

**CITY OF PORT LAVACA**  
**TITLE VI/ NONDISCRIMINATION PLAN**



**Title VI/ Nondiscrimination Contact Information:**

City of Port Lavaca

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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, 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.

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. Provide any service, financial aid, or other benefits to a person that is different or is provided in a different manner from that provided to others under the program.
3. Subject a person to segregation or separate treatment.
4. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.
5. Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirements or conditions that persons must meet in order to be provided any service, financial aid, or other benefit provided under the program.
6. Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford them an opportunity to do so which is different from that afforded others under the program; or
7. Discriminate in site or location selection of facilities

#### **The Primary Goals and Objectives of the Title VI Nondiscrimination Plan**

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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 benefits under its programs or projects because of race, color, national origin, sex, age, or disability. 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, or disability.
3. To prevent discrimination in City programs and activities, whether those programs and activities are federally funded or not.
4. To establish procedures for identifying the impact of any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, sex, age, or disability.
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. 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, or national origin. Federal financial assistance may include grants and loans of federal funds, the grant or donation of Federal property and interests in property, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and any other federal arrangement, agreement, or contract which purpose is to provide federal assistance.

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

## 1.3 Authorities

The authorities applicable to the City of Port Lavaca's Title VI program are included below:

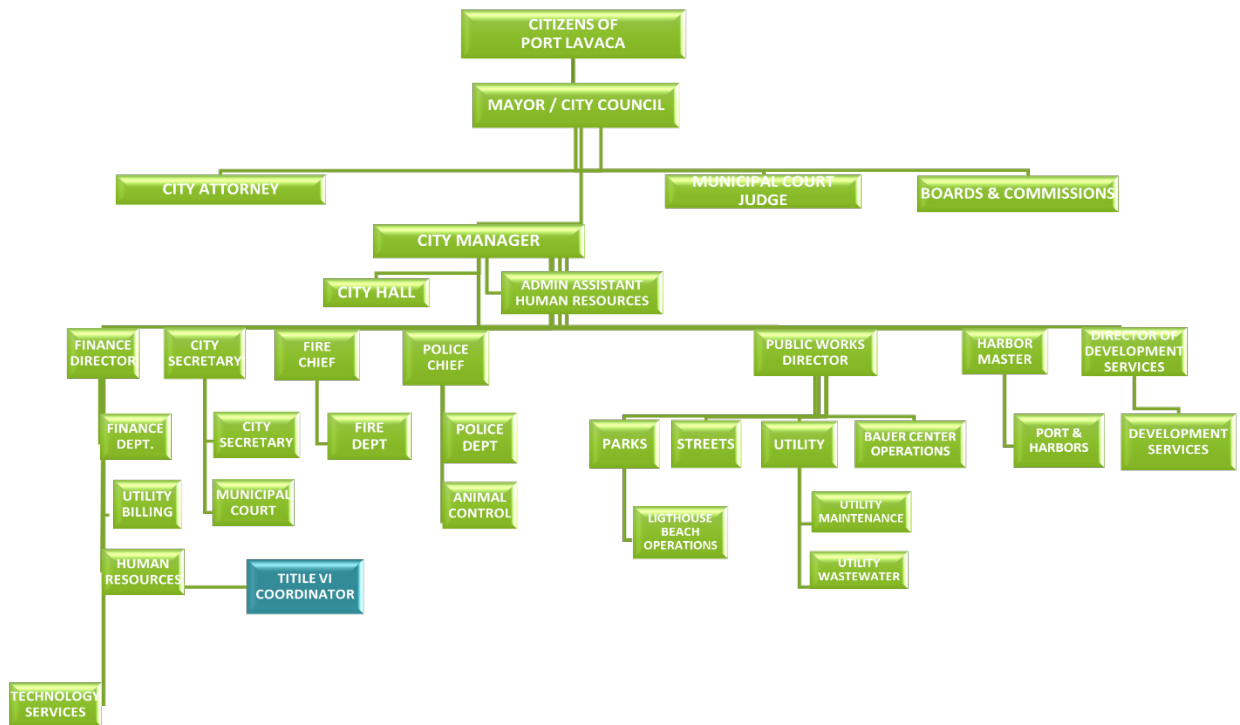
- **Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000d)** provides that, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity 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 Rehabilitation Act of 1973**, which prohibits discrimination based on a handicap/ disability.
- **49 CFR Part 21 U.S Department of Transportation (U.S. DOT) Regulations for the Implementation of Title VI** – requires assurances from states that 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**
- **The Age Discrimination Act of 1975** prohibits discrimination based on age in programs and activities receiving Federal Financial Assistance.

## 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 the City Mayor 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](http://www.portlavaca.org)
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 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



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- 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 Title VI Non-Discrimination Coordinator. 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 of investigation.
  9. Data Collection: Coordinating the collection and maintenance of statistical data on race, color, national origin, sex, age, and disability 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 8).
  10. Title VI Plan update every 2 years. The City will automatically update and renew its Title VI Assurances every 2 years or as necessary on the occasion of a change in the City’s Title VI Plan administrative structure and staffing or changes to the plan’s complaint procedures.

***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 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](http://www.portlavaca.org), and through an annual notice. Current City employees as the effective date of this policy and new City 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, which becomes an associated component of the contract.

The name and contact information for the Title VI/Non-discrimination Coordinator are available on the City website, [www.portlavaca.org](http://www.portlavaca.org). The City's Title VI/Non-Discrimination Coordinator, located in the HR Office, can provide additional information about non-discrimination obligations and information on filing complaints.

### 5.2 Complaints

If any individual believes that he or she, or any other program beneficiaries, has experienced unequal treatment or discrimination regarding the receipt of benefits and/or services based on race, color, national origin, sex, age, or disability, that individual may exercise their right to file a complaint with the City's Title VI/Non-discrimination Coordinator. Every effort will be made to resolve complaints informally and at the lowest possible level first.

### 5.3 Data Collection & Analysis

Statistical data on race, color, national origin, sex, age, disability, 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. Determine how best to disseminate information to the affected populations.
3. 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 that meets 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 Purpose

The purpose of the Title VI Complaint Processing Procedure is to establish a clear and consistent process for receiving, investigating, and resolving complaints alleging discrimination based on race, color, or national origin in programs and activities receiving Federal Financial assistance. This procedure ensures compliance with Title VI of the Civil Rights Act of 1964 and related

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regulations by promoting fairness, transparency, and accountability in addressing discrimination claims.

## 6.2 Title VI Complaint Procedure

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 (HCR), and/or 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 or any individuals or the public at large 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

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  
125 E. 11<sup>th</sup> Street  
Austin, TX 78701

Federal Highway Administration-Texas Division (FHWA)  
Att: Civil Rights Specialist  
300 E. 8<sup>th</sup> 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.

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

The External Title VI/Non-Discrimination Complaint Form (Attachment 5) 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](http://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](mailto:rgarza@portlavaca.org)

## 6.3 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.

The Title VI/Nondiscrimination Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI/Nondiscrimination Coordinator may, at his/her

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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.

The Title VI/Nondiscrimination Coordinator shall make every effort to address all complaints expeditiously and thoroughly. 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 before 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.

## 6.4 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 concerning Title VI concerns (Attachment 6). The log shall include information on each complainant to include:

- The identity of the complainant
- The recipient
- The race, color, national origin, or other of the complainant

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- 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)

## 6.5 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



**CITY OF PORT LAVACA**

**Title VI/ Discrimination Complaint Form**

The Discrimination Form will be used by the City to document and address compliance related to discrimination based on race, color, national origin, sex, age, disability, or other protected characteristics in the City's programs, services, and activities. This form ensures compliance with Federal and State Civil Rights Laws, including Title VI of the Civil Rights Act of 1964.

Return the signed form to:

**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: \_\_\_\_\_

Please state the basis of your complaint:

<input type="checkbox"/>	Race _____
<input type="checkbox"/>	Color _____
<input type="checkbox"/>	National Origin _____
<input type="checkbox"/>	Disability _____
<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



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

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

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

- |   |                   |
|---|-------------------|
| <input type="checkbox"/> U.S. Department of Transportation (DOT)                | Date filed: _____ |
| <input type="checkbox"/> Federal Highway Administration (FHWA)                  | Date filed: _____ |
| <input type="checkbox"/> Federal Transit Administration (FTA)                   | Date filed: _____ |
| <input type="checkbox"/> Office of Federal Contract Compliance Programs (OFCCP) | Date Filed: _____ |

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☐ 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.

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

\_\_\_\_\_  
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 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 2<sup>nd</sup> 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](http://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. 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.
- 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.

## **8.0 SUMMARY OF ATTACHMENTS**

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

Attachment 2- DOT Standard Title VI/Nondiscrimination Assurances

Attachment 3- Required Contract Provisions

Attachment 4- Acknowledgement of Receipt of Title VI Plan

Attachment 5- Title VI/ Discrimination Complaint Form (English/Spanish)

Attachment 6 – Title VI/Nondiscrimination External Complaint Log

Attachment 7 – Title VI Complaint Procedure (English/Spanish)

Attachment 8- Data Collection

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

### **CITY OF PORT LAVACA**

#### **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, 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.

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. Provide any service, financial aid, or other benefits to a person that is different or is provided in a different manner from that provided to others under the program.
3. Subject a person to segregation or separate treatment.
4. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.
5. Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirements or conditions that persons

CITY OF PORT LAVACA  
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must meet in order to be provided any service, financial aid, or other benefit provided under the program.

6. Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford them an opportunity to do so which is different from that afforded others under the program; or
7. Discriminate in site or location selection of facilities

The City of Port Lavaca adopted this Title VI/Non-Discrimination Policy Statement on the \_\_\_\_ day of \_\_\_\_ 2025.

\_\_\_\_\_  
Jack Whitlow  
Mayor

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
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, 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.

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 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 u otros beneficios proporcionados bajo un programa.
2. Prestar cualquier servicio, financiero; Ayuda, PR otros beneficios a una persona que es diferente o se proporciona de una manera diferente a la que se proporciona a otros bajo el Programa.
3. Someter a una persona a segregación o tratamiento separado.
4. Restringir a una persona de cualquier manera en el disfrute de cualquier ventaja o privilegio disfrutado por otros que reciben cualquier servicio, ayuda financiera u otro beneficio bajo el programa.
5. Tratar a una persona de manera diferente a las demás para determinar si cumple con cualquier requisito de admisión, inscripción, cuota, elegibilidad, membresía u otros

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requisitos o condiciones que las personas deben cumplir para que se les brinde cualquier servicio, ayuda financiera u otro beneficio proporcionado bajo el programa.

6. Negar a una persona la oportunidad de participar en el programa a través de la prestación de servicios o de otra manera, o brindarles una oportunidad de hacerlo que sea diferente de la que se les brinda a otros bajo el programa; o
7. Discriminar en la selección del sitio o la ubicación de las instalaciones

El Concejo Municipal adoptó la Declaración de Políza el día \_\_\_\_ de \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Jack Whitlow  
Alcalde

\_\_\_\_\_  
Fecha

**Atestiuar:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Fecha

## Attachment 2- DOT 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.*

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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.'*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. The Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

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- 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 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.

ATTEST:

\_\_\_\_\_  
Jack Whitlow, Mayor                      Date

\_\_\_\_\_  
Mandy Grant, City Secretary

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - 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:



CITY OF PORT LAVACA  
TITLE VI/ NON-DISCRIMINATION PLAN

- In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **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);
- 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-

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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).

## 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 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

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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 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

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CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

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

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

**3. Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade

and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

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

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

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

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

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

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

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through

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public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

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

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

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

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

b. The contractor will periodically evaluate the spread of wages paid within each

classification to determine any evidence of discriminatory wage practices.

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

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action 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

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persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

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

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

**7. Unions:** If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

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

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

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

what efforts have been made to obtain such information.

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

**8. Reasonable Accommodation for Applicants /Employees with Disabilities:**

The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

**9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:**

The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and



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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 nonresponsive.
- 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.
- 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,

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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 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,

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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 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

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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 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

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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 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

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U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

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

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

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

b. Trainees (programs of the USDOL).

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

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

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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, 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

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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 contacting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any



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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 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

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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 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

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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 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

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considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any

participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website

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(<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.

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

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

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200.

You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general 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

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system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

\* \* \* \* \*

**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

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Report Lobbying," in accordance with its instructions.

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

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

**XII. USE OF UNITED STATES-FLAG VESSELS:**

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

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

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

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment,

material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

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

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

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

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



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counties of the State wherein the contract work is situated, except:

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

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

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

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

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

4. If, within one week following the placing of a job order by the contractor with the State

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

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

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

## Attachment 4- Acknowledgement of Receipt of Title VI Plan

**CITY OF PORT LAVACA**  
**Acknowledgement of Receipt:**  
**Title VI/Non-discrimination 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, 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.

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 and applicable complaint forms can be found online at: [www.portlavaca.org](http://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](mailto:rgarza@portlavaca.org)

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Number(if applicable)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head

## Attachment 5- Title VI/ Discrimination Complaint Form (English/Spanish)

### CITY OF PORT LAVACA

#### Title VI/ Discrimination Complaint Form

The discrimination Form will be used by the City to document and address compliance related to discrimination based on race, color, national origin, sex, age, disability, or other protected characteristics in the City's programs, services, and activities. This form ensures compliance with Federal and State Civil Rights Laws, including Title VI of the Civil Rights Act of 1964.

Return the signed form to:

**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: \_\_\_\_\_

Please state the basis of your complaint:

<input type="checkbox"/>	Race _____
<input type="checkbox"/>	Color _____
<input type="checkbox"/>	National Origin _____
<input type="checkbox"/>	Disability _____
<input type="checkbox"/>	Other _____

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

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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).

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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):

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.

- |   |                   |
|---|-------------------|
| <input type="checkbox"/> U.S. Department of Transportation (DOT)                | Date filed: _____ |
| <input type="checkbox"/> Federal Highway Administration (FHWA)                  | Date filed: _____ |
| <input type="checkbox"/> Federal Transit Administration (FTA)                   | Date filed: _____ |
| <input type="checkbox"/> Office of Federal Contract Compliance Programs (OFCCP) | Date Filed: _____ |
| <input type="checkbox"/> Other: _____   | Date Filed: _____ |

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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.

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.

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**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 _____	



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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. _____	_____	_____
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.



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- |  |                              |
|--|------------------------------|
| <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"/> 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).

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).

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

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**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)

### Relación con la queja

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 _____	

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## Attachment 6 – 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	Other	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 7 – Title VI Complaint Procedure (English/Spanish)

### **Title VI Complaint Procedure**

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

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  
125 East 11<sup>th</sup> Street  
Austin, Tx 78701

Federal Highway Administration-Texas Division  
Att: Civil Rights Specialist  
300 E. 8<sup>th</sup> 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.

### **Título VI Procedimiento de Quejas**

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  
de Texas División de Derechos Civiles  
Att: Administrador del Programa del Título VI  
125 Calle 11 Este Austin, Tx 78701

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

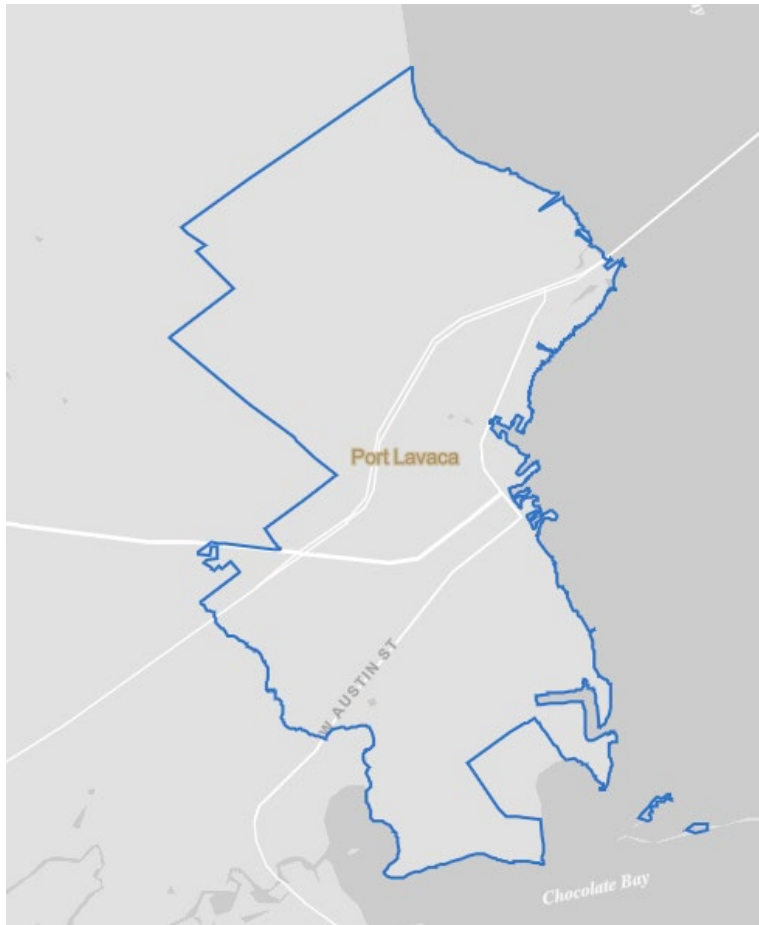
Oficina de Derechos Civiles  
HCR-20, Sala E81-320  
1200 Avenida Nueva Jersey,  
SE Washington, DC 20590

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.

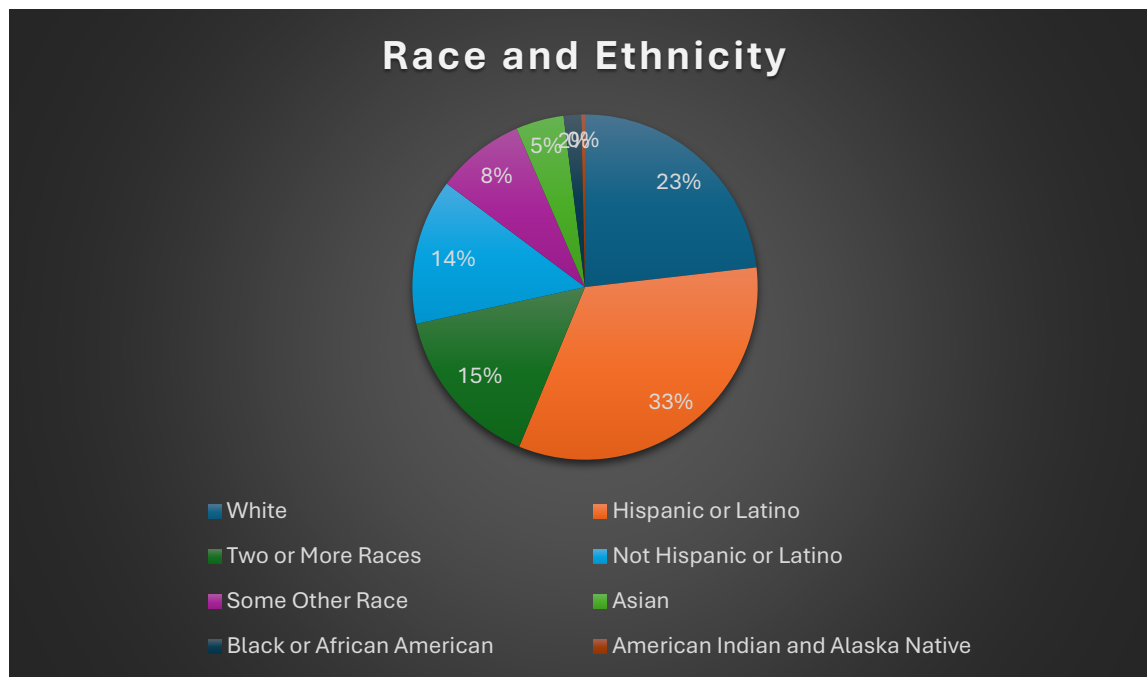
## Attachment 8 – Data Collection

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

### 10.1 City of Port Lavaca- Map



## 10.2 City of Port Lavaca- Race and Ethnicity

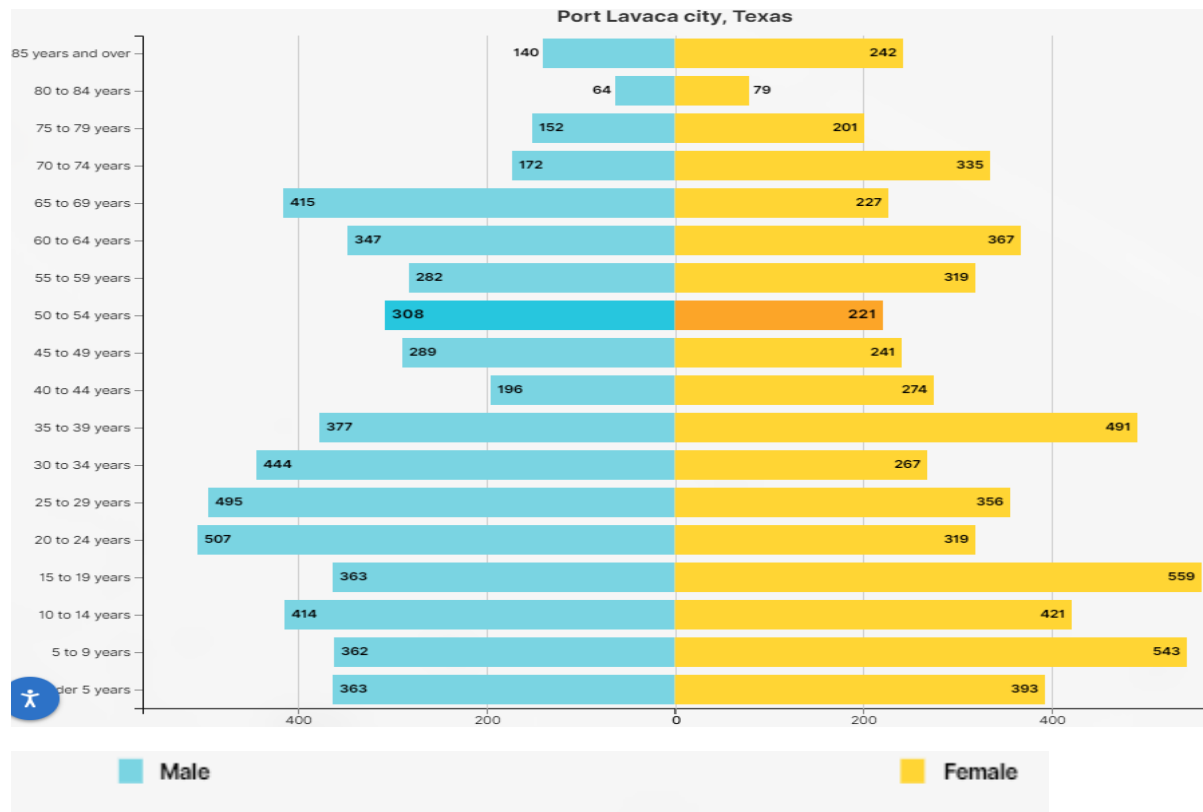


This pie chart titled “Race and Ethnicity” visually represents the distribution of different racial and ethnic groups in a given population.

- 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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10.3 City of Port Lavaca- Population



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.

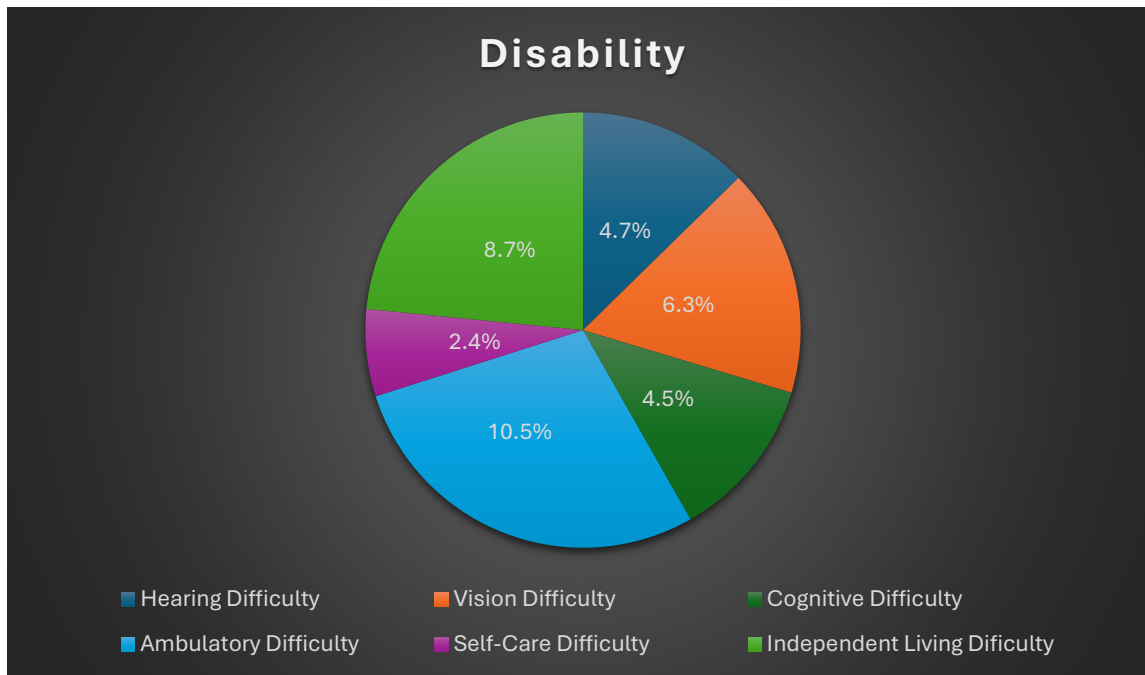
**Older Population:** The number of individuals above 65 years decreases gradually, indicating an aging but not overwhelmingly elderly population.

**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.



#### 10.4 City of Port Lavaca- Disability



The chart presents data on the percentage of individuals with disabilities in Port Lavaca City, Texas, based on the 2020 Census Bureau.

#### Key Highlights:

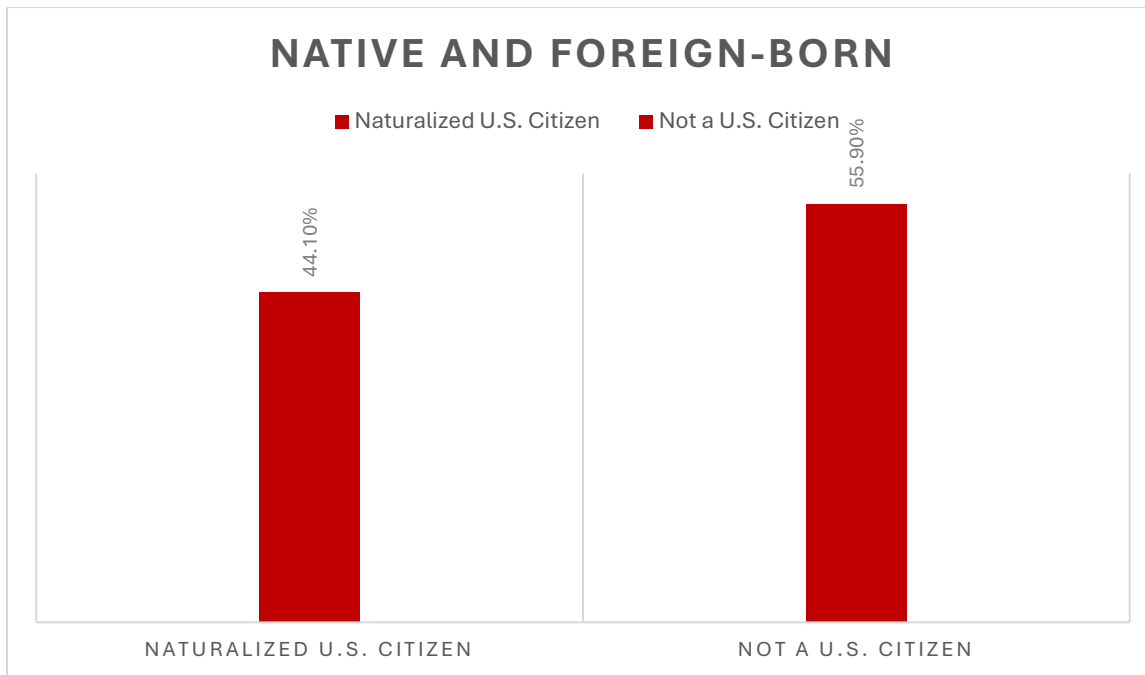
- Overall Disability Rate:
  - 16.6%  $\pm$  3.0% of the population in Port Lavaca has a disability.
  - Comparatively, 12.7%  $\pm$  0.2% of Texas's population has a disability.

#### Types of Disabilities in Port Lavaca:

1. Hearing Difficulty – 4.7%
2. Vision Difficulty – 6.3%
3. Cognitive Difficulty – 4.5%
4. Ambulatory Difficulty (difficulty walking or climbing stairs) – 10.5% (the highest percentage)
5. Self-care Difficulty (difficulty bathing or dressing) – 2.4% (the lowest percentage)
6. Independent Living Difficulty – 8.7%

The data indicates that ambulatory difficulty is the most prevalent disability in Port Lavaca, followed by independent living difficulty, while self-care difficulty is the least common.

### 10.5 City of Port Lavaca – Native and Foreign-Born



The image presents data on the foreign-born population in Port Lavaca City, Texas, from the 2020 Census Bureau.

#### Key Highlights:

- Foreign-Born Population in Port Lavaca:
  - 14.3%  $\pm$  2.1% of the city's population is foreign-born.
  - This is lower than the Texas state average, where 17.9%  $\pm$  0.2% of the population is foreign-born.

#### Breakdown of the Foreign-Born Population in Port Lavaca:

1. Naturalized U.S. Citizens: 44.1%
  - These individuals have gone through the legal process to become U.S. citizens.
2. Not a U.S. Citizen: 55.9%
  - This group consists of individuals living in the U.S. but without citizenship, which may include permanent residents, visa holders, or undocumented immigrants.

#### Interpretation:

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- The majority of the foreign-born population (55.9%) in Port Lavaca are not U.S. citizens.
- Port Lavaca has a lower percentage of foreign-born residents compared to Texas as a whole.