

CITY OF PORT LAVACA
TITLE VI/ NONDISCRIMINATION PLAN



Title VI/ Nondiscrimination Contact Information:

City of Port Lavaca

Rachel Garza

Title VI/ Nondiscrimination Coordinator

202 N. Virginia, TX 77979

Phone: (361)552-9793 ext.: 221

Email: rgarza@portlavaca.org

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1.0 INTRODUCTION

1.1 Title VI Nondiscrimination Policy

The City of Port Lavaca (“The City”) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, 49 CFR part 303, and related nondiscrimination authorities. The City of Port Lavaca assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Port Lavaca program, activity or service. The City of Port Lavaca further assures every effort will be made to ensure nondiscrimination in all of its programs, activities, and services, whether those programs, activities, and services are federally funded or not. In the event, that the City of Port Lavaca distributes Federal aid funds to another entity, the City of Port Lavaca will include Title VI language in all written agreements and will monitor for compliance.

The City of Port Lavaca is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations*. In addition, the City of Port Lavaca assures that every effort will be made to provide meaningful access to persons with limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for persons with limited English proficiency.

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City of Port Lavaca that persons filing a complaint of discrimination should have the right to do so without fear of retaliation, interference, intimidation, coercion, or reprisal.

Specific Forms of Discrimination Prohibited

The City of Port Lavaca’s efforts to prevent discrimination include, but are not limited to prohibiting:

1. The denial of services, financial aid, or other benefits provided under a program.
2. Distinctions in the quality, quantity, or manner in which the benefit is provided.
3. Segregation or separation of persons in any part of the program.
4. Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
5. Different standards or requirements for participation.
6. Methods of administration that directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
7. Discrimination in any activities or services related to a highway, infrastructure, or facility built or prepared in whole or in part with Federal funds.

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8. Discrimination in any employment resulting from a program or services, the primary purpose of which is to provide employment.

The Primary Goals and Objectives of the Title VI Nondiscrimination Plan

The City must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving service, financial aid, or other benefit under its programs or projects because of race, color, national origin, sex, age, disability, low income, and Limited English Proficiency (LEP). Therefore, the primary goals and objectives of the City of Port Lavaca'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.
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, sex, age, low income, and Limited English Proficiency (LEP).
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 the impact of 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 the 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, concerning its programs and activities without regard to race, color, national origin, sex, age, or disability, low-income, and Limited English Proficiency (LEP). Every effort will be made to prevent discrimination in any City-sponsored program or activities, 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 contractors 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.

1.2 Federal Financial Assistance

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

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

1.3 Authorities

The authorities applicable to the City of Port Lavaca’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 ground 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.”
- **The Civil Rights Restoration Act of 1987** restored the intent of Title VI and the broad, institution-wide scope and coverage of non-discrimination 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, based on 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 Rehabilitations 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 non-discrimination 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.

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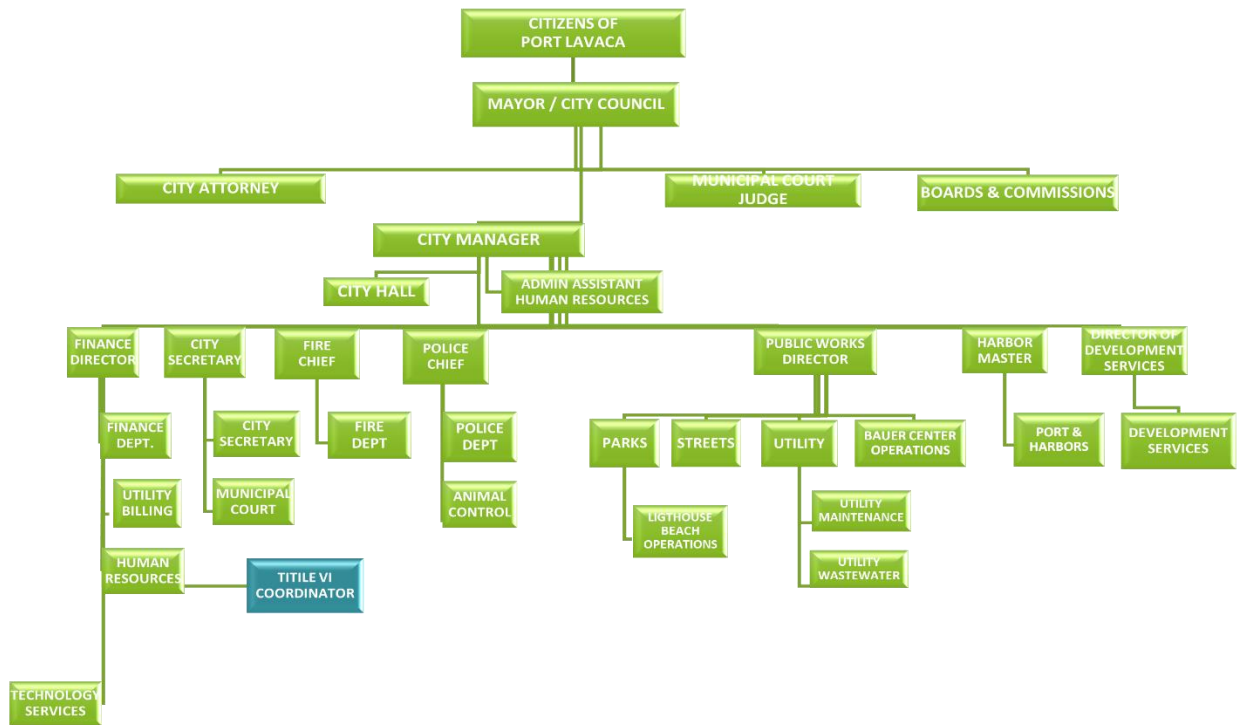
- **Executive Order No. 12250** Department of Justice Leadership and Coordination of Non-Discrimination Laws.

2.0 STANDARD DOT ASSURANCES

23 CFR 200.9(A)(1) requires assurances from the city of Port Lavaca that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the recipient receives Federal assistance for the U.S. Department of Transportation (USDOT), including the FHWA.

The Title VI assurances are submitted to TxDOT every three years or when there is a change in administration. The updated Title VI Assurances are signed by all members of the City Council and located in Attachment 2.

3.0 CITY-WIDE ORGANIZATIONAL STRUCTURE



4.0 ROLES AND RESPONSIBILITIES

4.1 Title VI Nondiscrimination Coordinator

The City of Port Lavaca's Title VI/Non-discrimination Coordinator is its City's HR Coordinator. The HR Coordinator reports to the Finance Director and shall be responsible for coordinating the administration of the Title VI and related statutes program, plan, and assurances for the City of Port Lavaca.

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

Title VI/ Non-discrimination 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 a language 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 policy statement:

- a) In contracts or other agreements and bid specification packages
- b) Public information on the City's website www.portlavaca.org

The dissemination of departments/offices will include

- a) an annual broadcast to City employees;
- b) posting to the City's website, and
- c) acknowledgments of the City's Title VI and LEP Plan in the new employee orientation (Attachment 4).

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/Non-discrimination Annual Work Plan & Accomplishment Report Development Guide, as presented in TxDOT's Title VI/Non-discrimination Technical Assistance Guide for Sub-Recipients will be submitted

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annually. The Annual Work Plan and Accomplishment Report are due one year from the date of approval of the Title VI plan and then annually on the 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
 - Confirm the posting of Title VI Public Notice at the City's facilities.
 - Annual report of Title VI accomplishments and changes to the program preceding the 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 the corrective action(s) in writing.
 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 non-discrimination authorities for City departments/offices, contractors, and sub-recipients. A summary of the training conducted will be reported in the annual update.
 8. TxDOT Notice. Forwarding Title VI complaints filed against the City of Port Lavaca 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 City program beneficiaries. The information is gathered from the 2020 Census data and maps. The gathering procedures will be reviewed annually to ensure the data meets the requirements of the Title VI program (Attachment 10).
 10. Title VI Plan update every 2 years. The City will automatically update and renew its Title VI Assurances every Fiscal year or as necessary on the occasion of a change in the City's

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Title VI Plan administrative structure and staffing or changes to the plan's complaint procedures.

Title VI Coordinator Contact Information:

City of Port Lavaca
Rachel Garza
202 N. Virginia Port Lavaca, TX 777979
Phone: (361) 552-9793 ext:221
Email:rgarza@portlavaca.org

5.0 TITLE VI PLAN ADMINISTRATION

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

5.1 Dissemination of the City's Title VI Policy

The City of Port Lavaca disseminates its Title VI Non-discrimination Policy statement, Title VI Non-discrimination 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 Department Heads/ Councilmen to post in conspicuous locations in the department/offices under their supervision.

The City disseminates Title VI/Non-discrimination information to City employees via the City website, www.portlavaca.org, and through an annual notice. Current City employees as the effective date of this policy and new City's employees hired on or after the effective date of this policy will be informed of the provisions of Title VI, provided a copy of the Title VI/Non-discrimination Policy Statement, and be required to sign an Acknowledgement of Receipt. (Attachment 4).

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

The name of and contact for the Title VI/Non-discrimination Coordinator is available on the City website, at www.portlavaca.org. Additional information relating to non-discrimination obligations and information on filing complaints can be obtained from the City's Title VI/Non-discrimination Coordinator located in the HR Office.

5.2 Complaints

If any individual believes that he/she or any other program beneficiaries have been the subject of unequal treatment or discrimination as to the receipt of benefits and/or service or on the grounds of race, color, national origin, sex, age, disability, low income, and Language English Proficiency he/she may exercise his/her right to file a complaint with the City's Title VI/Non-discrimination

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Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

5.3 Data Collection & Analysis

Statistical data on race, color, national origin, sex, age, disability, low-income and English Language Proficiency (LEP), 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.

The City of Port Lavaca Title VI/ Non-discrimination Coordinator will use Census data and maps to perform the following:

1. Analyze the population benefitting from a project, including analyzing the benefits to traditionally underserved populations, if any.
2. Identify the population burdened by the projects, including traditionally underserved populations.
3. Perform a language need assessment.
4. Determine how best to disseminate information to the affected populations.
5. Prepare a written report.

The gathering procedures and analysis will be reviewed and performed annually from the date of approval Title VI Nondiscrimination Plan, to ensure the sufficiency of the data in meeting the requirements of the Title VI program.

5.4 TxDOT Annual Reporting

The Title VI / Nondiscrimination Coordinator will be responsible for coordinating, complying with, and submitting the Annual Work Plan and Accomplishments Report to the Texas Department of Transportation, Office of Civil Rights, via TxDOT.

5.5 TxDOT Title VI Plan Updates

If the Title VI Plan is updated, a copy of the Title VI / Nondiscrimination Plan will be submitted to the Texas Department of Transportation within 90 days from the date of the approved update.

6.0 TITLE VI COMPLAINT PROCESSING PROCEDURES

6.1 Title VI Complaint Procedure

The City of Port Lavaca (“The City”) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, 49 CFR part 303, and related nondiscrimination authorities. The City of Port Lavaca assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Port Lavaca program, activity or service. The City of Port Lavaca further assures every effort will be made to ensure nondiscrimination in all of its programs, activities, and services, whether those programs, activities, and services are federally funded or not. In the event, that the City of Port Lavaca distributes Federal aid funds to another entity, the City of Port Lavaca will include Title VI language in all written agreements and will monitor for compliance.

The City of Port Lavaca is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations*. In addition, the City of Port Lavaca assures that every effort will be made to provide meaningful access to persons with limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for persons with limited English proficiency.

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City of Port Lavaca that persons filing a complaint of discrimination should have the right to do so without fear of retaliation, interference, intimidation, coercion, or reprisal.

The following procedure covers complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Any person who believes, they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color, or national origin may file a written complaint individually through a representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the FHWA extends the time for filing. Complaints related to the Federal-aid highway program may be filed with TxDOT, the FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HRC), and/or the USDOT Department Office of Civil Rights. The City of Port Lavaca will ensure that all complaints are sent to the appropriate authority for disposition. Complaints alleging violations of Title VI by sub-recipients or any individuals, or the public at large may be filed in writing directly with the following local, state, and federal agencies:

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City of Port Lavaca
Att: Title VI Coordinator
202 N. Virginia
Port Lavaca, Tx 77979

Additionally, complaints filed against the sub-recipients may also be filed with (TxDOT) or FHWA at:

Texas Department of Transportation
Civil Rights Division
Att: Title VI Program Administrator
6230 E. Stassney Lane
Austin, TX 78744

Federal Highway Administration-Texas Division (FHWA)
Att: Civil Rights Specialist
300 E. 8th St.
Austin, TX 78701

Federal Highway Administration (FHWA)
Office of Civil Rights
HCR-20, Room E81-320
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaints and investigation files are confidential. The contents of such files will only be disclosed to appropriate City of Port Lavaca personnel, and state and federal authorities in accordance with Federal and State laws. The City of Port Lavaca will retain files in accordance with records retention schedules and all Federal guidelines.

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:

- Complainant's 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 the required information,

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- Inquiries seeking advice or information,
- Courtesy copies of court pleadings,
- Courtesy copies of internal grievances.

The External Title VI/Non-Discrimination Complaint Form (Attachment 6) may be used to submit the complaint information. Complaint forms can also be obtained in English or Spanish at the City of Port Lavaca HR Office or online at www.portlavaca.org

To request additional information on the City of Port Lavaca'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 Port Lavaca
Rachel Garza
Title VI/Non-Discrimination Coordinator
202 N. Virginia St. Port Lavaca, Texas 77979
Phone: (361)552-9793 ext:221
Email: rgarza@portlavaca.org

6.2 Complaint Process

The City of Port Lavaca Title VI/Nondiscrimination Coordinator or designee will acknowledge receipt of the complaint and may begin an investigation once it has been determined that it is a Title VI Complaint, within ten (10) business days of receipt of a complaint alleging discrimination based on race, color, national origin, sex, age or disability, low-income and English Language Proficiency (LEP). 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 on information obtained from the investigation.

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

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

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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 the complaint for additional information if needed. The Complaint will be copied, filed, and logged. If the complainant fails to provide the requested information on a timely basis, the 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 the 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 City Manager/City Attorney for review prior to distribution.

Within 10 calendar days of completing the investigation, a final written response letter will be provided to the complainant and the department/office for the program involved. The notification will include appeal rights with state and Federal agencies should be dissatisfied with the final decision. A copy of this letter, along with the report of findings, will be forwarded to the Texas Department of Transportation for information purposes.

6.3 Complaint Logs

The Title VI/Nondiscrimination Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming the City of Port Lavaca, which alleges discrimination with respect to Title VI concerns (Attachment 7). The log shall include information on each complainant to include:

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

6.4 Record Retention

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.

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TEXAS



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Title VI/ Discrimination Complaint Form

The City of Port Lavaca (“The City”) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, 49 CFR part 303, and related nondiscrimination authorities. The City of Port Lavaca assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Port Lavaca program, activity or service. The City of Port Lavaca further assures every effort will be made to ensure nondiscrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not. In the event the City of Port Lavaca distributes Federal aid funds to another entity, the City of Port Lavaca will include Title VI language in all written agreements and will monitor for compliance.

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Mail: City of Port Lavaca
Attn: Title VI/Non-Discrimination Coordinator
202 N. Virginia Port Lavaca, TX 77979
Rachel Garza HR/ Title VI/ Nondiscrimination Coordinator

For assistance completing this form please call the Title VI/Non-discrimination Coordinator at (361)552-9793 ext:221

Last Name: _____ First Name: _____

Mailing _____ Address: _____

City/State/Zip _____ Code: _____

Phone: _____ Alternative Phone: _____

Email: _____

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Please state the basis of your complaint:

<input type="checkbox"/>	Race _____
<input type="checkbox"/>	Color _____
<input type="checkbox"/>	National Origin _____
<input type="checkbox"/>	Sex _____
<input type="checkbox"/>	Age _____
<input type="checkbox"/>	Disability _____
<input type="checkbox"/>	Low-Income _____
<input type="checkbox"/>	Limited English Proficiency _____
<input type="checkbox"/>	Other _____

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 relation 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):

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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 needed).

Name	Address	Phone
1. _____ _____	_____	_____
2. _____ _____	_____	_____
3. _____ _____	_____	_____
4. _____ _____	_____	_____

Have you filed, or intended 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 Port Lavaca representative? If yes, provide the name, position, and date of discussion.

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

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

If applicable, please provide a description and the exact location of the non-accessible feature. Provide a sketch or picture if helpful. (Attach additional pages, if necessary).

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

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

The complaint's Signature (or authorized representative)

Date

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Person preparing complaint (if different from the complaint)

Relation to the complaint

FOR OFFICE USE ONLY	
Date Complaint Received: _____	Case#: _____
Processed by: _____	Date Referred: _____
Referred to: <input type="checkbox"/> USDOT	<input type="checkbox"/> FHWA
<input type="checkbox"/> FTA	<input type="checkbox"/> OFCCP
<input type="checkbox"/> EEOC	<input type="checkbox"/> Other _____

7.0 LIMITED ENGLISH PROFICIENCY (LEP)

7.1 Purpose

The purpose of Limited English Proficiency (LEP) is to clarify the responsibilities of the City and those entities that undertake governmental duties on behalf of the City (including contractors and subcontractors) and to assist them in fulfilling their obligations to LEP persons. The City's commitment is to ensure its departments/ offices communicate effectively with Limited English Proficiency individuals and provide persons with Limited Proficiency access to all City programs.

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

All City Department Heads and those entities that undertake governmental duties on behalf of the City (including contractors and subcontractors) must make a meaningful attempt to provide LEP persons with a means of effective communication.

7.2 LEP Policy Statement

It is the policy of the City of Port Lavaca to provide timely meaningful access for 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 service, as set forth herein.

7.3 LEP Summary

The City of Port Lavaca ensures the Limited English Proficiency availability 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 Port Lavaca. This

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summary outlines how to identify a person who may need language assistance the ways in which assistance may be provided.

7.4 The Four-Factor Analysis

In order to decide what reasonable steps City departments should take to ensure meaningful access for LEP persons, the City of Port Lavaca 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;
2. The frequency with which LEP individuals come in contact with the City program, activity, or service;
3. The nature and importance of the program, activity, or service provided by the City;
4. The interpretation services available to the City of Port Lavaca and the overall cost to provide LEP assistance.

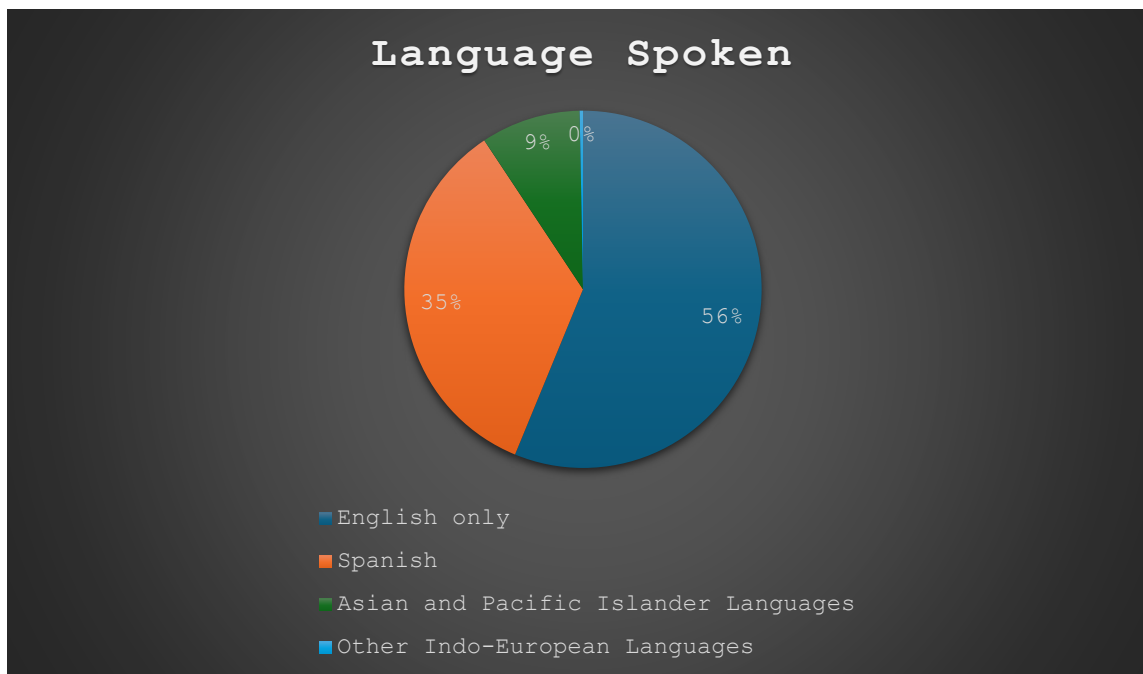
A brief description of the above considerations is provided in the following section.

7.4.1 Factor 1: The Proportion, Numbers, and Distribution of LEP

Most recent U.S. Census Bureau data (2020): Title VI/ Nondiscrimination Coordinator shall analyze the most recent U.S. Census Bureau data, regarding languages spoken in the City of Port Lavaca as well as those who self-identified that they spoke English less than “very well” information.

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

We ensure and commit to LEP as the City grows and we are making sure to provide LEP persons with meaningful communication.



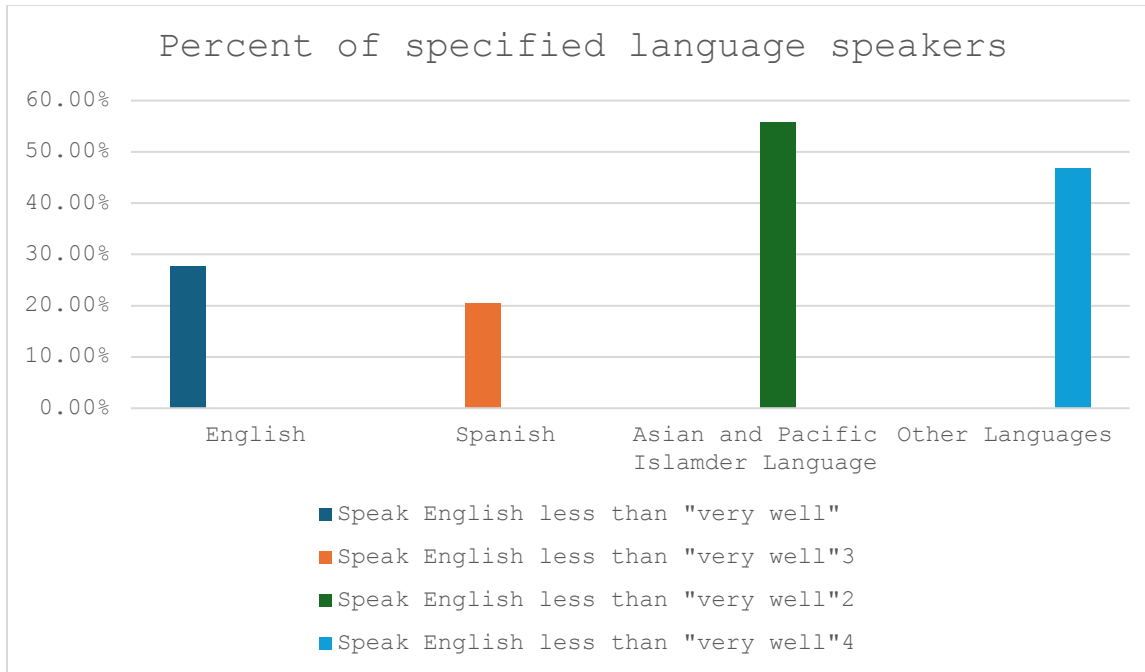
This data represents the languages spoken at home in Port Lavaca, Texas, showing the percentage of the population that speaks each language. Here's a breakdown:

1. English Only (56.1%) – A majority of the residents in Port Lavaca speak only English at home, making it the most spoken language in the city.
2. Spanish (35%) – A significant portion of the population speaks Spanish at home, reflecting the city's strong Hispanic and Latino presence.
3. Asian and Pacific Islander Languages (9.0%) – A notable percentage of residents speak languages from Asian or Pacific Islander regions, indicating a presence of Asian communities in Port Lavaca.
4. Other Indo-European Languages (0.2%) – A small fraction of the population speaks other Indo-European languages, such as French, German, or Russian.
5. Other Languages (0.3%) – A very small percentage speaks languages that don't fit into the categories above.

Key Takeaways:

- English is the dominant language but is not spoken by everyone.
- Spanish is widely spoken, making bilingual communication important.
- The presence of Asian and Pacific Islander languages is relatively high (9%), suggesting cultural diversity in the area.

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(Source: United States Census Bureau 202, [Language spoken Port Lavaca - Census Bureau Tables](#))

Port Lavaca city, Texas				
Percent of specified language speakers				
	Speak English only or speak English "very well"	Percent speak English only or speak English "very well"	Speak English less than "very well"	Percent speak English less than "very well"
Label	Estimate	Estimate	Estimate	Estimate
Population 5 years and over	9,328	87.8%	1,292	12.2%
Speak only English	(X)	(X)	(X)	(X)
Speak a language other than English	3,374	72.3%	1,292	27.7%
SPEAK A LANGUAGE OTHER THAN ENGLISH				
Spanish	2,911	79.6%	744	20.4%
Other Indo-European languages	25	100.0%	0	0.0%
Asian and Pacific Island languages	421	44.1%	533	55.9%
Other languages	17	53.1%	15	46.9%

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This table provides data on language usage among residents of Port Lavaca, Texas, who are 5 years and older. It breaks down the number of people who speak English only versus those who speak other languages, along with their ability to speak English "very well" or "less than very well."

Breakdown of the Data:

- Total Population (5 years and over): 9,328 people
 - 87.8% (8,036 people) speak only English.
 - 12.2% (1,292 people) have limited English proficiency.

Individuals Speaking a Language Other Than English (3,374 people total):

- Spanish Speakers (2,911 people)
 - 79.6% (2,167 people) speak English very well.
 - 20.4% (744 people) have limited English proficiency.
- Other Indo-European Languages (25 people)
 - 100% speak English very well (no language barriers in this group).
- Asian and Pacific Island Languages (421 people)
 - 44.1% (186 people) speak English very well.
 - 55.9% (233 people) have limited English proficiency.
- Other Languages
 - 53.1% (9 people) speak English very well.
 - 46.9% (8 people) have limited English proficiency.

Key Insights:

1. Most people in Port Lavaca (87.8%) speak only English.
2. Spanish is the most common non-English language (2,911 speakers), and the majority of Spanish speakers (79.6%) speak English well.
3. Asian and Pacific Islander language speakers (421 people) have the highest percentage (55.9%) of individuals who struggle with English.
4. Other Indo-European languages (like French, German, or Italian) have a very small presence (25 speakers), and all of them speak English fluently.

This data highlights the linguistic diversity in Port Lavaca and suggests that Spanish and Asian language speakers may need additional language support in areas like education, public services, and healthcare.

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7.4.2 Factor 2: Frequency of Contact with LEP people

The City of Port Lavaca has conducted an informal survey of our employees with regard to whether they have encounters with LEP individuals in the performance of their job functions and found that the City of Port Lavaca has had few encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals. We also have staff that work in the field that could encounter LEP individuals.

Translation Services:

The City of Port Lavaca'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.

State on agenda and public notice that if special assistance is needed, such as interpretation, this will be accommodated upon request by contacting Title VI/ Nondiscrimination Coordinator.

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

Providing Notice of Available Language Services to LEP Persons:

City departments 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 Port Lavaca.

7.4.3 Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Port Lavaca serves individuals through the City of Port Lavaca in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to residents and other individuals, such as visitors and those traveling the state. The nature of the services that the City of Port Lavaca provides is very important to an individual's day-to-day life. Therefore, denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the City of Port Lavaca, we will make a reasonable effort to provide accessibility to all of our programs, services, and activities.

7.4.4 Factor 4: The interpretation services available to the City of Port Lavaca

The City of Port Lavaca reviewed its available resources that could be used for providing LEP assistance. We have staff available that can translate Spanish. In the event that Asian and Pacific Islander or other languages are requested, we will put together a process for contacting local citizens who might be willing to provide such voluntary language translation if needed within a reasonable time period.

8.0 ENVIRONMENTAL JUSTICE SUMMARY

8.1 Purpose

The purpose of this plan is to outline the City of Port Lavaca’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.

8.2 Environmental Justice 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 Port Lavaca, 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 (2020), 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 to establish demographic characteristics and trends and to identify and engage traditionally underserved populations.

All City departments, including the City of Port Lavaca, will be asked to do the following when considering a project, policy, activity, and/or program:

- 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, follow 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.
- Notify affected protected group residents of public meetings or hearings regarding a proposed project, and make meetings and hearings accessible.

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- 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 that 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 on 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 the 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 alternatives to the proposed action that would avoid or reduce the impacts on low-income or minority populations?

Question 2 – Considering the overall public interest, is there a substantial need for the project?

Question 3 – Will the alternatives that would satisfy the need for the project and have less impact on protected populations: (a) have other social-economic or environmental impacts that are more severe than those of the proposed action; (b) have increased costs of extraordinary magnitude?

STEP FOUR: Record and keep all findings, documents, determinations, and/or demonstrations. City departments will be required to document the following:

- 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.

City Department Heads must maintain an Environmental Justice Log (Attachment 5), reflecting the above-referenced activities/determinations, and should complete and return the Log on an annual basis to the Title VI/Nondiscrimination Coordinator for use in the City’s Annual Work Plan and Accomplishments Report.

9.0 PUBLIC PARTICIPATION PLAN

9.1 Purpose

This section details how the City of Port Lavaca notifies the public of development plans and improvement programs.

9.2 Public Participation Plan Summary

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

9.3 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 should comply with any public participation requirements that may be applicable to specific projects that the City department 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:

1. City Council Meeting – Citizens may be present during any of the City Council meetings. The City Council meets on the 2nd Monday of each month unless otherwise designated.

The agenda for the City Council meeting can be found at [City of Port Lavaca Regular City Council Meeting](#). Furthermore, the meeting can be streamed online.

The City Council meeting offers the public an opportunity to bring topics and issues to council members’ attention. Each meeting allows citizens for 3 minutes each to speak on a topic.

2. Websites – www.portlavaca.org. City departments that have websites that provide for two-way communication can continuously update information about programs and projects.

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

3. 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.
4. Social media – Social media and social networking websites may include Facebook and Instagram. It is important to choose the social media and networking platforms that have the best chance of reaching the intended audience.

9.4 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.

9.5 Effective Assessment

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

9.6 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.

9.7 Record Keeping

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

- Signed acknowledgments of receipt from the employees indicating the receipt of the City Title VI Plan and LEP Plan;

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- 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.

10. GLOSSARY

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

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

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

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

Elderly – Any persons over the age of 65.

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

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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.

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

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

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

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

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

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

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

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

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

Sub-Recipient – Any agency such as a council or government, regional planning agency, or education institution, for example, that received Federal Highway Administration (FHWA) funds

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through the State Department of Transportation and not directly from the FHWA. Other agencies, local governments, contractors, and consultants that receive these funds are all considered sub-recipients.

11. SUMMARY OF ATTACHMENTS

Attachment 1- Title/VI Nondiscrimination Statement (English/ Spanish)

Attachment 2- Standard Title VI/Nondiscrimination Assurances

Attachment 3- Required Contract Provisions

Attachment 4- Acknowledgement of Receipt of Title VI Plan

Attachment 5 – Environmental Justice Compliance Log

Attachment 6- Title VI/ Discrimination Complaint Form (English/Spanish)

Attachment 7 – Title VI/Nondiscrimination External Complaint Log

Attachment 8 – Employee Language Report

Attachment 9 – Title VI Complaint Procedure (English/Spanish)

Attachment 10- Data Collection

Attachment 1- Title/VI Nondiscrimination Statement (English/ Spanish)

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TITLE VI/ NON-DISCRIMINATION POLICY STATEMENT

The City of Port Lavaca (“The City”) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, 49 CFR part 303, and related nondiscrimination authorities. The City of Port Lavaca assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Port Lavaca program, activity or service. The City of Port Lavaca further assures every effort will be made to ensure nondiscrimination in all of its programs, activities, and services, whether those programs, activities and services are federally funded or not. In the event the City of Port Lavaca distributes Federal aid funds to another entity, the City of Port Lavaca will include Title VI language in all written agreements and will monitor for compliance.

The City of Port Lavaca is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations*. In addition, the City of Port Lavaca assures that every effort will be made to provide meaningful access to persons with limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for persons with limited English proficiency.

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City of Port Lavaca that persons filing a complaint of

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discrimination should have the right to do so without fear of retaliation, interference, intimidation, coercion, or reprisal.

Specific Forms of Discrimination Prohibited

The City of Port Lavaca's efforts to prevent discrimination include, but are not limited to prohibiting:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation of persons in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationship would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities or services related to a highway, infrastructure, or facility built or prepared in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program or services, the primary purpose of which is to provide employment.

The City Council adopted the Policy Statement on the ____ day of ____ 2025.

Jack Whitlow
Mayor

date

CIUDAD DE PORT LAVACA
TÍTULO VI POLICA AND FORMULARIO

La Ciudad de Port Lavaca ("La Ciudad") está comprometida con el cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, 49 CFR, parte 21, 49 CFR parte 303, y las autoridades no discriminatorias relacionadas. La Ciudad de Port Lavaca asegura que ninguna persona por motivos de raza, color, origen nacional, sexo, edad, discapacidad, bajos ingresos y dominio limitado del inglés (LEP) será excluida de la participación, se le negarán los beneficios o será objeto de discriminación en cualquier programa o actividad bajo cualquier programa, actividad o servicio de la Ciudad de Port Lavaca. La ciudad de Port Lavaca asegura además que se hará todo lo posible para garantizar la no discriminación en todos sus programas, actividades y servicios, ya sea que esos programas, actividades y servicios estén financiados por el gobierno federal o no. En el caso de que la Ciudad de Port Lavaca distribuya fondos de ayuda federal a otra entidad, la Ciudad de Port Lavaca incluirá el lenguaje del Título VI en todos los acuerdos escritos y supervisará el cumplimiento.

La ciudad de Port Lavaca también se compromete a garantizar que se haga todo lo posible para prevenir la discriminación de las poblaciones minoritarias y de bajos ingresos como resultado de cualquier impacto de sus programas o actividades de acuerdo con la *Orden Ejecutiva 12898, Acciones Federales para Abordar la Justicia Ambiental en Poblaciones Minoritarias y en Poblaciones de Bajos Ingresos*. Además, la ciudad de Port Lavaca asegura que se hará todo lo posible para proporcionar un acceso significativo a las personas con dominio limitado del inglés, de acuerdo con la Orden Ejecutiva 13166, Mejorando el Acceso a los Servicios para las personas con dominio limitado del inglés.

Las represalias están prohibidas por el Título VI de la Ley de Derechos Civiles de 1964 y las autoridades federales y estatales relacionadas contra la discriminación. Es política de la ciudad de Port Lavaca que las

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personas que presenten una queja de discriminación tengan derecho a hacerlo sin temor a interferencias, intimidación, coerción o represalias.

Formas específicas de discriminación prohibidas

Los esfuerzos de la ciudad de Port Lavaca para prevenir la discriminación incluyen, pero no se limitan a prohibir:

1. La denegación de servicios, ayuda financiera o otros beneficios proporcionados bajo un programa.
2. Distinciones en la calidad, cantidad o manera en que se proporciona el beneficio.
3. Segregación o separación de personas en cualquier parte del programa.
4. Restricción en el disfrute de cualquier ventaja, privilegio o otros beneficios proporcionados a otros.
5. Diferentes estándares o requisitos de participación.
6. Métodos de administración que, directa o indirectamente, o a través de una relación contractual, frustrarían o perjudicarían el logro de una no discriminación efectiva.
7. Discriminación en cualquier actividad o servicio relacionado con una carretera, infraestructura o instalación construida o preparada en su totalidad o en parte con fondos federales.
8. Discriminación en cualquier empleo que resulte de un programa o servicios, el propósito principal es proporcionar empleo.

El Concejo Municipal adoptó la Declaración de Políza el día 10 de _____, 20__.

Jack Whitlow
Alcalde

Fecha

Attachment 2- Standard Title VI/Nondiscrimination Assurances

The United States Department of Transportation (USDOT) Standard Title VI/Non-discrimination Assurances

DOT Order No.1050.2A

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

“No person in the United States shall on the grounds of race/color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT including the Federal Highway Administration.

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted Department of Transportation programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Department of Transportation programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

'The City of Port Lavaca, 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.’”

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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:
 - for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - 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:
 - 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
 - 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 Port Lavaca** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the USDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the USDOT. You must keep

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records, and 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 Port Lavaca** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under all Department of Transportation programs. This ASSURANCE is binding on Texas, other recipients, sub-recipients, sub-grantees, 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.

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for

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work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - withholding payments to the contractor under the contract until the contractor complies; and/or
 - canceling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

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 Port Lavaca** will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all Department of Transportation programs, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, 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 (Title o(Recipient) 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 **City of Port Lavaca** 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 Port Lavaca**, its successors and assigns.

The **City of Port Lavaca**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **City of Port Lavaca** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].

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 Port Lavaca** 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:
 - 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

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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, **City of Port Lavaca** 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 Port Lavaca** 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 Port Lavaca** and its assigns.

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 **City of Port Lavaca** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

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- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, **City of Port Lavaca** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **City of Port Lavaca** will there upon revert to and vest in and become the absolute property of **City of Port Lavaca** and its assigns.

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 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);

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- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to -ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U .S.C. 1681 et seq).

This Title VI/Non-discrimination Assurance was adopted by the City Council on the ____ day of _____, 2025.

City Council Members

Jack Whitlow, Mayor

Daniel Aguirre

Tim Dent

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Councilman, District 1

Councilman, District 2

W. Allen Tippit, Jr
Councilman, District 3

Rosie Pardon
Councilwoman, District 4

Jim Ward
Councilman, District 5

Justin Burke
Councilman, District 6

Attachment 3- Required Contract Provisions

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACT

- 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

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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 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

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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

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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.

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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 with 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

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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 nonresponsible.

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 nonminority 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.

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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 nonminority 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. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe

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benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

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

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be

employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

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

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

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

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

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

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

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

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

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

2. Withholding (29 CFR 5.5)

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and

mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records (29 CFR 5.5)

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers

and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis- Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such

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benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of

trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

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

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or

subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

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

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

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

incorporated into the contract.

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

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them

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available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees (29 CFR 5.5)

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

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the

wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination.

Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

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

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

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The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall

be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe

benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program

shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the

applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment

opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT). Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV.

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 journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

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

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

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis- Bacon and Related Acts contained in 29 CFR parts 1, 3,

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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 (29 CFR 5.5)

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

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

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

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

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 watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 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. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph 1 of this section, in the sum 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. 29 CFR 5.5.

* \$27 as of January 23, 2019 (See 84 FR 213-01, 218) 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. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor

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withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 2 of this section. 29 CFR 5.5.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs 1 through 4 of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1 through 4 of this section. 29 CFR 5.5.

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

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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 longstanding 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

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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 200.326. 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 200.326.

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

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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

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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.

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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 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).

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.

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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.

* * * * *

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

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

(a) 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;

(b) 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 (c) 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)

2. 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

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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

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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.

Attachment 4- Acknowledgement of Receipt of Title VI Plan

CITY OF PORT LAVACA
Acknowledgement of Receipt:
Title VI/Non-discrimination Policy

CITY OF PORT LAVACA
TITLE VI/ NON-DISCRIMINATION PLAN

The City of Port Lavaca (“The City”) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, 49 CFR part 303, and related nondiscrimination authorities. The City of Port Lavaca assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Port Lavaca program, activity or service. The City of Port Lavaca further assures every effort will be made to ensure nondiscrimination in all of its programs, activities, and services, whether those programs, activities and services are federally funded or not. In the event the City of Port Lavaca distributes Federal aid funds to another entity, the City of Port Lavaca will include Title VI language in all written agreements and will monitor for compliance.

The City of Port Lavaca is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations*. In addition, the City of Port Lavaca assures that every effort will be made to provide meaningful access to persons with limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for persons with limited English proficiency.

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City of Port Lavaca that persons filing a complaint of discrimination should have the right to do so without fear of retaliation, interference, intimidation, coercion, or reprisal.

I hereby acknowledge the receipt of the City of Port Lavaca Title VI/Nondiscrimination Policy 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.portlavaca.org, 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:

Title VI/ Nondiscrimination Contact Information:
City of Port Lavaca
Rachel Garza
Title VI/ Nondiscrimination Coordinator

202 N. Virginia, TX 77979
Phone: (361)552-9793 ext:221
Email: rgarza@portlavaca.org

Employee Name

Employee Number(if applicable)

Employee Signature

Date

Department Head

Attachment 5- Environmental Justice Compliance Log

CITY OF PORT LAVACA
 Environmental Justice Compliance Log

Department:		Reporting Period:		to	
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	Project	Adverse human health and environmental impact	Impacted Groups (undeserved population)	Description of Public Participation Plan	Date(s) of Public Participation Efforts	Public Participation Plan Findings/Conclusions	Efforts to mitigate (if any) If non, why not?	Identify Source Documentation(e.g. mapping of low-income and minority populations in the vicinity of the project site, EL analysis, Mitigation Plan, meeting notice, public forums)	Other
1									
2									
3									
4									
5									
6									
7									

For additional information see the following resources:
 EPA's "EJ View" Tool provides information relevant to EJ assessments: <https://ejscreen.epa.gov/mapper/> Tract-level data on race & income: <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>
 Census data and maps are also available at: [Port Lavaca - Census Bureau Search](#)

PREPARER:			
_____	_____	_____	_____
<small>Print Preparer Name</small>	<small>Position Title</small>	<small>Signature</small>	<small>Date</small>
AUTHORIZED DEPARTMENT HEAD/ELECTED OFFICIAL:			
_____	_____	_____	_____
<small>Print Authorized Representative Name</small>	<small>Signature</small>	<small>Date</small>	

Attachment 6- Title VI/ Discrimination Complaint Form (English/Spanish)

CITY OF PORT LAVACA

Title VI/ Discrimination Complaint Form

The City of Port Lavaca (“The City”) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, 49 CFR part 303, and related nondiscrimination authorities. The City of Port Lavaca assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Port Lavaca program, activity or service. The City of Port Lavaca further assures every effort will be made to ensure nondiscrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not. In the event the City of Port Lavaca distributes Federal aid funds to another entity, the City of Port Lavaca will include Title VI language in all written agreements and will monitor for compliance.

The City of Port Lavaca is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations*. In addition, the City of Port Lavaca assures that every effort will be made to provide meaningful access to persons with limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for persons with limited English proficiency.

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City of Port Lavaca that persons filing a complaint of discrimination should have the right to do so without fear of retaliation, interference, intimidation, coercion, or reprisal.

**Mail: City of Port Lavaca
Attn: Title VI/Non-discrimination Coordinator
202 N. Virginia Port Lavaca, TX 77979**

Rachel Garza HR/ Title VI/ Nondiscrimination Coordinator

For assistance completing this form please call the Title VI/Non-discrimination Coordinator at (361)552-9793 ext:221

Last Name: _____

First Name: _____

Mailing _____

Address: _____

City/State/Zip _____

Code: _____

Phone: _____

Alternative Phone: _____

CITY OF PORT LAVACA
TITLE VI/ NON-DISCRIMINATION PLAN

Email:

Please state the basis of your complaint:

<input type="checkbox"/>	Race _____
<input type="checkbox"/>	Color _____
<input type="checkbox"/>	National Origin _____
<input type="checkbox"/>	Sex _____
<input type="checkbox"/>	Age _____
<input type="checkbox"/>	Disability _____
<input type="checkbox"/>	Low-Income _____
<input type="checkbox"/>	Limited English Proficiency _____
<input type="checkbox"/>	Other _____

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 relation 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.

CITY OF PORT LAVACA
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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 needed).

Name	Address	Phone
1. _____ _____	_____	_____
2. _____ _____	_____	_____
3. _____ _____	_____	_____
4. _____ _____	_____	_____

Have you filed, or intended 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 Port Lavaca representative? If yes, provide the name, position, and date of discussion.

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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).

If applicable, please provide a description and the exact location of the non-accessible feature. Provide a sketch or picture if helpful. (Attach additional pages, if necessary).

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

CITY OF PORT LAVACA
 TITLE VI/ NON-DISCRIMINATION PLAN

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

 The complaint's Signature (or authorized representative)

Date

 Person preparing complaint (if different from the complaint)

Relation to the complaint

FOR OFFICE USE ONLY	
Date Complaint Received: _____	Case#: _____
Processed by: _____	Date Referred: _____
Referred to: <input type="checkbox"/> USDOT <input type="checkbox"/> FHWA <input type="checkbox"/> FTA <input type="checkbox"/> OFCCP <input type="checkbox"/> EEOC <input type="checkbox"/> Other _____	

CIUDAD DE PORT LAVACA

Título VI/ Formulario de Queja por Discriminación

La Ciudad de Port Lavaca ("La Ciudad") está comprometida con el cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, 49 CFR, parte 21, 49 CFR parte 303, y las autoridades no discriminatorias relacionadas. La Ciudad de Port Lavaca asegura que ninguna persona por motivos de raza, color, origen nacional, sexo, edad, discapacidad, bajos ingresos y dominio limitado del inglés (LEP) será excluida de la participación, se le negarán los beneficios o será objeto de discriminación en cualquier programa o actividad bajo cualquier programa, actividad o servicio de la Ciudad de Port Lavaca. La ciudad de Port Lavaca asegura además que se hará todo lo posible para garantizar la no discriminación en todos sus programas, actividades y servicios, ya sea que esos programas, actividades y servicios estén financiados por el gobierno federal o no. En el caso de que la Ciudad de Port Lavaca distribuya fondos de ayuda federal a otra entidad, la Ciudad de Port Lavaca incluirá el lenguaje del Título VI en todos los acuerdos escritos y supervisará el cumplimiento.

La ciudad de Port Lavaca también se compromete a garantizar que se haga todo lo posible para prevenir la discriminación de las poblaciones minoritarias y de bajos ingresos como resultado de cualquier impacto de sus programas o actividades de acuerdo con la *Orden Ejecutiva 12898, Acciones Federales para Abordar la Justicia Ambiental en Poblaciones Minoritarias y en Poblaciones de Bajos Ingresos*. Además, la ciudad de Port Lavaca asegura que se hará todo lo posible para proporcionar un acceso significativo a las personas con dominio limitado del inglés, de acuerdo con la Orden Ejecutiva 13166, Mejorando el Acceso a los Servicios para las personas con dominio limitado del inglés.

Las represalias están prohibidas por el Título VI de la Ley de Derechos Civiles de 1964 y las autoridades federales y estatales relacionadas contra la discriminación. Es política de la ciudad de Port Lavaca que las personas que presenten una queja de discriminación tengan derecho a hacerlo sin temor a represalias, interferencias, intimidación, coerción o represalias.

Correo: Ciudad de Port Lavaca
A la atención de: Título VI/Coordinador de No Discriminación

CITY OF PORT LAVACA
TITLE VI/ NON-DISCRIMINATION PLAN

202 N. Virginia Puerto Lavaca, TX 77979

Rachel Garza HR/ Título VI/ Coordinadora de No Discriminación

Para obtener ayuda para completar este formulario, llame al Coordinador del Título VI / No Discriminación al (361) 552-9793 ext: 221

Apellido: _____ Nombre: _____

Dirección para correspondencia:

Ciudad/Estado/Código Postal:

Teléfono: _____ Teléfono alternativo:

Correo

electrónico: _____

Indique los motivos de su reclamación:

- | | |
|--------------------------|-----------------------------------|
| <input type="checkbox"/> | Raza _____ |
| <input type="checkbox"/> | Color _____ |
| <input type="checkbox"/> | Nacional Origin _____ |
| <input type="checkbox"/> | Sexo _____ |
| <input type="checkbox"/> | Edad _____ |
| <input type="checkbox"/> | Discapacidad _____ |
| <input type="checkbox"/> | De bajo Income _____ |
| <input type="checkbox"/> | Inglés limitado Proficiency _____ |
| <input type="checkbox"/> | Otro _____ |

Fecha y lugar de la(s) supuesta(s) acción(es) discriminatoria(s). Incluya la fecha más temprana de discriminación y la fecha más reciente de discriminación.

¿Cómo te discriminaron? Describa la naturaleza de la acción, decisión o condiciones de la supuesta discriminación. Explique lo más claramente posible lo que sucedió y por qué cree que su estado protegido (base) fue un factor en la discriminación. Incluya cómo otras personas fueron tratadas de manera diferente a usted. (Adjunte páginas adicionales, si es necesario).

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La ley prohíbe la intimidación o la relación contra cualquier persona por haber realizado una acción o haber participado en una acción para garantizar los derechos protegidos por estas leyes. Si cree que ha sido objeto de represalias, aparte de la discriminación alegada anteriormente, explique las circunstancias a continuación. Explique qué acción tomó que cree que fue la causa de la supuesta represalia.

Nombres de las personas responsables de la(s) acción(es) discriminatoria(s):

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

Nombre	Dirección	Teléfono
1. _____ _____	_____	_____
2. _____ _____	_____	_____
3. _____ _____	_____	_____

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4. _____

¿Ha presentado, o tiene la intención de presentar una queja con respecto al asunto planteado con alguno de los siguientes? En caso afirmativo, proporcione las fechas de presentación. Marque todo lo que corresponda.

- | | |
|---|------------------------------|
| <input type="checkbox"/> Departamento de Transporte de EE. UU. (DOT) | Fecha de presentación: _____ |
| <input type="checkbox"/> Administración Federal de Carreteras (FHWA) | Fecha de presentación: _____ |
| <input type="checkbox"/> Administración Federal de Tránsito (FTA, por sus siglas en inglés) | Fecha de presentación: _____ |
| <input type="checkbox"/> Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP) | Fecha de presentación: _____ |
| <input type="checkbox"/> Comisión para la Igualdad de Oportunidades en el Empleo de los Estados Unidos (EEOC) | Fecha de presentación: _____ |
| <input type="checkbox"/> Departamento de Justicia de los Estados Unidos (DOJ) | Fecha de presentación: _____ |
| <input type="checkbox"/> Otros: _____ | Fecha de presentación: _____ |

¿Ha discutido la queja con algún representante de la ciudad de Port Lavaca? En caso afirmativo, proporcione el nombre, el cargo y la fecha de la discusión.

Explique brevemente qué remedio o acción está buscando para la supuesta discriminación.

Proporcione cualquier información adicional y/o fotografías, si corresponde, que crea que ayudarán con una investigación (adjunte páginas adicionales, si es necesario).

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Si corresponde, proporcione una descripción y la ubicación exacta de la función no accesible. Proporcione un dibujo o una imagen si es útil. (Adjunte páginas adicionales, si es necesario).

Proporcione comentarios, sugerencias o otra información que pueda ayudarnos a brindarle un mejor servicio.

No podemos aceptar una queja sin firmar. Por favor, firme y póngala fecha en el formulario de queja a continuación.

La firma de la queja (o representante autorizado)

Fecha

Persona que prepara la queja (si es diferente de la queja)
la queja

Relación con

CITY OF PORT LAVACA
TITLE VI/ NON-DISCRIMINATION PLAN

FOR OFFICE USE ONLY	
Date Complaint Received: _____	Case#: _____
Processed by: _____	Date Referred: _____
Referred to: <input type="checkbox"/> USDOT	<input type="checkbox"/> FHWA
<input type="checkbox"/> FTA	<input type="checkbox"/> OFCCP
<input type="checkbox"/> EEOC	<input type="checkbox"/> Other _____

CITY OF PORT LAVACA
 TITLE VI/ NON-DISCRIMINATION PLAN

Attachment 7 – Title VI/Nondiscrimination External Complaint Log

CITY OF PORT LAVACA
Title VI/Non-discrimination External Complaint Log

Instructions: Title VI/Non-discrimination Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming the City of Port Lavaca, which alleges discrimination with respect to Title VI concerns.

Date of Complaint Filed	Name of Complaint	Race	Color	Gender	National Origin	Program 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 the granting state/federal agency?	
								Start	Completion				Agency	Date

Attachment 9 – Title VI Complaint Procedure (English/Spanish)

Title VI Complaint Procedure

The City of Port Lavaca (“The City”) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, 49 CFR part 303, and related nondiscrimination authorities. The City of Port Lavaca assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Port Lavaca program, activity or service. The City of Port Lavaca further assures every effort will be made to ensure nondiscrimination in all of its programs, activities, and services, whether those programs, activities, and services are federally funded or not. In the event, that the City of Port Lavaca distributes Federal aid funds to another entity, the City of Port Lavaca will include Title VI language in all written agreements and will monitor for compliance.

The City of Port Lavaca is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations*. In addition, the City of Port Lavaca assures that every effort will be made to provide meaningful access to persons with limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for persons with limited English proficiency.

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City of Port Lavaca that persons filing a complaint of discrimination should have the right to do so without fear of retaliation, interference, intimidation, coercion, or reprisal.

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color or national origin may file a written complaint individually through a representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA. Complaints related to the Federal-aid highway program may be filed with TxDOT, the FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HRC), the USDOT Department Office of Civil Rights, or the USDOJ. The City of Port Lavaca will ensure that all complaints are sent to the appropriate authority for disposition. Complaints alleging violations of Title VI by sub-recipients may be filed in writing directly with the following local, state, and federal agencies:

City of Port Lavaca
Att: Title VI Coordinator
202 N. Virginia
Port Lavaca, Tx 77979

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Additionally, complaints filed against the sub-recipients may also be filed with TxDOT or FHWA at:

Texas Department of Transportation
Civil Rights Division
Att: Title VI Program Administrator
6230 E. Stassney Lane
Austin, Tx 78744

Federal Highway Administration-Texas Division
Att: Civil Rights Specialist
300 E. 8th St.
Austin, TX 78701

Federal Highway Administration
Office of Civil Rights
HCR-20, Room E81-320
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaint and investigation files are confidential. The contents of such files will only be disclosed to appropriate City of Port Lavaca personnel, and state and federal authorities in accordance with Federal and State laws. The City of Port Lavaca will retain files in accordance with records retention schedules and all Federal guidelines.

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Título VI Procedimiento de Quejas

La Ciudad de Port Lavaca ("La Ciudad") está comprometida con el cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, 49 CFR, parte 21, 49 CFR parte 303, y las autoridades no discriminatorias relacionadas. La Ciudad de Port Lavaca asegura que ninguna persona por motivos de raza, color, origen nacional, sexo, edad, discapacidad, bajos ingresos y dominio limitado del inglés (LEP) será excluida de la participación, se le negarán los beneficios o será objeto de discriminación en cualquier programa o actividad bajo cualquier programa, actividad o servicio de la Ciudad de Port Lavaca. La ciudad de Port Lavaca asegura además que se hará todo lo posible para garantizar la no discriminación en todos sus programas, actividades y servicios, ya sea que esos programas, actividades y servicios estén financiados por el gobierno federal o no. En el caso de que la Ciudad de Port Lavaca distribuya fondos de ayuda federal a otra entidad, la Ciudad de Port Lavaca incluirá el lenguaje del Título VI en todos los acuerdos escritos y supervisará su cumplimiento.

La ciudad de Port Lavaca también se compromete a garantizar que se haga todo lo posible para prevenir la discriminación de las poblaciones minoritarias y de bajos ingresos como resultado de cualquier impacto de sus programas o actividades de acuerdo con la Orden Ejecutiva 12898, Acciones Federales para Abordar la Justicia Ambiental en Poblaciones Minoritarias y en Poblaciones de Bajos Ingresos. Además, la ciudad de Port Lavaca asegura que se hará todo lo posible para proporcionar un acceso significativo a las personas con dominio limitado del inglés, de acuerdo con la Orden Ejecutiva 13166, Mejorando el Acceso a los Servicios para las personas con dominio limitado del inglés.

Represalias si están prohibidas por el Título VI de la Ley de Derechos Civiles de 1964 y las autoridades federales y estatales relacionadas contra la discriminación. Es política de la ciudad de Port Lavaca que las personas que presenten una queja de discriminación tengan derecho a hacerlo sin temor a represalias, interferencias, intimidación, coerción o represalias.

Los siguientes procedimientos cubren las quejas presentadas bajo el Título VI de la Ley de Derechos Civiles de 1964 y la Ley de Restauración de Derechos Civiles de 1987. Cualquier persona que crea que ella, o cualquier clase específica de personas, está sujeta a una discriminación prohibida basada en la raza, el color o el origen nacional puede presentar una queja por escrito individualmente a través de un representante. Una queja debe presentarse a más tardar 180 días después de la fecha de la supuesta discriminación, a menos que la discriminación sea continua o que la FHWA extienda el tiempo para presentarla. Las quejas relacionadas con el programa de ayuda federal para carreteras se pueden presentar ante TxDOT, la Oficina de la División de la FHWA, la Oficina de Derechos Civiles (HRC) de la FHWA, la Oficina de Derechos Civiles del Departamento del USDOT o el USDOJ. La ciudad de Port Lavaca se asegurará de que todas las quejas se envíen a la autoridad correspondiente para su disposición. Las quejas que aleguen violaciones del Título VI por parte de los subreceptores pueden presentarse por escrito directamente ante las siguientes agencias locales, estatales y federales:

Ciudad de Port Lavaca
Att: Coordinador del Título VI
202 N. Virginia Puerto Lavaca, Tx 77979

Además, las quejas presentadas contra los subreceptores también se pueden presentar ante TxDOT o FHWA en:

Departamento de Transporte

CITY OF PORT LAVACA
TITLE VI/ NON-DISCRIMINATION PLAN

de Texas División de Derechos Civiles
Att: Administrador del Programa del Título VI
6230 E. Stassney Lane Austin, Tx 78744

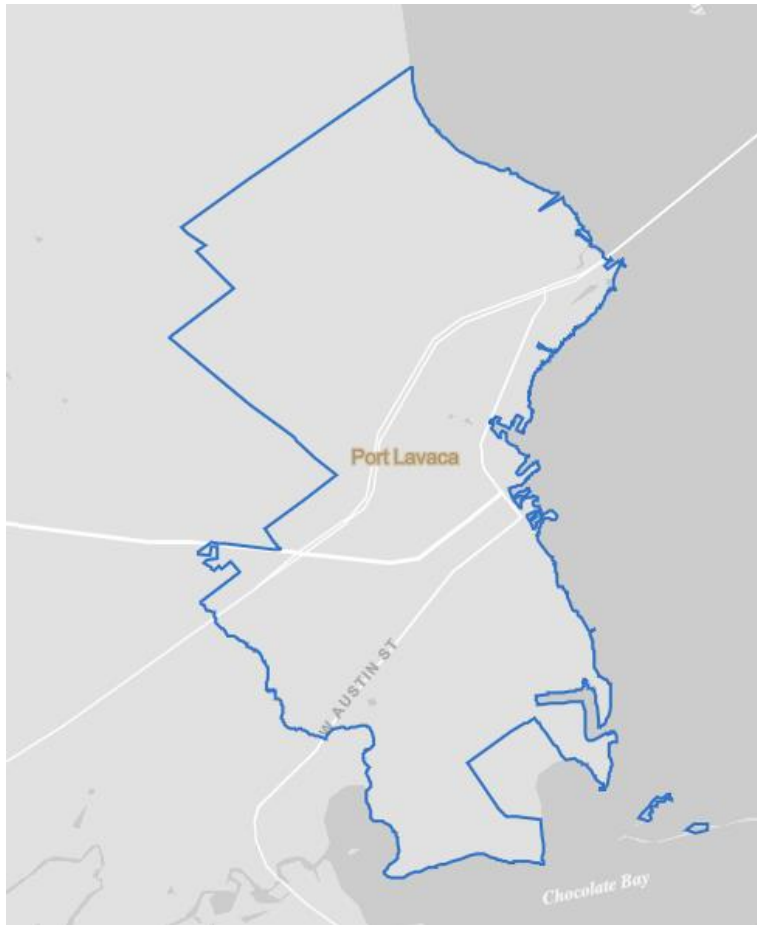
Administración Federal
de Carreteras-División de Texas
Att: Especialista en Derechos Civiles
300 E. Calle 8 Austin, TX 78701
Administración Federal de Carreteras

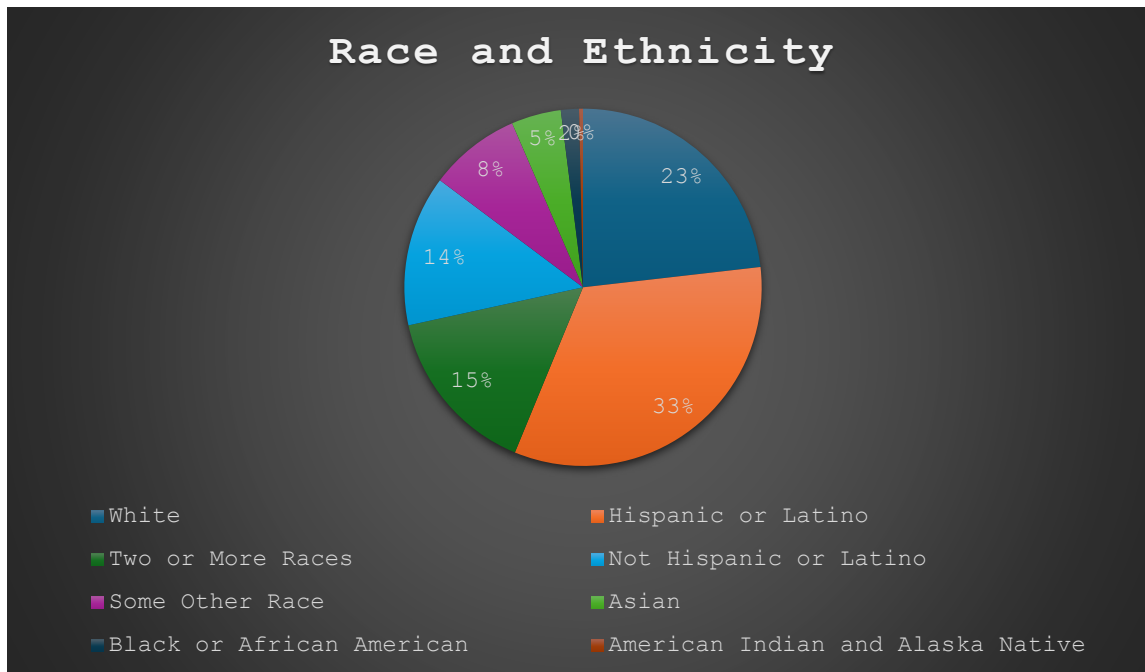
Oficina de Derechos Civiles
HCR-20, Sala E81-320
1200 Avenida Nueva Jersey,
SE Washington, DC 20590

Los expedientes de denuncia e investigación son confidenciales. El contenido de dichos archivos solo se divulgará al personal apropiado de la Ciudad de Port Lavaca y a las autoridades estatales y federales de acuerdo con las leyes federales y estatales. La ciudad de Port Lavaca conservará los archivos de acuerdo con los cronogramas de retención de registros y todas las pautas federales.

Attachment 10 – Data Collection

According to the 2020 United States Census, Port Lavaca, Texas, had a population of 11,557.

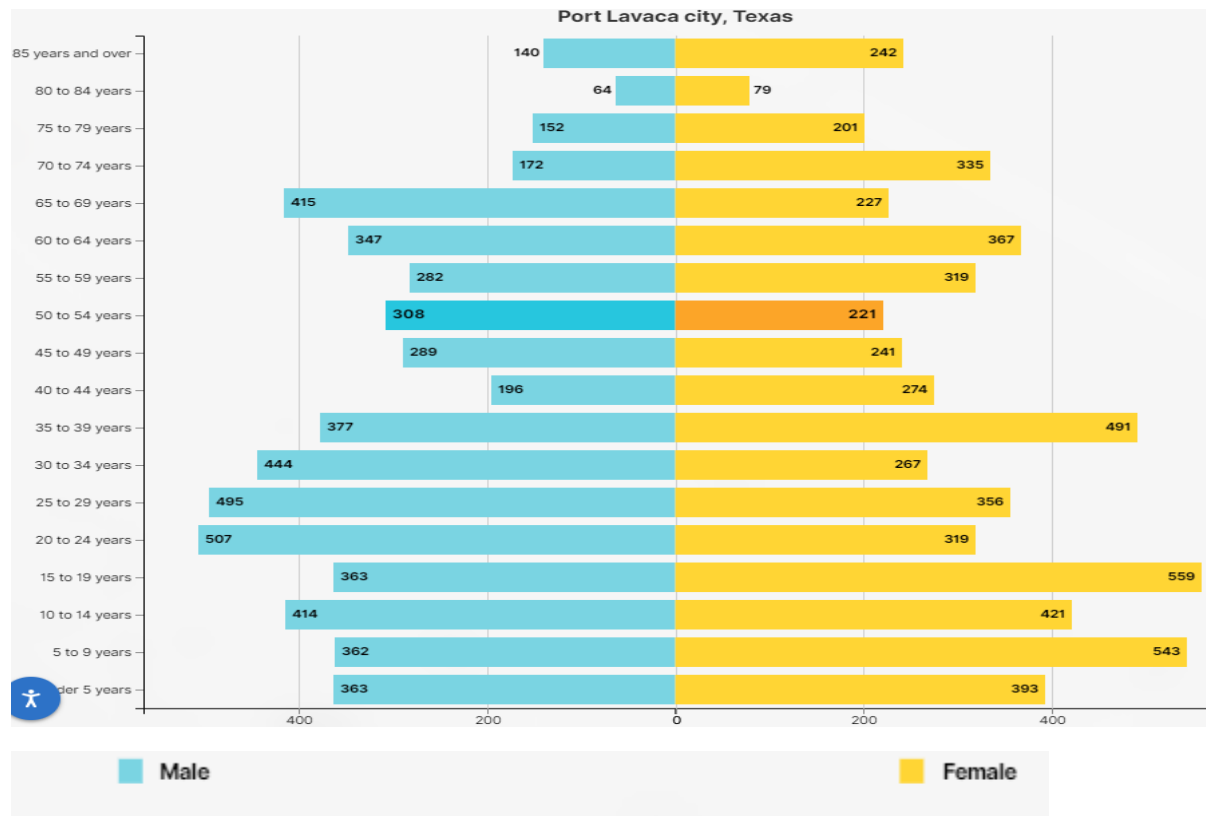




This pie chart titled “Race and Ethnicity” visually represents the distribution of different racial and ethnic groups in a given population.

- Hispanic or Latino (33%)- This is the largest segment, meaning that about a third of the population identifies as Hispanic or Latino.
- White (23%)- The second largest group, representing nearly a quarter of the population.
- Not Hispanic or Latino (14%)- This category identifies with more than one racial category and makes up a significant portion of the population.
- Asian (5%) – A smaller segment of the population identifies as Asian.
- Some Other Race (8%) – This category may include individuals who do not fit into standard racial classifications or choose to identify differently.
- Black or African American (5%) – A smaller portion of the population falls into this racial category.
- American Indian and Alaska Native (2%) – The smallest percentage, representing Indigenous populations.

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This is a population pyramid for Port Lavaca, Texas, showing the distribution of the population by age group and gender. The chart is divided into two sections:

- Males (light blue) are represented on the left side.
- Females (yellow) are represented on the right side.
- The numbers next to each bar indicate the number of people in that age category.

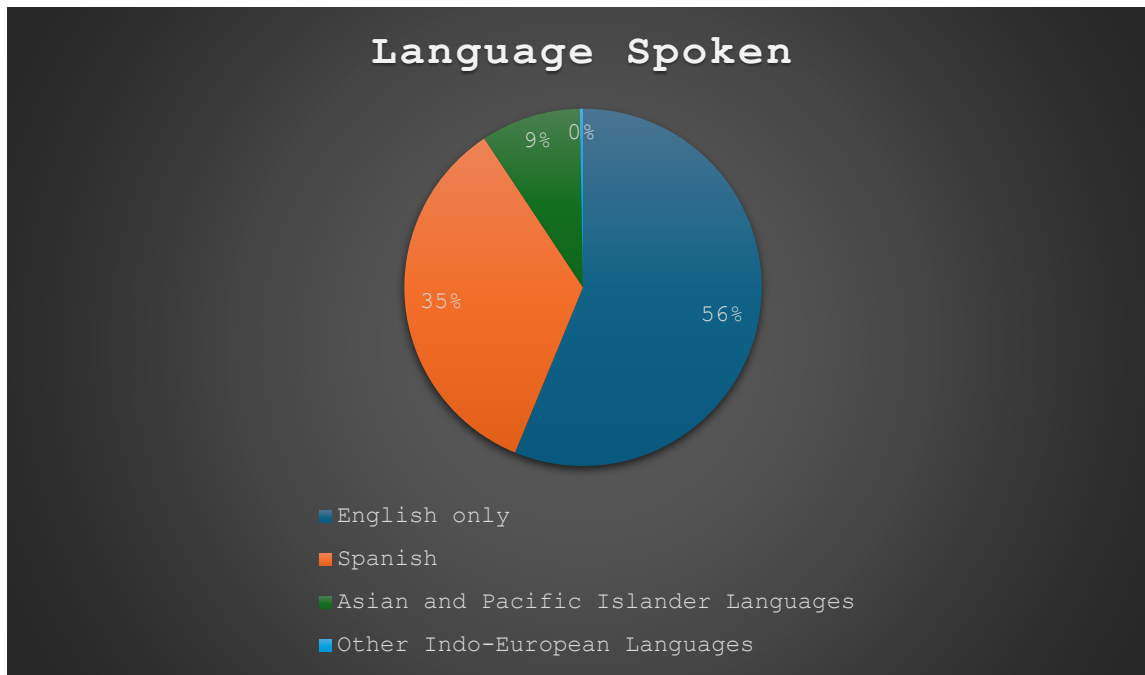
Younger Population: The largest age groups appear to be 5-9 years, 10-14 years, and 15-19 years, indicating a significant presence of children and teenagers in the city.

Working-Age Population: Age groups between 25-44 years also have a high population, showing a strong presence of working-age adults.

Older Population: The number of individuals above 65 years decreases gradually, indicating an aging but not overwhelmingly elderly population.

Gender Distribution:

- In younger and middle-aged groups (under 50 years), there are more males than females.
- In the older age groups (50+ years), females outnumber males, which is typical as women tend to have higher life expectancy.



This data represents the languages spoken at home in Port Lavaca, Texas, showing the percentage of the population that speaks each language. Here's a breakdown:

1. English Only (56.1%) – A majority of the residents in Port Lavaca speak only English at home, making it the most spoken language in the city.
2. Spanish (34.4%) – A significant portion of the population speaks Spanish at home, reflecting the city's strong Hispanic and Latino presence.
3. Asian and Pacific Islander Languages (9.0%) – A notable percentage of residents speak languages from Asian or Pacific Islander regions, indicating a presence of Asian communities in Port Lavaca.
4. Other Indo-European Languages (0.2%) – A small fraction of the population speaks other Indo-European languages, such as French, German, or Russian.
5. Other Languages (0.3%) – A very small percentage speaks languages that don't fit into the categories above.

English is the dominant language but is not spoken by everyone.

Spanish is widely spoken, making bilingual communication important.

The presence of Asian and Pacific Islander languages is relatively high (9%), suggesting cultural diversity in the area.

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This linguistic diversity highlights the multicultural nature of Port Lavaca, which may influence education, business, and public services in the city.

Port Lavaca city, Texas				
Percent of specified language speakers				
	Speak English only or speak English "very well"	Percent speak English only or speak English "very well"	Speak English less than "very well"	Percent speak English less than "very well"
Label	Estimate	Estimate	Estimate	Estimate
Population 5 years and over	9,328	87.8%	1,292	12.2%
Speak only English	(X)	(X)	(X)	(X)
Speak a language other than English	3,374	72.3%	1,292	27.7%
SPEAK A LANGUAGE OTHER THAN ENGLISH				
Spanish	2,911	79.6%	744	20.4%
Other Indo-European languages	25	100.0%	0	0.0%
Asian and Pacific Island languages	421	44.1%	533	55.9%
Other languages	17	53.1%	15	46.9%

This table provides data on language usage among residents of Port Lavaca, Texas, who are 5 years and older. It breaks down the number of people who speak English only versus those who speak other languages, along with their ability to speak English "very well" or "less than very well."

Breakdown of the Data:

- Total Population (5 years and over): 9,328 people
 - 87.8% (8,036 people) speak only English.
 - 12.2% (1,292 people) have limited English proficiency.

Individuals Speaking a Language Other Than English (3,374 people total):

- Spanish Speakers (2,911 people)
 - 79.6% (2,167 people) speak English very well.
 - 20.4% (744 people) have limited English proficiency.
- Other Indo-European Languages (25 people)
 - 100% speak English very well (no language barriers in this group).

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- Asian and Pacific Island Languages (421 people)
 - 44.1% (186 people) speak English very well.
 - 55.9% (233 people) have limited English proficiency.
- Other Languages
 - 53.1% (9 people) speak English very well.
 - 46.9% (8 people) have limited English proficiency.

Key Insights:

5. Most people in Port Lavaca (87.8%) speak only English.
6. Spanish is the most common non-English language (2,911 speakers), and the majority of Spanish speakers (79.6%) speak English well.
7. Asian and Pacific Islander language speakers (421 people) have the highest percentage (55.9%) of individuals who struggle with English.
8. Other Indo-European languages (like French, German, or Italian) have a very small presence (25 speakers), and all of them speak English fluently.

This data highlights the linguistic diversity in Port Lavaca and suggests that Spanish and Asian language speakers may need additional language support in areas like education, public services, and healthcare.