numbers and last known addresses, telephone numbers, and email addresses must not be included on weekly transmittals. Instead, the certified payrolls need only include an individually identifying number for each worker (e.g., the last four digits of the worker's Social Security number). The required weekly certified payroll information may be submitted using Optional Form WH-347 or in any other format desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division website at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf> or its successor website. It is not a violation of this section for a prime contractor to require a subcontractor to provide full Social Security numbers and last known addresses, telephone numbers, and email addresses to the prime contractor for its own records, without weekly submission by the subcontractor to the contracting agency.

(3) *Statement of Compliance.* Each certified payroll submitted must be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor, or the contractor's or subcontractor's agent who pays or supervises the payment of the persons working on the contract, and must certify the following:

(i) That the certified payroll for the payroll period contains the information required to be provided under paragraph 3.b. of this section, the appropriate information and basic records are being maintained under paragraph 3.a. of this section, and such information and records are correct and complete;

(ii) That each laborer or mechanic (including each helper and apprentice) working 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 [29 CFR part 3](#); and

(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(s) of work actually performed, as specified in the applicable wage determination incorporated into the contract.

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

(5) *Signature.* The signature by the contractor, subcontractor, or the contractor's or subcontractor's agent must be an original handwritten signature or a legally valid electronic signature.

(6) *Falsification.* The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under [18 U.S.C. 1001](#) and [31 U.S.C. 3729](#).

(7) *Length of certified payroll retention.* The contractor or subcontractor must preserve all certified payrolls during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

c. *Contracts, subcontracts, and related documents.* The contractor or subcontractor must maintain this contract or subcontract and related documents including, without limitation, bids, proposals, amendments, modifications, and extensions. The contractor or subcontractor must preserve these contracts, subcontracts, and related documents during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

d. *Required disclosures and access* (1) *Required record disclosures and access to workers.* The contractor or subcontractor must make the records required under paragraphs 3.a. through 3.c. of this section, and any other documents that the contracting agency, the State DOT, the FHWA, or the Department of Labor deems necessary to determine compliance with the labor standards provisions of any of the applicable statutes referenced by § 5.1, available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and must permit such representatives to interview workers during working hours on the job.

(2) *Sanctions for non-compliance with records and worker access requirements.* If the contractor or subcontractor fails to submit the required records or to make them available, or refuses to permit worker interviews during working hours on the job, the Federal agency may, after written notice to the contractor, sponsor, applicant, owner, or other entity, as the case may be, that maintains such records or that employs such workers, 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, or to permit worker interviews during working hours on the job, may be grounds for debarment action pursuant to § 5.12. In addition, any contractor or other person that fails to submit the required records or make those records available to WHD within the time WHD requests that the records be produced will be precluded from introducing as evidence in an administrative proceeding under [29 CFR part 6](#) any of the required records that were not provided or made available to WHD. WHD will take into consideration a reasonable request from the contractor or person for an extension of the time for submission of records. WHD will determine the reasonableness of the request and may consider, among other things, the location of the records and the volume of production.

(3) *Required information disclosures.* Contractors and subcontractors must maintain the full Social Security number and last known address, telephone number, and email address

of each covered worker, and must provide them upon request to the contracting agency, the State DOT, the FHWA, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or other compliance action.

4. Apprentices and equal employment opportunity (29 CFR 5.5)

a. *Apprentices* (1) *Rate of pay.* Apprentices will be permitted to work at less than the predetermined rate for the work they perform 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 (OA), or with a State Apprenticeship Agency recognized by the OA. A person who is not individually registered in the program, but who has been certified by the OA or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice, will be permitted to work at less than the predetermined rate for the work they perform in the first 90 days of probationary employment as an apprentice in such a program. In the event the OA or a State Apprenticeship Agency recognized by the OA withdraws approval of an apprenticeship program, the contractor will no longer be permitted to use apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(2) *Fringe benefits.* Apprentices must 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, fringe benefits must be paid in accordance with that determination.

(3) *Apprenticeship ratio.* The allowable ratio of apprentices to journeyworkers on the job site in any craft classification must not be greater than the ratio permitted to the contractor as to the entire work force under the registered program or the ratio applicable to the locality of the project pursuant to paragraph 4.a.(4) of this section. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated in paragraph 4.a.(1) of this section, must 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 this section must be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(4) *Reciprocity of ratios and wage rates.* Where a contractor is performing construction on a project in a locality other than the locality in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyworker's hourly rate) applicable within the locality in which the construction is being performed must be observed. If there is no applicable ratio or wage rate for the locality of the project, the ratio and wage rate specified in the contractor's registered program must be observed.

b. *Equal employment opportunity.* The use of apprentices and journeyworkers under this part must be in conformity with

the equal employment opportunity requirements of Executive Order 11246, as amended, and [29 CFR part 30](#).

c. 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. 23 CFR 230.111(e)(2). 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 journeyworkers 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 as provided in 29 CFR 5.5.

6. Subcontracts. The contractor or subcontractor must insert FHWA-1273 in any subcontracts, along with the applicable wage determination(s) and such other clauses or contract modifications as the contracting agency may by appropriate instructions require, and a clause requiring the subcontractors to include these clauses and wage determination(s) in any lower tier subcontracts. The prime contractor is responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this section. In the event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and may be subject to debarment, as appropriate. 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 as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, 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 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 [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

c. The penalty for making false statements is prescribed in the U.S. Code, Title 18 Crimes and Criminal Procedure, [18 U.S.C. 1001](#).

11. Anti-retaliation. It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#); or

d. Informing any other person about their rights under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#).

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), 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 watchpersons 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. 29 CFR 5.5.

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 and interest from the date of the underpayment. 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 watchpersons and guards, employed in violation of the clause set forth in paragraph 1. of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* 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.

* \$31 as of January 15, 2023 (See 88 FR 88 FR 2210) as may be adjusted annually by the Department of Labor, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990.

3. Withholding for unpaid wages and liquidated damages

a. *Withholding process.* The FHWA or the contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for any unpaid wages; monetary relief, including interest; and liquidated damages required by the clauses set forth in this section on this contract, 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 that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to the Contract Work Hours and Safety Standards Act and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with Section IV paragraph 2.a. or paragraph 3.a. of this section, or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

4. **Subcontracts.** The contractor or subcontractor must insert in any subcontracts the clauses set forth in paragraphs 1. through 5. of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor is responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1. through 5. In the

event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and associated liquidated damages and may be subject to debarment, as appropriate.

5. **Anti-retaliation.** It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the Contract Work Hours and Safety Standards Act (CWHSSA) or its implementing regulations in this part;

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under CWHSSA or this part;

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under CWHSSA or this part; or

d. Informing any other person about their rights under CWHSSA or this part.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

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" in paragraph 1 of Section VI 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: (based on longstanding interpretation)

- (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. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), 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. Pursuant to 23 CFR 635.116(c), 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. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

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 Part 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. 23 CFR 635.108.

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 Part 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). 29 CFR 1926.10.

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 Part 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:

"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 11, 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 (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.327.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.327.

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. 2 CFR 180.220 and 1200.220.

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. 2 CFR 180.320.

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. 2 CFR 180.325.

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. 2 CFR 180.345 and 180.350.

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, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient 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 recipient or subrecipient 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. 2 CFR 180.330.

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. 2 CFR 180.220 and 180.300.

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. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. 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 System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

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 CFR 180.325.

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 CFR 180.335;.

(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, 2 CFR 180.800;

(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, 2 CFR 180.700 and 180.800; 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. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

3. 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). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant 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. 2 CFR 180.365.

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, Subpart I, 180.900 – 180.1020, 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 recipient or subrecipient of Federal funds and a participant (such as the prime or general contractor). "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 recipient or subrecipient 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. 2 CFR 1200.220 and 1200.332.

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. 2 CFR 180.220 and 1200.220.

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 System for Award Management website (<https://www.sam.gov>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

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 department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

* * * * *

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

a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(1) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(2) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(3) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should 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 Part 20, App. A.

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.

XII. USE OF UNITED STATES-FLAG VESSELS:

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS (23 CFR 633, Subpart B, Appendix B)**

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.

City of Mission

Acknowledgement of Receipt:

Title VI /Nondiscrimination Policy and Limited English Proficiency (LEP) Plan

Title VI Policy Statement: The City of Mission, 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 City of Mission.

LEP Policy Statement: It is the policy of the City of Mission to provide timely meaningful access for Limited English Proficiency (LEP) persons to all City 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 City of Mission 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 City programs, activities or services on the bases discussed above. I understand that the entire Title VI/Nondiscrimination Plan (including the City's Limited English Proficiency Plan and Environmental Justice Plan) and applicable complaint forms can be found online at: www.missiontexas.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:

City of Mission
Anna Carrillo, City Secretary
1201 E. 8th Street
Mission, TX 78572
Telephone: 956-580-8737
Email: adacoordinator@missiontexas.us

Employee Name

Employee Number (if available)

Employee Signature

Date

City of Mission

LEP Interpreter Services Poster



English:

Free interpreter services are available.

Please ask someone at the front desk.

Español:

Hay servicios de interpretación gratuitos disponibles.

Pregúntele a alguien en la recepción.

City of Mission

Employee Language Report

Instructions: Unless otherwise directed, each department/office shall maintain this log throughout the calendar year and submit it to the City Secretary's Office, Title VI/ Nondiscrimination Coordinator, by January 15th of each year. Submit via email at adacoordinator@missiontexas.us

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														

City of Mission

LEP Annual Report

Instructions: Unless otherwise directed, each department/office shall complete this report at the end of each calendar year and submit it to the City Secretary's Office, Title VI/ Nondiscrimination Coordinator, by January 15th of each year. Submit via email at adacoordinator@missiontexas.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.

LEP Areas	Yes	No	Explanation / Comment <i>Include any explanations/examples/comments that apply to each question.</i>
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?			

LEP Areas		Yes	No	Explanation / Comment <i>Include any explanations/examples/comments that apply to each question.</i>
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				

City of Mission

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 on an annual basis.**

Ciudad de Mission

Encuesta Demográfica

CIUDAD DE MISSION

ENCUESTA DEMOGRÁFICA

Nombre de Proyecto

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

Informacion Voluntario:	
<i>Favor de proporcionar la siguiente información sobre usted. Favor de marcar la casilla correspondiente.</i>	
Género ☐ Femenino ☐ Masculino	Discapacidad ☐ Sí ☐ No
Edad ☐ 0-21 ☐ 22-40 ☐ 41-65 ☐ Mayor 65	
Etnicidad / Raza ☐ Blanco (no hispano) ☐ Hawaiano Nativo/otro Nativo Polinesio ☐ Asiático ☐ Negro ☐ Indigena Americano ☐ Hispano ☐ Otro: _____	
Primer Idioma ☐ Inglés ☐ Dialecto Chino ☐ Español ☐ Ruso ☐ Vietnamita ☐ Otro: _____	Segundo Lenguaje ☐ Inglés ☐ Dialecto Chino ☐ Español ☐ Ruso ☐ Vietnamita ☐ Otro: _____
Ingreso Familiar ☐ \$0 - \$12,000 ☐ \$37,000 - \$48,999 ☐ \$12,001 - \$24,999 ☐ \$49,000 - \$59,999 ☐ \$25,000 - \$36,999 ☐ \$60,000 +	
Tamaño de la familia _____ Adultos _____ Niños _____	
¿A quién representa?	
<i>Informacion Voluntaria</i>	
1. Población Minoría/organización ☐ Asiático ☐ Hawaiano Nativo/otro Nativo Polinesio ☐ Indigena Americano ☐ Hispano ☐ Negro ☐ Otro: _____	
2. Población de Bajos Ingresos ☐ Sí ☐ No	3. Personals con discapacidad ☐ Sí ☐ No
4. Población de Edad Avanzada ☐ Sí ☐ No	

City of Mission

Demographic Survey

CITY OF MISSION _____ DEMOGRAPHIC SURVEY
Project Name

Location: _____ Date: _____ Home Zip Code: _____

Voluntary Information:	
<i>Please provide the following information about yourself. Please check appropriate box.</i>	
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?	
<i>Voluntary Information</i>	
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	

City of Mission

Formulario Para Comentarios

CITY OF MISSION 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 Ciudad de Mission
- ☐ Hago comercio con el Ciudad de Mission
- ☐ Podría beneficiarme 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)

City of Mission

Public Meeting Comment Form

CITY OF MISSION 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 City of Mission
- ☐ I do business with City of Mission
- ☐ I could benefit monetarily from the project or other item about which I am commenting.

Please mail your comments to:

(Department overseeing project)



City of Mission

External Title VI Discrimination Complaint Form

This form may be used to file a complaint with the City of Mission based on violations of Title VI of the Civil Rights Act of 1964. The City of Mission Title VI policy may be found at: www.missiontexas.us. 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 days, you have 60 days after you became

Mail: City Secretary's Office
Attn: Title VI/Nondiscrimination Coordinator
1201 E. 8th Street
Mission, TX 78572

Email: adacoordinator@missiontexas.us

For assistance completing this form please call the Title VI/Nondiscrimination Coordinator at (956)580-8721.

Last Name: _____ **First Name:** _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **Alternate Telephone:** _____

Email: _____

Please state the basis of your complaint:

☐ Race _____ ☐ National Origin _____ ☐ Other _____

☐ Color _____

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 had 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):

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).

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
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)	Date filed:
☐ Federal Highway Administration (FHWA)	Date filed:
☐ Federal Transit Administration (FTA)	Date filed:
☐ Office of Federal Contract Compliance Programs (OFCCP)	Date filed:
☐ U.S. Equal Employment Opportunity Commission (EEOC)	Date filed:
☐ U.S. Department of Justice (DOJ)	Date filed:
☐ Other:	Date filed:

Have you discussed the complaint with any City of Mission 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 (attach additional pages, if necessary).

Please provide comments, suggestions, or other information that may assist us in providing you a better service.

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

Complainant's Signature (or authorized representative)

Date

Person preparing complaint (if different from complainant)

Relation to complainant

FOR OFFICE USE ONLY

Date Complaint Received: _____

Case#: _____

Processed by: _____

Date Referred: _____

Referred to: ☐ USDOT

☐ FHWA

☐ FTA

☐ OFCCP

☐ EEOC

☐ Other _____



City of Mission

Formulario externo de quejas por discriminación del Título VI

Este formulario se puede utilizar para presentar una queja ante la Ciudad de Mission por violaciones del Título VI de la Ley de Derechos Civiles de 1964. La política del Título VI de la Ciudad de Mission se encuentra en: www.missiontexas.us. (Los empleados del condado de Hidalgo deben utilizar los procedimientos de queja descritos en la política para empleados del condado correspondiente). Las quejas deben presentarse dentro de los 180 días de la supuesta discriminación. Si no había forma de que usted se diera cuenta de que el acto fue discriminatorio dentro de los 180 días, tiene 60 días desde el momento en que se dio cuenta para presentar una queja. Envíe el formulario firmado a:

Correo postal: Departamento de la Ciudad de Mission
Attn: Título VI/Coordinador de No Discriminación
1201 E. 8th Street
Mission, TX 78572

Correo Electronico: adacoordinator@missiontexas.us

Si necesita ayuda para completar este formulario, llame a la oficina del Coordinador del Título VI/No discriminación al (956) 580-8721.

Apellido: _____ **Nombre:** _____

Dirección: _____

Ciudad: _____ **Estado:** _____ **Código Postal:** _____

Teléfono: _____ **Teléfono Alternativo:** _____

Correo Electrónico: _____

Indique el motivo por el que fue discriminado:

☐ Raza _____ ☐ País de origen _____ ☐ Otro _____

☐ Color _____

Fecha y lugar de las presuntas actitudes discriminatorias. Incluya la fecha la discriminación más antigua y la fecha de la discriminación más reciente.

¿De qué forma lo discriminaron? Describa la naturaleza de las actitudes, decisiones o condiciones de la presunta discriminación. Explique con la mayor claridad posible lo que sucedió y por qué cree que su estado de protección (base) fue un factor en la discriminación. Incluya una descripción de cómo se trató a otras personas en comparación. (Adjunte páginas adicionales, si es necesario).

La ley prohíbe la intimidación o las represalias contra cualquier persona por haber tomado medidas o haber participado en acciones para garantizar los derechos protegidos por estas leyes. Si cree que ha sufrido represalias, además de la discriminación que informó anteriormente, describa las circunstancias a continuación. Explique la acción que tomó y que cree que fue la causa de la presunta represalia.

Nombres de las personas responsables de las actitudes discriminatorias:

Nombres de personas (testigos, compañeros de trabajo, supervisores u otros) a las que podemos contactar para obtener información adicional que respalde o aclare su queja. (Adjunte páginas adicionales, si es necesario).

<u>Nombre</u>	<u>Dirección</u>	<u>Teléfono</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

¿Ha presentado o tiene la intención de presentar una queja sobre el asunto expuesto ante alguno de los siguientes organismos? En caso afirmativo, proporcione las fechas de presentación. Marque todas las opciones que correspondan.

- | | |
|---|------------------------------|
| ☐ Departamento de Transporte de EE. UU. (DOT) | Fecha de presentación: _____ |
| ☐ Administración Federal de Carreteras (FWHA) | Fecha de presentación: _____ |
| ☐ Administración Federal de Tránsito (FTA) | Fecha de presentación: _____ |
| ☐ Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP) | Fecha de presentación: _____ |
| ☐ Comisión de Igualdad de Oportunidades en el Empleo de EE. UU. (EEOC) | Fecha de presentación: _____ |
| ☐ Departamento de Justicia de EE. UU. (DOJ) | Fecha de presentación: _____ |
| ☐ Otro _____ | Fecha de presentación: _____ |

¿Ha hablado sobre la queja con algún representante de la Ciudad de Mission? En caso afirmativo, proporcione el nombre, el cargo y la fecha en que hablaron.

Explique brevemente qué remedio o acción espera recibir por la presunta discriminación.

Proporcione cualquier material informativo o fotográfico adicional, si corresponde, que crea que ayudará en una investigación (adjunte páginas adicionales, si es necesario).

Proporcione comentarios, sugerencias u otra información que pueda ayudarnos a darle un mejor servicio.

No podemos aceptar una queja sin firmar. Por favor firme y feche el formulario de queja abajo.

Firma del demandante (o del representante autorizado)

Fecha

Persona que prepara la queja (si no es el demandante)

Relación con el demandante

SÓLO PARA USO DE LA OFICINA

Fecha de recepción de la queja: _____

N.º de caso: _____

Procesado por: _____

Fecha de remisión: _____

Remitido a: ☐ USDOT

☐ FHWA

☐ FTA

☐ OFCCP

☐ EEOC

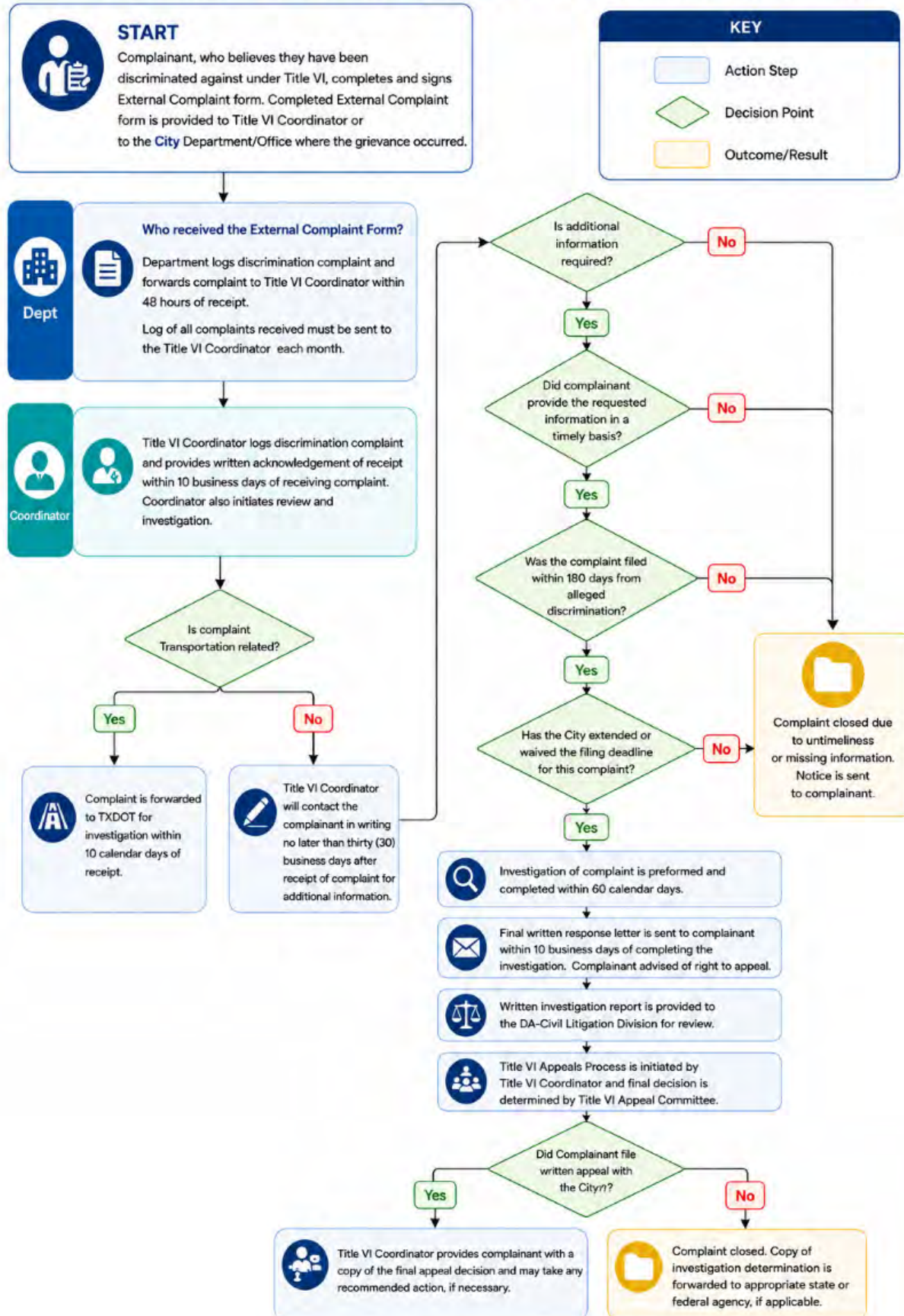
☐ Other _____

City of Mission

External Complaint Process Flowchart

Attachment 12

TITLE VI DISCRIMINATION COMPLAINT PROCESS FLOWCHART



City of Mission

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 City of Mission 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.															



PROTECTING YOUR CIVIL RIGHTS



RACE



COLOR



NATIONAL
ORIGIN



SEX



AGE



DISABILITY



It is the policy of the City of Mission 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.



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 City of Mission's Title VI Nondiscrimination Coordinator **within 180 days** following the date of the alleged discriminatory



City of Mission

Anna Carrillo, City Secretary
ADA Coordinator



1201 E. 8th Street
Mission, TX 78572



956-580-8721



Email: adacoordinator@missiontexas.us



PROTEGIENDO SUS DERECHOS CIVILES



RAZA



COLOR

ORIGEN
NACIONAL

SEXO



EDAD



DISCAPACIDAD



Es política de la Ciudad de Mission asegurar que ninguna persona sea excluida de participar en, se le nieguen los beneficios de, o de cualquier otra manera sea sometida a discriminación por motivos de raza, color, origen nacional, sexo, edad o discapacidad bajo cualquier programa o actividad de cualquier departamento.



Cualquier persona que considere que ha sido sometida a prácticas discriminatorias ilegales bajo el Título VI tiene el derecho de presentar una queja formal. Cualquier queja de este tipo debe presentarse por escrito o en persona ante el Coordinador de No Discriminación del Título VI de la Ciudad de Mission **dentro de los 180 días** siguientes a la fecha de la supuesta acción discriminatoria.



City of Mission

Anna Carrillo, Secretaria de la Ciudad
Coordinadora de ADA



1201 E. 8th Street
Mission, TX 78572



956-580-8721



Correo electrónico:
adacoordinator@missiontexas.us