

## TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the Okaloosa County Board of County Commissioners assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, 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, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Okaloosa County Board of County Commissioners further assures FDOT that it will undertake the following 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 County Administrator.
2. Issue a policy statement signed by the County Administrator, 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 languages other than English.
3. Insert the clauses of *Appendices A and E* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

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 Recipient.

Dated May 5, 2015

by 

, County Administrator

## APPENDICES A and E

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

- (1.) **Compliance with Regulations:** The Contractor 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 Contractor'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, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be 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 procurements 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

*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. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

# Okaloosa County Board of County Commissioners Title VI/Nondiscrimination Policy

## Policy Statement

It is the policy of the Okaloosa County Board of County Commissioners, 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; and related statutes and regulations, that no person shall on the basis of race, color, national origin, sex, religion, age, disability, income or family 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, service or activity administered by the County or its sub-recipients.

## Title VI/Nondiscrimination Coordinator

The Okaloosa County Board of County Commissioners has established the Title VI/Nondiscrimination Coordinator as:

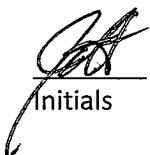
Rick Owen, Administrative Manager  
Okaloosa County BCC  
1804 Lewis Turner Blvd., Suite 400  
Fort Walton Beach, Florida 32547  
E-mail: [rowen@co.okaloosa.fl.us](mailto:rowen@co.okaloosa.fl.us)  
Phone: 850-651-7515

## Title VI Complaint Procedure

The purpose of the Okaloosa County Board of County Commissioners Title VI policy is to establish and implement procedures that comply with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990 (ADA), as well as other related federal and state statutes and regulations.

The County does not tolerate discrimination in any of its programs, services or activities; and will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, religion, age, disability, income or family status. The County values diversity and both welcomes and actively seeks input from all interested parties.

Any person who believes he or she has been discriminated against on the basis of race, color, national origin, sex, religion, age, disability, income or family status by the Okaloosa County Board of County Commissioners may file a discrimination complaint by completing and submitting the County's Title VI/Nondiscrimination complaint form. See below for filing instructions:

  
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1. All complaints shall be submitted in a written format and contain the identity of the complainant as well as the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability, income or family status). If the complaint cannot be submitted in writing, the complainant should contact the Risk Manager. See ADA/504 section for contact information. Submissions must also include:

Name, address and contact number of the person making the complaint;

Names, addresses and contact numbers of witnesses;

A narrative or statement describing the alleged violation of Title VI, including date and time of the alleged violation and County program, service or activity where the alleged violation occurred; and

Any other documentation that may provide additional explanation or identification of the alleged violation.

2. All complaints shall be filed no later than (180) calendar days from the date of the alleged discrimination. Complaints should be filed with the Risk Manager. See ADA/504 section for contact information.
3. No more than forty-five (45) calendar days after receipt of the complaint, the Risk Manager will address the alleged discrimination with the complainant and discuss a possible resolution. *Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information within fifteen (15) days may result in the administrative closure of the complaint.*
4. Within thirty (30) calendar days of the discussion, the Risk Manager will complete an investigation of the allegations and respond in writing to the person who filed the complaint. The response will explain the position of the County and offer options for substantive resolution of the complaint.
5. The person who filed the complaint may appeal the written response if it does not satisfactorily resolve the issue. Appeals must be submitted in writing within fifteen (15) calendar days after receipt of written response to the County Administrator at:

Okaloosa County BCC  
1804 Lewis Turner Blvd., Suite 400  
Fort Walton Beach, Florida 32547

## Retaliation

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the Okaloosa County Board of County

  
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Commissioners that persons filing a complaint of discrimination should have the right to do so without interference, intimidation, coercion or fear of reprisal. Anyone who feels they have been subjected to retaliation should report such an incident to the Risk Manager named in this policy. The procedures and time constraints for filing retaliation claims are the same as those that apply to Title VI discrimination claims.

## **ADA/504 Statement**

Section 504 of the Rehabilitation Act of 1973, 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 the disabled and ensure that their needs are equitably represented in the transportation planning process.

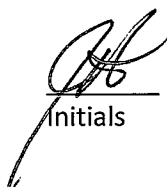
The Okaloosa County Board of County Commissioners will make every effort to ensure that its facilities, programs, services and activities are accessible to those with disabilities. The County invites members of the disabled community and disability service groups to participate in its advisory committees and public involvement activities.

The County encourages the public to report any facility, program, service or activity that appears inaccessible to the disabled. Furthermore, the County will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access County facilities, programs, services or activities.

## **ADA/504 Coordinator**

The Okaloosa County Board of County Commissioners has established an ADA/504 Coordinator to facilitate assistance for disabled residents and visitors. The ADA/504 Coordinator is able to assist members of the public with the provision of auxiliary aids and services for County meetings, programs and events by coordinating with corresponding department heads. The ADA/504 Coordinator also investigates and seeks to resolve any complaints regarding special needs accessibility to County facilities or programs. The same complaint procedures and time constraints for filing in regard to Title VI also apply for alleged discrimination incidents against those who have disabilities, and should be directed to:

Laura Porter, Risk Manager  
Okaloosa County BCC  
601-A N. Pearl Street  
Crestview, Florida 32536  
E-mail: [lporter@co.okaloosa.fl.us](mailto:lporter@co.okaloosa.fl.us)  
Phone: 850-689-5977



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## 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 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 County and the likely costs of the LEP services.

Documents that are considered vital, such as the Title VI complaint form and notice of a person's rights under Title VI will be printed in-house at minimal cost and made available to the LEP population as needed. With additional funding currently not available, printing in-house will be the most economical means of transmitting the information.

The County understands that its community profile is changing and the four factor analysis may reveal the need for more or varied LEP services in the future. As such, the Human Resources Director will annually examine the LEP plan to ensure that it remains reflective of the community's needs. For a copy of the current LEP Plan, please visit <http://www.co.okaloosa.fl.us> or contact Okaloosa County Board of County Commissioners Human Resources at 601-B N. Pearl Street, Crestview, Florida 32536 or 850-689-5870.

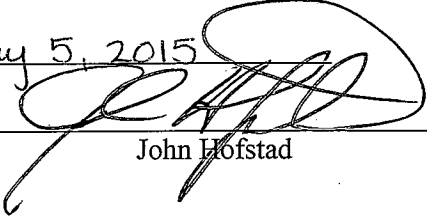
Persons requiring special language services should contact the County's Title VI/Nondiscrimination Coordinator.

### Assurances

Effective May 05, 2015, the Okaloosa County Board of County Commissioners has designated the County Administrator as the signing authority for the Title VI/Nondiscrimination policy and associated assurances. The County Administrator will certify every three years, or commensurate with a change in incumbent, that its programs, services and activities are being conducted in a nondiscriminatory manner. This certification is termed as 'assurances' and serve two important purposes. First, they document the County's commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the County may be held liable for breach. The public may view the current assurance on the County website or by contacting the Title VI/Nondiscrimination Coordinator.

  
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For additional information and resources regarding Title VI issues, please contact the County's Title VI/Nondiscrimination Coordinator named in this policy.

Dated: May 5, 2015  
by , County Administrator  
John Hofstad

  
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