

Appendix 00-C: MassDOT's Memorandum to Subrecipients



Deval L. Patrick, Governor
Timothy P. Murray, Lt. Governor
Richard A. Davey, Secretary & CEO



MEMORANDUM

DATE: January 23, 2013

TO: Subrecipients of Federal Financial Assistance

FROM: Richard A. Davey (signature on original)
Secretary/CEO Massachusetts Department of Transportation

SUBJECT: Title VI and Nondiscrimination Notice to Subrecipients of Federal Financial Assistance

The Massachusetts Department of Transportation (MassDOT) adheres to the federal policy that no person in the United States shall, on the grounds of race, color, national origin, or income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which MassDOT receives federal financial assistance, as required by Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (P.L. 100.259), and federal Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

MassDOT hereby gives notice to all subrecipients, contractors, subcontractors, and consultants (sometimes referred to collectively as “subrecipient(s)”) receiving federal financial assistance through MassDOT from the Federal Transit Administration (FTA) and/or Federal Highway Administration (FHWA) that subrecipients must comply with MassDOT’s Title VI program requirements that prohibit discrimination on the basis of race, color, national origin, or income.

MassDOT will ensure that any entity (including but not limited to subrecipients, contractors, subcontractors, and consultants) entering into a contract with the Department, shall adhere to the principles established under this Notice for compliance with Title VI in performance of its contractual obligations. Moreover, each subrecipient shall not discriminate on the grounds of race, color, national

origin, or income in their selection and retention of first-tier subcontractors, and first-tier subcontractors shall not discriminate in their selection and retention of second-tier subcontractors, including those who supply materials and lease equipment. Each subrecipient shall be required to ensure that any party it retains or otherwise engages to work or contribute to a federally-aided project or activity acts in compliance with Title VI.

Subrecipients shall not discriminate in their employment practices in connection with any projects funded by the FTA and/or the FHWA, and are hereby put on notice that such behavior could violate both Title VI and Title VII, codified as Subchapter VI of Chapter 21 of 42 U.S.C. § 2000e, et seq., which prohibits discrimination by covered employers.

In all solicitations by competitive bidding or negotiation made by a subrecipient for contract work, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the subrecipient of the Title VI obligations under the contract relative to nondiscrimination on the grounds of race, color, national origin, or income.

The subrecipient shall provide all information and reports required by the Title VI regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts and other sources of information, and its facilities as may be determined by MassDOT, FHWA, or FTA to be pertinent to ascertain compliance with such regulations, orders, and instructions. Where any information required of a sub-recipient is in the exclusive possession of another who fails or refuses to furnish this information, the subrecipient shall so certify to MassDOT, FTA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.

In the event of a subrecipient's non-compliance with nondiscrimination provisions of the contract, MassDOT shall impose such contract sanctions as it, FTA, and/or FHWA may determine to be appropriate, including, but not limited to:

- Withholding of payments to the subrecipient under the contract until the contractor complies, and/or
- Cancellation, termination, or suspension under the contract, in whole or in part.

The subrecipient shall include Title VI contract provisions in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Title VI regulations or directives issued pursuant thereto. The subrecipient shall take such action with respect to any subcontract or procurement as MassDOT, FTA, or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. However, in the event a subrecipient becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of this direction, the subrecipient may request MassDOT to enter into such litigation to protect the interests of MassDOT. Additionally, the subrecipient may request the United States to enter into such litigation to protect the interests of the United States.

MassDOT also upholds the Massachusetts Public Accommodation Law, M.G.L. c 272 §§92a, 98, 98a, and the Governor's Executive Order 526, section 4 which provide that access to programs, services and benefits be provided without regard to religious creed, sexual orientation, gender identity, veteran's status and/or ancestry, along with the bases previously referenced.

Any person, subrecipient, or contractor who believes that they have been subjected to an unlawful discriminatory practice under Title VI and/or another nondiscrimination provision has a right to file a formal complaint within one hundred eighty (180) days following the alleged discriminatory action. Any such complaint must be filed in writing or in person with MassDOT's Office of Diversity and Civil Rights, Title VI Coordinator, 10 Park Plaza, Boston, MA 02116, or by phone through the Office of Diversity and Civil Rights at (857) 368-8580, or (857) 368-0603 (TTY), or via e-mail to MassDOT.civilrights@state.ma.us. The Title VI Coordinator may be reached to obtain additional information, including copies of essential documents about Title VI requirements or complaint processes.

English: If this information is needed in another language, please contact the MassDOT Title VI Specialist at 857-368-8580.

Portuguese: Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do MassDOT pelo telefone 857-368-8580.

Spanish: Si necesita esta información en otro idioma, por favor contacte al especialista de MassDOT del Título VI al 857-368-8580.

Chinese Simplified: (mainland & Singapore): 如果需要使用其它语言了解信息，请联系马萨诸塞州交通部（MassDOT）《民权法案》第六章专员，电话 857-368-8580。

Chinese Traditional: (Hong Kong & Taiwan): 如果需要使用其它語言了解信息，請聯繫馬薩諸塞州交通部（MassDOT）《民權法案》第六章專員，電話857-368-8580。

Russian: Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь со специалистом по Титулу VI Департамента Транспорта штата Массачусетс (MassDOT) по тел: 857-368-8580.

Haitian Creole: Si yon moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Espesyalis MassDOT Title VI la nan nimewo 857-368-8580.

Vietnamese: Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Chuyên viên Luật VI của MassDOT theo số điện thoại 857-368-8580.

French: Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le spécialiste du Titre VI de MassDOT en composant le 857-368-8580.

Italian: Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare lo Specialista MassDOT del Titolo VI al numero 857-368-8580.

Khmer: ប្រសិនបើលោក-អ្នកត្រូវការរបកប្រែពីភាសានេះ សូមទាក់ទងអ្នកឯកទេសលើជំពូកទី6 របស់**MassDot** តាមរយៈលេខទូរស័ព្ទ **857-368-8580**

Arabic: 857-368-8580

إن كنت بحاجة إلى هذه المعلومات بلغة أخرى، يُرجى الاتصال بأخصائي الفقرة السادسة على الهاتف