

APPENDIX A

Title VI / Nondiscrimination Assurances

UNITED STATES DEPARTMENT OF TRANSPORTATION STANDARD TITLE VI / NONDISCRIMINATION ASSURANCES

DOT ORDER NO. 1050.2A

THE TOWN OF GIBSONVILLE (HEREIN REFERRED TO AS THE "RECIPIENT"), **HEREBY AGREES THAT**, AS A CONDITION TO RECEIVING ANY FEDERAL FINANCIAL ASSISTANCE FROM THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), THROUGH **FEDERAL HIGHWAY ADMINISTRATION (FHWA)**, IS SUBJECT TO AND WILL COMPLY WITH THE FOLLOWING:

STATUTORY/REGULATORY AUTHORITIES

- TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C. § 2000D ET SEQ., 78 STAT. 252), (PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN);
- 49 C.F.R. PART 21 (ENTITLED NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION-EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964);
- 28 C.F.R. SECTION 50.3 (U.S. DEPARTMENT OF JUSTICE GUIDELINES FOR ENFORCEMENT OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964). THE PRECEDING STATUTORY AND REGULATORY CITES HEREINAFTER ARE REFERRED TO AS THE "ACTS" AND "REGULATIONS," RESPECTIVELY.

GENERAL ASSURANCES

IN ACCORDANCE WITH THE ACTS, THE REGULATIONS, AND OTHER PERTINENT DIRECTIVES, CIRCULARS, POLICY, MEMORANDA, AND/OR GUIDANCE, THE RECIPIENT HEREBY GIVES ASSURANCE THAT IT WILL PROMPTLY TAKE ANY MEASURES NECESSARY TO ENSURE THAT:

"NO PERSON IN THE UNITED STATES SHALL, ON THE GROUNDS OF RACE, COLOR, OR NATIONAL ORIGIN, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE OTHERWISE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY, FOR WHICH THE RECIPIENT RECEIVES FEDERAL FINANCIAL ASSISTANCE FROM DOT, INCLUDING THE FEDERAL HIGHWAY ADMINISTRATION."

THE CIVIL RIGHTS RESTORATION ACT OF 1987 CLARIFIED THE ORIGINAL INTENT OF CONGRESS, WITH RESPECT TO TITLE VI AND OTHER NONDISCRIMINATION REQUIREMENTS (THE AGE DISCRIMINATION ACT OF 1975, AND SECTION 504 OF THE REHABILITATION ACT OF 1973), BY RESTORING THE BROAD, INSTITUTIONAL-WIDE SCOPE AND COVERAGE OF THESE NONDISCRIMINATION STATUTES AND REQUIREMENTS TO INCLUDE ALL PROGRAMS AND ACTIVITIES OF THE RECIPIENT, SO LONG AS ANY PORTION OF THE PROGRAM IS FEDERALLY ASSISTED.

SPECIFIC ASSURANCES

MORE SPECIFICALLY, AND WITHOUT LIMITING THE ABOVE GENERAL ASSURANCE, THE RECIPIENT AGREES WITH AND GIVES THE FOLLOWING ASSURANCES WITH RESPECT TO ITS FEDERALLY ASSISTED **FEDERAL-AID HIGHWAY PROGRAM**:

1. THE RECIPIENT AGREES THAT EACH "ACTIVITY," "FACILITY," OR "PROGRAM," AS DEFINED IN §§ 21.23(B) AND 21.23(E) OF 49 C.F.R. § 21 WILL BE (WITH REGARD TO AN OR WILL BE (WITH REGARD TO A "PROGRAM") CONDUCTED IN COMPLIANCE WITH ALL REQUIREMENTS IMPOSED BY, OR PURSUANT TO THE ACTS AND THE REGULATIONS.
2. THE RECIPIENT WILL INSERT THE FOLLOWING NOTIFICATION IN ALL SOLICITATIONS FOR BIDS, REQUESTS FOR PROPOSALS FOR WORK, OR MATERIAL SUBJECT TO THE ACTS AND THE REGULATIONS MADE IN CONNECTION WITH ALL FEDERAL-AID HIGHWAY PROGRAM AND, IN ADAPTED FORM, IN ALL PROPOSALS FOR NEGOTIATED AGREEMENTS REGARDLESS OF FUNDING SOURCE:
3. THE RECIPIENT WILL INSERT THE CLAUSES OF APPENDIX A AND E OF THIS ASSURANCE IN EVERY CONTRACT OR AGREEMENT SUBJECT TO THE ACTS AND THE REGULATIONS.

"THE TOWN OF GIBSONVILLE, IN ACCORDANCE WITH THE PROVISIONS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (78 STAT. 252, 42 US.C. §§ 2000D TO 2000D-4) AND THE REGULATIONS, HEREBY NOTIFIES ALL BIDDERS THAT IT WILL AFFIRMATIVELY ENSURE THAT ANY CONTRACT ENTERED INTO PURSUANT TO THIS ADVERTISEMENT, DISADVANTAGED BUSINESS ENTERPRISES WILL BE AFFORDED FULL AND FAIR OPPORTUNITY TO SUBMIT BIDS IN RESPONSE TO THIS INVITATION AND WILL NOT BE DISCRIMINATED AGAINST ON THE GROUNDS OF RACE, COLOR, OR NATIONAL ORIGIN IN CONSIDERATION FOR AN AWARD."

BY SIGNING THIS ASSURANCE, THE TOWN OF GIBSONVILLE ALSO AGREES TO COMPLY (AND REQUIRE ANY SUB-RECIPIENTS, SUB-GRANTEES, CONTRACTORS, SUCCESSORS, TRANSFEREES, AND/OR ASSIGNEES TO COMPLY) WITH ALL APPLICABLE PROVISIONS GOVERNING THE **FHWA AND NCDOT** ACCESS TO RECORDS, ACCOUNTS, DOCUMENTS, INFORMATION, FACILITIES, AND STAFF AND ALSO COMPLY WITH ANY PROGRAM OR COMPLIANCE REVIEWS, AND/OR COMPLAINT INVESTIGATIONS CONDUCTED BY THE **FHWA AND NCDOT**. THE TOWN OF GIBSONVILLE WILL KEEP RECORDS, REPORTS, AND SUBMIT THE MATERIAL FOR REVIEW UPON REQUEST TO **FHWA AND NCDOT**, OR ITS DESIGNEE IN A TIMELY, COMPLETE, AND ACCURATE WAY. ADDITIONALLY, AND COMPLY WITH ALL OTHER REPORTING, DATA COLLECTION, AND EVALUATION REQUIREMENTS, AS PRESCRIBED BY LAW OR DETAILED IN PROGRAM GUIDANCE.

THE TOWN OF GIBSONVILLE GIVES THIS ASSURANCE IN CONSIDERATION OF AND FOR OBTAINING ANY FEDERAL GRANTS, LOANS, CONTRACTS, AGREEMENTS, PROPERTY, AND/OR DISCOUNTS, OR OTHER FEDERAL-AID AND FEDERAL FINANCIAL ASSISTANCE EXTENDED AFTER THE DATE HEREOF TO THE RECIPIENTS BY THE U.S. DEPARTMENT OF TRANSPORTATION UNDER THE **FEDERAL-AID HIGHWAY PROGRAM**. THIS ASSURANCE IS BINDING ON THE TOWN OF GIBSONVILLE, OTHER RECIPIENTS, SUB-RECIPIENTS, SUBGRANTEES, CONTRACTORS, SUBCONTRACTORS AND THEIR SUBCONTRACTORS', TRANSFEREES, SUCCESSORS IN INTEREST, AND ANY OTHER PARTICIPANTS IN THE **FEDERAL-AID HIGHWAY PROGRAM**. THE PERSON(S) SIGNING BELOW IS AUTHORIZED TO SIGN THIS ASSURANCE ON BEHALF OF THE RECIPIENT.

THE TOWN OF GIBSONVILLE

BY *Ben Baxley*
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