



Marion County Public Works Department
Federally Funded Transportation Program

Title VI Plan

Adopted: 1-18-13

I. Policy Statement, Authorities and Citations

A. Policy of Nondiscrimination

Marion County Public Works Department assures that no person shall on the grounds of race, color, national origin, sex, age, disability or income as provided by Title VI of the Civil Rights Act of 1964 and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Public Works Department sponsored program or activity. Marion County Public Works further assures every effort will be made to ensure non-discrimination in all of its programs and activities. By executing this document, Marion County Public Works Department will issue notice to the public of its commitment to Title VI (exhibit A)

In the event Marion County Public Works Department distributes federal aid funds to another entity, Public Works will include Title VI language in all written agreements and will monitor for compliance. The Marion County Public Works Department Director and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21. Marion County Public Works Title VI assurances are listed in exhibit B

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" of federal aid recipients (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

II. Organization, Staffing and Structure

A. Organizational Chart – Reporting Relationships

The Public Works Department' Organizational Chart is attached as Exhibit C, and thereby incorporated herein.

The Public Works Department Administration Division Manager is hereby designated as the Marion County Public Works Department Title VI Coordinator.

The Public Works Capital Projects Manager (CPM) is hereby designated as the person who implements Title VI activities mentioned below and reports progress to Public Works Title VI Coordinator.

B. Staffing and Structure

The Director is authorized to ensure compliance with provisions of the Public Works Department policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Public Works' grants compliance function and Title VI coordination shall be performed under the authority of the Public Works Director.

The Public Works Department has designated and authorized the Public Works Administration Division Manager to perform the duties of the Title VI Coordinator and ensure implementation of the Public Works' Title VI Federally Funded Transportation Program. The Administration Division Manager has other duties and responsibilities in addition to Title VI. This position has a direct reporting relationship and access to the Public Works Director.

III. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Public Works Director, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Public Works' compliance with Title VI requirements as follows:

A. Program Administration.

Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources. Provide recommendations as required to the Public Works Director.

B. Complaints.

Review written Title VI complaints that may be received by Public Works Department following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. Data Collection.

Review the statistical data gathering process performed by department staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII – Title VI Implementation Activities).

D. Environmental Impact Statements.

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by the Public Works Department for projects receiving Federal Highway Administration or other federal assistance.

E. Training Programs.

Conduct or facilitate training programs on Title VI issues and regulations for Public Works employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.

F. Title VI Plan Update.

Review and update the Public Works Department Transportation Program Title VI Plan as needed or required. Present updated plan to the Public Works Director for approval; submit amended Plan to ODOT.

G. Annual Accomplishment Report.

Prepare an annual report of Title VI Accomplishments Report. This report describes the activities that occurred during the State of Oregon's fiscal year that ends on June 30 and identifies goals and objectives for the upcoming year as required; and submit to ODOT local agency liaison by August 15 for review and approval as prescribed in the Section A Chapter 7 of the Local Agency Guide.

H. Public Dissemination.

Work with Public Works customer service and contracting staff to develop and disseminate Title VI program information to our employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Public Works' Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

I. Elimination of Discrimination.

Work with Public Works administrative staff and Marion County Human Resources to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Public Works processes.

J. Maintain Legislative and Procedural Information.

Federal laws, rules and regulations, ODOT guidelines, the current Public Works Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Public Works Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to the public as requested or required.

IV. Education and Title VI Training

In keeping with adopted Marion County and Marion County Public Works Department policies of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities related to Title VI. Public Works

staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

The Title VI Coordinator is responsible for overall Title VI related training and staff development for Public Works employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. ODOT's Office of Equal Opportunity Internal and External Civil Rights Branch and the Contract Compliance Office may also be asked to provide applicable training.

V. Complaint Procedures - Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Marion County Public Works Department, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

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

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Marion County Public Works Department. A formal complaint must be filed within 180 calendar days of the alleged occurrence. Public Works will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, Public Works will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In the event that the complaint is against County Public Works, ODOT Civil Rights will handle the investigation, and they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with Public Works, the appropriate division manager shall be notified of the complaint, within 15 calendar days.
4. Once Public Works decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The

complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.

5. In cases where Public Works assumes investigation of the complaint, Public Works will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish Public Works with his/her response to the allegations.
6. Within 60 days of receipt of the complaint, the Title VI Coordinator or ODOT investigator will prepare a written investigative report for the Public Works County Engineer and Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
8. A copy of the complaint and Public Works' investigative report will be issued to the ODOT Office of Civil Rights within 60 calendar days of the receipt of the complaint.
9. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the Public Works' decision to ODOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate Public Works final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
10. An annual Log of Complaints must be maintained by Public Works. The Log of Complaints must contain the following information for each complaint filed:
 - The name and address of the person filing the complaint
 - The date of the complaint
 - The basis of the complaint
 - The disposition of the complaint
 - The status of the complaint

Only qualified, well-trained investigators should conduct these investigations. Public Works will not investigate a complaint against itself.

VI. Sub-Recipient Review and Remedial Action Procedures

The Title VI Coordinator will assist ODOT to periodically conduct Title VI compliance reviews of Marion County Public Works sub-recipients. The review of select recipients of federal-aid highway or other federal funds will be conducted to ensure adherence to Title VI requirements. Public Works

will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Public Works will submit to ODOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Public Works and ODOT may, with FHWA concurrence, initiate sanctions per 49 CFR 21.

VII. Title VI Implementation Activities

A. Program or Project Development (Planning)

Public Involvement in Planning Activities and Title VI

1. Involve the public early and throughout in the project phases.
2. Public meetings shall be conducted at convenient and accessible locations at convenient times. Meetings shall be arranged with the intent of obtaining participation from those most directly impacted; pertinent community leaders, organizations and media shall be contacted; the Department will provide information (time, place, language) to the public; meetings and hearings shall be held at appropriate locations, times of day and week, and levels of formality to increase attendance.
3. The use of visuals to describe plans is encouraged.
4. The public will be provided reasonable access to technical information, and public information will be made available electronically via the Marion County website when appropriate.
5. The Department of Public Works will employ a variety of methods to achieve maximum possible community involvement including, but not limited to: Contacts with minority group leaders and focus group discussions and advertising in minority and diverse language media.
6. Adequate notice shall be given for groups/persons to participate in the process.
7. Adequate analysis, when warranted including use of demographic studies and discussions on impact on minority communities shall be made when conducting planning.

B. Design and Engineering / Environmental Activities

1. Marion County Public Works is responsible for transportation improvement projects and environmental permitting for projects. Studies are performed to assess various environmental factors evaluating demographic data.
2. Authorities. Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622.
3. Design /Environmental Review Process and Title VI:
 - a. Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.
 - b. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Title VI Coordinator, including updated summary lists as applicable. Incorporate into the review process, adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of Public Works' federal-aid highway activities.
 - c. In order to ensure dissemination of information and foster participation from affected populations, staff will: place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings; and arrange for translation services as needed, particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems. Public notices will be published in other languages in the minorities' media when initial data collection indicates presence of minority population with the project impact area.
 - d. Staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Title VI Coordinator after each meeting.

C. Right-of-way Activities

1. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted Marion County vendor procurement policies in the acquisition of contracted services.

2. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
3. Follow guidelines for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.
4. Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by ODOT and a copy of the Public Works Title VI Compliance assurances listed in exhibit B to all affected parties.
5. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
6. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
7. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
8. Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

D. Construction and Maintenance Activities

1. Construction Management. The Capital Projects section is located in the Engineering Division and is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the County Engineer.
2. Authorities. Construction Manual M41-01; Maintenance Manual M51-01; Marion County Public Works policies and guidelines; and Standard Specifications for Road, Bridge, and Municipal Construction.
3. Maintenance. The Engineering Division, in conjunction with Operation Division, is responsible for the efficient program for maintaining Marion County roads, bridges, and parks by economically utilizing the resources of contractors, equipment, and materials as they relates to capital transportation projects.
4. Authorities. Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction Section (M 41-10); and Marion County Public Works road standards.
5. Construction and Maintenance Activities and Title VI:

- a. Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the Public Works Title VI Notice to the Public (Exhibit A) and Assurances (Exhibit B) attached.
- b. Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- c. Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
- d. Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
- e. Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Title VI Coordinator.



Marion County Public Works Director

1/18/13
Date



Marion County Public Works Title VI Coordinator

1-18-13
Date

Exhibit A

Marion County Public Works Title VI Notice to the Public

Marion County Public Works hereby gives public notice that it is Public Works' policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Public Works receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Public Works. Any such complaint must be in writing and filed with Public Works Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from Public Works at no cost to the complainant by calling (503) 588-5036.

Exhibit B

Marion County Public Works Title VI Assurances

Marion County Public Works, in Marion County, Oregon (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance through the Oregon Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program:

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

Marion County Public Works, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Exhibit B(1) of this Assurance in every contract subject to the Act and the Regulations. While County ensures the compliance with Title VI on all federally funded contracts, County may not perform and document the demographic data collection on contracts with estimated value \$25,000 and under.

4. That the Recipient shall insert the clauses of Exhibit B(2) of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Exhibit B(3) of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

Exhibit B (1)

Marion County Public Works Title VI Assurances For Consultants, Contractors, Subcontractors, Suppliers and Manufacturers

Marion County Public Works will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of federal financial assistance:

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 Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination.

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in 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 Subcontracts, including Procurement of Materials and Equipment.

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

4. Information and Reports.

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Marion County Public Works or the Oregon Department of Transportation 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 Marion

County Public Works or the Oregon Department of Transportation 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, Marion County Public Works and the Oregon Department of Transportation shall impose such contract sanctions as it or the Federal Highway 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 procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as Marion County Public Works or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Marion County Public Works enter into such litigation to protect the interests of Marion County Public Works and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Exhibit B (2)

Marion County Public Works Title VI Assurances Granting and Habendum Clauses

When Marion County Public Works is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

GRANTING CLAUSE

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

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto Marion County Public Works, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on Marion County Public Works, its successors, and assigns.

Marion County Public Works, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that: (1) no person shall on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed; and (2) Marion County Public Works shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended; and (3) in the event of breach of any of the above mentioned nondiscrimination conditions, Marion County Public Works shall have a right to reenter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

Exhibit B (3)

Marion County Public Works Title VI Assurances

Lease/Deed Provisions

Upon receipt of federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by Marion County Public Works pursuant to the provisions of Title VI Assurances, item 7:

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

That in the event of breach of any of the above non-discrimination covenants, Marion County Public Works shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Marion County Public Works pursuant to the provisions of Title VI Assurances, item 7:

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person, on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; and (2) in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and (3) the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the U.S. Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, Marion County Public Works shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

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

Exhibit C

