

PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS DEPARTMENT

TITLE VI/ NONDISCRIMINATION POLICY STATEMENT

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 and the Florida Civil Rights Act of 1992 (collectively, Acts), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity provided by the Palm Beach County Engineering and Public Works Department (EPW).

EPW with respect to its programs and activities:

- I. Hereby designates David Ricks, County Engineer, as the Title VI Liaison, with a responsible position within EPW and access to the Mayor of the Board of County Commissioners.
- II. Shall publicly post this Policy Statement signed by the Mayor, expressing EPW's commitment to the nondiscrimination provisions of Title VI.
- III. Shall insert the following clauses in every contract subject to the Acts' Regulations
 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 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, the Contractor shall notify each potential subcontractor or supplier 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*

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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*

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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).

- IV. Shall maintain the following complaint process and attempt to resolve complaints of discrimination against sub-recipients:
 - a. Post the attached complaint form.
 - b. Immediately forward any complaints to the FDOT District Title VI Coordinator.
 - c. Coordinate with FDOT to resolve complaints.

- V. Shall participate in training offered on Title VI and other nondiscrimination requirements.

- VI. Shall take affirmative action to correct any deficiencies found within a reasonable time period if reviewed by FDOT or USDOT.

- VII. Shall utilize census data as a means of collecting racial and ethnic data on persons impacted by EPW's programs.

This policy was adopted by the Palm Beach County Board of County Commissioners on October 8, 2024 (Resolution # R2024-1304).

Title VI/ Nondiscrimination Complaint Form

Name of Complainant: _____

Address: _____

Phone Number: _____

Email Address: _____

Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent):

Name and address of the Individual(s) whom you allege discriminated against you (if known):

Discrimination Because of: (circle one)

Race	Color	National Origin	Age	Disability	Family Status
	Sex	Religious Status	Other _____		

Date of Alleged Discrimination: _____

Please list the name(s) and phone number(s) of any person, if known, that the Palm Beach County Engineering and Public Works Department could contact for additional information to support or clarify your allegation(s):

Please explain as clearly as possible how, why, when and where you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Additional pages may be attached if needed.

Complainant's or
Complainant's Representative's Signature: _____

Date of Signature _____

Title VI/ Nondiscrimination Complaint Form

Completed forms should be delivered to the following address:

Title VI Coordinator
Palm Beach County Engineering and Public Works Department
Roadway Production Division
2300 N. Jog Road, West Palm Beach, FL 33411

However, should the complainant be unable or unwilling to complain to the County, 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