



City of Lauderhill

Title VI / Civil Rights Compliance Plan

Special Provisions and Requirements for Federally Funded Projects
Administered by the City of Lauderhill
Revised March 10, 2022

City of Lauderhill
5581 West Oakland Park Boulevard
Lauderhill, Florida 33313

TABLE OF CONTENTS

I. Introduction	1
II. Declaration of Title VI Policy	2
III. Title VI / Section 504 Coordinator	2
IV. Administration – Grants Division	3
A. US Housing & Urban Development (HUD)	3
1. Four Factor Analysis Limited English Proficiency Language Access Plan	3
2. FHEO Fair Housing and Equal Opportunity	7
3. Section 504/ADA	8
4. Affordable Housing Assistance	9
5. Conflict of Interest Policy	9
6. Affordable Housing Affirmatively Furthering Fair Housing	9
7. Remedy Discrimination in Housing	11
8. Promote fair housing rights and fair housing choice	12
9. Minority & Disadvantaged Business Enterprise (MBE/DBE)	12
10. SECTION 3	14
11. Labor Standards	16
12. Relocation And Anti-Displacement	17
13. Environmental	18
14. Procurement Guidelines	18
V. Police Department	20
VI. Public Works Department	22
A. US Department of Transportation Federal Highway Administration (FHWA)	22
1. Service Designation for FHWA Federal-Aid Projects	22
2. Limited English Proficiency (LEP)	22
3. Environmental Justice in Low Income and Minority Populations	23
4. FHWA 1273	23
5. MBE/DBE (Minority and Disadvantaged Business Enterprises)	24
6. Section 504 & Americans With disability Act of 1990	25
7. EEO	25
8. Buy American	27
9. Davis-Bacon	28
10. E-Verify	29
11. Bid Advertising	30
12. Contract time	30
13. Bid Analysis	30
14. Bidder Conference	32

15. Contract Schedule	33
16. Engineer's Estimate	34
17. Cost Management FDOT Projects	35
18. Quality Management/Supervision	35
19. Warranty Clauses	36
20. Professional Service Procurement Procedures	37
VIII. Parks and Recreation – Transportation Division	41
A. Florida Department of Transportation – Community Transit	41
1.0 Title VI Nondiscrimination Policy & Management Commitment	41
2.1 Description of Services	42
2.2 First Time FTA Applicant	42
2.3 Annual Certification and Assurances	43
2.4. Title VI Concurrence and Adoption	43
3.0 Title VI Notice to Public	43
3.1 Notice to Public	43
3.2 Notice Positing Location	44
4.0 Title VI Procedures and Compliance	44
4.1 Complaint Procedure	44
4.2 Complaint Form	44
4.3 Record Retention and Reporting Policy	44
4.4 Sub-recipient Assistance and Monitoring	45
4.5 Contractors and Subcontractors	45
5.0 Title VI Investigations, Complaints, Lawsuits	46
6.1 Public Participation Plan	47
7.0 Language Assistance Plan (LAP)	47
8.0 Transit Planning and Advisory Bodies	48
9.0 Title VI Equity Analysis	48
10 Service Standards and Service Policies	48
10.1 Service Standards	48
10.2 Service Policies	49
Attachment 1 Language Card	50
Attachment 2 Conflict of Interest Policy	54
Attachment 3 Contractor / Vendor Responsibility	60
Attachment 4 HOME/SHIP Conflict of Interest Form	61
Attachment 5 Section 3 Register	63
Attachment 6 EEOP City	68
Attachment 7 EEOP Police Department	69
Attachment 8 FHWA Form 1273	70
Attachment 9 Conflict of Interest for Contractor / Subcontractor	83
Appendix A FTA Circular	84
Appendix B System Description	85

Appendix C Title VI Complaint Form87
Appendix D Public Participation Plan (PPP).....90
Appendix E Language Assistance Plan (LAP)92
Appendix F Service Area Language Data96
Appendix G Demographic MAP99
Appendix H Reasonable Modification Policy100
Appendix I City of Lauderhill Service Animal Policy103

I. INTRODUCTION

The City of Lauderdale's Civil Rights/Title VI Compliance Plan is a set of specific policies, procedures and programmatic efforts for City departments that receive Federal, State and Municipal financial assistance covered by Title VI and to which the City will make every good faith effort. All policies listed are applied across the board to "all" Federal and State Agencies regardless of section listed in this document. (**TABLE 1**).

TABLE 1
Federal Financial Assistance

City Departments	Agency							
	Environment al Protection Agency	Federal Emergency Mgt. Agency	US Housing & Urban Development	US Department of Justice	US Department of Transportation And Florida Department of Transportation	US Department of Energy	US Department of Agriculture / NRCS	US Department of Health & Human Services
ADMINISTRATION								
Community Development Block Grant			\$					
Neighborhood Stabilization Program			\$					
Advancing Health Literacy Grant								\$
PUBLIC WORKS								
SRF Drinking Water	\$							
FHWA & Florida Department of Transportation Local Agency Program					\$			
Energy Efficiency Conservation Block (NRCS)						\$		
Emergency Watershed Protection Program							\$	
FIRE	\$	\$						
POLICE				\$				
PAR Federal Transit Authority (FTA) Lauderhill Community Transit Services 5310					\$			
					\$			

II. DECLARATION OF TITLE VI POLICY

As a recipient of federal and state funds, It is the Policy of the City of Lauderhill Under Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Section 324 of the Federal-Aid Highway Act of 1973; Civil Rights Restoration Act of 1987; 49 Code of Federal Regulations Part 21.7(a); Florida Civil Rights Act of 1992; and related statutes and regulations, that no person shall, on the basis of race, color, national origin, sex, age, disability, income status, family or religious status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the City or any of its sub-recipients.

III TITLE VI / SECTION 504 COORDINATOR

The City of Lauderhill has established the Human Resource Director as the Title VI / Section 504 Coordinator to investigate and seek to resolve any complaints regarding participation, benefit of, or discrimination or retaliation under any of the City or its sub-recipients programs.

Ercilia (Cici) Krempler
Human Resource Director
Title VI / Section 504 Coordinator

The Title VI / Section 504 Coordinator is responsible for the overall management of the Title VI Program and the designated Departmental Title VI Liaisons.

- Process complaints regarding compliance with this Title VI Plan that are received by the City
- Oversee and coordinate Departmental Title VI Liaisons to ensure compliance with the Title VI Requirements
- Oversee Departmental Title VI Liaison(s) for departments, which receive Federal funding assistance (Housing, Parks and Recreation, Public Works, Transportation, Police and Fire) as an in-place person whose primary responsibility is to facilitate the functions of the respective Title VI requirements.

Departmental Title VI Liaison(s) are responsible for the day-to-day administration of the Title VI Program within their departments. The Title VI / Section 504 Coordinator will keep an updated list of all Departmental Title VI Liaison's.

- Submit to Title VI / Section 504 Coordinator compliance reporting, monitoring reports
- Ensure compliance, program monitoring, and reporting regarding Title VI requirements within respective departments
- Collect statistical data regarding participants in and beneficiaries of federally funded programs, (e.g.; relocatees, affective parties, impacted communities, etc.)
- Prepare annual reports regarding department compliance with Title VI
- Conduct post-grant approval reviews of City programs and applicants (e.g. highway location, design and relocation, and persons seeking contract with the City), for compliance with the Title VI requirements
- Develop Affordable Housing guidelines in accordance with Affirmatively Furthering Fair Housing Policy requirements.
- Develop Section 3 Plan based on HUD's laws, regulations and executive orders for project beneficiaries, employment opportunities, contracting opportunities and Fair Housing.
- Develop respective departmental mechanisms to identify the population of affected parties for proposed projects
- Notify affected parties of public meetings or hearings regarding a proposed project, and ensure that meetings and hearings are accessible to all affected parties.

Tameka Dorsett
Assistant Grant Manager
Title VI Departmental Liaison for
US Housing and Urban Development and Florida State Housing Initiative Program
US Department of Health and Human Services
US Department of Transportation Federal Highway Administration, Federal Transit Authority, US
Department of Agriculture, US Department of Energy, US Homeland Security/FEMA, US Dept.
Environmental Protection Agency, US Department of Agriculture / NRCS and US Department of Justice

Kurt Blaides
Transportation Supervisor
Title VI Departmental Liaison for
Florida Department of Transportation, Broward County Transit

IV. ADMINISTRATION – GRANTS DIVISION

A. US Housing and Urban Development (HUD) Policy and Procedure

The City of Lauderhill receives Community Development Block Grant (CDBG) funds from HUD and is part of the Broward County HOME Consortium. The City provides a number of services utilizing CDBG fund allocations, which include economic development, public improvements, public services, and through our HOME Consortium, home purchase assistance and home rehabilitation assistance services are provided. The City is in compliance with 24 CFR §570.607 (a) Executive Order 11246 (Equal Employment Opportunity) which prohibits federally-assisted construction contractors and subcontractors that generally have contracts that exceed \$10,000 from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin. It also requires covered contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.

1. Four Factor Analysis Limited English Proficiency Language Access Plan

(a) POLICY STATEMENT

It is the policy of the City of Lauderhill to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The City of Lauderhill's policy is to ensure that staff will communicate effectively with LEP individuals, and LEP individuals will have access to important programs and information. City of Lauderhill is committed to complying with federal requirements in providing free meaningful access to its programs and activities for LEP persons.

(b) HISTORY

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have Limited English Proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

On August 11, 2000, Executive Order 13166, titled “Improving Access to Services by Persons with Limited English Proficiency,” was issued. Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP, cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each federal department or agency "to prepare a plan to improve access to...federally conducted programs and activities by eligible LEP persons...."

(c) FOUR FACTOR ANALYSIS

The City of Lauderhill is the recipient of funding from the United States Department of Housing and Urban Development (HUD) which includes Community Development Block Grant (CDBG) and Neighborhood Stabilization Program (NSP) funds.

The Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of Lauderhill will undertake to guarantee access to the City of Lauderhill information and programs by Limited English Proficient (LEP) persons.

LEP individuals are persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The City of Lauderhill will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

Factor 1: Determining the LEP Population in the City of Lauderhill

HUD has established a “safe harbor” regarding the responsibility to provide translation of Vital Documents for LEP populations. This safe harbor is based upon the number and percentages of the service area eligible population or current beneficiaries and applicants that are LEP. According to the safe harbor rule, HUD expects translation of Vital Documents to be provided when the eligible LEP population in the service area or Beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or Beneficiaries along with more than 50 people. In cases where more than 5% of the eligible population speak a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person’s right to an oral interpretation.

In order to determine the LEP population, the City of Lauderhill utilized American Community Survey Data Table C16001 2019 5-Year Estimate for “Language Spoken At Home For the Population 5 Years and Over” to identify the primary languages for people that spoke English less than “very well”. Based on this data, there are two populations identified that exceed the 1,000 person or 5% threshold as follows:

Label	# of Residents Over 5 years of Age	# Speak English Less Than “Very Well”	% Speak English Less Than “Very Well”
Total Population	66,305		
Spanish	4,461	1,912	2.88
Haitian	11,945	5,064	7.64

Factor 2: The frequency with which LEP persons come in contact with the program(s)

The City of Lauderhill’s CDBG and HOME programs include the possibilities of housing purchase assistance and housing rehabilitation assistance, small business assistance and public services. In addition, the program requires public participation and input. All citizen participation activities are open to the general public. Staff has reviewed the frequency with which staff have, or could have,

contact with LEP persons and have found that they have had minimum encounters with LEP individuals.

The City of Lauderhill has staff that are proficient in speaking and writing Creole, and Spanish and have never had a request for translated documents, only requests for oral interpretation.

Factor 3: Importance of Program Services/Activities to the LEP Persons.

The proposed projects may provide direct assistance to project area beneficiaries related to housing purchase and rehabilitation assistance, small business assistance and public services projects. The nature of the activity or service is of significant importance to the proposed project area(s) residents. Therefore, it is important to be able to communicate effectively with LEP persons that come into contact with the CDBG and HOME programs.

Factor 4: The resources available and costs.

City of Lauderhill bi-lingual staff can provided oral and written translation of CDBG and HOME program documents and announcements. Additionally, should the need arise; a professional interpretation and/or translation service are also available on a case-by-case basis.

(d) LANGUAGE ASSISTANCE PLAN

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

The City of Lauderhill is a community of approximately 71,863 residents according to the American Community Survey of 2019. The number of residents who speak “English only” is 72% of the residents and there are two populations; Spanish and Haitian, as identified above, that exceed the 1,000 person or 5% threshold. However the City does not disregard that other LEP populations may need future assistance, which may be provided by the City on a case-by-case basis. It is the policy of the City of Lauderhill to provide language access services to populations or persons with LEP who are eligible to be served or likely to be directly affected by CDBG and HOME programs. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

Tameka Dorsett, Department of Administration in the Grants Division is the City’s designated CDBG and HOME Equal Opportunity/LEP Coordinator that may be reached during weekdays from 8:00AM – 5:00PM at (954) 777-2045. Correspondence can also be sent to Ms. Dorsett’s attention to City of Lauderhill, Grants Division, 5581 West Oakland Park Boulevard; Lauderhill, Florida 33313; Oral Interpretation Services & Bi-lingual Staff

The Grants Department will make every effort to provide oral interpretation for all its clients who have identified themselves as LEP and request services. The City of Lauderhill employs bilingual, Spanish-speaking and Creole-speaking staff in several positions to ensure there are sufficient personnel available to assist Spanish-speaking or Creole-speaking LEP person when needed. The Grants Department currently has full-time Spanish-speaking and Creole-speaking staff. In addition,

the City of Lauderhill has over 550 employees, a number of which are bilingual, including Spanish-speaking and Creole-speaking staff

“I Speak” language identification cards will be used by administrative and program staff to help those that request assistance but are unable to communicate in English. Once the appropriate language is identified, staff will inform the LEP Coordinator who will then attempt to obtain an appropriate interpretation service or translation service as applicable. Additional assistance available includes:

- If City staff receives a call or in-person visit and does not speak the language of the caller or visitor, the staff member can use a telephone interpretation service to communicate with the caller or visitor or contact an Interpreter identified by the City.
- The City has translation services to utilize on an as-needed basis. No current request for document translations have been made.
- Staff shall document any request made for LEP assistance and action taken for dissemination to City Human Resource Department.

(e) STAFF TRAINING

The following training will be provided to all staff:

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

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

(f) MONITORING

The LAP plan will be monitored, maintained and updated at least annually. The Grants Division will review American Community Survey data as it is updated to determine the size of LEP populations and the languages of LEP populations within the City of Lauderhill, review additional guidance provided by HUD, and update the Language Assistance Plan accordingly.

(g) DISSEMINATION OF CITY OF LAUDERHILL LEP PLAN

The LAP Plan is posted in City Offices and provided to anyone requesting the information

(h) RECORDS

The City of Lauderhill will maintain records in the City Clerk’s office regarding its efforts to comply with Title VI and LEP obligations. These records will be reviewed periodically and open to the public in an effort to improve service.

(i) COMPLAINTS/FINDINGS

Any person that believes they have been denied the benefits of this Language Assistance Plan, may file a written complaint by mail to:

Tameka Dorsett, Assistant Grant Manager
City of Lauderhill
5581 W. Oakland Park Blvd.
Lauderhill, FL 33313
(954) 777-2045

Any person that feels that the Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations were not complied with may file a complaint directly to the Assistant Secretary for Fair Housing and Equal Opportunity at the following links (or as otherwise directed):

Atlanta Regional Office of FHEO
U.S. Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, 16th Floor
Atlanta, Georgia 30303-2806

(404) 331-5140
(800) 440-8091
TTY (404) 730-2654

- Available Federal LEP Resources

HUD Frequently Asked Questions on the Final LEP Guidance:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lepfaq

HUD's LEP Website: <http://www.hud.gov/offices/fheo/lep.xml>
Federal LEP Website: <http://www.lep.gov/>
LEP and Title VI Videos: <http://www.lep.gov/video/video.html>
"I Speak" Card: <http://www.lep.gov/ISpeakCards2004.pdf>

2. FHEO (Fair Housing and Equal Opportunity)

HUD's Office of Fair Housing and Equal Opportunity (FHEO) is responsible for performing FHEO compliance reviews established by statutes. The City's Administration Department administers and maintains FHEO program requirements as follows:

- (a) Compliance is based on requirements pertaining to nondiscrimination in programs receiving Federal financial assistance including
- Title VI of the Civil Rights Act of 1964
 - Section 109 of Title I of the Housing and Community Development Act of 1974
 - Section 504 of the Rehabilitation Act of 1973
 - Age Discrimination Act of 1975
 - Executive Orders 11625, 12432 and 12138 for use of minority and women's business enterprises
 - 24 CFR 570.506(g) for Community Development Block Grant entitlement program
 - Fair Housing Act and Executive Order 11063 to ensure nondiscrimination in the sale, rental or financing of housing and that HUD programs are conducted in a manner to affirmatively further the objectives of the Fair Housing Act
 - Section 3 of the Housing and Urban Development act of 1968 (Section 3) economic development requirements, to the greatest extent feasible, generate employment and business opportunities directed to low-income and very-low income residents and business concerns located within areas affected by such programs
 - 24 CFR 570.506(g)(2) data collected for each racial and ethnic group and single-headed household (by gender of household head) applied for, participate in, or benefit from, any area and/or direct benefit programs or activities funded in whole or part with CDBG funds captured on Form HUD-27061 "Racial & Ethnic Data Reporting
 - 24 CFR 570.506(g)(3) data collected on employment for each CDBG-funded subrecipients in accordance with the required two categories (race and national origin) on Form "Equal Employment Opportunity Commission's" EEO-4 Form
 - Provide copies of Section 504 Self-Evaluation Form and Transition Plan

- Provide copies of "Reasonable Accommodation Policy"
- Provide Citizen participation Plan that allows all citizens of the community with an adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of community development activities

All of these requirements are designed to prevent discrimination in the delivery of benefits and services because of race, color, religion (creed), sex, national origin, age familial status or disability.

(b) Any Subrecipient of HUD funded projects through the City of Lauderhill will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

- The Subrecipient will include provisions for Civil Rights and Affirmative Action in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

(b) A complaint can be made by any individual or authorized representative of that individual who believes they have been denied opportunities or treated differently due to their race, ethnicity, gender, disability or age.

(c) All complaints under Title VI must be submitted in writing and filed no later than 180 days from the date of the alleged discrimination. Complaints may be filed with FHEO using the Housing Discrimination Form 903.1. The complainant's identity will be held in confidence unless written authorization is given. The City has copies of this form and is available to the public.

- Any written complaints received by the City shall be date stamped on the date it was first received.
- The Finance Department will prepare a "Letter of Acknowledgement" and send immediately to the complainant.
- The original complaint and a copy of the Letter of Acknowledgement shall be immediately sent to the FHEO for appropriate action and disposition.

3. Section 504/ADA

It is the policy of the City of Lauderhill to ensure full compliance with Americans with Disabilities Act of 1990 PL 101-336 and Section 504 of the Rehabilitation Act of 1973 (Section 504) 29 U.S.C § 794; 24 C.F.R Part 8 that states "No otherwise qualified disabled individual in the United States...shall, solely by his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The City will make sure employment, facilities and programs are accessible to people with disabilities by:

(a) Advising the public in writing and verbally to employees and job applicants that it does not discriminate on the basis of handicapped status in admission or access to or treatment or employment in its programs and activities

(b) Designating the Finance Director (or assigned staff) as the contact to coordinate efforts to comply with these requirements

(c) Complying with Title II of the Americans with Disabilities Act (28 CFR Part 35, section 35.130) which specifies, "No otherwise qualified disabled individual shall, solely because of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs sponsored by a public entity.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

4. Affordable Housing Assistance:

- (a) *Purpose:* As part of the Broward County HOME Consortium the City provides purchase assistance and homeowner rehabilitation assistance for HUD income-eligible homebuyers and homeowners.
- (b) *Administration:* Program(s) are administered by the City of Lauderhill's Grant's Division in accordance with HUD standards and all applicable City policies and any related working program agreements.
- (c) *Eligibility Requirements:* The prospective homebuyer must meet all criteria required by the HOME program.
- (d) *Counseling and Education:* All applicants must complete the homebuyer counseling session established for the current Program(s). A certificate indicating completion of the required homebuyer counseling will be issued to the applicant and a copy retained in their file.
- (e) *Application Process:* The applicant must provide all required documentation to support the information in the application. The City reserves the right to request any additional documentation or information needed to make a sound underwriting decision including the first mortgage lender or other sources, i.e.: complete copy of underwriting documents obtained by the lender, an appraisal, credit report, employment verification and financial information. All documents required for compliance by HUD, the City and other funding sources must be in the applicants file.
 - 1. *Grievance or Complaint:* The Title VI / Section 504 Coordinator, Human Resource Staff Administration staff and/or Human Resource staff and Departmental Title VI Coordinator, Tameka Dorsett, will handle any grievance or complaint.

5. Conflict of Interest Policy

- (a) In accordance with Federal Legislative and Regulatory Authority, the City's Conflict of Interest Policy is included as **ATTACHMENT 2, ATTACHMENT 3, and ATTACHMENT 4.**

6. Affordable Housing Affirmatively Furthering Fair Housing Policy:

- (a) It is the policy of the City of Lauderhill to ensure The Fair Housing Act, as amended in 1988, prohibiting housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing.
- (b) Complaints of Fair Housing Act violations may be filed with the U.S. Department of Housing and Urban Development and/or Region IV office of Fair Housing & Equal Opportunity. The Grants Division will provide the following contact information should a complaint need to be filed:

Office of Program Compliance and Disability Rights
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
451 7th Street, S.W. , Room 5242
Washington, D.C. 20410
TEL: (202) 708-4252 ex. 102
FAX: (202) 708-0299

TDD: 1-800-669-9777 or 1-800-347-3735

Or

Office of Fair Housing and Equal Opportunity, Region IV
Russell Federal Building
75 Spring Street, SW
Atlanta, GA 30303-3388
TEL: (404) 331-5140
FAX: (404) 331-1021
TDD: (404) 730-2654

(c) The Grants Division has developed actions steps that list impediments and the steps to overcome as identified in our jurisdictions Analysis of Impediments (AI) for Fair Housing Choice as follows:

- *Impediments:*
 - Advertising practices do little to emphasize that housing is available on an equal basis and to encourage housing choice.
- *Specific Steps to Overcome:*
 - Provide continued support for enforcement and education to ensure compliance with fair housing laws.
 - Develop advertising that reflects and appeals to a diverse community.
 - Enhance the City's ability to defuse racial or ethnic tension before they become serious problems in various ways, such as providing translation services to improve job opportunities for applicants for jobs that require job related communication in different languages and support multi-cultural events.
- *Impediments:*
 - Public and assisted housing tends to segregate residents by race/ethnicity/income, depriving lower income families the access to the opportunities available in more diverse neighborhoods. Historically, public and assisted housing available in Broward County is segregated by race and ethnicity.
- *Specific Steps to Overcome*
 - Encourage mixed-income and mixed tenure (homeownership and rental) developments, especially when tax credits or other public subsidies are used.
 - Support the establishment of a consolidated waiting list for assisted housing, in which applications could be made to one central repository and encourage applicants to consider a variety of options.
 - Require comprehensive affirmative marketing program to a diverse community by all developers using public funds.
 - Provide information and counseling to current certificate and voucher holders about the full range of their housing options.

7. Remedy Discrimination in Housing

(a) The Administration Department has developed targeted goals and actions steps to remedy discrimination in housing as follows:

- *GOAL 1*
 - Reduce Incidence of Discrimination In The Sale or Rental of Housing

- *Specific Steps to Remedy*
 - Continue to provide fair housing education and outreach activities to individuals in the community as well as the housing industry throughout the county

 - Provide fair housing counseling and referral services to individuals with complaints of discrimination for appropriate enforcement actions

 - Provide training for contract or professional services who develop housing regarding fair housing and affirmative marketing requirements and follow-up with technical assistance.

 - Ensure subsidy recipients of fair housing laws, discriminatory practices and enforcement procedures.

- *GOAL 2*
 - Reduce Discrimination In Lending

- *Specific Steps to Remedy*
 - Establish fair lending partnership

 - Contract with local fair housing agency to identify discriminatory practices, increase in the number of complaints, and action taken to address findings

 - Support Broward County's Predatory Lending Initiative

 - Partner with community for annual homeownership fair(s)

- *GOAL 3*
 - Fight Discrimination In Homeowners' Insurance

- *Specific Steps to Remedy*
 - Hold community forum to review concerns of homeowners' insurance rates and its effect on home purchases

 - Contract with local fair housing agency, for professional services to identify and rectify discriminatory practices in the provision of homeowners' insurance

8. Promote fair housing rights and fair housing choice

(a) The Administration Department has developed a list of goals for fair housing rights and choices and action steps to promote the rights and choices as follows:

- *GOAL 1*

- Promote Fair Housing Rights
- *Specific Steps to Promote*
 - Monitor affirmative marketing plans and efforts of housing developers receiving CDBG and HOME funding
 - Provide training for pre-purchase counseling programs
 - Select neighborhoods being targeted for redevelopment and Emphasize mixed income housing in the neighborhoods
 - Provide information and technical assistance on housing Programs
- *GOAL 2*
 - Fair Housing Choice to increase Number of Accessible Housing Units
- *Specific Steps to Promote*
 - Grant Division Staff will collaborate with local fair housing agency to increase housing accessibility
 - Provide training for providers to use universal design features in new construction
 - Foster the development and maintenance of housing affordable to target income households, as well as those with special needs. Provide extremely low-income households with Housing Choice Voucher (Section 8) Program. Encourage local landlords to participate in the program and accept Housing Choice Vouchers.

9. Minority Business Enterprise/Women's Business Enterprise (MBE/WBE)

- (a) Pursuant to 2 CFR 200.321 and Section 281 of the National Affordable Housing Act, it is the policy of the City of Lauderdale that Minority Business, and Women's Business Enterprises shall have maximum opportunity to participate in the performance of contracts to facilitate the provision of affordable housing authorized under this Act or any other applicable federal housing law.
- (b) The terms Minority, or Women's business enterprise's are a small business concern of at least 51% owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51% of the stock is owned by one or more socially and economically disadvantaged individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- (c) Grants Division Staff and Procurement Manager will use affirmative action techniques to facilitate MBE/WBE's participation in public construction contracts to include:
- Offer instructions and clarifications on bid specifications, the City's procurement process and general bidding requirements.
 - Permit review of successful bid documents from past procurement/contracts.
 - Provide firms with information on future procurement and contracting schedules.
 - Provide instructions about job performance requirements.

- Place bid notices in local media and periodicals of interest to the disadvantaged community.
- Hold pre-bid conferences to provide firms with an opportunity to inquire about the MBE/WBE requirements.
- Provide information about the City, its contract documents and information about upcoming contractual needs.
- Place qualified small and minority businesses and women's business enterprises on our solicitation lists
- Divide total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
- Establish delivery schedules, where the requirement permits in order to encourage participation by small and minority businesses and women's business enterprises
- Utilize State of Florida's Biznet to verify qualified DBEs, Broward County's MBE/DBE directory of certified firms, SBA and Minority Business Development Agency of Department of Commerce (Contractors wishing to use minority or women owned companies should encourage them to complete a certification application available at: <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp>.)
- Prime contractor letting subcontracts will also be required to take the affirmative steps listed above.

(d) Minority Business Enterprises / Women's Business Enterprises

- The City will collect:
 - Race and ethnicity of each business entity receiving a contract or subcontract of \$25,000 or more paid, or to be paid, with CDBG Funds
 - Data indicating which of these entities are women's business enterprises as defined in Executive Order 12138
 - Data showing the amount of contracts or subcontracts as defined in 24 CFR 570.506(g)(6)
- The City of Lauderhill will adopt the HUD's Section 3 participation rate goals for contracts exceeding \$200,000 or subcontract exceeding \$100,000 a least 10% of total dollar amount of contracts.
- For federally assisted construction projects in excess of \$10,000, contractors and subcontractor goals for MBE/WBE, will be at least equal to the percentage published by the Department of Labor "Technical Assistance guide for Federal Construction Contractor" using Standard Metropolitan Statistical Areas (SMSA) for Fort Lauderdale – Hollywood, Broward County, Florida at: 15.5%
- Upon submission of bid proposals, bidders must submit required documentation, to demonstrate attempts to meet established goals. This documentation will be reviewed and verified by the Purchasing Manager or Finance staff.
- After contract award Finance Director or assigned staff will monitor activities involving MBE/WBE subcontractors to insure that the prime contractor is in compliance with applicable federal, state

and local regulations (wages, equal employment opportunities, etc.) as well as monitoring of goal achievement by contractors.

(e) Good Faith Effort to Meet MBE/WBE goals.

- As a condition for receiving a contract, competitors will be required to submit MBE/DBE participation information:
 - Name and address of each MBE/WBE
 - Description of work to be performed
 - Dollar value of the work of the contract
 - Failure to achieve goals will be substantiated by documentation demonstrating good faith efforts were attempted. Business and Neighborhood Division Staff will monitor and collect documentation.

(f) Prime Contractor and Subcontractor Compliance

- Administration staff will require monthly records of all progress payments. Prime contractors must contact the City prior to terminating a MBE/WBE for any reason.
- The Prime Contractor shall establish and maintain records and submit regular reports, as required, which will identify and assess progress in achieving MBE/WBE subcontract goals and other MBE/WBE affirmative action efforts.

10. SECTION 3

(a) Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701] and 24 CFR Part 135] is HUD's legislative directive for providing preference to low- and very low-income residents of the local community (regardless of race or gender), and the businesses that substantially employ these persons, for new employment, training, and contracting opportunities resulting from HUD-funded projects.

(b) The City of Lauderdale has established a Section 3 policy to ensure that the employment and other economic opportunities generated by Federal Financial Assistance for housing and community development programs shall to the greatest extent feasible, be directed toward low-and very low-income persons, particularly those who are recipients of government assistance for housing and businesses that employ these persons, in compliance with the requirements of Section 3 annually pursuant to 24 CFR 570.607(b).

- All projects/activities involving housing construction, demolition, rehabilitation, or other public construction – i.e. roads, sewers, community centers, etc. that are completed with covered funding exceeding \$200,000 will be subject to the requirements of Section 3.
- Contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 covered projects/activities are required to comply with the Section 3 regulations in the same manner as the direct recipient that provided funding to them.
- Grants Division Staff will make every effort to attempt to reach the Section 3 minimum numerical goals found at 24 CFR Part 135.30 by:

- Awarding 10 percent of the total dollar amount of all covered construction contracts to Section 3 businesses
- Hiring Section 3 residents for 30 percent of new employment opportunities.
- The City will not enter into a contract with any contractor after notification to the recipient by HUD that the contractor has been found in violation of the regulations in 24 CFR Part 135.
- Section 3 annual reports will be submitted whether or not the requirements of Section 3 have not been triggered by the Business and Neighborhood Administrator.

(c) Section 3 Contract Procedures:

- All covered solicitations and contracts will incorporate the Section 3 Clause pursuant to 24 CFR Part 135.38
- Grants Division staff will advise contractors or potential contractors working on Section 3 covered projects of their responsibilities
- Grants Division staff will provide training to ensure contractors and subcontractors are in compliance with Section 3
- Grants Division staff will monitor and document subrecipients' performance with respect to meeting the requirements of Section 3.
- Grants Division staff will notify businesses and residents about contracting and employment opportunities generated by Section 3 covered projects by:
 - Notifying contractors from City's vendor list; contacting business assistance agencies, minority contractors associations; HUD Youthbuild programs and community organizations
 - Coordinate pre-bid meetings to inform Section 3 business concerns of upcoming contracting and subcontracting opportunities and advise of assistance programs to obtain bonding, lines of credit, financing or insurance
 - Publishing Ad in local media; trade publications and community bulletin media
 - Posting Signs
 - Contacting resident organizations to notify residents of training and employment opportunities
 - Contacting local Workforce to post and coordinate with employment agencies
 - Contact local Workforce board to provide training programs for Section 3 residents in the building trades.
 - Advertise training and employment by flyers in community and resident associations
 - Post training and employment positions in housing common areas

- Sponsor Job Fair with Workforce board for residents within the covered project area to include conducting job interviews and completing job applications
- Advertise jobs through local media and City's newsletter
- Contact local educational institutions for related programs

(d) Complaint Procedures

- The Grants Division staff will make available how to file a complaint information to any Section 3 recipient defined as follows:
 - Any Section 3 resident on behalf of himself or herself, or as a representative of persons similarly situated, seeking employment, training or other economic opportunities generated from the expenditure of Section 3 covered assistance with a recipient or contractor, or by a representative who is not a section 3 resident but who represents one or more Section 3 residents
 - Any Section 3 business concern on behalf of itself, or as a representative of other Section 3 business concerns similarly situated, seeking contract personally or through an authorized representative shall:
 - File with the Assistant Secretary a complaint alleging noncompliance with Section 3 opportunities generated from the expenditure of Section 3 covered assistance from a recipient or contractor, or by an individual representative of Section 3 business concerns.

(e) The Grants Division staff will make available the following filling information for complaints:

- If a complaint arises, a full report will be made available during HUD monitoring visit.
- A complaint must be filed with the:
 - Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, DC, 20410.
 - Section 3 Complaint Form 958 – **ATTACHMENT 5**

11. Labor Standards: Davis-Bacon, Copeland Act And Contract Works Hours & Safety Standards

(a) It is the policy of the City of Lauderhill to ensure the Davis-Bacon Act, Copeland Act, and Contract Works Hours & Safety Standards Act complies with HUD's Statutory Provision, Section 110.

(b) The Grants Division staff along with Procurement Manager will maintain compliance records for ensuring Statutory Provision, Section 110 :

- All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with assistance received under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); *Provided*, That this section shall apply to the rehabilitation of residential property only if such property contains not less than 8 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as mended (48 Stat. 948; 40 U.S.C. 276(c)).

(c) Subsection (a) shall not apply to any individual that—

- performs services for which the individual volunteered

- does not receive compensation for such services or is paid expenses reasonable benefits, or a nominal fee for such services
- is not otherwise employed at any time in the construction work

(d) Procedures for Contracts

- The Finance Director (or staff designee) will be responsible for administration and enforcement of Davis-Bacon requirements and the Purchasing Manager will be responsible for ensuring clauses are included in all contracts.
- Construction contracts will be subject to Davis-Bacon labor standard requirements and must contain labor standards clauses and a Davis-Bacon wage decision rate. The clauses will describe the responsibilities of the contractor concerning wages and obligate the contractor to comply.
- Wage decision rates established by the Department of Labor will be listed in the contract.
- The principal contractor (prime contractor) is responsible for the full compliance of all employers, sole proprietors, subcontractors and lower-tier subcontractors with the labor standards provisions applicable to the project:
 - Monitors labor standard compliance
 - Ensures proper DOL work classification wage rates are listed in contract
 - Conducts on-site interviews with construction workers
 - Reviews payroll reports for accuracy by checking pay rate compliance with contract DOL work classification wage rate, calculations are correct for fringe benefits and overtime
 - Ensures wage rates are posted at job-site
 - Prepares all reports

12. Relocation And Anti-Displacement

(a) Finance Department's Business and Neighborhood Division Administrator will be responsible for compliance with:

- 49 CFR Part 24, Uniform Relocation and Real Property Acquisition for Federal and Federally-Assisted Programs
- 24 CFR Part 42, Displacement, Relocation Assistance and Real Property Acquisition for HUD and HUD-Assisted Programs
- 24 CFR 570.606, Displacement, Acquisition and Replacement Housing (CDBG regulations)

(b) The Administrator will provide documentation:

- Determines if acquisitions are subject to URA voluntary requirements or subject to full acquisition requirements of 49 CFR 24 Subpart B.
- Voluntary Acquisition (with power of Eminent Domain)
 - Administrator will notify owner in writing of market value and that property will not be acquired through condemnation.
- Voluntary Acquisition (without Power of Eminent Domain)

- Administrator will notify owner in writing of the market value, prior notification that amicable settlement necessary, owner-occupants are not eligible for relocation assistance, however; tenant-occupants are eligible for relocation assistance

(c) Administrator will be responsible for preparing Notice of public meetings

- Notice requirements:
 - General information
 - Direct notice sent to owner
 - Relocation Notices sent

(d) Administrator will work with appraiser to ensure requirements of 49 CFR 24.103 are met

- Administrator, staff designee or consultant will prepare scope of work
- Identify and resolve property/realty issues for businesses
- Administrator will ensure URA appraisal requirements are consistent with USPAP

(e) Administrator will provide written purchase offer, give owner reasonable time to consider and maintain well documented administrative settlements

(f) Administrator will be responsible for coordination of offer to ensure just compensation and maintain documentation showing reasonable expenses related to title transfer, i.e.; recording fees, transfer taxes, mortgage penalty costs, etc. and relocation payments.

13. Environmental

(a) The Grants Division will be responsible for completing assessments for the environmental impact a project may have on the area in accordance with 24 CFR Part 50, 51, 55, 58 and 36 CFR Part 800:

- HUD Form 4128 “Environmental Assessment and Compliance Findings for Related Laws”
- HUD Form 7015.15 “Release of Funds and Certification
- HUD Form 7015.16 “Authority to Use Grant Funds”

14. Procurement Guidelines

(a) The City of Lauderhill’s procurement policy and procedures will be utilized which reflect applicable State and local laws and regulations provided that the procurements conform to applicable Federal laws and standards in accordance with 24 CFR 85.36; 24 CFR 200.318.

- The Procurement Manager and respective Department Director(s) will maintain lists of pre-qualified vendors/contractors, if used and must be current, that were developed through open solicitation, include adequate numbers of qualified sources, and allow entry of other firms to qualify during the solicitation period in accordance with 24 CFR 85.36(c)(4).
 - The Project Manager must ensure that awards are not made to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs in accordance with 24 CFR 570.609 and under Executive Order 12549 and forward information to the Grants Manager and Procurement Manager.
 - Project Manager will check all contractors/vendors on-line at www.sam.gov and record the results. (see Attachment 1.)

- (b) All Contracts are signed by the City Manager as required by City Ordinance 95-137
- (c) City procurement procedures will be utilized
- (d) The City's Conflict of Interest Policy covers the actions of employees engaged in the selection, award and administration of contracts. **ATTACHMENT 2**
- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal Award if he/she has a real or apparent conflict of interest.
 - No persons who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.
 - The conflict of interest policy applies to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds.
 - Exceptions: Upon the written request of the recipient, HUD may grant an exception to on a case-by-case basis when it has satisfactorily met threshold requirements.
 - Threshold requirements. A disclosure of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made
 - An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
 - Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available
 - Whether an opportunity was provided for open competitive bidding or negotiation
 - Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class
 - Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question
 - Whether the interest or benefit was present before the affected person was in position
 - Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict
 - Any other relevant considerations

VI. LAUDERHILL POLICE DEPARTMENT

The City of Lauderhill Police Department receives federal assistance and state assistance and as recipients acknowledge and agree that they will not (and will require any subgrantees, contractors, successors, transferees, and assignees not to), on the ground of race, color, religion, national origin, sex, disability, or age, unlawfully exclude any person from participation in, deny the benefits of or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq.); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.); and the corresponding U.S. Department of Justice regulations implementing those statutes at 28 C.F.R. part 42 (subparts C, D, E, G, and I). It will also comply with Executive Order 13279, Equal Treatment for Faith-Based Organizations, and its implementing regulations at 28 C.F.R. Part 38, which requires equal treatment of religious organizations in the funding process and nondiscrimination of beneficiaries by faith-based organizations on the basis of belief or nonbelief.

- *The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ)* is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS Office), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws.
- *Ensuring Access to Federally Assisted Programs*
Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits. In the context of employment discrimination under applicable federal laws, the DOJ may interpret sex discrimination to include discrimination based on gender identity.
- *Enforcing Civil Right Laws*
All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.
- *Providing Services to Limited English Proficiency (LEP) Individuals*
In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.
- *Ensuring the Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion*

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all recipient organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities.

Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm. The Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c), as well as other DOJ program statutes, prohibit discrimination based on religion in employment. A funded faith-based organization may under certain circumstances request an exemption to hire co-religionists; the DOJ will consider such requests on a case-by-case basis. Please consult with the OCR if you have any questions related to a religious preference in hiring.

- *Using Arrest and Conviction Records in Making Employment Decisions*

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's *Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964* (June 2013), available at http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs).

- *Complying with the Safe Streets Act*

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

- *Meeting the EEO Requirement*

The City of Lauderhill and Lauderhill Police Department receive awards greater than \$25,000 and has fifty or more employees (counting both full- and part-time employees but excluding political appointees). The Human Resource Department, Grant Manager and Lauderhill Police Department staff prepare a Utilization Report and submit it to the Office for Civil Rights (OCR) for review within 120 days from the date of the award. Although the OCR has discretion to review all submitted Utilization Reports, it will routinely review the Utilization Reports from recipients that receive an award of \$500,000 or more.

ATTACHMENT 6 and ATTACHMENT 7

- *Meeting the Requirement to Submit Findings of Discrimination*

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

- *Responding to Complaints of Discrimination*

Complaint Process. Anyone who wishes to file a complaint alleging discrimination in the provision of services by or access to activities, programs or facilities may do so by:

- Submit in writing to; City of Lauderhill, Ercilia Krempler, Human Resource Director, 5581 West Oakland Park Boulevard, Lauderhill, Florida 33311, the information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem.
- Complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged violation.

VII. PUBLIC WORKS DEPARTMENT

A. US Department of Transportation Federal Highway Administration (FHWA):

The City of Lauderhill's Public Works Department is in compliance with the equal opportunity policy and standards and all applicable state and federal statutes and regulations relating to nondiscrimination in employment and service delivery (please refer to II. Declaration of Policy's Title VI statement).

Attachment

2. Service Designation for FHWA federal-aid projects:

- (a) Revlon Fennell, Human Resource Director and Title VI / Section 504 Coordinator along with Tameka Dorsett, Grant Manager & Departmental Title VI Liaison handle service delivery and employment discrimination complaints respectively based on FHWA guidelines.
 - (b) Title VI / Section 504 Coordinator, Departmental Title VI Liaison and staff disseminate equal opportunity information to provider staff and interested persons.
 - (c) Title VI / Section 504 Coordinator, Departmental Title VI Liaison (or designee) act as equal opportunity liaison between the provider, Department and community.
 - (d) Title VI / Section 504 Coordinator monitor and evaluate civil rights training for provider staff.
 - (e) Title VI / Section 504 Coordinator, Departmental Title VI Liaison and staff maintain equal opportunity files and confidential records
 - (f) Title VI / Section 504 Coordinator, Departmental Title VI Liaison and staff provide input to management to improve equal opportunity in employment and service delivery.
 - (g) The Departmental Title VI Liaison is the Disadvantaged Business Enterprise (DBE) Liaison.
 - (h) Title VI / Section 504 Coordinator and Departmental Title VI Liaison are the Equal Employment Opportunity (EEO)/ Affirmative Action liaison officer(s) respectively.
 - (i) Title VI / Section 504 Coordinator, Departmental Title VI Liaison are the American with Disabilities Act (ADA) liaison officers.
 - (j) Departmental Title VI Liaison and project staff provide compliance for Davis-Bacon.
 - (k) Departmental Title VI Liaison and project staff will participate in mandatory FDOT training offered on Title VI and other nondiscrimination requirements.
2. Limited English Proficiency (LEP). In accordance with Executive Order 13166 Access / LEP (Limited English Proficiency), the City will provide services for those who have limited English proficiency (LEP):

- (a) Once Public Works staff have identified LEP assistance has been requested/needed, they will provide language assistance services via in-house employees as well as use of language assistance services such as interpreters and translators. Vital documents requiring written translation are available to identified LEP audiences.
- (b) Title VI / Section 504 Coordinator and Human Resource staff will provide LEP policy and procedure training.
- (c) Title VI / Section 504 Coordinator, Departmental Title VI Liaison and Human Resource staff monitor, evaluate and update the language access procedures on an on-going basis.
- (b) Grant Manager, Procurement and Public Works staff will assure, through inclusion in contracts, physical access to the facilities by allowing persons with functional limitations to enter, leave and circulate within.
- (c) Title VI / Section 504 Coordinator and Human Resource staff will provide, upon request, translators to assist applicants and clients with hearing impairments or with limited ability to read, speak or understand English; provide literature in language(s) understood by clients and/or readers; provide interpreters – the City of Lauderhill has a large Caribbean population that speak Creole and an adequate number of full-time employees that can interpret as needed.

3. Environmental Justice in Low Income and Minority Populations

- (a) In accordance with Executive Order 12898 for Environmental Justice in Low Income and Minority Populations, The City of Lauderhill has developed the following action steps to avoid, minimize or mitigate disproportionately impacts to minority and low income communities:
 - Communications Administration and Public Works and staff will present information of potential effects and mitigation measures to affected minority and low-income communities through media and association meetings.
 - Public Works, GIS Manager and the City Planner will analyze potential environmental:
 - Health, economic and social effects with special considerations for minority and low-income populations
 - Identify if disproportionately high and adverse environmental effects exist (GIS mapping to include census data and project location)
 - Document mitigation measures that address any disproportionately environmental effects on proposed actions on minority or low-income populations within the study area
 - Public Works and Grant Manager will maintain file documents that:
 - Provide reasonable assurance that the selection of a project alternative was not a discriminatory act and when deemed necessary will coordinate with District IV Environmental Management Office
 - Include affected populations in the decision making process (meeting notices and sign-in sheets at meetings)

4. FHWA 1273 (see **ATTACHMENT 8**) clauses will be inserted in every contract subject to the Acts and the Regulations.

- Public Works Director (or staff designee), Grant Manager and Procurement Manager will review all contracts to ensure FHWA 1273 is included and will submit to FDOT District IV for their review and acceptance.

5. DBE (Minority and Women Business, Disadvantaged Business Enterprise (DBE) and Labor Surplus Area Firms.

(a) Pursuant to the U. S. Department of Transportation (USDOT), 49 CFR Part 26 it is the policy of the City of Lauderhill to ensure that DBE's have an equal opportunity to receive and participate in USDOT-assisted contracts and 2 CFR 200.321

- The City will take all affirmative steps to assure that minority and women businesses, disadvantaged business enterprise and labor surplus area firms will be used when possible.
- The City of Lauderhill agrees to adopt the DBE Program goal that has been established by the Florida Department of Transportation for FHWA assisted contracts. FDOT's DBE Program is a race-neutral program which means that individual goals are not assigned to each contract. A DBE overall goal is established on a triennial basis. The overall goal for federal fiscal years 2018-2020 has been set at 10.65%.
- The City of Lauderhill shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The City shall take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- Each contract with a contractor (and each subcontract the prime contractor signs with a subcontractor) will include the following assurance:
 - The contractor, sub recipient 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.

(b) The City will use affirmative action techniques to facilitate participation to include:

- Provide information about the City, its contract documents and information about upcoming contractual needs.
- Place qualified small and minority businesses and women's business enterprises on our solicitation lists
- Divide total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises

- Establish delivery schedules, where the requirement permits in order to encourage participation by small and minority businesses and women's business enterprises
- Offer instructions and clarifications on bid specifications, the City's procurement process and general bidding requirements.
- Permit review of successful bid documents from past procurement/contracts.
- Provide information on future procurement and contracting schedules.
- Provide instructions about job performance requirements.
- Place bid notices in local media and periodicals of interest to the disadvantaged community.
- Utilize State of Florida's Biznet to verify qualified DBEs, Broward County's MBE/DBE directory of certified firms, SBA and Minority Business Development Agency of Department of Commerce (Contractors wishing to use minority or women owned companies should encourage them to complete a certification application available at: <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp>.)
- Hold pre-bid conferences to provide firms with an opportunity to inquire about the MBE/DBE requirements.
- Prime contractor letting subcontracts will also be required to take the affirmative steps listed above.

6. Section 504 and Americans With Disabilities Act of 1990 (ADA)

(a) The City of Lauderhill's Section 504 and ADA policy will comply with Title II of the Americans With Disabilities Act of 1990 (ADA) which specifies, "No otherwise qualified disabled individual shall, solely because of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs sponsored by a public entity. The City will generally, upon request, provide appropriate aids and services lending to effective communication for qualified persons with disabilities.

- Complaint Process. Anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services by or access to activities, programs or facilities of the Florida Department of Transportation may do so by:
 - Submit in writing to; City of Lauderhill, Revlon Fennel, Human Resource Director, 5581 West Oakland Park Boulevard, Lauderhill, Florida 33311, the information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem.
 - Complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged violation.
 - Complainant may also submit the written information to:

H. Dean Perkins, Architect, ADA Coordinator
 Florida Department of Transportation
 605 Suwannee Street; MS-33
 Tallahassee, Florida 32399-0450

Phone 850-414-4359 or email dean.perkins@dot.state.fl.us.

- Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will contact the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or designee will respond to the complainant. The response will explain the position of the Florida Department of Transportation and offer options for substantive resolution of the complaint.
- The City will make available forms or provide instructions that they may be down-loaded from the FDOT Web site at:
www.dot.state.fl.us/structures/ada/adaforms.htm.

7. EEO

- (a) The City of Lauderhill values diversity and does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the City of Lauderhill will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.
- (b) The City of Lauderhill requires Contractors to provide their Affirmative Action and Equal Employment Opportunity procedures in Bid documents.
- It can be used by primes for their subcontractors on Federal-Aid projects of \$10,000.00 or more.
 - Prime contractors must review for completeness and compliance of each subcontractor's self analysis upon receipt.
 - Prime contractors will verify not less than annually that all subcontractors' EEO Self-Analysis forms are a factual representation of their practices and procedures and maintain the results of said review on file for possible audit(s) conducted by FDOT or FHWA.
 - The prime contractor must attempt to reconcile all instances where EEO Noncompliance has been identified.
 - The prime contractor will designate an EEO officer and shall be assigned adequate responsibility and authority to promote an active EEO contractor program.
 - Prior to the notice to proceed, the contractor shall submit the following forms to the Capital Projects Manager to document that EEO policies have been disseminated to all supervisory and office personnel, and all project personnel that will be involved in the LAP project
 - FDOT Form 275-021-05, "Record of supervisory and office personnel EEO meeting or Individual Orientation"
 - FDOT Form 275-021-06. "Record of project personnel EEO meeting "
 - FDOT Form 275-021-07, "Contractor Company Wide EEO Report"
 - FDOT Form 275-021-08, " Contractor's annual July EEO Report"
 - Any new supervisory and office personnel or any new project personnel hired after the notice to proceed and during the course of this project, that will be involved in this project, shall take an EEO policies and procedures training and shall submit the associated forms mentioned prior to any involvement in a LAP (Local Agency Program) project.

- The Contractor shall execute certification of compliance for EEO policies and submit with each Pay Application by using FDOT Form 700-011-13, "Certification Compliance with Equal Employment Opportunity (EEO) Provisions on Federal Aid Contracts."
- Upon submission of a bid the Owner, President or duly authorized representative of the prime contractor will include the following statement:
 - By submission of this bid the contractor understands and agrees with City of Lauderhill's Title VI / Non-discrimination Policy Statement. Furthermore, the contractor agrees to the nondiscrimination and nonsegregated facilities requirements and thus shall comply with the requirements and provisions as listed in Exhibit B. "From FHWA-1273", Part "II. Nondiscrimination" and Part, "III. Nonsegregated Facilities".
- If reviewed by FDOT or USDOT, the City will take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
- The City will disseminate nondiscrimination information to the general public via job applications, employee handbook, all job advertisements, and include in bid and specifications.
- Complaint process. Title VI / Section 504 Coordinator, Revlon Fennel along with Public Works will:
 - Follow general City guidelines on the investigation of complaints related to employment and service provision.
 - Maintain discrimination compliant log and confidential written documentation of all investigations conducted
 - Respond to complaints within 30 calendar days.
 - Provide translators, interpreters and/or readers as necessary.
 - Assure client complaints are made aware of other avenues of redress, including the right to appeal to the appropriate federal Office for Civil Rights (depending on the source of federal funding).
 - Should complainant be unable or unwilling to complain to the City of Lauderhill, Human Resource Director, the written complaint may be submitted directly to Florida Department of transportation (FDOT). FDOT will serve as a clearing house, forwarding the complaint to the appropriate state of federal agency: Florida Department of Transportation; Equal Opportunity Office; ATTN: Title VI Complaint Processing; 605 Suwannee Street MS 65; Tallahassee, FL 32399

8. Buy American

- (a) The Public Works Director, Grant Manager and Procurement Manager will ensure for Federal-aid Contracts by review and documentation that:
- Preference will be given for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products that also include non-ferrous metals, plastics and polymer-based products, aggregates such as concrete, glass, optical fiber and lumber).
 - Only steel and iron produced in the United States, in accordance with the Buy America provisions of 23 CFR 635.410, as amended will be used.

- All manufacturing processes for this material occur in the United States.
 - As used in this specification, a manufacturing process is any process that modifies the chemical content, physical shape or size, or final finish of a product, beginning with the initial melting and mixing and continuing through the bending and coating stages.
 - A manufactured steel or iron product is complete only when all grinding, drilling, welding, finishing and coating have been completed.
- If a domestic product is taken outside the United States for any process, it becomes foreign source material.
- When using steel and iron as a component of any manufactured product incorporated into the project (e.g., concrete pipe, pre-stressed beams, corrugated steel pipe, etc.), these same provisions apply, except that the manufacturer may use minimal quantities of foreign steel and iron when the cost of such foreign materials does not exceed 0.1% of the total Contract amount or \$2,500, whichever is greater.
- These requirements are applicable to all steel and iron materials incorporated into the finished work, but are not applicable to steel and iron items that the Contractor uses but does not incorporate into the finished work.
 - Contractor will provide to the City Engineer and Grant Manager prior to obtaining a certification from the producer of steel or iron, or any product containing steel or iron as a component, stating that all steel or iron furnished or incorporated into the furnished product was manufactured in the United States in accordance with the requirements of this specification and the Buy America provisions of 23 CFR 635.410, as amended. Such certification shall also include (1) a statement that the product was produced entirely within the United States, or (2) a statement that the product was produced within the United States except for minimal quantities of foreign steel and iron valued at \$ (actual value).
 - The Contractor's Owner, President or duly authorized representative shall provide written statements verifying:
 - (i) The Iron or Steel, or the iron and steel as a component for a manufactured product, used in this project, will be less than 0.1% of the total Contract amount or \$2,500.
 - (ii) Certification for each Steel or Iron product, or the iron and steel as a component for a manufactured product, shall be provided to the Engineer.
 - The Certification will be given to the City Engineer and Grant Manager prior to incorporating the material into the project.
- When FHWA allows the use of foreign steel on a project, furnish invoices to document the cost of such material, and obtain the Engineer's written approval prior to incorporating the material into the project.
- The Grant Manager and City Engineer will ensure and document all Federal-aid highway projects that the City receives federal assistance, including those funded under the Recovery Act (excluding TIGER grants, which are subject to section 1605 of the Recovery Act), administered by FHWA will continue to be subject to the Buy America provisions in Title 23 U.S.C. 313.

9. Davis-Bacon

(a) The City of Lauderdale, to ensure the Davis-Bacon Act, Copeland Act, and Contract Works Hours & Safety Standards Act, will comply with:

- Statutory Provision, Section 110: All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with assistance received under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); *Provided*, That this section shall apply to the rehabilitation of residential property only if such property contains not less than 8 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).
- Subsection (a) shall not apply to any individual that performs services for which the individual volunteered;
- Subsection (2)(a) does not receive compensation for such services; or
- Subsection (b) is paid expenses, reasonable benefits, or a nominal fee for such services; and
- Subsection (3) is not otherwise employed at any time in the construction work

(b) The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt.

(c) The Public Works Director, Grant Manager and Procurement Manager will review and document:

- Construction contracts subject to Davis-Bacon labor standard requirements and must contain labor standards clauses and a Davis-Bacon wage decision. The clauses will describe the responsibilities of the contractor concerning wages and obligate the contractor to comply.
 - These provisions are applicable to all Federal-aid construction projects exceeding \$2000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size).
- Wage decision rates established by the Department of Labor and obtained online at: <http://www.wdol.gov> particular to “Highway Construction Project” in “Broward County, Florida”, are a required attachment to bid documents of respective Local Agency Program (LAP) projects.
- The principal contractor (prime contractor) is responsible for the full compliance of all employers, sole proprietors, subcontractors and lower-tier subcontractors with the labor standards provisions applicable to the project.
 - Contractor will comply with all provisions of FHWA-1273, Part “IV Davis-Bacon and Related Act Provisions”
 - Contract Work Hours and Safety Standards Act. These provisions are applicable to all Federal-aid construction projects in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. The contractor

shall comply with all provisions as indicated in Exhibit B, "FHWA-1273, V. Contract Work Hours and Safety Standards Act".

- The Public Works Manager, Grant Manager and Procurement Manager will be responsible for administration, enforcement and documentation of Davis-Bacon requirements:
 - Monitors labor standard compliance
 - Ensures proper DOL work classification wage rates are listed in contract
 - Conducts on-site interviews with construction workers
 - Reviews payroll reports for accuracy by checking pay rate compliance with contract DOL work classification wage rate, calculations are correct for fringe benefits and overtime.
 - (i) When applicable (i.e.; off-system projects) Contractor will submit copies of payrolls and basic records of each subcontractor during the project. However; Contractor will retain such records for a minimum period of 3 years after the date of completion of the contract for all workers and laborers.
 - Ensures wage rates are posted at job-site
 - Prepares all reports

10. E-Verify.

- (a) The Public Works Director, Grant Manager and Procurement Manager shall ensure that E-verify clause is included in bid documents.
 - For all Federal-aid construction contracts the contractor and all subcontractors shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the contractor and all subcontractors during the term of the Contract to perform employment duties within Florida.

11. BID Advertising

- (a) The Public Works Director or Grant Manager will obtain approval from FDOT for all bidding documents prior to advertising.
 - Prior to issuance of any addenda, containing major change to the approved plan or specification during the advertising period, the Grant Manager or Public Works Director will submit to FDOT for approval.
 - Major change is defined by which the total contract price is estimated to increase or decrease by twenty five percent or greater (25%), and/or a substantial deviation from the project scope, or any changes related to right-of-way or any environmental Federal requirement change. Addendums such as interpretations, clarifications, additional information and minor changes do not require approval from FDOT.
- (b) The Procurement Manager will place advertisement for authorized projects to run for 3 weeks instructions for modifications and revisions are included in advertisement.
- (c) For design build projects, the Procurement Manager will place Design Build Request For Proposal (RFP) advertisement to run for 3 weeks and include date for bidders conference.

- (d) The Procurement Manager will receive, open, review in accordance with the terms of the solicitation and record all sealed bids.

12. Contract Time

- (a) Projects occurring within the City (i.e. non-SHS, non-NHS), and non-roadway construction projects, such as deployment of ITS devices, the Contract Time shall be indicated in the invitation to bid and will be based on full completion from the notice to proceed.
- (b) Contract Time will be in calendar days and amended in accordance with Section 8 of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction.
- (c) Projects occurring with NHS/SHS roadways, the contract time shall be determined in accordance with the FDOT CPAM, section 1.2.

13. Bid Analysis

- The Procurement Manager will assemble a team of reviewers from Finance, Public Works and Grants Manager to analyze, rank and review in accordance with the terms of the solicitation.
- A desk review will be conducted for federally funded contracts:
 - Low bid is 10% or higher above the official estimate for contracts in which the estimate is greater than \$500,000.
 - Low bid is 15% or higher above the official estimate for contracts in which the estimate is less than or equal to \$500,000
 - Single-bidder contracts
 - Re-let contracts
 - Contracts that contain significantly unbalanced bids, such as penny bids, will be reviewed. These contracts will require an explanation of the unbalanced bid from the contractor.
- Ranking / weighting criteria and items that will render bid non-responsive will be explained in the RFP (i.e.; submission of technical information with no pricing)
- Team's score sheets will reflect scores based on weighting criteria included in RFP and a best-value technique, which divides the price by technical score to get an overall score for each proposal. These overall scores are arranged from lowest to highest and the best value bid is selected.
- Team's score sheets will identify, when applicable, non-responsible bidders.
- Proposals may be withdrawn prior to Commission Meeting for approval resolution
- The Public Works Director will coordinate with each respective contractor to discuss any pay items showing significant differences between the estimate and low bid amount.
- The Public Works Director will discuss pay items to thoroughly understand the contractor's bid relative to the official estimate.
- Contractor will provide documentation substantiating their bid on each of the pay items previously identified as having a significant difference.
- The Public Works Director will determine if a post-bid adjustment is needed for the official estimate.

- Post-bid adjustments will be made only if the official estimate contains quantity errors or unit prices that did not consider intricacies involved with the work.
 - Quantity errors are entered on the quantity adjustment worksheet to determine if the change in quantity results in a switch in low bidder.
 - United prices necessitating an adjustment will use the statistical average unit price as the basis for the adjustment, unless there are overriding circumstances for using a different price.
- For contracts that are re-let, The Public Works Director and Grant Manager will retain the letting history to be included with the previous proposal number, letting date, official estimate, low bidder, low bid amount and the total number of bidders.
 - The Public Works Director and Grant Manager will document all findings of the desk review and will include:
 - Name of city staff conducting conference call and name of contractor
 - Date and time of the conference call
 - Substance of the questions and responses of the contractor
 - For contractors that are being considered for rejection by the city due to a high bid, the Public Works Director or Procurement Manager will notify the contractor and provide them with a brief explanation for the rejection.
 - The Public Works Director, Procurement Manager and Grant Manager will record and document; pay items, quantities, unit prices and other pertinent information for identified significantly unbalanced bids.
 - The Public Works Director or Procurement Manager will provide the low bidder of Contracts, with significantly unbalanced bids, written acknowledgement of their bids.
 - The Public Works Director or Procurement Manager will contact contractor for explanation of each significantly unbalanced bid and will record the explanation.
 - The City will not award the contract to the contractor prior to the issuance of FDOT bid concurrence.
 - Ranking documents will be retained by Purchasing Manager for submission to FDOT
 - Ranking documents showing bid item details for at least the low three acceptable bids, award /reject recommendation and total amount of all other acceptable bids will be certified by Public Works Director and/or Grant Manager and forwarded to FDOT District IV for review and acceptance prior to Commission Approval.
 - The Procurement Manager and Public Works Director will create and maintain bidder's lists to include the firms names, addresses, status as a DBE or non-DBE, age of the firm and the annual gross receipts of the firm by having them check the box that applies to amounts (e.g. less than \$500,000; \$500,000 to \$1 million; etc.)
 - Once authorization is received from FDOT of bid concurrence, the Public Works Director or Grant Manager will submit to City Manager for placement of ranked bids in order from lowest responsible bid to highest on Commission Agenda for Resolution approving lowest responsible bidder.

- Procurement Manager will send notification to selected bidder.
- Procurement Manager will send notification to bidders that were not selected

14. Bidder Conference

(a) Procurement Manager will coordinate with Public Works Director, Grant Manager, and Finance staff for the bidder's conference. The City's process below also applies to Design Build Request for proposals.

- Modifications and revisions will be addressed at Bidder's Conference to explain the cure process.
- Nondiscriminatory bidding procedures to include translated documents or interpreters will be afforded to all qualified bidders regardless of national, State or local boundaries and without regard to race, color, religion, sex, national origin, age, or handicap.
- Public Works Director will announce item by item all bids received in accordance with the terms of the advertisement. Any bid received and not read aloud, shall have the name of the bidder and the reason for not reading the bid aloud publicly announced.
- Public Works Director will conduct a field visit to project site. Communication rules will have been included in RFP and will be adhered to when responding to specific questions from bidders who can revise the RFP package as needed to maintain consistency in the proposals.

(b) Public Works Director will coordinate meeting with selected bidder and FDOT

15. Contract Schedule

(a) Florida Department of Transportation District IV will develop a progress schedule showing the production durations associated with the chosen production rates for the items of work arranged in chronological order from earliest start date for each activity for which work on the activity will begin and length of time to complete.

(b) The Public Works Director and Engineer and/or design consultant will ensure FDOT's contract time schedule is indicated in the invitation to bid and will be based on full completion from the notice to proceed.

- Contract Time shall be in calendar days and amended in accordance with Section 8 of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction.
- Projects occurring within NHS/SHS roadways will determine Contract Time in accordance with FDOT CPAM, section 1.2.

(c) The City will require the awarded contractor to submit for FDOT approval an initial schedule for completing the project within the allotted contract time.

(d) The Public Works Director along with the City Engineer will review the contractor's schedule for:

- Appropriate sequencing of tasks and how each task affects others
- Schedule meets all milestones

- Schedule reflects completion date to coincide with FDOT's progress schedule
- (e) The Public Works Director and City Engineer will be responsible for constant review of critical path items (aka controlling items of work)
- Items that do not negatively affect the schedule may be delayed
 - Controlling items must be completed by Contractor (or the project will be delayed).
- (f) The Public Works Director is responsible for assembling a team to include City staff, FDOT and Contractor for weekly and/or monthly progress meetings.
- In cases where discrepancies are identified in construction activities, the team will communicate and coordinate the proper updates of this document with the contractor.
- (g) The team will be responsible for attending weekly progress meetings with the project inspection team, the contractor and FDOT representatives.
- During the progress meetings, the team will:
 - Review the Critical Task checklist for the project;
 - Identify complicated or large dollar items;
 - And seek resolutions while the parties are present.
 - These items will be the foundation for discussions with the Contractor, City of Lauderdale representatives and FDOT throughout the progress information sessions.
 - The emphasis of the team is to make sure each stakeholder is aware of their respective requirements, and identify the impact each will have on the project's completion.
 - The team will monitor contractor activities as well as material testing requirements on a daily basis to ensure that quality control requirements are maintained.
 - Inspection of materials testing performed by the contractor will be handled by all project personnel and verification tests will also be performed as needed.
 - Field documentation will be processed daily utilizing FDOT forms.
 - The team will supply accurate project documentation including the identification of project impacts, work activities listed, payment procedures maintained and the Final Estimates Package updated accordingly throughout the entire life of the project. Special attention will be given to events that could result in impacts to the contractor related to time or money.
 - The team will review monthly pay requests based on the contractor's construction activities completed during that month period; quantities will be verified between our construction inspection team and the contractor prior to releasing monthly payments.
 - City inspectors are responsible for tracking the contract quantities on a daily basis; these quantities will be recorded on daily project documentations such as dailies, ledgers, field books, computation books, etc. Discrepancies pertaining to contract quantities will be resolved by the Capital Projects Manager or contract support specialist utilizing contract documents such as FDOT specifications, standard index and basis of estimates.

(h) The Public Works Director and City Engineer will request an updated schedule from the contractor, if the critical path schedule appears to be in trouble, showing the plan for delivering the project within Contract Time.

- The Public Works Director will be responsible for on-going management of the schedule.
- The Public Works Director will identify validity of time extension requests (i.e.; extraordinary weather, additional work, labor strikes, etc..) and submit request to FDOT for approval.
- The Public Works Director may deny a time extension if it is determined that delays resulted from events within the contractor's control (i.e.; lack of attention to project, unscheduled maintenance, or delayed shipment of materials or supplies).
- The City will enforce all time-related contract provisions, including liquidated damages if the project goes beyond the approved Contract Time.
 - The City includes in all construction contracts a clause establishing liquidated damages.
 - The City includes in all construction contracts provisions to withhold progress payments when projects fall behind schedule.

16. Engineer's Estimate

(a) Projects occurring within the City Roadways (i.e. non-SHS, non-NHS) and non-roadway construction projects, such as deployment of ITS devices, the Public Works Director and City Engineer will base estimates on (1) actual estimate costs, (2) estimates based on similar projects of like construction services or a combination thereof. (3) FDOT approved design Consultants may also provide engineer estimates for projects.

- Line items will adhere as closely as possible to FDOT Basis of Estimate
- Input quantities for each line item using visual estimation, computer-assisted estimate, etc.
- Generate unit costs for each line item using FDOT Listing of Master Pay Items, bid tabulations from previous projects, local engineering knowledge, etc.
- Calculate costs for each line item by multiplying quantity by unit cost
- Sum the costs to determine the total cost.

(b) Projects occurring with NHS/SHS roadways, Public Works Director and City Engineer or FDOT approved Consultants, will utilize the latest edition of FDOT's Basis of Estimates Manual.

(b) The Public Works Director will submit the Engineer's Estimate to FDOT for review and approval

17. Cost Management FDOT Projects.

(a) It is the policy of the City of Lauderhill to include in all contracts, aided through Federal funds, the following:

- Bidder will certify that prices, terms and conditions will be firm for acceptance for period of (90) days from the date of Bid opening, unless otherwise stated by the City. There will be no

escalator clauses unless specified by the City. Bids may not be withdrawn before the expiration of ninety (90) days.

- All increases in costs or time of project(s) will require contractor to submit a change order request to the Public Works Director. Change orders will be accompanied by documentation that may include:
 - (i) Accurate records showing time, labor, equipment and materials
 - (ii) Cost estimates that can be compared to the costs in the proposed change order
 - (iii) Evaluation of construction schedule modifications needed and incorporated into the change
 - (iv) Court orders or other legal agreements that are used to resolve a claim
- Change orders must be approved by the City Manager that decrease or increase the cost of the contract to the city with the exception of increases over 10% of the contract price to also be approved by City Commission.
- Upon City Manager or City Commission approval of Change Orders, they must then be presented for acceptance to either Florida Department of Transportation or Florida Department of Environmental Protection, respectively.

18. Quality Management / Supervision

- (a) Public Works Director and City Engineer will be responsible for project staffing and supervision, inspect day-to-day production, verification of findings and project level testing.
- (b) The contractor and CEI shall utilize the FDOT's Sampling, Testing and Reporting Guide (STRG) and submit to FDOT for approval prior to commencement of project.
- (c) The Primary Point of Contact for project operations will be Public Works Director and Grant Manager will be responsible for project finances and Contract Compliance.

19. Warranty Clauses

- (a) The City of Lauderhill adheres to 23 CFR 635.413 regarding the use of warranties on Federal-aid projects to electrical and mechanical equipment. Any exceptions for off-NHS/SHS projects will be in accordance with FDOT procedures.
 - All materials and equipment incorporated into any work shall be warranted and guaranteed as new quality, and of the highest grade of quality for their intended use.
 - The work shall be functionally sound, technically proficient, developed with structural integrity, shall exhibit high quality architectural principals, and shall be in compliance with all governing laws, regulations, applicable building codes, hurricane design and applicable Florida Building Code.
 - The contractor will warrant all work against defects for a period of one year (unless longer guarantees or warranties are provided for elsewhere in the Contract or at law, in which case the longer periods of time shall prevail, from the date of Substantial Completion, regardless of whether the Work was performed by Contractor or any of its subcontractors.
 - The contractor shall repair or replace the defective work and cure such defect within 48 hours of receipt of written notice. Contractor warrants such repaired or replaced work for a period of

one (1) year from the completion of the warranty work or the warranty period specified, whichever is longer. Should Contractor fail to timely cure such defects, the city will proceed to perform work Contractor's expense and back charge contractor for all costs associated with the work.

- The contractor agrees to require that all of its subcontractors, suppliers and material men provide warranties in their agreements at least sufficient to satisfy contractor's obligations in the construction contract, and contractor shall assign all such warranties to the city as a condition precedent to the receipt of final payment.
- Contractor agrees to defend and indemnify the city against all fees and cost should contractor fail to obtain the warranty protections required.

(b) The City will incorporate warranty clauses for electrical and mechanical equipment in contract documents establishing that the contractor is responsible for the warranted product and maintenance of the product during the warranty period at no additional cost to the City.

(c) The City Engineer or designee will perform evaluations prior to the end of the products warranty period.

- If the evaluation results exceed the established threshold values, the City Engineer will develop remedial actions to correct the inadequate conditions.
- Within 15 calendar days of the receipt of the evaluation results, or the resolution of a disputed evaluation, whichever is the later, the contractor will submit proposed remedial actions for review and approval by the City.
- If the City Engineer does not approve the proposed actions, or mutually agreeable remedial actions cannot be negotiated within the 15 calendar days the City will withhold direct payment for any work performed to fulfill these warranty requirements.

20. Professional Service Procurement Procedures

(a) Fair, open, and competitive selection of qualified consultants

- For non-SHS and non-NHS, selection of a design firm for professional engineering and design services for design project administration will adhere to State and local public agency regulations and procedures which are not in conflict with applicable Federal laws and regulations.
- Selection Process for SHS / NHS and all off system critical projects:
 - The Public Works Director or designated staff will verify the consultant's qualification
 - The Public Works Director or designated staff will conduct public meetings when necessary:
 - (i) Document meeting was properly noticed
 - (ii) Take minutes or record
 - Public Works Director, staff and Procurement Manager that receives sealed bids, proposals or replies will secure documents and they will be exempt from public records until such time as the city provides notice of an intended decision to make a contract award or until 30 days after opening the bids, proposals or replies, whichever is earlier.

- Oral presentations, negotiations, vendor Q&A sessions and discussions of negotiation strategies are all exempt meetings.
- Procurement Manager or designated staff will record meetings. The recording will be exempt until such time as the city provides notice of decision to make a contract award or until 30 days after the meeting

(b) Negotiations conducted with the most qualified firm to obtain fair, competitive, and reasonable price.

- For projects on SHS or NHS the city will use FDOT pre-qualified engineering and design services firm.
- For projects partially or fully funded by Federal-aid funds, the city will hire an engineering and design services firm through a competitive negotiation/qualifications based selection (Brooks act) procedures (as specified in 23 U.S.C. 112(b)(2)(A) and 23 CFR 172.5(a)(1). This provision shall supersede the requirement as written in the city's procurement code.
- Public Works Director and City Engineer will check reasonableness of consultant's proposed estimate and the City Attorney will review and approve.
 - The Public Works Director and City Engineer will use all resources available to conduct effective negotiations, including but not limited to, the refined scope of work, the evaluation factors and their relative importance, and the cost estimate.
 - The Public Works Director will maintain records of negotiations to document negotiation activities.
- Upon completion of negotiations, the City will submit a copy of the professional service contract to the district LAP administrator for review and approval.
- The Public Works Director or designated staff will submit consultant contract to public commission meeting for Commission approval by resolution.
- The Public Works Director and City Engineer shall attempt to negotiate a contract with the most highly qualified firm selected.
- Inability to negotiate a satisfactory contract with firm will result in formal termination of negotiations. Negotiations will then begin with the next most qualified of the selected firms, continuing the process until an agreement is reached.
- Inability to negotiate a satisfactory contract with any of the selected firms, the City Manager will select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

(c) Overhead Rates (indirect rates)

- Finance staff and Capital Projects Manager will review contract to ensure overhead rates (indirect rates) and direct salary multipliers are not capped
- The City will use the indirect cost rate established by an audit report prepared by an independent Certified Public Accountant, or a State or Federal agency.
- Lower indirect cost rates submitted by consultant will not be a condition of contract award
- The indirect cost rates are for the purposes of contract estimation, negotiation, administration, reporting and contract payment and they shall not be limited by any administrative or de facto

ceilings. The indirect cost rates for its on-year applicable accounting period shall be applied to the contract with available extension beyond the one-year provided all concerned parties agree.

- Direct salary multipliers shall not be capped.

(d) Use of DBE and MBE consultants

- The City will use race-neutral procedures to broaden the pool of proposals to potentially include DBE and/or other smaller firms. FDOT currently has a race neutral program with an 9.91% goal.
- The City will not include DBE preference as selection criteria.
- The Public Works Director will use DBEs certified under the Florida Unified Certification Program Directory (<http://www.bpincwebapps.com/biznet/florida/>)
- The Public Works Director, Procurement Manager and Grant Manager will review contract for inclusion of DBE language that complies with FDOT's DBE Program Plan approved by USDOT.

(e) Compliance with Departmental, State, and Federal contracting requirements

- The Procurement Manager will document advertisements, selection results and public meetings and ensure they are adequately noticed per State requirements as stated previously in item number: 11. Bid Advertising.
- Tangible Assets will be identified in contract agreement.
- Professional Liability Insurance will be maintained during the project period.
- The City's service contract procurement procedures as stated above will be approved by FDOT through the LAP certification process.
- Terms for Federal Aid Contracts will be incorporated in the Professional Services Agreement.
- Federal forms to be included: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Federal Aid Contracts; Certification for Disclosure of Lobbying Activities on Federal-Aid Contracts; Standard Form-LLL, Disclosure of Lobbying Activities (where necessary).
- District LAP Administrator will review and submit to FHWA all full oversight projects.
- PD&E projects will include certification that neither the consultant firm or any of the principals have any financial or any other interest in the outcome of the project.
- The Public Works Director will ensure that a consultant firm, or its affiliate, that is the Engineer of Record or on a design project shall not be considered eligible to compete as a prime consultant for Construction Engineering Inspection services on the same project.

(f) Contract Documents

- The Public Works Director will submit to District LAP Administrator a standard consultant agreement for approval.

(g) Proper use of contract amendments

- The Public Works Director and Procurement Manager procedures for Supplemental Amendments:
 - Conduct independent assessment of staff hours and quantities for proposed services prior to negotiations
 - Document negotiations for 100% of supplemental amendments
 - Perform a cost analysis to ensure fees for supplemental services are fair, competitive and reasonable
 - Ensure a revised scope of work detailing the additional work
 - Ensure time extensions for performance (if needed)
 - Submit documentation to City Manager and City Attorney (if applicable) for change approvals
 - Submit to District LAP Administrator for approval
 - Amendments that affect contract price over \$30,000 will go before City Commission for Resolution approving the amendment

(h) Managing and Monitoring the Agreement

- The Public Works Director is responsible for monitoring the consultant's performance to ensure that quality products are received as well as staying on track with schedule so that consultant does not exceed time limitations.
- The Grant Manager is responsible for Contract Compliance.
- The Public Works Director and staff designees will monitor consultant progress reports to ensure progress follows schedule and will take corrective action for problem areas.
- The Public Works Director will review invoices to ensure they correspond to work performed and submit to Grant Manager for allowable and allocable costs review. Grant Manager will send to Financial Analyst to ensure accuracy and to prevent overpayment of agreement amount.
- Public Works Director and Grant Manager monitors and collects documents ensuring consultants compliance with EEO provisions of agreement.
- Public Works Director and inspectors document work completion and arrange inspection from District LAP Administrator to ensure all terms, conditions and services of the agreement have been completed.
- The Public Works Director will conduct performance evaluation upon completion of work.

(i) Planning contracts

- Planning services will be procured in accordance with Florida Statute S.287.055 Consultant Competitive Negotiation Act selection process.

(j) All Contract documents will include e-verify.

VIII. PARKS AND RECREATION – TRANSPORTATION DIVISION

The City of Lauderhill's Parks and Recreation (PAR) Transportation Division is in compliance with the equal opportunity policy and standards and all applicable state and federal statutes and regulations relating to nondiscrimination in employment and service delivery (please refer to II. Declaration of Policy's Title VI statement).

1 Title VI/Nondiscrimination Policy Statement and Management Commitment to Title VI Plan

49 CFR Part 21.7(a): Every application for Federal financial assistance to which this part applies shall contain, or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed or pursuant to [49 CFR Part 21].

Lauderhill Transportation Division assures the Florida Department of Transportation that no person shall on the basis of race, color, national origin, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

Lauderhill Transportation Division further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient's City Manager or authorized representative.
2. Issue a policy statement signed by the City Manager or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in language(s) other than English.
3. Insert the clauses of Section 4.5 of this plan into every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against Your Community Transit.
5. Participate in training offered on the Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or any other state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days.
7. Have a process to collect racial and ethnic data on persons impacted by the agency's programs.
8. Submit the information required by FTA Circular 4702.1B to the primary recipients (refer to Appendix A of this plan)

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the agency.

Desorae Giles-Smith, City Manager

Date

2.1 Description of Services

- Lauderdale Transportation Division submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.
- Lauderdale Transportation Division is a sub-recipient of FTA funds and provides community transit service for the City of Lauderdale.

Title VI Liaison

- Kurt Blaides, Transportation Supervisor and Title VI Liaison
Contact Information: (954) 572-1475; 1080 NW 47th Ave., Lauderdale, FL 33313
- Tameka Dorsett, Grant Manager, Alternate Title VI Liaison
Contact Information: (954) 730-3001; 5581 W. Oakland Park Blvd; Lauderdale, FL 33313

The City of Lauderdale's Title VI / Section 504 Coordinator, Revlon Fennel, has overall responsibility for Title VI issues and complaints for the City of Lauderdale and oversees all Departmental Title VI Liaisons. Lauderdale Transportation Division Title VI Liaisons are the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintain knowledge of FTA Title VI requirements
- Attend training on Title VI and other nondiscrimination authorities when offered by FDOT or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop a process to collect data related to race gender and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Implement procedures for the prompt processing of Title VI complaints.

2.2 First Time Applicant Requirements

- *FTA Circular 4702.1B, Chapter III, Paragraph 3*

The City of Lauderdale's Transportation Division is in compliance with FTA Circular 4702.1B, Chapter III because we are not a first time applicant for FTA/FDOT funding and the Florida Department of Transportation did not complete a Title VI compliance review during the prior three (3) years and Lauderdale's Transportation Division has not been found to be in noncompliance with any civil rights requirements.

- FTA pass through FDOT

#	Title	Date	Federal \$	State \$
1.	U.S.C. Section 5310	1/31/2007	78,766.00	9,846.00
2.	U.S.C. Section 5310	7/21/2008	72,000.00	9,000.00

- US Department of Agriculture Natural Resources Conservation Service

#	Title	Date	Federal \$
1.	Hurricane IRMA Emergency Watershed Protection	7/12/2018	4,347,187.30

-	US Housing and Urban Development (HUD)			
	#	Title	Date	Federal \$
	1.	Community Development Block Grant	3/23/2018	711,015.00
	2.	Neighborhood Stabilization Program 1	1/30/2009	4,293,288.00
	2.	Neighborhood Stabilization Program 3	3/10/2011	1,500,609.00
	3.	HOME Investment Partnership Program	10/1/2018	216,084.00
-	US Department of Justice Office of Community Oriented Policing Services			
	#	Title	Date	Federal \$
	1.	Public Safety Partnership & Community Policing Grant	9/1/2016	625,000.00
-	Florida Department of Environmental Protection			
	#	Title	Date	State \$
	1.	Florida Recreation Development Assistance Program #A17109	7/1/2016	50,000.00
	2.	Florida Recreation Development Assistance Program #A17129	7/21/2008	50,000.00
-	Florida Department of Economic Opportunity and Florida Housing Corporation			
	#	Title	Date	State \$
	1.	State Housing Initiatives Partnership	3/13/2018	93,401.00
	2.	State Housing Initiatives Partnership Disaster	4/26/2018	15,124.00

2.3 Annual Certifications and Assurances

- *FTA Circular 4702.1B, Chapter III, Paragraph 2*

The Lauderhill Transportation Division will remain in compliance with this requirement by annual submission of certifications and assurances as required by FDOT and/or Broward County Transit.

2.4 Title VI Plan Concurrence and Adoption

This Title VI Plan received FDOT concurrence August, 7, 2018. The Plan was approved and adopted by City Commission Resolution Number: 18-R-10-242.

3.0 Title VI Notice to the Public

- *FTA Circular 4702.1B, Chapter III, Paragraph 5: Title 49 CFR 21.9(d)*

3.1 Notice to Public

- *FTA Circular 4702.1B, Chapter III, Paragraph 5*

The City of Lauderhill hereby gives public notice that it is the policy of the City to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, 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 and/or obtain a complaint form by contacting Broward County Transit (BCT) at (954) 357-8481, TTY (954) 357-8302, or by visiting BCT's website at <http://www.broward.org/BCT/Pages/TitleVI.aspx>, or in writing to the Broward County Transportation Department, Transit Manager - Compliance, 1 North University Drive, 3100A, Plantation, FL 33324. Any such complaint must be filed in writing within one hundred-eighty (180) days following the date of the alleged discriminatory action.

The notice will be translated into other languages, as necessary.

For more information on Lauderhill Community Transit's civil rights program, contact by phone (954) 730-3090, TDD (954)741-0396, by email rfennel@lauderhill-fl.gov, kblaides@lauderhill-fl.gov or visit City Hall at 5581 W. Oakland Park Boulevard; Lauderhill, Florida 33313. If information is needed in another language, contact (954) 730-3090 or refer to the Language Identification Flash Card

ATTACHMENT 1

For more information on Title VI procedures, to file a complaint and/or obtain a complaint form contact Broward County Transit (BCT) at (954) 357-8481, TTY (954) 357-8302, or visit BCT's website at <http://www.broward.org/BCT/Pages/TitleVI.aspx>. You may also request information in writing to the Broward County Transportation Department, Transit Manager - Compliance, 1 North University Drive, 3100A, Plantation, FL 33324.

If information is needed in another language, contact (954) 357-8481, TTY (954) 357-8302.

3.2 Notice Posting Locations

- The Notice to Public will be posted at Lauderhill City Hall: 5581 W. Oakland Park Boulevard; Lauderhill, FL 33313, to apprise the public of Lauderhill Transportation Division's obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas: Lauderhill Transportation Division office(s) located at 7500 W. Oakland Park Boulevard; Lauderhill, FL 33313 and on the City of Lauderhill's website www.lauderhill-fl.gov under Departments, Human Resource, Title VI with the direct url as:

4.0 Title VI Procedures and Compliance

- *FTA Circular 4702.1B, chapter III, Paragraph 6*
In accordance with the Interlocal Agreement with Broward County Transit on _____, the City will use BCT's Complaint Process, Form and Procedures.

4.1 Complaint Procedure

- A copy of the complaint procedures and form is provided in **APPENDIX D** and on Broward County Transit's website at <http://www.broward.org/BCT/Pages/TitleVI.aspx>

4.2 Compliant Form

- A copy of the complaint procedures and form is provided in **APPENDIX D** and on Broward County Transit's website at <http://www.broward.org/BCT/Pages/TitleVI.aspx>

4.3 Record Retention and Reporting Policy

- FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Plan to their FTA regional civil rights officer once every three (3) years. Lauderhill Transportation Division will submit Title VI Plans to all primary recipients, as needed including to FDOT for concurrence on an annual basis or any time a major change in the Plan.
- Compliance records and all Title VI related documents will be retained for a minimum of three (3) years and reported to the primary recipient annually.

4.4 Sub-recipient Assistance and Monitoring

- *FTA Circular 4702.1B, Chapter III, Paragraph 11*
- The City of Lauderhill's Transportation Division does not have any sub-recipients to provide monitoring and assistance. As a sub-recipient to FDOT, the City of Lauderhill's Transportation Division utilizes the sub-recipient assistance and monitoring provided by FDOT, as needed. In the future if The City of Lauderhill Transportation Division has sub-recipients, it will provide assistance and monitoring as required by FTA Circular 4702

4.5 Contractors and Subcontractors

The Lauderhill Transportation Division is responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. Lauderhill Transportation Division, contractors, and subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan. However, nondiscrimination clauses will be inserted into every contract with contractors and subcontractors subject to Title VI regulations.

NONDISCRIMINATION CLAUSES

During the performance of a contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") must agree to the following clauses:

1. **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") 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 Agreement.
2. **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the 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 Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
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 *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety 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 *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor*

Carrier Safety 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, Your Community Transit shall impose contract sanctions as appropriate, including, but not limited to:
 - a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. 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 subcontract or procurement as the Your Community Transit, Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

As a part of the Joint Participation Agreement (JPA) with FDOT, Lauderhill Transportation Division and its contractors and subcontractors agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, as amended, have the opportunity to participate in the performance of contracts. Lauderhill Transportation Division and its contractor and subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of any contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of FDOT-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 the contract or such other remedy as the recipient deems appropriate.

E-Verify

As part of the JPA with FDOT, vendors and contractors of Lauderhill Transportation Division shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the vendor or contractor while contracted with Lauderhill Transportation Division. Additionally, vendors and contractors shall expressly require any subcontractors performing work or providing services pursuant to work for Lauderhill Transportation Division shall likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor while working for Lauderhill Transportation Division.

5.0 Title VI Investigations, Complaints, and Lawsuits

- *FTA Circular 4702.1B, Chapter III, Paragraph 7*

The City of Lauderhill Transportation Division has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years.

TABLE 1: SUMMARY OF INVESTIGATIONS, LAWSUITS, AND COMPLAINTS

	Date (Month, Day, Year)	Summary (Include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Complaints	None			
1.				
2.				
Investigations	None			
1.				
2.				
Lawsuits	None			
1.				
2.				

Kurt Blaides, Transportation Supervisor 10/1/2015 to 10/1/2018.

6.1 Public Participation Plan

- *FTA circular 4702.1B, Chapter III, Paragraph 4.a.4*

The Public Participation Plan (PPP) for Lauderhill Transportation Division was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for Lauderhill Transportation Division. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Lauderhill Transportation Division services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The PPP is included as **APPENDIX D**.

Current Outreach Efforts

Lauderhill Transportation Division is required to submit a summary of public outreach efforts made over the last three (3) years. The following is a list and short description of Lauderhill Transportation Division's recent, current, and planned outreached activities:

- Activity 1 Onboard Surveys: Lauderhill Transportation Division bus drivers capture yearly on-board survey's relating to ridership, purpose of commute and customer service.
- Activity 2 Associations: Lauderhill Transportation Staff present information and materials at Homeowner and Condominium Associations to effectively reach the City's low-income populations
- Activity 3 Public Notices: Lauderhill Transportation Staff advertise two weeks in general circulation transportation projects to provide sufficient time for public comments.
- Activity 4 Media: Lauderhill Transportation Staff provide notification of transportation projects in City public broadcast station and City Newsletter and water bills mailed to all households.

7.0 Language Assistance Plan

- *FTA Circular 4702.1B, Chapter III, Paragraph 9*

Lauderhill Transportation Division operates within the City of Lauderhill and portions of Lauderdale Lakes, Sunrise, Plantation, and Tamarac. The Language Assistance Plan (LAP) has been prepared to address Lauderhill Transportation Division's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Lauderhill Transportation Division service area there are 7,445 residents who describe their ability to speak English as less than very well. (Source: US Census Table C16001). Lauderhill Transportation Division is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Lauderhill Transportation Division has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four-factor analysis to develop its LAP. Lauderhill's LAP is attached as **APPENDIX E**. The percent of Lauderhill population that speak English less than "very well" is shown in **APPENDIX F**.

8.0 Transit Planning and Advisory Bodies

- *FTA Circular 4702.1B, Chapter III Paragraph 10*

The City of Lauderhill Transportation Division does not have a transit-related committee or board, therefore this requirement does not apply.

9.0 Title VI Equity Analysis

- *FTA Circular 4702.1B, Chapter III, Paragraph 4.a.8*

The City of Lauderhill has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, Lauderhill Transportation Division does not have any Title VI Equity Analysis reports to submit with this Plan.

10.0 Service Standards and Service Policies

- *FTA Circular 4702.1B, Chapter III, Paragraph 10*

Lauderhill Transportation Division provides fixed route services. The fixed route service provides seven (7) separate routes. The service times are posted on the City's website: <https://www.lauderhill-fl.gov/community-services/community-shuttle>. All routes are essentially circulators with each route serving particular areas of the city. The Paratransit services are geared for seniors and the disabled who are unable to access the fixed route services for their medical, nutritional, or recreational needs.

10.1 Service Standards

FTA requires that all fixed route transit providers develop quantitative standards for all fixed route modes of operation for the following indicators.

Vehicle Load Standards

- The current vehicle load ratio for our fixed route busses is 1.5 passengers per seat and is evaluated each year with adjustments, if any, based on prior year's performance.

Vehicle Headway Standards

- The current headway standard is 30 minutes for all seven (7) routes and is evaluated each year with adjustments, if any, based on prior year's performance.

On-Time Performance

- A vehicle is considered on time based on departures of zero (0) minute early and no more than five (5) minutes late. Lauderhill Transportation Division's on-time performance objective is 80% or greater. Lauderhill Transportation Division continuously monitors on-time performance and system results are part of performance reports covering all aspects of operations.

Service Availability Standards

- Lauderhill Transportation Division routes operate to complement Broward County's (County) local, breeze, express and paratransit services. To the greatest extent possible Lauderhill Transportation Division will fill gaps in County service coverage and offer local circulation to neighborhood destinations.

10.2 Service Policies

Lauderhill Transportation Division has prepared the following vehicle assignment and transit amenities policies for its transit system.

Vehicle Assignment Policy

- Vehicles in service for five (5) years or 150,000 miles are prioritized for replacement. Routes regularly exceeding the vehicle capacity threshold should be addressed through additional service. The County is generally responsible for the procurement and replacement of transit vehicles based on need and available funding.

Transit Amenities Policy

- Lauderhill Transportation Division collaborates with the County in the siting of transit amenities in accordance with a criteria based on ridership, community need, and available right-of-way. For passenger convenience, Lauderhill Transportation Division stops are generally placed in close proximity of shopping plazas, grocery stores, hospitals, parks and offices.

**ATTACHMENT 1
LANGUAGE IDENTIFICATION CARD**

2004 Census Test	United States Census 2010 LANGUAGE IDENTIFICATION FLASHCARD
<input type="checkbox"/> وضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խնդրում ենք նշում կատարել այս քանակուսում, եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

- | | | |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français. | 13. French |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. | 14. German |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. | 15. Greek |
| <input type="checkbox"/> | Make kazye sa a si ou li oswa ou pale kreyòl ayisyen. | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ । | 17. Hindi |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob. | 18. Hmong |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を読んだり、話せる場合はここに印を付けてください。 | 22. Japanese |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | 23. Korean |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ . | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратић уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

ATTACHMENT 2
City of Lauderhill
CONFLICT OF INTEREST POLICY & PROCEDURES

LEGISLATIVE AND REGULATORY AUTHORITY

2 C.F.R. Part 200, §200.318(c)(1) “The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.”

2 C.F.R. Part 200, §200.318(c)(2) “If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.”

2 C.F.R. Part 200, §200.112 “The Federal awarding agency must establish conflict of interest policies for Federal awards. The non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

24 CFR 570.611(b) U.S. HUD’s Conflict of Interest provisions provide in relevant part that “...no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter...”

24 CFR 570.611(c) describes the persons covered by the above rule as being applicable to “Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer or elected official or appointed official of the recipient, or any designated public agencies, or of subrecipients that are receiving funds under this part.”

24 CFR 92.356 Conflict of Interest for the procurement of property and services by participating jurisdictions, recipients and subrecipients, the cases not governed by 2 CFR 200.317 and 2 CFR 200.318 the provisions of this section will apply. No persons described in [paragraph \(c\)](#) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with [HOME funds](#) or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include

(whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person. Paragraph (c) states The conflict of interest provisions of [paragraph \(b\)](#) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the [participating jurisdiction](#), [State recipient](#), or [subrecipient](#) which are receiving [HOME funds](#).

Section 287.057 Florida Statutes requires that each agency must avoid, neutralize, or mitigate significant potential organizational conflicts of interest before a contract is awarded and further no award will proceed if the conflict of interest is based upon the vendor gaining an unfair competitive advantage.

Section 112.313 and 334.193 Florida Statutes requires that employees of the respective Department may not have any interest, financial or otherwise, direct or indirect; engage in any business transactions such as, but not limited to; sales, purchases or contracts, or professional activity; or accept any obligation of any kind which is in conflict with the proper conduct of their duties in the public interest.

I. Policy

This Policy establishes procedures regarding Conflict of Interest involving Federal, State and Local funded projects managed through the City of Lauderhill Grants Department including:

- SHIP “State Housing Investment Partnership”
- HOME “HOME Investment Partnership Program”
- CDBG “Community Development Block Grant”
- NSP “Neighborhood Stabilization Program”
- LAP “Florida Local Agency Program” through US Department of Transportation
- Section 5310 “US Department of Transportation’s Enhanced Mobility of Seniors and Disabled”
- Watershed Grant “US Department of Agriculture Natural Resources Conservation Service USDA-NRCS”
- Florida Builds Cultural “State of Florida Division of Cultural Affairs”
- FEMA “Federal Emergency Management Association”
 - AFG “Assistance to Firefighters Grant”
 - HMPG “Hazard Mitigation Program Grant”
- Department of Justice
 - COPS “Community Oriented Policing Services
 - VOCA “Victims of Crime Act”
 - JAG “Justice Assistance Grant”

II. Policy Statement

No public official, employee, agent or consultant of the City of Lauderhill may obtain a financial interest or benefit from any funded activity or have an interest in any contract, subcontract or agreement involving a Federal, State and/or local funded project either for themselves or those whom they have family or business ties.

In conjunction with this Policy, employees must abide by the City of Lauderhill’s established procurement policies and procedures which may be found in the City of Lauderhill’s Code of Ordinances at [municode.com](#), Chapter 2 Administration, Division 8. – Division of Purchasing.

In conjunction with this Policy, employees must abide by City of Lauderhill’s Personnel Policies and Procedures which may be found on the City of Lauderhill’s intranet, City Information, City Policies & Procedures, HR-42.

III. Procedures

Exceptions: When the potential Conflict of Interest involves Federal or State funds, a request for exception may be submitted in writing to the appropriate Federal or State Official.

- Employee identifying potential Conflict of Interest will disclose to his/her Director/Manager

- Disclosure procedure includes notification of: (a) employee department (b) job classification/title (c) pay grade (e) program applying for / source of program funding and (f) approximate amount of financial benefit employee would receive (g) description of employees responsibilities with regard to Federal Agency funding received and/or administered.
- Director/Manager will prepare a written request for exception and submit it to Legal Counsel and City Manager for review
- Legal Counsel will provide a legal opinion stating any violations of state or local law; or stating there would be no violation of state or local law if the exception is granted.
- If the City's Legal Counsel issues a legal opinion stating there would be no violation of state or local law, a public disclosure of the nature of the conflict will be made on the City of Lauderhill's Website for a minimum of twenty-one (21) days.
- Federal or State Agency will examine the following criteria to determine the exception will serve to further the objectives of the project, where applicable:
 - Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project would otherwise not be available
 - Whether an opportunity was provided for open competitive bidding or negotiation
 - Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class generally
 - Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question
 - Whether the interest or benefit was present before the affected person was in a position
 - Whether undue hardship will result either to the City or the person affected when weighed against the public interest served by avoiding the prohibited conflict
 - Any other relevant considerations
- No action will be taken involving the Conflict of Interest until after the Federal Agency issues its approval or denial of the exception and the employee is advised by the Director/Manager and/or City Manager on how to proceed.

IV. Conflict Of Interest Procurement

Subrecipients a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program.

- Subrecipients complete Conflict of Interest Disclosure form
- Ensure subrecipient is not on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs Statement of Work, Record Keeping requirements, Suspension and termination, Reversion of assets
- Perform a System for Award Management (SAM) review of subrecipients
- Ensure all contract provisions and clauses are contained in subrecipient Agreement Appendix II to CFR Part 200,
- Agreements will include contingencies for continued funding based on correction of deficiencies
- On-site visits to ensure subrecipient goals are met.
- Additional requirements for HUD CDBG Subrecipient Agreements as follows:
 1. National Objective Compliance/Eligibility
 2. Time of Performance
 3. Personnel Assigned to Scope of Work
 4. Levels of Performance
 5. Budget
 6. Project Schedule/Milestones
 7. Compensation and Method of Payment
 8. Program Income

9. Record-Keeping Requirements
10. Reporting Requirements
11. Public Access to Program Records
12. Record Retention
13. Grant Closeout Procedures
14. Use and Reversion of Assets
15. Real Property
16. Other Program Requirements
17. Suspension and Termination
18. Compliance with Laws/Regulations
19. Antidiscrimination/Affirmative Action and Equal Employment Opportunity
20. Financial Management
21. Audits
22. Religious and Lobbying Activities
23. Budget Modifications
24. Monitoring
25. Conflict of Interest
26. Procurement Standards and Methods
27. Environmental Issues

1. US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD)

Conflict of Interest involving assisted activities through CDBG (Community Development Block Grant), NSP (Neighborhood Stabilization Program), HOME (HOME Housing Initiative Program) and SHIP (State Housing Initiative Program).

- Acquire, Sell, Purchase, Rehabilitate or Lease a property requires disclosure of a potential conflict of interest *before* negotiations begin.
 - A conflict of interest exists where there is an actual or perceived potential gain or bias by an employee of the City of Lauderhill. Employees must sign HR-42 Conflict of Interest Disclosure
 - HUD's Conflict of Interest provisions in 24 CFR 570.611(b) and 24 CFR 570.611(c) require disclosure to determine if additional restrictions, oversight, or other conditions exist prior to execution of any contract, finding or providing assistance. The term "Conflict of Interest" refers to situations in which financial or other personal considerations may compromise or have the appearance of compromising professional judgment in following the rules and regulation of the program(s).
 - No contract will be awarded to any Debarred or Suspended party as listed on the government wide Excluded Parties List System (SAM).
 - All applicants must complete Conflict of Interest Disclosure Form ATTACHMENT

2. DEPARTMENT OF TRANSPORTATION

FHWA (Federal Highway Administration) 23 CFR 1.33 and FS 287.057. A Local Agency must adhere to the Florida Department of Transportation's topic No. 375-030-006 Restriction of Consultants' Eligibility to Compete for Department Contracts for projects that are on the State Highway System (SHS), on the National Highway System (NHS), and on Federal-Aid eligible local roadways when construction and a related professional services phase are funded by the department.

- Professional Service Contracts
 - Any consultant firm, or its affiliate, that developed the scope of services, the Request for Proposal (RFP) or other solicitation documents for a particular project phase is ineligible to compete for construction or construction engineering and inspection (CEI) for a design-build project.
- Preliminary Engineering Activities
 - A consultant firm, or its affiliate, that performed a value engineering study or cost risk analysis on a project is eligible to perform work on other phases of the project.
- Consultant Contracts

- A construction contractor, or its affiliate, qualified by the Department under **Rule Chapter 14-22, F.A.C.**, may not also qualify under **Rule Chapter 14-75, F.A.C.** to provide either CEI services or testing services.
- A consultant firm, or its affiliate, that is the Engineer of Record (EOR) on a project shall be considered ineligible to compete as a prime consultant for CEI services on that same project. However, a consultant firm, or its affiliate, that performed design services is able to compete for CEI contracts where the consultant firm will only provide inspectors, and the contracts will be administered by Department staff (i.e., CEI hybrid contracts).
- Consultant Firm / Contractor Relationships
 - A consultant firm or its affiliate that is the Designer or EOR, or a subconsultant to the EOR, is ineligible to bid on the same project as the construction contractor or as a subconsultant to the construction contractor. It is a conflict of interest for a consultant firm to receive compensation on a single design-bid-build project from both the Department and the construction contractor, either directly or indirectly, except as noted herein. A consultant firm that has only performed preliminary pavement coring activities as part of the design process is permitted to act as the Quality Control (QC) Manager for a contractor on the same project, or provide geotechnical or other engineering services on the same project.
 - An Engineer of Record (EOR) that performs Construction , Engineering and Inspection (CEI) services on the same project is in violation of state conflict of interest procedure (Topic No. 375-030-006).
- Local Agencies, Municipalities, must collect Conflict of Interest Certification Form No. 375-303-50 from each consultant who submits a proposal on a solicitation for professional services, from each employee who participates in the selection process for professional services contracts and upload into LAPIT. (FORM No. 375-303-50 is ATTACHMENT B)
- All Federally assisted Construction Contracts will include:
 - Equal Employment Opportunity clause (41 CFR 60-1.4(b))
 - Davis-Bacon Act (40 USC 3141-3148) if applicable
 - Wage Rate Requirements (40 USC 3701-3708) if applicable as posted on FDOT website
 - Clean Air Act and Federal Water Pollution Control Act (42 USC 7401-7671q and 33 USC 1251-1387) if applicable
 - Energy Efficiency (42 USC 6201)
 - Debarment & Suspension (Executive orders 12549 & 12686) – A contract will not be awarded to parties listed on the Excluded Parties List in SAM
 - Byrd Anti-Lobbying Amendment (31 USC 1352) Contractors must file certification.

3. DEPARTMENT OF JUSTICE

The City of Lauderhill's Procurement Standards are in accordance with 2 CFR 200. The City's Conflict of Interest Disclosure Form HR-42 is required of all employees to execute yearly.

- No employee, officer, or agent of the City of Lauderhill shall participate in selection, award, or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - The employee, officer or agent, or Any member of his/her immediate family, or His or her partner, or any organization which employs, or is about to employ, has a financial or other interest in or receives or stands to receive a tangible personal benefit from a firm being considered for a contract.
- No employee, officer, or agent of the City of Lauderhill shall solicit nor accept gifts, favors, gratuities, or anything of monetary value from contractors or parties to subcontracts.
- Employees, officers or agents of the City of Lauderhill shall avoid, at all times, even the appearance of a conflict of interest.
- Employees, officers or agents that are proposal evaluators (price and technical) or members of their immediate families shall not own stock or have other financial interest in the companies being evaluated.

- Employees, officers or agents of the City of Lauderhill shall refer any problem that arises concerning conflict of interest to Director/Manager, Legal Counsel and City Manager as appropriate
- If “brand name or equal” has been used excessively in similar solicitations that might be interpreted as leading to a conflict of interest situation the work specification will be expanded to achieve more competition.
- All Vendors will be checked against the SAM website to ensure they are not listed.
- Debarment & Suspension (Executive orders 12549 & 12686) – A contract will not be awarded to parties listed on the Excluded Parties List in SAM.

ATTACHMENT 3

HUD Determination of Contractor And/Or Vendor Responsibility

CONTRACTOR	VENDOR
Solicitation / Bid #:	Vendor Name & Address:
Contractor Name & Address:	
	Purchase Order? No <input type="checkbox"/> Yes <input type="checkbox"/> P.O. #:
In accordance with 24 CFR 85.36 (b)(8) the contractor is considered to be: <input type="checkbox"/> responsible <input type="checkbox"/> nonresponsible, and <input type="checkbox"/> possesses <input type="checkbox"/> does not possess the ability to successfully perform under the terms and conditions of this contract.	In accordance with 24 CFR 85.36 (b)(8) the vendor is considered to be: <input type="checkbox"/> responsible <input type="checkbox"/> nonresponsible and <input type="checkbox"/> possesses <input type="checkbox"/> does not possess the ability to successfully perform services.
A review of the GSA and HUD websites data has been conducted and the contractor: <input type="checkbox"/> does <input type="checkbox"/> not appear as suspended, debarred or operating under a LDP.	A review of the GSA and HUD websites data has been conducted and the vendor: <input type="checkbox"/> does <input type="checkbox"/> does not appear as suspended, debarred or operating under a LDP.

Manager

Date

**ATTACHMENT 4
CDBG, HOME & SHIP**

Conflict of Interest Regulations: In accordance with 24 CFR 570.611(b)(c); 24 CFR 214.303(f); 2 CFR 200; FAC 67-37; FS 112 and 420; City HR-42; A person in a position of trust, direct interest, director, employee, officer, contractor, volunteer, agent of participating agency or the family member of any individual holding these positions shall not engage in activities that create a real or apparent conflict of interest.

The purpose of this document is to assist in the determination of whether additional restrictions, oversight, or other conditions might be advisable prior to execution of any contract, finding or providing assistance. The term "Conflict of Interest" refers to situations in which financial or other personal considerations may compromise or have the appearance of compromising professional judgment in following the rules and regulation of the program.

Please mark the appropriate box for each question and complete the attachment if indicated.

Applicant Name	Property Address	City, State, Zip Code
Co-Applicant Name		

A "Covered Employee" is a current employee, agent, consultant or elected official or officer of any City agency.

1. Are you a Covered Employee?
 Yes No (If Yes, please complete "Attachment")
2. Do you, or any person who holds an ownership or financial interest (including tenancy) in the property described above, have an immediate family member (such as: spouse, domestic partner, child, stepchild, parent, stepparent, sibling, etc.) or any person who has business dealings or business ties to a **Covered Employee**?
 Yes No (If Yes, please complete "Attachment")
3. Do you, a family member, or any person who holds an ownership or financial interest in the property described above, have business dealings or business ties as an investor, owner, employee, realtor, lender, consultant, contractor, etc. that has a contractual relationship with the City of Lauderhill?
 Yes No (If Yes, please complete "Attachment")

Warning: knowingly and willingly making false or fraudulent statements to the City of Lauderhill may result in denial of assistance, civil penalties, and/or referral to law enforcement.

I have read and understand the Conflict of Interest Disclosure Form. I have disclosed all information required by this disclosure, if any, in an attached statement. I agree to comply with any conditions or restrictions imposed by the City of Lauderhill to reduce or eliminate actual and/or potential conflicts of interest. I will update this disclosure form promptly, if relevant circumstances change. I understand that this Disclosure is not a confidential document.

Signature of Applicant	Signature of Co-Applicant
------------------------	---------------------------

If you answered YES to any question on the previous page, please complete the relevant section(s) below:

Covered Employee's Name:	
Applicant's Relationship with the Covered Employee	<input type="checkbox"/> Self <input type="checkbox"/> Member of Applicant's family <input type="checkbox"/> Associated with an organization that employs or is about to employ Applicant <input type="checkbox"/> Has a financial or other interest in or with Applicant <input type="checkbox"/> Other:
Covered Employee's Relationship to the City of Lauderhill	<input type="checkbox"/> Employee <input type="checkbox"/> Agent <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor <input type="checkbox"/> Elected official <input type="checkbox"/> Other:
DESCRIBE RELATIONSHIPS CHECK ABOVE:	

Name of Business:	
Applicant's Relationship with the Business	<input type="checkbox"/> Consultant or Advisor <input type="checkbox"/> Research Activities <input type="checkbox"/> Referrals <input type="checkbox"/> Realtor <input type="checkbox"/> Lender <input type="checkbox"/> Contractor <input type="checkbox"/> Other:
Describe applicant or covered employee's business relationship with the City of Lauderhill for all checked boxes above to include disclosure of any type of complementation received if applicable:	

Warning: knowingly and willingly making false or fraudulent statements to the City of Lauderhill may result in denial of assistance, civil penalties, and/or referral to law enforcement.

I have read and understand the Conflict of Interest Disclosure Form. I have disclosed all information required by this disclosure, if any, in an attached statement. I agree to comply with any conditions or restrictions imposed by the City of Lauderhill to reduce or eliminate actual and/or potential conflicts of interest. I will update this disclosure form promptly, if relevant circumstances change. I understand that this Disclosure is not a confidential document.

Signature of Applicant

Signature of Co-Applicant

ATTACHMENT 5 SECTION 3 COMPLAINT REGISTER

Complaint Register
Under Section 3 of the Housing
And Urban Development Act of 1968

**U.S. Department of Housing
and Urban Development**
Office of Fair Housing
and Equal Opportunity

OMB Approval No. 2529-0043
(Expires 11/30/2010)

Name of Complainant (Person or organization)	Home Phone
Street Address	Work Phone
City, State, Zip code	
Against whom is this complaint being filed?	Business Phone
Name of organization or company	
Street Address	
City, State, Zip code	
Name and identify others (if any) who violated the law in this case	

You are (check all that apply)	
<input type="checkbox"/> A. Low/Very low income	<input type="checkbox"/> D. Section 3 business concern
<input type="checkbox"/> B. Public housing resident	<input type="checkbox"/> E. A representative of D
<input type="checkbox"/> C. A representative of A or B	

Complaint is against (check one or more boxes)	
<input type="checkbox"/> A. Applicant	<input type="checkbox"/> D. Recipient
<input type="checkbox"/> B. Sub-Recipient	<input type="checkbox"/> E. Contractor
<input type="checkbox"/> C. Subcontractor	<input type="checkbox"/> F. Other (please specify _____)

Basis for non compliance with Section 3		
<input type="checkbox"/> Denied Training	<input type="checkbox"/> Denied Employment	<input type="checkbox"/> Denied Contracting

What did the person you are complaining against do? (Check all that apply – provide documentation)	
<input type="checkbox"/> A. Failed to meet numerical goals, as set out in the Section 3 regulations	<input type="checkbox"/> F. Failed to incorporate the Section 3 clause in Section 3 solicitations or contracts
<input type="checkbox"/> B. Failed to ensure that its contractors and subcontractors comply with Section 3	<input type="checkbox"/> G. Failed to train and/or employ Section 3 residents
<input type="checkbox"/> C. Failed to notify Section 3 residents about training and/or employment opportunities	<input type="checkbox"/> H. Failed to award contracts to Section 3 business concerns
<input type="checkbox"/> D. Failed to notify Section 3 business concerns about contracting opportunities	<input type="checkbox"/> I. Contracted with a contractor found to be in violation of applicable statues and/or HUD regulations
<input type="checkbox"/> E. Failed to notify potential contractors for Section 3 covered projects of the requirements of Section3	<input type="checkbox"/> J. Failed to provide preference to Section 3 residents in training and or employment opportunities.
	<input type="checkbox"/> K. Failed to provide preferences for Section 3 business concerns in contracting opportunities

When did the act(s) checked above occur? (Include the most recent date if several dates are involved):
--

Identify HUD assistance program(s). (Check all that apply)			
<input type="checkbox"/> A. PIH/DEV	<input type="checkbox"/> D. Other PIH	<input type="checkbox"/> G. CDBG	<input type="checkbox"/> J. Other CPD
<input type="checkbox"/> B. PIH/MOD	<input type="checkbox"/> E. 202/811	<input type="checkbox"/> H. HOME	<input type="checkbox"/> K. Lead-based Paint
<input type="checkbox"/> C. PIH/OPER	<input type="checkbox"/> F. Other Housing	<input type="checkbox"/> I. Homeless	<input type="checkbox"/> L. Other

Summarize what happened? Attach additional information if necessary

--

Signature

Date

I declare under penalty of perjury that I have read this compliant (including any attachments) and that it is true and correct.

Instructions for the Complaint Register
Section 3 of the Housing and Urban Development Act of 1968

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB number.

The information is given voluntarily and provides the basis for HUD's investigation of the complaint to determine if the allegations of noncompliance are valid. The Department will use the information provided as the basis for its determination of jurisdiction over a complainant's allegations. All information collected complies with the Privacy Act of 1974 and OMB Circular A-108. The information is not of a sensitive nature. The information is unique to the processing an allegation of noncompliance with the Section 3 statute or implementing regulations.

This form is to be used to report allegations of noncompliance with Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations at 24 CFR Part 135.

What does Section 3 of the Housing and Urban Development Act of 1968 provide?

The law describes the HUD programs directly affected by Section 3, receiving Federal financial assistance from the Department, and dictates how these programs are to provide employment and other economic opportunities for low and very low income persons.

What does the law cover?

Section 3 applies to any Public and Indian Housing programs that receive: (1) developmental assistance pursuant to section 5 of the U. S. Housing Act of 1937; (2) operating assistance pursuant to section 5 of the U.S. Housing act of 1937; or (3) modernization grants pursuant to section 14 of the U.S. Housing Act of 1937, and to housing and community development assistance extended for: (1) housing rehabilitation (including reduction and abatement of lead based paint hazards); (2) housing construction or (3) other public construction projects; and for which the contract and subcontract exceeds \$100,000.

What can you do about violations of the Law?

Remember, Section 3 applies to the awarding of jobs, training programs, and contracts, generated from projects receiving HUD financial assistance. If you believe that, as a low-income person or a Section 3 business concern, the responsibilities to provide economic opportunities under Section 3 have been violated, you have a right to file a complaint within 180 days of the last alleged occurrences of noncompliance.

Complain to the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, by filing this form by mail or in person. The information received will be used by HUD to determine jurisdiction under Section 3.

HUD will send the complaint to the appropriate HUD recipient for resolution. If resolution by the recipient fails, HUD will investigate. If HUD finds that the complaint has merit, it will try to end the violation by informal resolution. If conciliation fails, HUD may initiate other steps to enforce the law, including but not limited to suspension and debarment of the recipient or contractors as applicable.

You can obtain assistance in learning about Section 3 or in filing a complaint at the HUD Office listed below:

Assistant Secretary
HUD Fair Housing and Equal Opportunity
451 7th Street SW
Washington, DC 20410
(202)-708-3633

Privacy Act of 1974 (P.L.93-579)

Authority: Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1968, as amended by the Housing and Community Development Act of 1992, U.S.C. 1701u and implementing regulations at 24 CFR Part 135.

Purpose: The information requested on this form is to be used to investigate and process Section 3 complaints.

Use: The information requested will be used to process a complaint filed under Part 135. HUD may disclose certain information for Federal, State, and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law.

Penalty: Failure to provide some or all of the requested information will result in delay or denial of HUD assistance.

Disclosure of this information is voluntary.

ATTACHMENT 6

City of Lauderhill EEOP UTILIZATION APPROVAL LETTER



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

August 4, 2017

Charles Faranda
City Manager
City of Lauderhill
5581 W. Oakland Park Blvd
Lauderhill, FL 33313

Re: Equal Employment Opportunity Plan (EEOP) Utilization Report for City of Lauderhill

Dear Mr. Faranda,

The Office for Civil Rights, Office of Justice Programs, has reviewed and approved the Equal Employment Opportunity Plan (EEOP) Utilization Report that you submitted in accordance with the grant conditions set forth by either the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), Juvenile Justice and Delinquency Prevention Act of 1974, the Victims of Crime Act of 1984 or their implementing regulations. The approval of your EEOP Utilization Report is effective for two years from the date of this letter, and satisfies the EEOP reporting requirement for all open Department of Justice (DOJ) awards during the two-year period.

Your organization may, however, have additional civil rights compliance requirements if it receives funding from grant programs other than the ones listed above. For example, if your organization is a recipient of funding from the Office on Violence Against Women (OVW), your organization's non-discrimination policies and practices should also include prohibitions on discrimination on the bases of actual or perceived sexual orientation and gender identity.

If you have any questions regarding this matter, please contact the Office for Civil Rights at (202) 307-0690.

Sincerely,

X *Michael L. Alston*

Michael L. Alston
Director
Signed by: MICHAEL ALSTON

ATTACHMENT 7

City of Lauderhill Police Department EEOP UTILIZATION APPROVAL LETTER



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

August 3, 2017

Allen Siegel
Deputy Chief of Police
Lauderhill Police Department
6279 W. Oakland Park Blvd
Lauderhill, FL 33313

Re: Equal Employment Opportunity Plan (EEOP) Utilization Report for Lauderhill Police Department

Dear Mr. Siegel,

The Office for Civil Rights, Office of Justice Programs, has reviewed and approved the Equal Employment Opportunity Plan (EEOP) Utilization Report that you submitted in accordance with the grant conditions set forth by either the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), Juvenile Justice and Delinquency Prevention Act of 1974, the Victims of Crime Act of 1984 or their implementing regulations. The approval of your EEOP Utilization Report is effective for two years from the date of this letter, and satisfies the EEOP reporting requirement for all open Department of Justice (DOJ) awards during the two-year period.

Your organization may, however, have additional civil rights compliance requirements if it receives funding from grant programs other than the ones listed above. For example, if your organization is a recipient of funding from the Office on Violence Against Women (OVW), your organization's non-discrimination policies and practices should also include prohibitions on discrimination on the bases of actual or perceived sexual orientation and gender identity.

If you have any questions regarding this matter, please contact the Office for Civil Rights at (202) 307-0690.

Sincerely,

X *Michael L. Alston*

Michael L. Alston
Director
Signed by: MICHAEL ALSTON

ATTACHMENT 8

FEDERAL HIGHWAY ADMINISTRATION - FORM 1273

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated 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. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

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 (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).

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.

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). 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 bid proposal or request for proposal 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).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 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 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, 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 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, 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 230, 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 (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 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 35 and 29 CFR 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.

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, 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 who 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.

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

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

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

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

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

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

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

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

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

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

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

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

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

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

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

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 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, 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, 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 there under. 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, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and 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. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor 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 contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, 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). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

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

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, 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, Employment Standards Administration, 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 Wage and Hour Administrator for determination. The Wage and Hour 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 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

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

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 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 at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor 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 §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, 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 Regulations, 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 section 1001 of title 18 and section 231 of title 31 of the United States Code.

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

a. Apprentices (programs of the USDOL).

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

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

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

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

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

b. Trainees (programs of the USDOL).

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

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

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

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.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor 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

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.

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 of \$10 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.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (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.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

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

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" 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:

- (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.

2. 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. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

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

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 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.

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 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).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 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 1, 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

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

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.

1. Instructions for Certification – First Tier Participants:

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

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

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.

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.

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 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee 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 grantee or subgrantee 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.

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.

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. 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 Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

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. 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) 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;

(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; 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.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. 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)

a. By signing and submitting this proposal, the prospective lower tier 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.

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 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 grantee or subgrantee 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 grantee or subgrantee 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.

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.

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 Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

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

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 is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall 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 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

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

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 9
FTA / FHWA / FDOT

Conflict of Interest/Confidentiality Certification for Consultant/Contractor

I certify that I have no present conflict of interest, that I have no knowledge of any conflict of interest that my firm may have, and that I will recuse myself from any capacity of decision making, approval, disapproval, or recommendation of any contract if I have a conflict of interest or a potential conflict of interest.

Consultants/Contractors are expected to safeguard their ability to make objective, fair, and impartial decisions when performing work for the Department, and therefore may not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of theirs, or to reward a past decision. Consultants performing work for the Department should avoid any conduct (whether in the context of business, financial, or social relationships) which might undermine the public trust, whether or not that conduct is unethical or lends itself to the appearance of ethical impropriety.

I will maintain the confidentiality of all information not made public by the Florida Department of Transportation ("Department") related to the procurement of the above-referenced ("Project") that I gain access to as a result of my involvement with the Project ("Procurement Information"). I understand that Procurement Information includes, but is not limited to, documents prepared by or for the Department related to procurement of the Project. I also understand that Procurement Information includes, but is not limited to, documents submitted to the Department by entities seeking an award of the Project ("Proposers"). I understand that Procurement information may include documents submitted by Proposers related to letters of response/letters of interest, technical proposals, price proposals, financial proposals, and information shared during exempt meetings. I also understand that Procurement Information may also include documents that evaluate or review documents submitted by Proposers, and information regarding Project cost estimates. I also agree not to discuss the Project with anyone who is a member of or acting on behalf of a Proposer.

Unless so ordered by a court of competent jurisdiction or an opinion of the Office of the Florida Attorney General, I will not divulge any Procurement Information except to individuals who have executed a Conflict of Interest/Confidentiality Certification which has been approved by the Department ("Project Personnel"). I understand that a list of Project Personnel will be maintained by Department. If I am contact by any member of the public or the media with a request for Procurement Information, I will promptly forward such request to the Department's Procurement Office. I will also maintain security and control over all documents containing Procurement Information which are in my custody.

I agree not to solicit or accept gratuities, unwarranted privileges or exemptions, favors, or anything of value from any firm under consideration for an agreement associated with the Project, and I recognize that doing so may be contrary to statutes, ordinances, and rules governing or applicable to the Department or may otherwise be a violation of the law.

I agree not to engage in bid tampering, pursuant to Section 838.22, Florida Statutes.

I realize that violation of the above mentioned standards could result in the termination of my work for the Department. I further realize that violation of the above mentioned statute would be punishable in accordance with section 838.22, Florida Statutes.

Ad/Solicitation No:	Description	Financial Project Number(s)
_____	_____	_____

Each undersigned individual agrees to the terms of this Conflict of Interest/Confidentiality Certification.

Printed Names	Signatures	Date
_____	_____	_____
_____	_____	_____

ATTACHMENT 10

Title VI/Nondiscrimination Policy and Plan for Sub-Recipients in the FDOT Local Agency Program (LAP)

Title VI/Nondiscrimination Policy and Plan for Sub-Recipients in the FDOT Local Agency Program (LAP)

I. Policy Statement:

City of Lauderhill (hereinafter the Agency) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the Agency believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the transportation decision-making process. Thus, the Agency does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Agency will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or family status.

II. Nondiscrimination Assurances:

Every three years, or commensurate with a change in executive leadership, the Agency must certify to Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and serve two important purposes. First, they document Agency commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the Agency may be held liable for breach. Those wishing to view the Agency's Nondiscrimination Assurance may do so by visiting the Agency website or administration offices.

III. Complaint Procedures:

The Agency has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Agency program, service or activity may file a complaint with the Agency Title VI/Nondiscrimination Coordinator:

Name: Tameka Dorsett and Jane Sullivan

Address: Lauderhill City Hall
5581 W. Oakland Park Boulevard
Lauderhill, fl 33313

Email: tdorsett@lauderdale-fl.gov and jsullivan@laud

Phone: 954-730-3000

Hearing Impaired:

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability or family status); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Nondiscrimination Coordinator for assistance.

The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) calendar days and will take reasonable steps to resolve the matter. Should the Agency be unable to satisfactorily resolve a complaint, the Agency will forward the complaint, along with a record of its disposition to the appropriate FDOT District Office.

The Agency Title VI Coordinator has 'easy access' to the Agency Chief Executive Officer (CEO) and is not required to obtain management or other approval to discuss discrimination issues with the CEO. However, should the complainant be unable or unwilling to complain to the Agency, the written complaint may be submitted directly to Florida Department of Transportation (FDOT). FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:

Florida Department of Transportation
Equal Opportunity Office
ATTN: Title VI Complaint Processing
605 Suwannee Street MS 65
Tallahassee, FL 32399

IV. ADA/504 Posted Statement:

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities.

The Agency will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Agency will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Agency encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the Agency will provide

reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the Agency asks that requests be made at least 12 calendar days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to the Agency ADA Officer:

Name: Cici Krempler
Address: City of Lauderhill
Human Resource
5581 W. Oakland Park Blvd
Lauderhill, FL 33313
Email: Ekrempler@lauderdale-fl.gov
Phone: 954-730-3000
Hearing Impaired:

V. Limited English Proficiency (LEP) Guidance:

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US Department of Transportation (DOT) require federal-aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City/County's programs, services or activities;
- The frequency with which LEP individuals come in contact with these programs, services or activities;

- The nature and importance of the program, service, or activity to people’s lives and;
- The resources available to the City/County and the likely costs of the LEP services.

1. Using census data, the Agency has determined that LEP individuals speaking English less than well represent approximately % of the community. The Agency realizes that such statistical data can become outdated or inaccurate. Therefore, the Agency contacted local law enforcement, social services agencies and the school board to validate the proportion of LEP served by those entities. Creole was reported to be the prevalent LEP language with an estimate of % eligible to be served.

2. The Agency has not received requests for translation or interpretation of its programs, services or activities into Creole or other language(s). In addition, Agency sponsored community outreach or public events are not attended by significant numbers of LEP individuals speakers. Thus, the Agency estimates its contact with LEP individuals to be Infrequent .

3. The Agency believes that transportation is of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the agency defines as essential any document that advises the public of how to access nondiscrimination and public involvement policies, as well as those that impact public safety, health and welfare and emergency services. A full list of translated documents is available on the Agency website or by contacting the Agency Title VI/Nondiscrimination Coordinator.

4. The Agency is fortunate to house within/near its jurisdiction one or more institutions of higher education which have extensive language resources. Further, the Agency maintains cordial relationships with faith based and/or community organizations that offer competent language services at low or no cost to the Agency. Finally, the Agency

employs a number of proficient speakers that are able to interpret and/or provide translation services.

The analyses of these factors suggest that LEP services are not required at this time. At a minimum, the Agency commits to:

- Maintain a list of employees who competently speak the LEP language(s) and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide public notification in the LEP language of the availability of language assistance, free of charge.

In addition, the Agency will:

Contract with translation services

The Agency understands that its community characteristics change and that the four factor analysis may reveal the need for more or varied LEP services in the future. As such, it will at least triennially examine its LEP plan to ensure that it remains reflective of the community's needs.

Persons requiring special language services should contact the Agency's Title VI/Nondiscrimination Coordinator.

VI. Public Involvement:

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, the Agency must have the input of its public. The Agency spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The Agency hosts an informative website that advises the public how it can access information and provide input. The Agency also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the Agency sponsors, attends and participates in other community events to promote its services to the public. Finally, the Agency is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the Agency; volunteer in any of its activities; offer suggestions for improvement; or to simply learn more about Agency programs and services should visit: www.lauderhill-fl.gov

Or contact:

Name and Title:

Address:

Email:

Phone:

Hearing Impaired:

VII. Data Collection:

FHWA regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. The Agency accomplishes this through the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its community development department and other methods. From time to time, the Agency may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in Agency programs, services or activities. This information assists the Agency with improving service equity and ensuring effective outreach. Self identification of personal data to the Agency will *always* be voluntary and anonymous. Moreover, the Agency will not release or otherwise use this data in any manner inconsistent with the FHWA regulations.

APPENDIX A
FTA / FDOT
FTA / FDOT: FTA CIRCULAR 4702.1B REPORTING REQUIREMENTS

To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance by submitting a Title VI Program to FTA's regional civil rights officer once every three (3) years. In addition, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the last three (3) years.

As a recipient of federal funding through the Federal Transit Administration (FTA), the City of Lauderhill annually executes and submits Certifications and Assurances to FTA that contain the following certification by City of Lauderhill:

General Requirements *All recipients must submit:*

1. Title VI Notice to the Public, including a list of locations where the notice is posted
2. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
3. Title VI Complaint Form
4. List of transit-related Title VI investigations, complaints, and lawsuits
5. Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
6. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
7. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
8. Primary recipients shall include a description of how the agency monitors its sub-recipients for compliance with Title VI, and a schedule of sub-recipient Title VI Program submissions
9. A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
10. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
11. Additional information as specified in Chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

Requirements of Transit Providers *(All Fixed Route Transit Providers must submit):*

All requirements set out in "General Requirements"

1. Service standards
 - Vehicle load for each mode
 - Vehicle headway for each mode
 - On time performance for each mode
 - Service availability for each mode
2. Service policies
 - Transit Amenities for each mode
 - Vehicle Assignment for each mode

APPENDIX B CURRENT SYSTEM DESCRIPTION

1. Lauderhill Transportation Division Overview, mission, goals and objectives

Lauderhill Transportation Division's current and long-term focus as a community transportation provider is on maintain the best-coordinated transportation system possible for the city. Our goal is to create a coordinated system with the objective of providing safe, reliable, timely and efficient transportation services to city residents.

1. Organization structure

Lauderhill Transportation Division is made up of three (3) full-time employees and three (3) part-time employees. Transportation services for seven (7) routes average 68 total fleet service hours per day or approximately 20,400 annual service hours (based on 300 operating days). The Transportation Supervisor, Kurt Blaides, and his staff are responsible for the day-to-day operations and report to the Parks and Recreation (PAR) Director. The PAR Director has overall responsibility for reporting to the City Manager, Desorae Giles-Smith. The City Manager and the City Commissioners are committed to our Transportation program. Transportation services are provided in accordance with Board of County Commissioners (BCC) approved Operations Manual/System Safety/Security Program and its Transportation Disadvantage Service Plan (TDSP) adopted through the Coordination Agreement between Broward County as the Community Transportation Coordinator and City of Lauderhill.

2. Municipal Governance

The City of Lauderhill operates with a CTC agreement with the BCC executed as of April 17, 2007.

3. Transportation Division Administration

Kurt Blaides, Transportation Supervisor, is responsible for training and management of our transportation program. All safety sensitive employees are required to complete FDOT approved safety and security training course as part of their new hire orientation. All new employees are also required to complete 80 hours of on-the-road drivers training, which includes riding with a training driver, behind-the-wheel training, and training on proper use of wheel chair lifts and securement devices. The Transportation Supervisor and Grant Manager are responsible for obtaining yearly Certificate of Insurance (COI) naming Broward County as additionally insured from our Human Resource Department. The Transportation Supervisor is responsible for ensuring vehicle registration renewal is obtained by the Finance Department.

4. Vehicle Maintenance

Maintenance of all vehicles are provided by City of Lauderhill Fleet Maintenance. All Fleet staff are ASE certified technicians with experience in working on commercial passenger vehicles. All maintenance is performed using the Preventative Maintenance Plan, which conforms to the State Vehicle Maintenance Guidelines set forth in the FDOT Preventative Maintenance Guidelines document. All vehicle files and driver files are kept on-site at 1919 NW 55th Avenue, Lauderhill, FL 33313 and are maintained by Fleet Manager and his staff. All records are maintained and retained for a minimum of four (4) years. The Fleet Manager is responsible for completion of the Annual ASE Inspection and submits copies to Transportation Supervisor and Grant Manager.

5. Transportation Staff

City transportation employees that have completed all of the required safety and drivers training requirements and carry a Commercial Driver's License operate our agency vehicles.

6. Transportation Operators

The City Transportation Division contracts with Limousines of South Florida (LSF) to provide bus drivers that meet all required training requirements and coordinate with the City's Transportation Division to provide a Security Program Plan (SPP) approved by BCT.

7. Service Routes

Lauderhill Transportation Division services are available to the general public. Community transportation services include seven (7) bus routes daily and through our contract with LSF bus drivers are provided for all seven (7) routes. Routes and times can be accessed at:

<https://www.lauderhill-fl.gov/community-services/community-shuttle>

Broward County, through an Interlocal Agreement with City of Lauderhill, provides leased wheelchair accessible passenger vehicles to be used in Lauderhill's Community Bus Services listed in **TABLE 2**.

Lauderhill Paratransit transportation provides transportation services to seniors and disabled for nutritional, medical, shopping and recreational trips with two (2) 26 passenger busses equipped with wheelchair service and lift obtained from Section 5310 Program Grant. We prioritize grouping trips and multi-loading to the maximum extent possible. We average 3 trips per day and leverage our fleet resources so that vehicles are used in a responsible manner to provide full coverage and retire the vehicles at a consistent pace and appropriate age and mileage. **TABLE 3**

Vehicle #	Year	Make	Seats	Asset	VIN
M1061	2010	EIDorado Aerotech 240	16/2	306235	1FDFE4FP2ADA05665
M1263	2013	ENC Aerotech	16/2	312220	1GB6G5BL0C1179234
M1264	2013	ENC Aerotech	16/2	312218	1GB6G5BL0C1178920
M1453	2015	ENC Aerotech	16/2	316618	1GB6G5BL8F1131193
M1454	2015	ENC Aerotech	16/2	316621	1GB6G5BL3F1131408
M1370	2013	ENC Aerotech	16/2	316415	1GB6G5BL3C1200321
M1371	2013	ENC Aerotech	16/2	316407	1GB6G5BL2D1122390

Vehicle #	Year	Make	Seats	Mileage	VIN
700	2008	Glaval Titan	26	41,186	1GBE5V1988F416845
701	2009	Glaval Titan	26	40,908	1GBE5V1959F407974

APPENDIX C
TITLE VI COMPLAINT FORM



Transportation Department

TRANSIT DIVISION / Administration

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8300 • FAX 954-357-8305

LANGUAGE TRANSLATION SERVICE AVAILABLE

NOTE: If you require this Title VI Complaint Form to be translated into another language, please log onto www.broward.org/bct. Click on either "Microsoft Translator" or "Google Translate" at the top right corner of the web page and select the appropriate language for your translation.

SERVICIO DE TRADUCCIÓN LENGUA DISPONIBLE

NOTA: Si usted requiere de este Formulario de Queja del Título VI de ser traducido a otro idioma, por favor haga clic en cualquiera de "Microsoft Translator" o "Google Translate" en la esquina superior derecha de esta página web y seleccionar el idioma.

LANG TRADIKSYON SÈVIS KI DISPONIB

REMAK: Si w mande pou s a Tit VI Fòm Plent dwe tradui nan yon lòt lang, tanpri klike sou swa "Tradiktè Microsoft" oswa "Google Translate" nan kwen paj sa a web tèt dwat epi chwazi lang ki apwopriye a pou tradiksyon ou.

**Broward County Board of County Commissioners
Transportation Department**

COMPLAINT OF ADA and TITLE VI DISCRIMINATION

The Broward County Transit Division, as a recipient of federal financial assistance, is required to ensure that its transit service and related benefits are distributed in a manner consistent with Title VI of the Civil Rights Acts of 1964, as amended.

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination under Title VI, on the basis of race, color, or national origin, may file a written complaint with the Broward County Transit Division.

We are asking for the following information to assist us in processing your complaint. If you need help in completing this form, please contact us at (954) 357-8481 or TTY: (954) 357-8302.

NOTE: Alternate means of filing complaint, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

-
1. Complainant Name: _____
Street Address: _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____

2. Person you believe discriminated against you (if known):
Name: _____

3. Location of incident: _____

4. Are you represented by an attorney for this complaint?
Yes _____ No _____

If yes, please complete the following:

- Attorney's Name: _____
Street Address: _____
City, State, Zip Code: _____
Telephone: _____

5. Which of the following best describes the reason you believe the discrimination took place? Please circle.

Race	Color	National Origin	Sex	Income Status	Age
Disability	Retaliation	Sexual Orientation	Political Affiliation	Marital Status	

6. Date(s) of the alleged discrimination: _____

7. In the space below, please describe the alleged discrimination. Explain what happened and who you believe was responsible. (Include bus number, route number, name of transit employee(s) involved in the incident, date, location, and time of the incident, if applicable.) Attach additional sheet if necessary.

8. Have you filed a complaint of the alleged discrimination with a federal, state, or local agency; or with a state or federal court?

Yes _____ No _____

If yes, check all that apply:

Federal _____ Federal Court _____
State _____ State Court _____ Local Court _____

Please provide the name of the Agency where you filed your complaint.

Agency Name: _____

Contact Person: _____

Complainant Signature

Date of Signature

You may attach any additional information you think is relevant to your complaint.

Submit your signed complaint and any attachments to:

**Broward County Transit Division
Attention: Transit Manager – Compliance
1 North University Drive, Suite 3100A, Box 306
Plantation, FL 33324**

APPENDIX D PUBLIC PARTICIPATION PLAN (PPP)

INTRODUCTION

The Public Participation Plan (PPP) for Lauderdale Transportation Division was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for Lauderdale Transportation Division. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Lauderdale Transportation Division services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. Lauderdale Transportation Division also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, metropolitan area agencies, community based organizations, major employers, passengers and the general public, including low-income, minority, LEP, and other traditionally underserved communities.

PUBLIC PARTICIPATION GOALS

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority and LEP groups, to comment, about Lauderdale Transportation Division and its operations. The goals for this PPP include:

- **Inclusion and Diversity:** Lauderdale Transportation Division will proactively reach out and engage low-income, minority, and LEP populations for the Lauderdale Transportation Division service area so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation – physically, geographically, temporally, linguistically and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed adjustments to fares or services will be described in language that is clear and easy to understand.
- **Responsive:** Lauderdale Transportation Division will strive to respond to and incorporate, when possible, appropriate public comments into transportation decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

PUBLIC PARTICIPATION METHODS

The methods of public participation included in this PPP were developed based upon best practices in conjunction with the needs and capabilities of Lauderdale Transportation Division. Lauderdale Transportation Division intends to achieve meaningful public participation by a variety of methods with respect to service and any changes to service.

- Lauderdale Transportation Division will conduct community meetings and listening sessions as appropriate with passengers, employers, community based organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes or new service options.
- The public will be invited to provide feedback on the City of Lauderdale's website (www.lauderhill-fl.gov) and all feedback on the site will be recorded and passed on to Lauderdale Transportation Division management.
- The public will also be able to call the Lauderdale Transportation Division office at (954) 572-2933 or TDD (954) 741-0396 during its hours of operation. Feedback collected over the phone will be recorded and

- passed on to Lauderhill Transportation Division management.
- Formal customer surveys to measure performance, and listening sessions to solicit input, will be conducted periodically. The comments recorded as a part of these participation methods will be responded to as appropriate.
 - Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the proposed adjustment of service. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. Others will be conducted to solicit and consider public comments before implementing proposed adjustments to services. In each case, an agenda for the meetings will be created that work to achieve the stated goals and is relevant to the subject and not overwhelming for the public.
 - For all public meetings, the venue will be a facility that is accessible for persons with disabilities and, preferably, is served by public transit. If a series of meetings are scheduled on a topic, different meeting locations may be used, since no one location is usually convenient to all participants.
 - For community meetings and other important information, Lauderhill Transportation Division will use a variety of means to make riders and citizens aware, including some or all of the following methods:
 - In-vehicle advertisement
 - Posters or flyers in Parks
 - Posting information on website
 - Press releases and briefings to media outlets
 - Multilingual flyer distribution to community based organizations, particularly those that target LEP population
 - Flyers and information distribution through various libraries and other civic locations that currently help distribute timetables and other information
 - Other methods required by local or state laws or agreements
 - All information and materials communicating proposed and actual service adjustments will be provided in English and any other language that meets the “safe harbor” criteria.

APPENDIX E LANGUAGE ASSISTANCE PLAN (LAP)

Lauderhill Transportation Division is committed to taking reasonable steps to ensure meaningful access for LEP (Limited English Proficient) individuals to this agency's services in accordance with Title VI. The Language Assistance Plan (LAP) has been prepared to address the City of Lauderhill's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP).

For many LEP individuals, public transit is the principal transportation mode available. It is important for the City of Lauderhill to be able to communicate effectively with all of its riders. When the City is able to communicate effectively with all of its riders, the service provided is safer, more reliable, convenient, and accessible for all within its service area. The City of Lauderhill is committed to taking reasonable steps to ensure meaningful access for LEP individuals to this agency's services in accordance with Title VI.

This plan will demonstrate the efforts that the City of Lauderhill undertakes to make its service accessible to all persons without regard to their ability to communicate in English. The plan, in accordance with FTA Circular 4702.1B addresses how services will be provided through general guidelines and procedures including the following:

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services
- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents
- Staffing: Identifying the City of Coral Springs staff to assist LEP customers
- Training: Providing training on LAP to responsible employees.
- Plan Updates/Monitoring:

Four Factor Analysis:

The U.S. Department of Transportation (DOT) issued its *Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons* [Federal Register: December 14, 2005 (Volume 70, Number 239)] and Federal Transit Authority FTA Circular 4702.1B. This policy states that DOT recipients are required to take reasonable steps to ensure meaningful access to programs by LEP persons. This coverage extends to the recipient's entire program. There are four factors for agencies to consider when assessing language needs and determining what steps they should take to ensure access for LEP persons, regardless of whether or not the agency chooses to prepare a written LAP plan:

- 1) Demography: identifying the number and/or proportion of LEP persons served or encountered, and languages spoken in service area.
 - 2) Frequency: determining the rate of contact with the City's programs, activities, and services.
 - 3) Importance: gauging the nature and importance of City's program, service, and activities to people's lives.
 - 4) Resources: assessing current and available resources, including language assistance services.
1. **The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service:**

Of the 66,305 residents serviced by the Lauderhill Transportation Division 7,445 residents describe themselves as speaking English less than “very well”. People of Haitian descent are the primary LEP persons likely to utilize Lauderhill Transportation Division services. For the Lauderhill Transportation Division service area, the American Community Survey Table C16001 shows that among the area’s population 87.72% speak English “very well”. For groups who speak English “less than very well”, 7.64% speak French Creole and 2.88% speak Spanish.

Based on the American Community Survey of the U.S. Census Bureau (2019) out of a total population of 66,305 residents aged five years and over, the City of Lauderhill is home to 7,445 residents who speak English "less than very well". People of Haitian descent are the primary LEP persons likely to be involved with Lauderhill programs and transit services. They represent 7.64% of residents who speak English “less than very well”. Information obtained from transit operators indicates a minimal need of language assistance with passengers from this group on all fixed routes. For Creole speaking passengers requiring interpretation services, the City has staff in each City Department that speak fluent Creole and can provide assistance. Additionally, the City has a translating and interpretation service available for Creole, French and Spanish speaking passengers. The French based Creole used by our residents of Haitian descent is a predominately oral language which only just developed it’s first standardized orthography in 1980, therefore; most of our passengers require oral interpretation services rather than translation services, however; on an as needed basis, both oral and written interpretation and translation services are available.

Safe Harbor requirements regarding the responsibility to provide translation of Vital Documents for LEP populations, is based upon the number and percentages of the service area eligible population or current beneficiaries and applicants that are LEP. According to the safe harbor rule, translation of Vital Documents to be provided when the eligible LEP population in the service area or Beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or Beneficiaries along with more than 50 people. In cases where more than 5% of the eligible population speak a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person’s right to an oral interpretation.

In order to determine the LEP population, the City of Lauderhill utilized American Community Survey Data Table C16001 2019 5-Year Estimate for “Language Spoken At Home For the Population 5 Years and Over” to identify the primary languages for people that spoke English less than “very well”. Based on this data, there are two populations identified that exceed the 1,000 person or 5% threshold as follows:

Label	# of Residents Over 5 years of Age	# Speak English Less Than “Very Well”	% Speak English Less Than “Very Well”
Total Population	66,305		
Spanish	4,461	1,912	2.88
Haitian	11,945	5,064	7.64

2. Language Assistance Measures and Frequency of contact with LEP Individuals

The City of Lauderhill has conducted an informal survey of our ridership on fixed routes and Paratransit services and have found that they have had minimum encounters with LEP individuals. The City of Lauderhill has operators and staff that are proficient in Creole and Spanish, the language of our primary LEP persons, and has never had a request for translated documents only requests for oral interpretation which staff or interpreter services provide.

3. **The nature and importance of the program, activity or service provided by the recipient to people's lives:**

Public transportation and regional transportation planning is vital to many people's lives. According to the Department of Transportation's *Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons*, "Providing public transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, or education, or access to employment."

The City of Lauderhill staff uses a number of public outreach techniques cited in the "Public Participation Plan", including the following:

Interaction with the Limited-English Proficiency Persons:

- Public Meetings & Workshops offer customized presentations to existing groups and organizations. Co-host workshops with community groups and business associations encourage opportunities for public input directly to City Commissioners.
- On-board Passenger Surveys are conducted to collect data on usage of and access to Lauderhill Transportation Division services. Our survey indicated over 80% of passengers used the bus services for job commuting and preferred early morning (6:00am) and reverse commute evenings (5:00pm to 6:00pm).
- Notifying Beneficiaries of Protection
In order to comply with 49 CFR §21.9(d), recipients and subrecipient's shall provide information to beneficiaries regarding their Title VI obligations and apprising beneficiaries of the protections against discrimination afforded to them by Title VI.

The City of Lauderhill has established a Policy Statement, per Title VI, for those who benefit from services and /or contracts funded with federal assistance, and this Policy Statement is available to the public. This Policy Statement addresses the City's commitment to avoiding discrimination on the basis of race, color, or National origin. The City of Lauderhill also takes steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for Limited English Proficient ("LEP") persons. Coordination and networking with human service organizations providing services to LEP individuals is undertaken to enable dissemination of information regarding Lauderhill Transportation Division programs and services.

- **Employee Training:**
The following training is provided to transit staff and operators regarding Title VI:
 - i) Title VI procedures and LEP responsibilities
 - ii) Documentation of language assistance requests by users
 - iii) Use of language identification flashcards
 - iv) Information on handling potential Title VI/LEP complaints
 - v) Specific procedures to follow when encountering LEP persons

The following criteria will be used to monitor the LEP Plan:

- i) Frequency of LEP person contacts
- ii) Frequency of use of translation services
- iii) Updating the level of the LEP population in service area
- iv) Number of complaints received

In addition, the City of Lauderhill has developed an Implementation Procedure and

Complaint Process that provides the following additional information:

- i) A description of Title VI and the civil rights protections it affords
- ii) Instructions on how to file a Title VI complaint
- iii) A description of the process for handling complaints and notifying the complainant
- iv) A description of who can file complaints and where to file them.

3. **The resources available to the City of Lauderhill and overall cost:**

The City of Lauderhill assessed its available resources that are currently being used, and those that could be used, to provide assistance to LEP populations. These resources include the following: providing translation services at various city locations that come into contact with the public and providing written notices in Spanish and French Creole when these populations are directly affected by the community shuttle service. The City of Lauderhill provides a reasonable degree of services for LEP populations in its service area.

4. **Plan Monitoring and Update's:**

The LAP plan will be monitored, maintained and updated at least annually. The Grants Division will review American Community Survey data as it is updated to determine the size of LEP populations and the languages of LEP populations within the City of Lauderhill, review additional guidance provided by FTA, and update the Language Assistance Plan accordingly.

Safe Harbor Provision

DOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

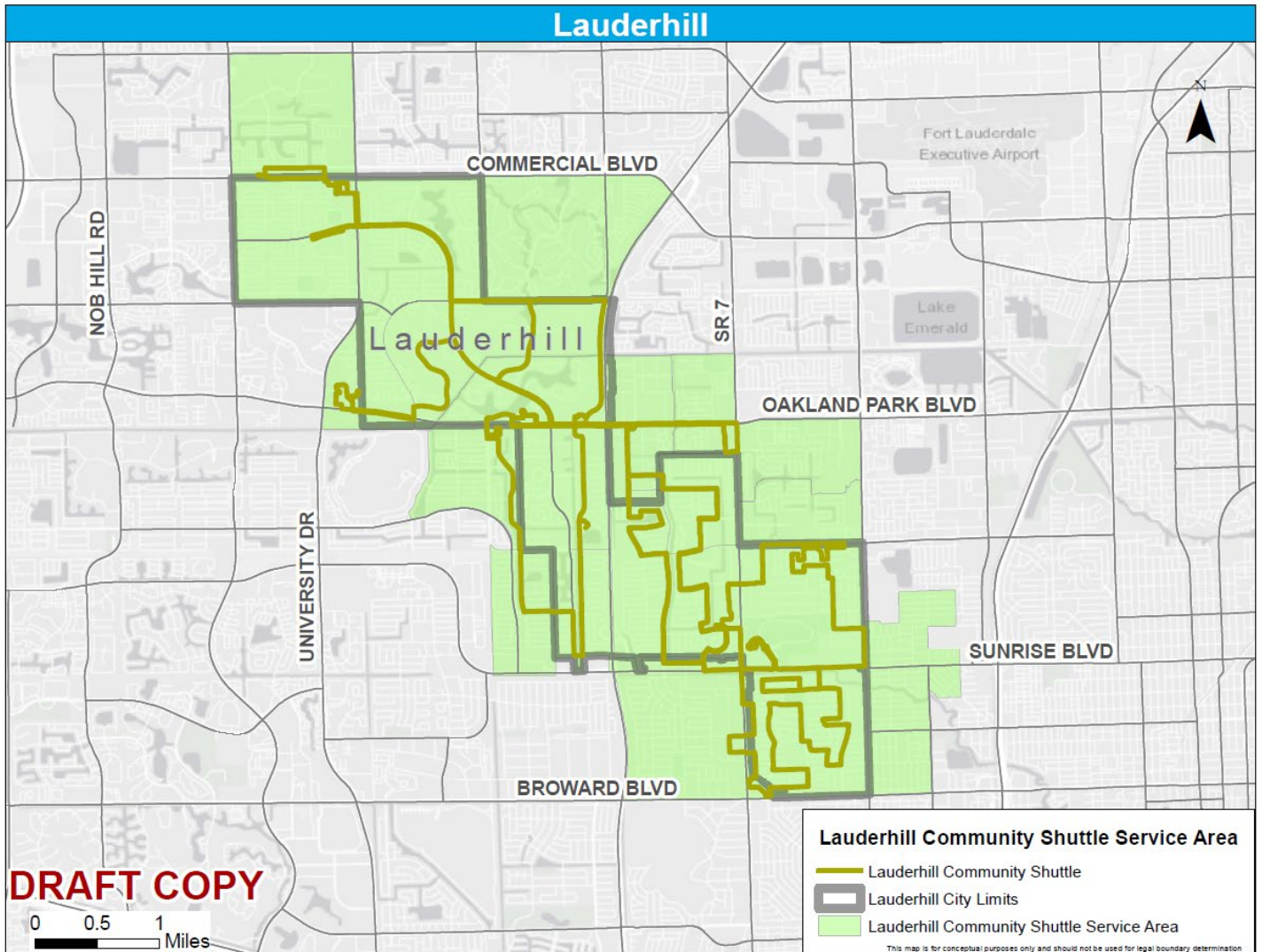
The City of Lauderhill has LEP populations that qualify for the Safe Harbor provision.

This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. The City of Lauderhill may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.

APPENDIX F

CITY OF LAUDERHILL - US Census Table C16001					
Label	Estimate	Percent Population	Label	Estimate	Percent Population
Total:	66,305	100%			
Speak only English	47,749				
Spanish:	4,461		Other Asian and Pacific Island languages:	39	
Speak English "very well"	2,549		Speak English "very well"	14	
Speak English less than "very well"	1,912	2.88	Speak English less than "very well"	25	0.04
French, Haitian, or Cajun:	11,945		Arabic:		
Speak English "very well"	6,881		Speak English "very well"	136	
Speak English less than "very well"	5,064	7.64	Speak English less than "very well"	26	0.04
Russian, Polish, or other Slavic languages:	96		Other and unspecified languages:	877	
Speak English "very well"	70		Speak English "very well"	689	
Speak English less than "very well"	26	0.04	Speak English less than "very well"	188	0.28
Other Indo-European languages:	623				
Speak English "very well"	473				
Speak English less than "very well"	150	0.23			
Korean:	72				
Speak English "very well"	66				
Speak English less than "very well"	6	0.01			
Chinese (incl. Mandarin, Cantonese):	34				
Speak English "very well"	28				
Speak English less than "very well"	6	0.01			
Vietnamese:	43				
Speak English "very well"	17				
Speak English less than "very well"	26	0.04			
Tagalog (incl. Filipino):	38				
Speak English "very well"	22				
Speak English less than "very well"	16	0.02			

APPENDIX G DEMOGRAPHIC MAP



APPENDIX H REASONABLE MODIFICATION POLICY

City of Lauderhill



Reasonable Modification Policy

The Department of Transportation has revised its rules under the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act of 1973. It now specifically provides that transportation agencies are required to make reasonable modifications to policies, practices and procedures to avoid discrimination and ensure that their programs are accessible to individuals with disabilities.

The City of Lauderhill is committed to providing safe, reliable, efficient, and accessible service to its customers. To ensure equality and fairness, the City of Lauderhill will make reasonable modifications to policies and procedures to ensure that individuals with disabilities have equal access to all of its services.

Exceptions would include modifications that:

- Cause a direct threat to the health and/or safety of others;
- Result in a fundamental alteration of the nature of the service;
- Are not necessary in order for the individual with a disability to fully utilize Lauderhill Transportation Division services

Anyone who would like to request a modification of policies or procedures to participate in a City of Lauderhill program or service should contact:

Kurt Blaides
Transportation Supervisor
City of Lauderhill Transportation Division
7500 W Oakland Park Blvd, Lauderhill, FL 33313
(954) 572-1475 or TDD (954) 741-0396
Email: kblaides@laudershill-fl.gov

Reasonable Modification Request Determination

For each reasonable modification request, consider each of the questions below. If the request does not provide enough specific information related to a question, consider what additional information is needed and how it would affect your answer to the question. Once each question has been considered, indicate what action you would take related to the request. If the decision would vary based on other factors/information, note the assumptions you made in making your decision.

Does the person making the request have a disability: Yes No

What change in policy is being requested:

Because of the person's disability, is the requested change needed to fully benefit from the transportation service:

Would granting the request create a direct threat to the health or safety of others:

Would granting the request fundamentally change the nature of the transportation service?
Explain:

What determination has been made regarding the request:

- Grant the request
- Deny the request

If denied, please explaining the reason for denial:

If you decide to deny the request, are there any other actions you would propose to the person to address the issue noted:

Date and method that the requestor is notified of the decision and additional actions were proposed, if any:

Signature

Date

APPENDIX I

City of Lauderhill



CITY OF LAUDERHILL SERVICE ANIMAL POLICY

In accordance with the Americans with Disabilities Act (ADA), all transit passengers will be permitted to travel with a service animal trained to assist them. ADA regulations at 49 C.F.R. Section 37.3 define a service animal as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

Please notify the City of Lauderhill Transportation Division at (954) 572-2933; TDD at (954) 741-0396 in advance if you intend to bring a service animal with you.

Animals that are not trained to do work or perform tasks are **not** considered to be service animals (49 C.F.R. Section 37.167(d)). For example, emotional support animals, which provide emotional support, well-being, comfort, or companionship to an individual with disabilities, but are not trained to do work or perform tasks, are not considered to be service animals.

If you are planning on riding on Lauderhill Transportation Division with a service animal, please follow these guidelines:

- Service animals are to be properly leashed and/or harnessed and under the control of their handlers at all times.
- The service animal must remain at your feet or on your lap. The service animal may not sit on a vehicle seat.
- The service animal must not be aggressive toward people or other animals.
- You are responsible for any damages or soiling caused by the service animal.
- The rider may be asked to remove his/her service animal from the vehicle if:
 - The animal is out of control and the rider does not take effective action to control it.
 - The animal poses a direct threat to the health or safety of others.
- You are responsible for the care and supervision of your service animal while on board the vehicle.