

**PAULDING COUNTY
GEORGIA**

TITLE VI PLAN 2018



PAULDING COUNTY

Title VI Plan

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Section 1

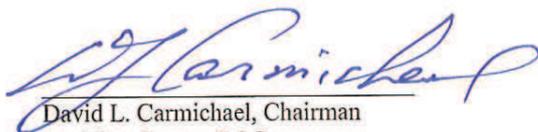
Policy Statement and Authorities

A. Policy Statement

The Paulding County Board of Commissioners is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. Paulding County assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Paulding County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, Paulding County will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency (LEP). This includes but is not limited to, providing resources, including bilingual staff, interpreters, and translated materials to ensure that information and services will be made available in the languages readily understood by all LEP persons.

When Paulding County enters into a contract with another entity utilizing federal aid funds, Paulding County will include Title VI language in all written agreements and will monitor for compliance.

Paulding County's Human Resources Department (HR) is responsible for initiating and monitoring Title VI activities, preparing required reports and other Paulding County responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.


David L. Carmichael, Chairman
Paulding County BOC

3-27-18
Date

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), 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 Federal-Aid Highway Transportation Act of 1973 added sex to the list of prohibitive factors. Related statutes have broadened the grounds to include age, low income, and disability. The Civil Rights Restoration Act of 1987 broadened the scope of the Title VI coverage by expanding the definition of terms "program or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally funded or not.

Section 2

Organization and Plan Administration

A. Organization

Paulding County's organization is shown in Appendix F ("Organizational Chart"), attached hereto and incorporated herein by reference. The Human Resources Director, on behalf of the Paulding County Board of Commissioners, is responsible for the overall management of the Title VI programs. The day-to-day administration of the program lies with the Title VI Coordinator.

B. Plan Administration

The County Administrator shall serve as the Plan Administrator (the "Administrator") and shall implement the Plan and ensure compliance with provision of Paulding County's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. Grants compliance and Title VI coordination shall be performed under the authority of the Administrator.

The Paulding County DOT Director shall act as the Plan Coordinator (the "Coordinator") and administer the Plan. The Coordinator reports directly to the Administrator. The Coordinator's duties and responsibilities are as follows:

1. **Program Administration** – Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations, as required, to the Administrator.
2. **Title VI Plan Update** – Review and update the Title VI Plan as needed or required for approval by the Administrator. Submit an amended Plan to the Georgia Department of Transportation (GDOT).
3. **Data Collection** – Ensure that statistical information is gathered and maintained on race, color, national origin and sex of participants in and beneficiaries of transportation programs (e.g., relocates, impacted citizens, and affected communities). Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.
4. **Public Dissemination** – Work with County staff to develop and disseminate Title VI program information to staff, recipients, sub-recipients, including contractors, sub-contractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the County's Title VI Policy Statement in newspapers(s) having a general circulation, and informational procures.

5. **Environmental Impact Statements** – Ensure that available census data are included as part of all Environmental Impact Statements/Assessments (EIS/EIA) when the County administers the design phase of any projects receiving Federal Highway Administration or other federal assistance.
6. **Elimination of Discrimination** – Establish procedures for promptly resolving deficiencies, as needed.
7. **Complaints** – Review written Title VI complaints that may be received by Paulding County following the procedural guidelines in Section 5 ("Complaint Procedures"). Ensure every effort is made to resolve informally at the local or regional level.
8. **Training Programs** – Conduct or facilitate training programs on Title VI issues and regulations for Paulding County employees, and facilitate Title VI training for appropriate staff, contractors and sub-recipients.
9. **Legislative and Procedural Information** – Maintain and update the Plan and Annual Accomplishment and Goal Report as necessary to comply with federal laws, rules and regulations, GDOT guidelines and other resource information pertaining to implementation and administration of Title VI. Make information available to other county departments or the public as requested or required.
10. **Annual Accomplishment and Goal Report** – Prepare a Title VI Annual Accomplishment and Goal Report for the preceding GDOT fiscal year. Identify accomplishments from the preceding GDOT fiscal year and goals and objectives for the upcoming year, as required, and submit by June 30 of each year.
11. **Review of State Directives** – Development and issuance of Title VI policy, procedures, directives, and policy interpretations, are major functions of GDOT. GDOT incorporates Title VI policy and mission statements into its procedures and manuals. Additionally, by conducting Title VI compliance reviews GDOT ensures that Title VI requirements are included in program directives and that procedures used have built-in safeguards to prevent discrimination. If it is determined that directives do not meet the requirements of Title VI and other related statutes, the Title VI Coordinator will advise the appropriate program manager and provide recommendations for ensuring compliance

Section 3

Paulding County Title VI Activities Related to Transportation

A. Planning

1. Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by providing public service announcements for all local media, when forming citizen advisory committees, and requesting involvement.
2. Provide citizens with the opportunity to supply demographic data at community meetings and public hearings pertaining to the transportation design project and manage collect and retention of such data.
3. Ensure that public meetings concerning transportation projects are conducted to provide access to populations affected by the transportation project. Ensure translation services are available upon request.

B. Research

1. Complete research projects as necessary or required to evaluate appropriate materials, impacted communities, impacted species, etc. using County consultants and/or in coordination with GDOT based upon County needs and available funding. When using County consultants, the County will ensure diversification in the selection of such consultants.
2. Gather and maintain necessary data and documentation required for completion of the County's Title VI Update Annual Report.
3. Ensure that research contracts include the requirements in Exhibit 2 of the Title VI Assurances when required.

C. Engineering Environmental

1. Recommend consultant firms for final selection, negotiation and award; administer awarded consultant contracts.
2. Request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to County projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for County projects. Ensure consultant selection is from the GDOT approved list, is consistent with County vendor policies and adheres to GDOT regulations.

3. Comply with any applicable Disadvantaged Business Enterprise (DBE) goals when selecting consultants and contractors; include Title VI assurances and provision language in all federally funded consultant contracts and periodically review to ensure compliance with current laws and regulations. Maintain and update demographic data on the utilization of women and minority-owned consulting firms. Provide a copy of the award letter to the Coordinator for use in preparing the Annual Accomplishment and Goal Report.
4. When required, work with GDOT to perform studies to assess various environmental factors as they relate to implementation of Paulding's transportation projects, including evaluating demographic data.
5. Adhere to the National Environmental Policy Act (NEPA) depending on the scope, complexity, and impacts of the project.
6. Complete NEPA Categorical Exclusion and NEPA Environmental Assessment as required. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements (EIS) or Assessments (EIA), as required, and provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator, including updated summary lists as applicable. Provide adequate time for the Coordinator to review and comment. Ensure there are no violations of the federal Civil Rights Act, as amended, as a result of County's federal aid projects.
7. Ensure dissemination of information, and foster participation from affected populations. Place public notices in applicable media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominately minority communities. Ensure the public has information pertaining to their rights to call or write the County to view plans and discuss environmental problems.
8. Obtain demographic data at community meetings and public hearings pertaining to the transportation design project as required. Coordinate with GDOT, as required, to generate a map of the federal-aid transportation projects and include demographic data of the neighborhoods affected by the projects.
9. Assist in incorporating environmental considerations and regulatory requirements into locally administered projects, as required.
10. Provide technical expertise for locally administered project analysis, as required, and utilize environmental policies, procedures, manuals and training.

11. Study and evaluate environmental impacts of proposed project, including potential social and economic impacts, as required where the County administers such projects.

D. Right-of-Way

1. Manage and coordinate the appraisal and acquisition of real property and relocation assistance services for public works projects as necessary. Include appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management as required.
2. Ensure equal opportunity in all aspects of procuring real estate services, contracting and appraisal agreements, and adhere to County vendor procurement policies in the acquisition of contracted services as required.
3. Utilize current GDOT directories for a list of certified fee appraisers when seeking services related to federally-funded GDOT projects, maintain data on awards to minority and female appraisers as required, and provide data to the Coordinator.
4. Follow the guidelines and applicable laws and regulations, including Title VI and Section 504 for property acquisition, as required.
5. Ensure affected property owners, tenants, and others involved in right-of-way acquisition related to GDOT projects are apprised of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process, and provide such affected individuals with copies of relocation assistance literature produced by GDOT when required.
6. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business when required. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances, when required.
7. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
8. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process when required.
9. Maintain statistical data including race, color, national origin, and sex on all relocates affected by federally funded projects.

E. Construction

1. Locally administer certain new construction contracts. Locally administer and supervise certain transportation construction projects.
2. Coordinate the gathering of information using the voluntary Title VI Public Involvement Questionnaire provided in Appendix B as required.
3. Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the Agency's Title VI Policy Statement and Assurances.
4. Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements when required. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors when required.
5. Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
6. Monitor all construction to ensure nondiscrimination throughout all operations.
7. Coordinate the gathering of construction information regarding DBE participation, as required, for the Annual Title VI Report, and provide this information to the Coordinator.

Section 4

Sub-Recipient Review and Remedial Action Procedures

A. Title VI Review of Sub-recipients of Federal Aid Highway Funds

The Coordinator and County staff will assist GDOT to periodically conduct Title VI compliance reviews. The Coordinator and County staff will review select sub-recipients of federal aid highway or other federal funds to ensure adherence to Title VI requirements. Paulding County will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

B. Post-Grant Reviews

The Coordinator and County staff will conduct periodic post grant reviews of select sub-recipients of federal highway funds or other federal funds, for roads, sidewalks, bridges, construction, etc. to ensure adherence to Title VI requirements. The Coordinator and County staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

C. Remedial Action

When irregularities occur in the administration of federal-aid highway programs at either Paulding County or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Paulding County will seek the cooperation of the consultant, contractor and other sub-recipient in correcting deficiencies found during periodic reviews. Paulding County will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient. When conducting Title VI compliance reviews, Paulding County will document and provide to GDOT any recommended remedial action agreed upon by Paulding County and the sub-recipient within a period not to exceed forty-five (45) calendar days.

Sub-recipients placed in a deficiency status will be given a reasonable time, but not to exceed ninety (90) days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Paulding County will submit to GDOT copies of the case files and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within one hundred eighty (180) days of the initial review to ascertain if the sub-recipient has complied with the Title VI requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Paulding County and GDOT may, with FHWA's concurrence, initiate sanctions

pursuant to 49 CFR 21, including but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies; and/or
2. Cancellation, termination, or suspension of the contract in whole or in part.

Section 5

Title VI Nondiscrimination Complaint Procedures

Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, and the Civil Rights Restoration Act of 1987 relating to any program or activity administered by Paulding County or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Right to File Complaints

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the recipient and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with Paulding County's Title VI Coordinator using the Title VI Complaint Form attached hereto and incorporated herein by reference. A formal complaint must be filed in writing or in person by the complainant and/or his/her representative no later than 180 calendar days after the alleged discrimination occurred or after the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including but not limited to names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Generally, the Title VI Coordinator will acknowledge receipt of a complaint within 10 days of it being submitted and inform the complainant of action taken or any possible action to process the complaint; provided that the complainant must first provide the identity (ies) of the complainant(s) and affirm its intent to proceed with the complaint.
 - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to the Title VI Coordinator for processing.

Failure of the complainant to respond to requests for information may result in a dismissal of the complaint.

2. Upon receiving the written complaint, Paulding County will determine its jurisdiction, acceptability of the complaint, need for additional information, and the investigative merit of the complaint. In some situations, Paulding County may request GDOT's Office of Equal Employment Opportunity to conduct the investigation. In the event GDOT handles the investigation, GDOT will follow its adopted procedures for investigating discrimination complaints, per its current Title VI Plan.
3. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
4. If the complaint is against a sub-recipient, consultant, or contractor under contract with Paulding County, the appropriate sub-recipient, consultant, or contractor shall be notified of the complaint within fifteen (15) calendar days of the County receiving the complaint.
5. Once Paulding County decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged in the Title VI Coordinator's records along with the basis for the allegation identified and the race, color, national origin, handicap/disability, age and gender of the complainant.
6. In cases where Paulding County assumes the investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish the Title VI Coordinator with his/her response to the allegations.
7. Within 60 calendar days of the acceptance of the complaint, the Title VI Coordinator (or GDOT investigator) will prepare an investigative report. Only qualified, well-trained investigators should conduct the investigations. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendation for disposition.
8. The investigative report shall be reviewed by the Paulding County Attorney's office (the "Attorney"). The Attorney may discuss the report and its recommendations with the Title VI Coordinator and other staff as appropriate. The report will be modified as needed and made final for its release to the complainant and respondent.

9. Once the investigative report becomes final, briefings will be scheduled with the complainant and respondent within fifteen (15) calendar days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
10. A copy of the final investigative report and a copy of the complaint will be forwarded to the Georgia Department of Transportation Office of Equal Employment Opportunity within sixty (60) calendar days of the completion of the briefings.
11. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she shall be advised of his/her rights to appeal Paulding County's decision to GDOT, United States Department of Transportation (USDOT), United States Department of Justice (USDOJ), or other entity as appropriate. The complainant has one hundred eighty (180) calendar days after Paulding County's briefing to appeal. Unless new facts not previously considered come to light, reconsideration of Paulding County's opinion will not be available.
12. A Complaints Log shall be maintained annually by Paulding County. The Complaints Log shall contain the following information for each complaint filed:
 - a. The name and address of the person filing the complaint
 - b. The date of the complaint
 - c. The basis of the complaint
 - d. The disposition of the complaint
13. Paulding County shall not be allowed to investigate a complaint against itself.

Section 6

Education and Training

In keeping with the Paulding County Policy of Nondiscrimination, County procedures will be established or followed for Paulding County employees to have equal access to applicable educational and training opportunities. The Title VI Coordinator will work with Paulding County staff to maintain program administration documentation and data necessary for preparation of the Annual Accomplishment and Goal Report. County staff will routinely supply the necessary data to the Title VI Coordinator.

1. National Highway Institute (NHI) Education

The Title VI Coordinator will establish policy for the selection of participants interested in taking part in the National Highway Institute Training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, sex, or national origin. A report will be completed and forwarded to the Title VI Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, his/her title, department, sex and ethnicity for use in completing the annual Title VI accomplishment report.

2. Title VI Training

The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. GDOT's Office of Equal Employment Opportunity may be asked to provide applicable training.

3. Selection of Instructors

The Coordinator will ensure Paulding County policy is followed in the selection of instructors for Paulding County training courses/workshops, and ensure equal opportunity in the selection process for all training contracts. Paulding County will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts.

Section 7

Limited English Proficiency Plan (LEP)

This Limited English Proficiency Plan has been prepared to address the Paulding County Government's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166 issued in 2000, titled Improving Access to Services for Person with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the Paulding County Government.

In order to prepare this plan, the Paulding County Government used a set of elements that may be helpful in designing a LEP policy of plan. These include:

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
- Training Staff
- Providing notice to LEP persons.

The Paulding DOT assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Therefore, in accordance with Executive Order 13166, PCDOT will take reasonable steps to provide meaningful access to services with persons with LEP.

Section 8

Title VI Notice to the Public

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. Following is the public notice used by the Paulding County Board of Commissioners.

Paulding County Board of Commissioners hereby gives public notice that it is the policy of the County to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statues and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities.

Any person who believes they have been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. The complaint must be filed in writing or in person with the Paulding County Human Resources Department, within one hundred-eighty (180) days from the date of the alleged discriminatory act or upon notice of the discriminatory act. Title VI Discrimination Complaint Forms may be obtained from the Paulding County Human Resources Department or by calling (770) 443-7521. If information is needed in another language or other accommodations are needed please notify the Human Resources Department.

Section 9

Title VI Assurances

A. Title VI Assurances for Paulding County Board of Commissioners

The Paulding County Board of Commissioners (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 the Georgia Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Section 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its federal aid highway program.

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

"Paulding County, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will

not discriminate against bidders on the grounds of race, color, sex, or national origin in consideration for an award."

3. The Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient received federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, or under, such property.
7. That the Recipient shall include the appropriate clauses set forth in Section D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistances is extended to the program, or is in the form of personal property, or real property or interest thereon or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program by the Secretary of Transportation, or the official to whom is delegated specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial

endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

3-27-18

(Date)

(Recipient)

By: 
(Signature of Authorized Official)

APPENDIX A

The text below, in its entirety, is in all contracts entered into by GDOT. All of the text including the final section, entitled “Incorporation of Provisions,” should be included in any contract entered into by any GDOT contractor.

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

1. Compliance with Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), 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, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall 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 Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the (*Recipient*), or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the (*Recipient*) shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- B. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- C. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor or procurement as the **(Recipient)** or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the **(Recipient)** enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

Granting Clause

NOW, THEREFORE, the Georgia Department of Transportation (GDOT)—as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the GDOT in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, 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 the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia , 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 shall, on the grounds of race, color, sex, disability, national origin, age, or religion, 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*, (2) that the state of Georgia shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, GDOT and its assigns as such interest existed prior to this instruction.¹

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a GDOT program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation— Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

*[Include in deeds subject to a reverter clause]

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

* Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964.

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 the Paulding County Department of Transportation 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.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Paulding County Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and 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, Paulding County Department of Transportation will there upon revert to and vest in and become the absolute property of Paulding County Department of Transportation and its assigns.*

* Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964.

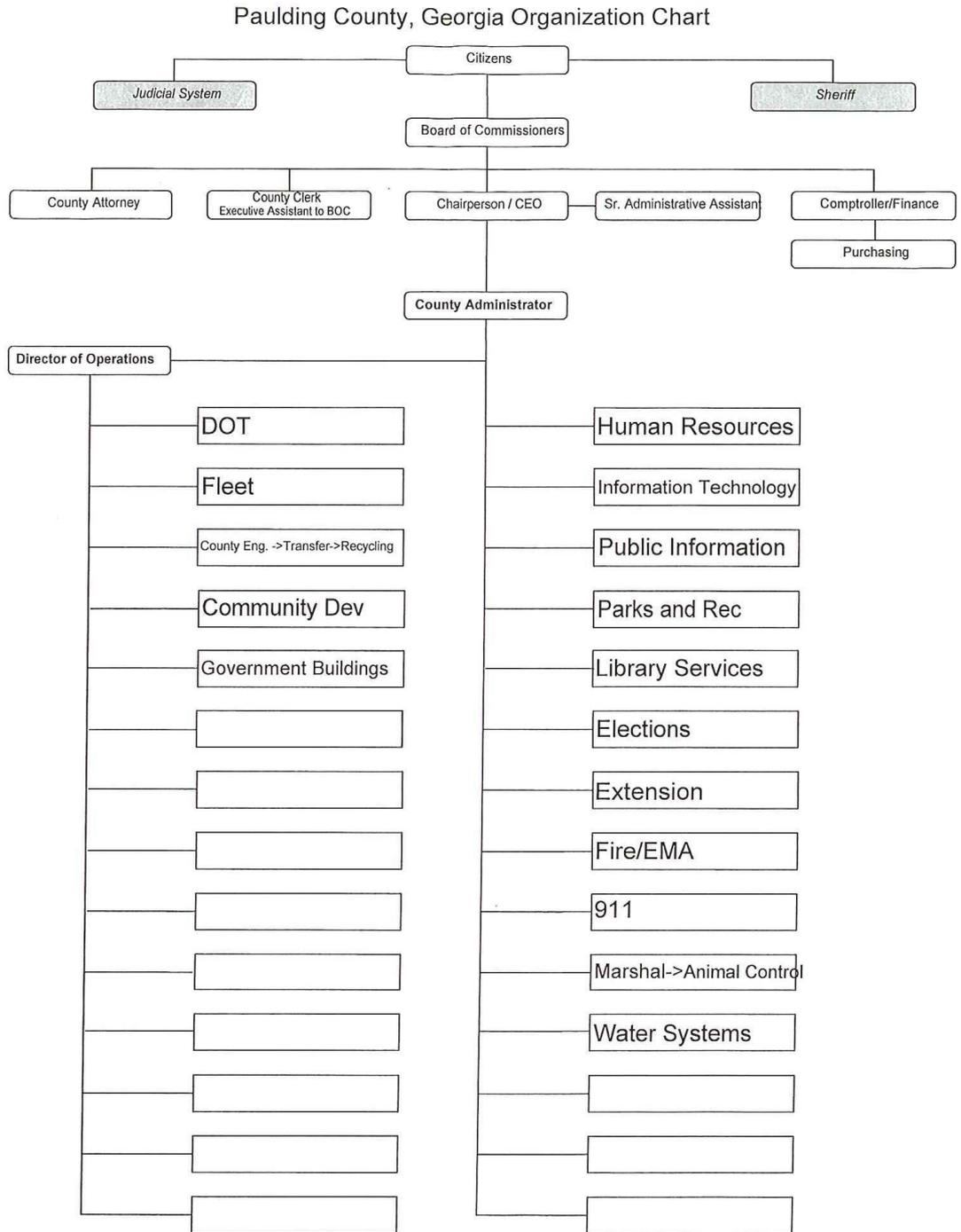
During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities: including but not limited to:

Pertinent Non-Discrimination Authorities:

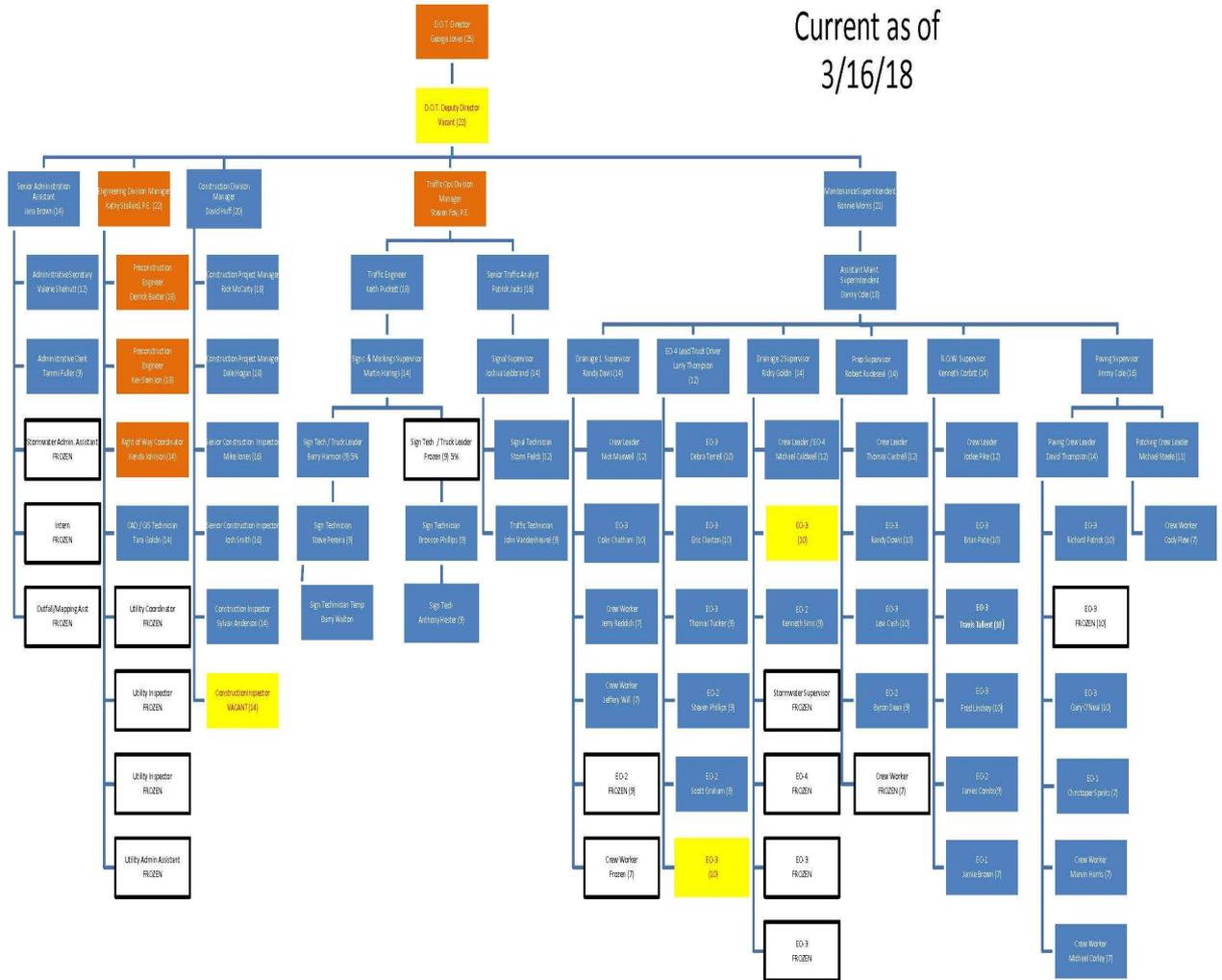
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000 et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair 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 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 American with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR 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 discrimination because of sex in education programs or activities (20 U.S.C 1681 et seq)

Appendix A – Paulding County Organizational Chart



Current as of
3/16/18



Appendix B

TITLE VI PUBLIC INVOLVEMENT QUESTIONNAIRE

Title VI of the Civil Rights Act of 1964 requires Paulding County to be sure that everyone in the affected project areas has a chance to be heard and to respond to programs and activities that may affect their community.

To help with that, we ask that you voluntarily provide us information about your race, ethnicity, gender, and/or disability. You are not required to disclose the information requested in order to participate in this meeting. The completion of this questionnaire is strictly voluntary, and completion is not required by law.

For further information regarding this process, please contact the Title VI Coordinator, Mr. Brian Acker, by phone at 770-443-7521.

Please respond to the following questions:

Project Name	Date
Location of Public Meeting	
Name (Optional) (Please print)	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
General Ethnic Identification Categories (Check as many as apply)	
<input type="checkbox"/> African American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic <input type="checkbox"/> Other _____	
Race and/or Color	National Origin
Any Disability? Circle: Yes No Please explain:	

After you have completed this form, please place it inside the designated box on the registration table.

Thank you for your participation!

Appendix C

Title VI Nondiscrimination Complaint Procedures

Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, and the Civil Rights Restoration Act of 1987 relating to any program or activity administered by Paulding County or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Right to File Complaints

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the recipient and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Procedures

1. Any individual, group of individuals, or entity that believes it has been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with Paulding County's Title VI Coordinator using the Title VI Complaint Form attached hereto and incorporated herein by reference. A formal complaint must be filed in writing or in person by the complainant and/or his/her representative no later than 180 calendar days after the alleged discrimination occurred or after the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including but not limited to names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Generally, the Title VI Coordinator will acknowledge receipt of a complaint within 10 days of it being submitted and inform the complainant of action taken or any possible action to process the complaint; provided that the complainant must first provide the identity(ies) of the complainant(s) and affirm its intent to proceed with the complaint.
 - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to the Title VI Coordinator for processing.

Failure of the complainant to respond to requests for information may result in a dismissal of the complaint.

2. Upon receiving the written complaint, Paulding County will determine its jurisdiction, acceptability of the complaint, need for additional information, and the investigative merit of the complaint. In some situations, Paulding County may request GDOT's Office of Equal Employment Opportunity to conduct the investigation. In the event GDOT handles the investigation, GDOT will follow its adopted procedures for investigating discrimination complaints, per its current Title VI Plan.
3. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
4. If the complaint is against a sub-recipient, consultant, or contractor under contract with Paulding County, the appropriate sub-recipient, consultant, or contractor shall be notified of the complaint within fifteen (15) calendar days of the County receiving the complaint.
5. Once Paulding County decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged in the Title VI Coordinator's records along with the basis for the allegation identified and the race, color, national origin, handicap/disability, age and gender of the complainant.
6. In cases where Paulding County assumes the investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish the Title VI Coordinator with his/her response to the allegations.
7. Within 60 calendar days of the acceptance of the complaint, the Title VI Coordinator (or GDOT investigator) will prepare an investigative report. Only qualified, well-trained investigators should conduct the investigations. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The investigative report shall be reviewed by the Paulding County Attorney's office (the "Attorney"). The Attorney may discuss the report and its recommendations with the Title VI Coordinator and other staff as appropriate. The report will be modified as needed and made final for its release to the complainant and respondent.

9. Once the investigative report becomes final, briefings will be scheduled with the complainant and respondent within fifteen (15) calendar days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
10. A copy of the final investigative report and a copy of the complaint will be forwarded to the Georgia Department of Transportation Office of Equal Employment Opportunity within sixty (60) calendar days of the completion of the briefings.
11. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she shall be advised of his/her rights to appeal Paulding County's decision to GDOT, United States Department of Transportation (USDOT), United States Department of Justice (USDOJ), or other entity as appropriate. The complainant has one hundred eighty (180) calendar days after Paulding County's briefing to appeal. Unless new facts not previously considered come to light, reconsideration of Paulding County's opinion will not be available.
12. A Complaints Log shall be maintained annually by Paulding County. The Complaints Log shall contain the following information for each complaint filed:
 - a. The name and address of the person filing the complaint
 - b. The date of the complaint
 - c. The basis of the complaint
 - d. The disposition of the complaint
13. Paulding County shall not be allowed to investigate a complaint against itself.



Paulding County Board of Commissioners

Human Resources Department
Watson Government Complex
240 Constitution Boulevard, Dallas, Georgia 30132
770-443-7521 • www.paulding.gov

PAULDING COUNTY BOARD OF COMMISSIONERS

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires 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 subjected to discrimination under any program or activity receiving federal financial assistance.”

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to Human Resources Department: Brian Acker, Human Resources Director, Paulding County Board of Commissioners, 240 Constitution Blvd., Dallas, GA 30132

1. Complainant's Name _____
2. Address _____
3. City, State and Zip Code _____
4. Telephone Number (home) _____ (business) _____
5. Person discriminated against (if someone other than the complainant)
Name _____
Address _____
City, State and Zip Code _____
6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:
 - a. Race/Color _____
 - b. National Origin _____
 - c. Other _____
7. What date did the alleged discrimination take place? _____

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? _____ Yes _____ No

If yes, check all that apply:

_____ Federal agency _____ Federal court _____ State agency _____ State court
_____ Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____
Address _____
City, State, and Zip Code _____
Telephone Number _____

11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date