

# **PINELLAS COUNTY MPO DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (revised May 21, 2010)**

## **Definitions of Terms**

The terms used in this program have the meanings defined in 49 CFR 26.5.

## **Objectives/Policy Statement (26.1, 26.3)**

The Pinellas County Metropolitan Planning Organization (MPO) FTA recipient ID number 1038 has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the US Department of Transportation (DOT), 49 CFR Part 26. The MPO anticipates that it will receive Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the MPO has signed an assurance that it will comply with 49 CFR Part 26.

The policy of the Pinellas County MPO regarding DBEs, as defined in Part 26, includes the following:

1. To ensure equal opportunity to receive and participate in DOT-assisted contracts.
2. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
3. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
4. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
5. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
6. To help remove barriers to the participation of DBEs in DOT assisted contracts; and
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Linda Manoleros, Planner, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Linda Manoleros is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the MPO in its financial assistance agreements with the Department of Transportation.

Once the policy statement is signed, the MPO will disseminate this policy statement to its Board and staff members within the organization, individuals on the MPO mailing list and will be placed on the MPO website. We will also distribute this statement to all DBE and non-DBE businesses that perform work for us on DOT-assisted contracts, and to all DBE and non-DBE firms via advertisement and mailings to designated organizations.

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Brian K. Smith, Executive Director, Pinellas County MPO

\_\_\_\_\_ Date

### **Nondiscrimination (26.7)**

The Pinellas County MPO, recipient ID number 1038, will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex or national origin.

In administering its DBE program, the MPO will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **DBE Program Updates (26.21)**

We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### **Quotas (26.43)**

We do not use quotas in any way in the administration of this DBE program.

### **DBE Liaison Officer (DBELO) (26.25)**

We have designated the following individual as our DBE Liaison Officer (DBELO): Linda Manoleros, Pinellas County MPO, 600 Cleveland Street, Suite 750, Clearwater, FL 33755; Phone: (727) 464-8200; Fax: (727) 464-8201; Email: lmanoleros@pinellascounty.org.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the MPO complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to Sarah Ward, MPO Administrator, concerning DBE program matters. The DBELO will be the sole staff member assigned to the DBE program. Please direct all DBE related correspondence to her attention. She will perform these responsibilities in addition to other grant management projects. An organization chart displaying the DBELO's position is found in Attachment D to this program.

The DBELO is responsible for developing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gather and report statistical and other information as required by DOT;
2. Review third party contracts and purchase requisitions for compliance with this program;
3. Work with all concerned to set overall annual goals;
4. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner;
5. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitor results;
6. Analyze MPO's progress toward goal attainment and identify ways to improve progress;
7. Participate in pre-bid meetings;
8. Advise the CEO/governing body on DBE matters and achievement;
9. Participate with the legal counsel and project director to determine consultant compliance with good faith efforts;
10. Participate in DBE training seminars;
11. Verify that firms applying for a project are currently eligible as a DBE to do business with DOT;
12. Act as liaison to the Uniform Certification Process in Florida; and
13. Provide DBE related announcements to community organizations.

### **Federal Financial Assistance Agreement Assurance (26.13)**

The MPO has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

The MPO shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26 as approved by DOT, as incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the MPO of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C.1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

### **DBE Financial Institutions (26.27)**

It is the policy of the MPO to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime consultants on DOT-assisted contracts to make use of these institutions.

### **Directory (26.31)**

We do not maintain our own list of DBEs. We accept firms who have indicated that they will conduct business in Pinellas County listed in the DBE directory of Florida's Uniform Certification Program (UCP), maintained by the Florida Department of Transportation (FDOT).

The FDOT maintains a DBE Directory through its UCP. It is updated every 24 hours. The directory lists a firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. For DBE requirement calculating purposes, the directory was last viewed May 7, 2010. It is available online at: <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp> The directory does not subdivide firms into subspecialties, such as prime contractors for specific types of transportation projects and studies. It should therefore be assumed that the number of available firms, represented by the base number in 26.45, Step 1-B, will be higher than the actual number of ready and available firms appropriate for this MPO's projects.

We defined appropriate specialties to include those listed below. Parentheses indicate North American Industry Classification System Code (NAICS):

- (54133) Consultants - Selected firms with transportation engineering, land acquisition, environmental consulting and engineering specialties
- (54182 & 54191) Public Relations and Marketing Services
- (54199) All Other Professional, Scientific and Technical Services
- (485991) Special Needs Transportation
- (485113) Bus and Other Motor Vehicle Transit Systems
- (48599) Other Transit and Ground Passenger Transportation
- (517212) Cellular and Other Wireless Telecommunications

Recipients of DOT assisted contracts in the State of Florida have engaged in establishing a statewide UCP agreement, which has potential for expanding the number of DBE listings for this geographic area. Information concerning UCP may be found at:

[http://www.dot.state.fl.us/equalopportunityoffice/New\\_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf](http://www.dot.state.fl.us/equalopportunityoffice/New_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf)

Upon request, the MPO will reproduce and mail copies of the form, or interested parties may phone the FDOT Equal Opportunity Office at (850) 414-4747.

The MPO supports the UCP directory through advertisement in three sources: Invitation to bidders on the MPO website; newspaper advertisements; and direct distribution to professional associations and organizations that work with individuals who may be eligible for DBE status. In advertisements, we instruct potential DBE firms to download the appropriate forms from the Internet at the FDOT's website. We also offer to send the same form via US Mail. The name, address and phone number of the MPO is provided in MPO advertisements. When an applicant receives a form from us – via US Mail or email - we instruct the applicant to return the completed form directly to the FDOT.

#### **Overconcentration (26.33)**

We have not identified overconcentration as a problem in this county.

#### **Business Development Programs (26.35)**

The MPO does not have a Business Development Program.

#### **Required Contract Clauses (26.13, 26.29)**

We ensure that the following clauses are placed in every DOT-assisted contract and subcontract:

*The consultant, subconsultant or subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The consultant or subgrantee shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the consultant or subgrantee to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.*

#### **Prompt Payment**

*The prime consultant or subgrantee agrees to pay each subconsultant under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime consultant or subgrantee receives from the Pinellas County MPO. The prime consultant or subgrantee agrees further to return retainage payments to each subconsultant within 30 days after the subconsultant's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Pinellas County MPO. This clause applies to both DBE and non-DBE subconsultants.*

#### **Monitoring and Enforcement Mechanisms (26.37)**

We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

#### Sanctions for Non-Compliance

In the event of the consultant's or subgrantee's non-compliance with FDOT's policy or failure to meet the prescribed DBE goal or expectancy set forth in this contract, or to establish a good faith effort to do so, the MPO shall impose such contract sanctions as we, the FTA or both may determine to be appropriate, including but not limited to:

- a. Withholding of payments to the consultant under the contract until the consultant or subgrantee complies; and/or
- b. Cancellation, termination or suspension of the contract in whole or in part; and/or

- c. Suspension or debarment of consultant or subgrantee from eligibility to contract with the Pinellas County MPO in the future or to receive bid packages or request for proposal (RFP) packages.

### **Overall Goals (26.45)**

The MPO's overall goal for FY 2011-2013 is 2.12% of the Federal financial assistance we will expend in DOT-assisted (service) contracts.

The following history is provided for the overall goal determination:

In January, 2002 the Pinellas County MPO received a two-year FTA award in the amount of \$2,452,697.00 for our guideway project, the Pinellas Mobility Initiative (PMI). This was Pinellas County MPOs first experience with managing this type of FTA award. The grant expired October 20, 2004. During the entire 22-month period allocated for this project, Pinellas County expected to reach a DBE goal of expending \$245,269.70 (10%) during FY 2002-2003 with DBE firms. However, during that year only \$115,174.20 (6.8%) was expended with DBEs. As a result, FY2003-2004 DBE goal was adjusted to 5%, based on actual experience and data.

During FYs 2003-2004 and 2004-2005 no funds were expended with DBEs because no new contracts were let. The MPO continued its goal of 5% to provide for any new unforeseen contracts that may become available. This did not occur.

The MPO continued its 5% goal throughout FYs 2005-2006 and 2006-2007. In FY 2005-2006 the MPO received funding from a Congressional earmark totaling \$3,976,000 to continue the development of the PMI, incorporating Bus Rapid Transit concepts. The MPO requested that the FTA directly pass through \$2.3 million to the county's transit provider, PSTA (which has its own DBE program). The MPO is administered the remaining \$1,649,495 in federal funds with the project ending December 2009. No DBE expenditures occurred. In 2006, the MPO also received a 4-year Section 5309 Bus and Bus Facilities Congressional Earmark totaling \$997,710, of which \$464,710 was obligated in July 2008 for planning activities associated with the Downtown Clearwater to Clearwater Beach Transit Alternatives Study. \$1,957.50 in DBE expenditures occurred on that contract in 2010 resulting in a .09% contract goal achievement. There is \$533,000 to be rolled forward for use in FY 2011.

In FY 2007-2008, while the MPO did not receive direct funds for MPO planning activities, as an FTA designated recipient, we did receive funds to administer on behalf of other eligible recipients and subgrantees. This includes a \$485,888 FY 2006 Section 5309 Congressional Earmark for the City of St. Petersburg, \$997,533 in FYs 2006 and 2007 New Freedom funding for subgrantees Hillsborough Area Regional Transit (HART) and two non-profit agencies, and \$1,841,927 in FYs 2006 and 2007 Job Access Reverse Commute (JARC) funding for HART, Hillsborough County Department of Health and Social Services and one non-profit agency. The City of St. Petersburg has had \$34,329.85 in DBE expenditures, \$54,432 on the New Freedom contract and \$5,000 on the JARC contract resulting in a 2.81% contract goal achievement. In FY 2007-2008, the MPO's goal was 4.5%.

In FYs 2008-2009, the MPO received \$1,485,397 in New Freedom funding for subgrantees Hillsborough Area Regional Transit (HART) and three non-profit agencies, and \$2,400,786 in Job Access Reverse Commute (JARC) funding for HART, Hillsborough County Department of Health and Social Services and one non-profit agency. The MPO has \$194,021 in JARC funds and \$647,441 in New Freedom funds available to roll forward to the next fiscal year. There were no DBE expenditures on the JARC and New Freedom contracts. The MPO's FY 2010 was 1.7%.

### **Methodology**

This section includes a summary of the methods we used to calculate our 2.12% goal:

The MPO will implement a DBE program that uses a combination of race-neutral and race-conscious participation, as defined in the appropriate section of this document. We will continue the process that we began in June 1, 2001.

### Step 1

#### Step 1 - A: Developing a Rationale, Including Assessment of Impediments

As a recipient of federal funding from FTA, the MPO is required to establish project-specific goals for public transportation-related contracting with DBEs. In effect, the goal becomes a performance standard of measuring progress toward achieving the anticipated level of DBE participation, and a partial means of assessing compliance with FTA, DBE regulations.

The Pinellas County MPO has a strong commitment to minority inclusion in all contracts. However, it is difficult to use standard formulas to arrive at a basis for our DBE for these reasons:

1. Our past experience on FTA awards has not provided adequate historical precedence for our calculations.
2. MPOs in the Tampa Bay area do not have FTA DBE Programs and therefore cannot provide a historical basis for our calculations.
3. Currently, the MPO's own needs are for transportation planning consultants only. Unlike transit organizations, the MPO does not build or purchase, lease or maintain equipment, terminals or garages. In addition, this MPO does not directly contract for staff to perform operations/maintenance.
4. As an MPO we use only a small number of transportation planning consulting firms each year for all our contracts, including non-FTA assisted contracts.
5. Our consulting needs are highly specialized. As a result, the pool of qualified consulting firms is limited. Of the three transportation planning consulting firms that indicated they would conduct business in Pinellas County, none are registered with the FDOT to conduct "major" (those over \$250,000) types of consultant work.
6. With the inclusion of the JARC/New Freedom projects, the MPO found that since the non-profit and local governmental subgrantees are not DBEs, it is difficult to include their operational and administrative expenditures toward the MPO's overall goal.

For the above reasons it is extremely difficult to obtain a clear idea of the number of qualified ready, willing and able DBEs from FDOT or transit agency lists, or to obtain an accurate idea of available firms from the US Census. (Census data does not breakdown firms by subspecialties.)

Assumptions: In defining the criteria for firms that may be appropriate for our use as an MPO, we made the following assumptions:

- We defined the term "Local Market Area" to include DBEs registered with the State of Florida.
- We defined appropriate specialties to include those listed below. Parentheses indicates North American Industry Classification System Code (NAICS):
  - (54133) Consultants - Selected firms with transportation engineering, land acquisition, environmental consulting and engineering specialties
  - (54182 & 54191) Public Relations and Marketing Services
  - (54199) All Other Professional, Scientific and Technical Services
  - (485991) Special Needs Transportation
  - (485113) Bus and Other Motor Vehicle Transit Systems
  - (48599) Other Transit and Ground Passenger Transportation
  - (517212) Cellular and Other Wireless Telecommunications
- Based on our limited information about subspecialties, we selected firms that we believed were possibly appropriate for MPO and subgrantee purposes.

#### Step 1 - B: Calculating a Percentage:

Pinellas County MPO declares its Fiscal Years 2011-2013 goal of 2.12% for the DBE program. This figure is based on a denominator of 347 (287 "Engineering Services" firms, 5 Special Needs Transportation firms, 14 "Marketing Research & Public Opinion" firms", 25 "Other Professional, Scientific and Technical Services" firms, 3 "Bus and Other Motor Vehicle Transit Systems" firms, 6 "Other Transit and Ground Passenger Transportation" firms and 3 "Cellular and Other Wireless Telecommunications" firms drawn from the FDOT Bidders Lists. Of those firms, 29 DBEs have indicated that they will conduct business in Pinellas County. It should be noted that as a result of decreasing property tax revenues major statewide governmental budget reductions occurred since 2008. This has greatly impacted DBE contracting opportunities and many firms have not recertified or have opted out of the DBE program.

### DBEs

$\frac{29 \text{ ready, willing and able DBEs}}{347 \text{ all firms from Local Market Area}} = 8.3 \%$

Therefore we have determined our non-adjusted base figure to be approximately 8.3 %.

### Step 1 - C: Weighting

We saw no need for this process.

### Step 2 - Making Adjustments

The MPO examined past DBE activity and future contracting opportunities and determined that an adjustment should be made. The following factors were considered in setting our goal at 2.12% for the 2011-2013 fiscal years:

The MPO reviewed its DBE activity for the past seven years and found that the highest goal was 6.8% attained in FY 2002/2003 and 1.03% was the average for the years the MPO had active contracts. The MPO then examined the current available grant funds and individual DBE contract goal balances. The MPO currently has \$4,600,019 of FTA funds available in six grant contracts. Subgrantees and subconsultants have committed to contracting \$97,639 of those available funds to DBEs.

The MPO then examined future funding opportunities. We are anticipating additional JARC and New Freedom funds, which as the designated recipient the MPO will administer these funds on behalf of several eligible subgrantees. With the JARC and New Freedom funds, the DBE contracting opportunities will be minimal considering most of the potential subrecipients will be non-profit agencies (which are not DBEs). These agencies will use the funds primarily for personnel/operating expenses or vehicle purchases. Additionally, over the next several fiscal years the MPO will administer or pass through an additional \$1,008,000 in new grant funds. These funds will be used for consultant work, which is similar to the nature of non JARC/New Freedom work currently under contract, therefore DBE consulting opportunities will be similar. At this time, no additional Congressional Earmarks or grant awards are known.

Based upon this examination of current and similar future contracting opportunities, the MPO believes that a 2.12% goal is achievable.

In addition to relying on DBE lists, we make efforts to encourage potential DBE providers to apply for contracts. Since 2001, the MPO has performed outreach efforts in order to encourage additional firms to apply for FDOT certification. We publish advertisements on our website at <http://www.pinellascounty.org/mpo/> and post DBE information in our main lobby. In addition, we ran an advertisement in the *St. Petersburg Times* on April 18, 2001, September 3, 2001, on April 30, 2002, July 4, 2003, and in the county wide weekly publication *Pinellas News* on August 30, 2004, August 24, 2005, May 5, 2006 and May 25, 2007, June 6, 2008 and May 22, 2009. The FYs 2011-2013 legal advertisement was run in the *St. Petersburg Times* on May 21, 2010. Legal and government announcements are posted in this publication and it is a resource for consultants and contractors. There is no minority-focused

newspaper that is widely circulated throughout this county. The MPO encouraged DBE participants to respond to the recent RFPs for the MPO's JARC/New Freedom subgrantees. All firms and subgrantees under contract with the MPO are made contractually aware of the MPO's DBE commitment. We also mailed announcements to: The Resource Center for Women, 1301 Seminole Blvd., Suite 137, Plaza Center, Largo, FL 33770, phone 727-586-1110; the Pinellas County Urban League, 333 31<sup>st</sup> Street N., St. Petersburg, FL 33713, phone 727-327-2081; and to the Tampa Bay Builders Associations, 2918 West Kennedy Boulevard, Tampa, FL 33609 phone 813-873-1000. Throughout the year, MPO staff members participate in a host of public involvement activities that provide excellent opportunities to educate the public and business communities about the MPO's DBE program.

In 2001-2002 we located a disparity study appropriate for consideration in our DBE process. We have not uncovered any new disparity studies since that time. Agencies contacted include: Pinellas County Government; Minority Business Advocacy and Assistance Office of the State of Florida; Minority Business Office in Hillsborough County, and the City of St. Petersburg Economic Development and Property Management Business Assistance Division. The Minority Business Office in Hillsborough completed a disparity study, but said the category of work included in this plan was not addressed in this study. The City of St. Petersburg completed disparity studies in 1990 and 1999. While the specific category of work included in this plan was not represented in their study, statistical analysis showed that during FY 1989-1999 no statistically significant disparity in awarding prime contracts to M/WBEs was exhibited in twelve (12) major procurement categories analyzed. Altogether, during the period studied (1989 to 1999), M/WBEs supplied 8.83 percent of the total number of prime bids and received 9.12 percent of the total number of prime contracts awarded by the City of St. Petersburg. Meanwhile, M/WBEs submitted 6.5 percent of the total dollar value of bids and received 6.58 percent of the total dollars awarded by the City. Therefore, when M/WBEs bid on the City of St. Petersburg contracts, the outcomes are proportional.

### Process

The MPO will submit its overall goal to DOT by August 1, 2013. Before establishing the overall goal, the MPO will consult with community organizations, minority and women's groups, as well as general consultant groups to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Pinellas County MPO's efforts to establish a level playing field for the participation of DBEs.

We will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 days following the date of the notice, and informing the public that we and DOT will accept comments on the goals for 45 days from the date of this notice. The notice was posted in the *St. Petersburg Times* on May 21, 2010. The notice included addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We have consulted with the appropriate agencies concerning the availability of disadvantaged and non-disadvantaged businesses, and have concluded that the goal of 2.12% is reasonable. We will adopt this goal unless we receive other instructions from DOT.

### Breakout of Estimated Race-Neutral and Race-Conscious Participation

Race neutral under the consultant or professional program would be defined as not assigning race or gender-specific goals on individual projects, but counting all participation of DBE subconsultants utilized by consultants on projects.

Examples of race-neutral means of facilitating DBE participation include:

- 1) Arranging solicitations, times for the presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBE and other small business participation.
- 2) Requiring consultants to subcontract portions of work that they might otherwise perform with their own staff or an outside consulting firm;
- 3) Providing the name, phone number and email address for additional information concerning a contract.

To date, DBE participation during FY 2010 has been .71%. All of our general planning consultants have partnered with DBE qualified subconsultants. Of these firm's subconsultants, one was acquired through race neutral means and one through race conscious measures. Assuming this represents a reasonable expectation for the future, we predict that of the 2.07% overall DBE goal for the 2011-2013 fiscal years, approximately less than half (.5%) will be acquired from race-neutral participation and the remainder through race-conscious measures.

We will adjust the estimated breakout of race-neutral and race conscious participation as needed to reflect actual DBE participation (see 26.51 (f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: 1) DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; 2) DBE participation through a subcontract on a prime contract that does not carry a DBE goal; 3) DBE participation on a prime contract exceeding a contract goal; and 4) DBE participation through a subcontract from a prime consultant that did not consider a firm's DBE status in making the award.

#### **Contract Goals (26.51)**

The MPO will use contract goals to meet any portion of the overall DBE goal the MPO does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall DBE goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of 2.12% of the Federal share of DOT assisted contracts.

#### **Good Faith Efforts (26.53)**

The MPO treats bidder/offeror's compliance with good faith efforts requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information, at the discretion of the MPO, at least 24 hours before commitment to the performance of the contract by the bidder/offeror.

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm;
4. Written and signed documentation of commitment to use a DBE subconsultant whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime consultant's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

### Demonstration of Good Faith Efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. The MPO will utilize the following criteria to determine the consultant's "good faith effort" to subcontract and negotiate with DBEs:

1. Whether the consultant attended any presolicitation or prebid meetings that were scheduled by the MPO to inform DBEs of consulting and subconsulting opportunities;
2. Whether the consultant or supplier provided notice in general circulation, trade association, and minority and female focus media concerning the subconsulting opportunities;
3. Whether the consultant provided written notice to a reasonable number of specific DBEs that their interest in the contract was solicited in sufficient time to allow the DBEs to effectively participate;
4. Whether the consultant followed up the initial solicitation of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
5. Whether the consultant selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal including, where appropriate, segmenting contracts into economically feasible units to facilitate DBE participation;
6. Whether the consultant provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;
7. Whether the consultant negotiated in "good faith" with interested DBEs and not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
8. Whether the consultant made efforts to assist interested DBEs in obtaining bonding, lines of credit or insurance required by MPO or the consultant;
9. Whether the consultant effectively used the services of available minority and female community organizations, minority and female professional groups, local, state and federal minority and female business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBEs.

The MPO may, upon written notice to the consultant, meet with its officials to discuss or provide written evidence of "good faith effort" to subcontract and negotiate with DBEs and joint ventures involving DBEs and its ability to achieve the established goal. Failure of a consultant to meet or provide the requested written information at a stipulated time and place, without a demonstration of good cause, shall be cause for rejection.

### Administrative Reconsideration

Within two days of being informed by the MPO that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Brian K. Smith, MPO Executive Director, 600 Cleveland Street, Suite 750, Clearwater, FL 33755 phone 727.464.8200. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The MPO will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process can not be administratively appealed to the Department of Transportation.

### Good Faith Efforts When a DBE is replaced on a Contract

Where goal or preference points have been assigned to projects, we will require a consultant to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a

contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime consultant to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime consultant to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the consultant fails or refuses to comply in the time specified, our office or the office of the prime consultant will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the consultant still fails to comply, the contracting officer may issue a termination for default proceeding.

### **Counting DBE Participation (26.55)**

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

### **Certification (26.61 - 26.91)**

The MPO will accept as accurate and current the certification status of all DBE firms listed on Florida's Uniform Certification Program/ Department of Transportation website.

#### Process

Our certification application form and documentation requirements are those defined by the Florida's Uniform Certification Program. Interested persons are instructed to download DBE documents from the web at [http://www.dot.state.fl.us/equalopportunityoffice/New\\_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf](http://www.dot.state.fl.us/equalopportunityoffice/New_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf) If preferred, MPO will mail a hard copy, by request. Requests may be directed to Linda Manoleros, Pinellas County MPO, 600 Cleveland Street, Suite 750, Clearwater, FL 33755; phone 727-464-8200; email [lmanoleros@pinellascounty.org](mailto:lmanoleros@pinellascounty.org).

We will yield to the Unified Certification Program's decisions and practices concerning decertification and appeal of decertification status.

#### Uniform Certification Program

The State of Florida is currently using a certification process for DBE providers. Forms, procedures, and a list of certified DBE firms are listed on the website [http://www.dot.state.fl.us/equalopportunityoffice/New\\_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf](http://www.dot.state.fl.us/equalopportunityoffice/New_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf), as mentioned in the "Process" section above.

#### Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation  
Federal Transit Administration, Office of Civil Rights Certification Appeals  
1200 New Jersey Avenue, SE E54-427  
Washington, DC 20590

Phone 202.366.4018

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracts (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

#### "Recertifications"

FDOT administers the recertification process as well as the annual affidavit process.

#### "No Change" Affidavits and Notices of Change

We require all potential DBE firms to comply with the DBE certification requirements of their issuing authority. For example, DBE firms must inform FDOT, in a written affidavit, of any change in their circumstances affecting the DBE's ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided.

We also require all owners of all DBEs to comply with their issuing authorities' annual recertification requirements, meeting the requirements of 26.83 (j). (FDOT notifies DBE firms concerning recertification requirements, etc.)

#### Personal Net Worth

We require all disadvantaged owners of applicants and of currently-certified DBEs to comply with their issuing authorities' Personal Worth requirement.

The personal net worth form and documentation used by FDOT may be found on the FDOT website at [http://www.dot.state.fl.us/equalopportunityoffice/New\\_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf](http://www.dot.state.fl.us/equalopportunityoffice/New_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf)

### **Information Collecting and Reporting**

#### Bidders List

The MPO does not maintain its own bidders list. In order to permit DBE firms to have maximum opportunities throughout the region, to support the development of one unified list, and to eliminate redundancy in application filing requirements, the MPO encourages all applicants to become DBE certified with Florida's Uniform Certification Program. The website provides all forms and describes procedures: <http://www.dot.state.fl.us/equalopportunityoffice> .

#### Monitoring Payments to DBEs

The MPO requires prime consultants to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Pinellas County MPO or the DOT. This reporting requirement also extends to any certified DBE subconsultant.

The MPO keeps a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

The MPO shall perform interim audits of contract payments to DBEs. The audit will review payments to DBE subconsultants to ensure that the actual amount paid to DBE subconsultants equals or exceeds the dollar amounts stated in the schedule of DBE participation.

#### Reporting to DOT

The MPO will report DBE participation as follows:

We will report DBE participation on June 1 and December 1 using the "Uniform Report of DBE Awards or Commitments and Payments" form. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

#### Confidentiality

The MPO will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state and local law. The MPO will require all DBE firms to complete the *Release of Confidential Information* form that is a component of the FDOT's submission process

[http://www.dot.state.fl.us/equalopportunityoffice/New\\_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf](http://www.dot.state.fl.us/equalopportunityoffice/New_Folder/Files/UCP%20MODIFIED%20APPLICATION.pdf)

Notwithstanding any contrary provisions of state or local law, the MPO will not release personal financial information submitted in response to the personal net worth requirement of a third party (other than DOT) without the written consent of the submitter.

#### **Attachments List**

- A. DBE Advertisement
- B. Title VI Update
- C. MPO Organizational Chart
- D. Joint Certification Statement

## Attachment A

### PUBLIC NOTICE CONCERNING THE PINELLAS COUNTY MPO DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

In accordance with requirements of the U.S. Department of Transportation as set forth in 49 C.F.R. Part 26, as amended, the Pinellas County Metropolitan Planning Organization (MPO) hereby notifies the public that it is recommending a Disadvantaged Business Enterprise (DBE) goal, whereby 2.12% of all applicable professional services and procurement contracts during Fiscal Years 2011-2013, beginning October 1, 2010 and ending September 31, 2013 involve DBE firms. The DBE Program is a Federal Program designed for business owners deemed socially and economically disadvantaged. Information pertaining to this goal and a description of how it was selected is available for inspection from 8:00 a.m. to 4:30 p.m. (Eastern time) at the Pinellas County MPO, 600 Cleveland Street, Suite 750, Clearwater, FL 33755, for 30 days (through June 21, 2010) following the date of this notice. It is also available online at [www.pinellascounty.org/mpo](http://www.pinellascounty.org/mpo). Written comments on this goal will be accepted for 45 days ) from the date of this notice. The comments are for informational purposes only and may be sent to the MPO's DBE Officer or to the Regional Civil Rights Officer, Federal Transit Administration, Region IV, 230 Peachtree Street NE, Suite 800, Atlanta, GA 30303.

*St. Petersburg Times*, May 21, 2010

#### **DBE Comment Period**

The Pinellas County MPO DBE document and public comment period notification was made available at the following:

MPO committee meetings:

#### **DBE Comment Period**

The Pinellas County MPO DBE document and public comment period notification was made available at the following:

MPO committee meetings:

The MPO Lobby:  
From May 21, 2009 through June 21, 2010

A legal advertisement was placed in the *St. Petersburg Times*, May 21, 2010.

And  
The MPO website at [www.pinellascounty.org/mpo](http://www.pinellascounty.org/mpo). The website also provides information on how to become a DBE.

Attachment B

TITLE VI UPDATE  
FEDERAL TRANSPORTATION ADMINISTRATION FUNDS

# The Pinellas County Metropolitan Planning Organization

Title VI Plan  
Related to Transportation Planning Activities  
(Revised April 14, 2009)



[www.pinellascounty.org/mpo](http://www.pinellascounty.org/mpo)

## Recipient Information

**Recipient:**

**The Pinellas County Metropolitan Planning Organization  
FTA ID 1038**

**Submittal Date:  
April 14, 2009**

**Title VI Expiration:  
May 14, 2013**

**Contact Information:**

**Brian K. Smith  
MPO Executive Director  
600 Cleveland Street, Suite 750  
Clearwater, FL 33755**

**Email: [bsmith@pinellascounty.org](mailto:bsmith@pinellascounty.org)  
Phone: (727) 464-8200  
Fax: (727) 464-8201**

**Linda L. Manoleros  
Planner, DBELO, Title VI Officer  
600 Cleveland Street, Suite 750  
Clearwater, FL 33755**

**Email: [lmanoleros@pinellascounty.org](mailto:lmanoleros@pinellascounty.org)  
Phone: (727) 464-8200  
Fax: (727) 464-8201**

## **Introduction**

As a direct recipient of Federal Transit Administration (FTA) funds, the Pinellas County Metropolitan Planning Organization (MPO) is required to submit a Title VI compliance report to the FTA Region 4 office every four years. This document highlights the MPO's efforts with regards to Title VI compliance.

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. To address these federal requirements, the MPO has developed a Title VI Plan, a Limited English Proficiency Plan (LEP) and an Environmental Justice Plan. The following sections provide a summary of the MPO activities relating to those requirements.

## **Title VI Program**

The MPO, as the countywide transportation planning agency and FTA designated recipient, has a policy not to discriminate against any person with respect to an MPO program, activity or service. To ensure compliance with this policy, the MPO developed a Title VI Program pursuant to Title VI of the Civil Rights Act of 1964 as amended. The MPO's Title VI program defines what Title VI is, includes a written process on how to file a Title VI complaint should one arise, and describes the complaint investigation process.

## **Public Notification Process**

The MPO's policy is not to discriminate against any person with respect to an MPO program or service. This commitment is incorporated into all public outreach efforts to engage all segments of the population in the transportation planning process. The MPO actively provides information regarding its Title VI obligations to the public using a variety of methods. Information, such as reference to the FTA circulars and the MPO Title VI and LEP programs and complaint procedure, is available, upon request at the MPO office, on the MPO website and is provided to staff, citizens, consultants, subgrantees and contracted transportation providers. Notice of non-discrimination policy is included in all MPO contracts, public meeting and bid advertisements. The MPO requires of itself and each subgrantee and transportation provider to certify each year that there have been no Title VI complaints or lawsuits.

As a policy, MPO staff is educated on the Title VI requirements including how to assist a person who is limited English proficient. The entire FTA non-discrimination clauses (See Appendix A) are included in all consultant contracts and subgrantee agreements.

The MPO the following statement is posted in the MPO office:

**The Pinellas County Metropolitan Planning Organization does not discriminate on the basis of race, color or national origin in administration of its programs, activities or services.**

To find out more, visit: [www.pinellascounty.org/mpo/Library.htm#dbe](http://www.pinellascounty.org/mpo/Library.htm#dbe)

**Or contact: Linda Manoleros, MPO Title VI Officer**

**Pinellas County MPO**

**600 Cleveland Street, Suite 750**

**Clearwater, FL 33755**

**Phone (727) 464-8200**

**Email: [Imanoleros@pinellascounty.org](mailto:Imanoleros@pinellascounty.org)**

## **Inclusive Public Participation**

The MPO seeks out and considers viewpoints of low-income, minority, elderly, disabled, LEP, ethnic and religious groups in the course of conducting public outreach and involvement activities in regards to transportation planning activities. The MPO's has in place a Public Participation Plan which includes an objective to involve the traditionally underserved in transportation planning issues.

### Public Outreach Activities:

- **MPO Website and Publications:** The MPO has developed a website that includes a host of information on MPO planning activities the Title VI and LEP programs. The Title VI complaint procedure and complaint forms are accessible on the website. MPO board meetings are broadcast live and are video archived on the website also. The MPO can supply most documents, upon request, in a variety of alternative formats. Documents that have a wide distribution such as the MPO brochure and Transportation Disadvantaged (TD) Program brochure have been translated to Spanish. When conducting public meetings and workshops, staff tries to anticipate the targeted audience and have translators and suitable materials in alternative formats available.
- **Public Meetings:** MPO staff hosts and participates in many public meetings and workshops to share information about the MPO programs, activities and services and to collect information from users of the programs. The primary means of public outreach to low-income, minority, elderly, disabled, ethnic and religious groups and their concerns is exercised by the TD Program. As an example, in 2007 and 2008, the MPO participated in events such as the Lifetime Community Forum at the Department of Elder Affairs, a workshop of the Human Services Coalition of Pinellas County, the National Alliance for Mental Health conference in Tampa, Senior Day at the Gulfport Senior Center, a TD Program Service Plan workshop in Largo and the Information and Provider Fair for Developmentally Disabled Persons in Clearwater. Also, in conjunction with the Hillsborough and Pasco county MPOs, the Pinellas MPO participated in nine public workshops for the development of the FTA Job Access Reverse Commute/New Freedom program's locally developed coordinated human services transportation plan. The MPO also participated in the local transit agency's Transit Development Plan update workshops. At many of these events, MPO staff received input from disadvantaged citizens, including senior citizens, minorities, low-income and persons with physical or mental disabilities regarding transportation issues and concerns. All MPO sponsored meetings or workshops are conducted in ADA accessible locations and have readily available access to transit. Availability of language assistance stated in English and Spanish is included in each meeting and workshop notice.
- **Public Hearings:** The MPO conducts formal public hearings to provide opportunities for citizen input on MPO programs and transportation planning activities. Public hearings are conducted annually for the TD Program review, adoption of the Transportation Improvement Program, and the FTA Annual Program of Projects. Public hearings are also conducted for the Long Range Transportation Plan Updates and the Transportation Disadvantaged Program Service Plan Update. Public hearing notices are placed in the local general and minority newspapers, are mailed and emailed to the MPO's mailing list, posted in the MPO office and on the website. Availability of language assistance in English and Spanish is included in each notice.
- **Surveys:** MPO staff utilizes survey instruments on its website, distributed through email and direct mail and at various workshops to collect public input. Direct mail surveys have been used to collect information from disadvantaged citizens receiving transportation service from the TD Program. Surveys are also used for the Long Range Transportation Plan updates. They are often tailored to garner information from targeted populations

such as transit riders, the elderly or minority persons. Staff considers the needs of those who cannot read or write and will verbally read the survey and record the respondent's comments. Surveys have also been made available in alternative formats such as in large type, Braille and Spanish.

### **Record of Title VI Activities and General Reporting Requirements**

- a. A list of all-active lawsuits or complaints alleging discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

Pinellas County MPO's legal counsel states that the MPO has no active lawsuits on the basis of race, color or national origin at this time. He is not aware of any complaints.

- b. A description of all pending applications for financial assistance currently provided by other Federal agencies to the grantee.

The MPO has no pending grant applications.

- c. A summary of all civil rights compliance reviews conducted by other local, state or federal agencies in the last 3 years.

Civil rights compliance review was included in quadrennial MPO certification in February, 2009. Reviewing agencies included the Florida Department of Transportation, FHWA and FTA. The MPO was found to be in compliance.

#### **d/e. The most recent date of the grantees signed Annual Certifications and Assurances.**

The federal fiscal year 2009 FTA Certifications and Assurances for the Pinellas County MPO were electronically pinned in TEAM on October 22, 2009, by Linda Manoleros.

### **Record of Title VI Investigations Complaints or Lawsuits**

The MPO maintains a file for Title VI complaints, investigations and lawsuits. To date, no complaints have been received.

### **Title VI Nondiscrimination Policy Statement**

The Pinellas County MPO assures the U.S. Department of Transportation and Florida Department of Transportation 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 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity. In addition, the Pinellas County MPO assures the Florida Department of Transportation that no person shall be discriminated on the basis of sexual orientation, in accordance with Pinellas County Code Chapter 70, as amended.

The Pinellas County MPO further agrees to the following responsibilities 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 Executive Director;
2. Issue a policy statement signed by the Executive Director, which expresses a commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public;

3. Such information shall be published where appropriate in languages other than English;
4. Insert the clauses of *Appendix A* of this agreement in every contract subject to the Acts and the Regulations ;
5. 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 VII Title VI Coordinator;
6. Participate in training offered on Title VI and other nondiscrimination requirements;
7. 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; and
8. 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 \_\_\_\_\_

by \_\_\_\_\_  
Brian K. Smith, Executive Director, Pinellas County MPO

## Title VI Nondiscrimination Policy Statement Instructions-

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.

## **Title VI Program Specific Requirements in Administration of the FTA JARC and New Freedom Grant Programs**

### Summary of Competitive JARC & NF Project Selection Process

The SAFETEA-LU transportation bill changed the Job Access & Reverse Commute (JARC) Program (Section 5316) to a formula funded program and created the New Freedom (NF) Program (Section 5317). Under SAFETEA-LU, funding for these programs is allocated to urbanized areas such as the Tampa-St. Petersburg urbanized area that includes parts of Hillsborough County, Pasco County and Pinellas County. SAFETEA-LU requires that a locally developed, coordinated public transit human services transportation plans be in place prior to funding being allocated. Projects selected for funding under the JARC and NF programs must be derived from this plan. To meet this requirement, the Hillsborough, Pasco and Pinellas MPOs agreed to develop one plan, the Tri-County Access Plan (TCAP) for the urbanized area. Two sets of public workshops were held in each county (5 total in October/November, 2006 and 4 total in February 2007) to develop the plan and establish priorities for funding projects under the JARC and NF Programs.

On January 31, 2007, the Florida Department of Transportation, as the Governor's designee, officially designated the Pinellas County MPO as the designated recipient for JARC and the NF Program awarded by formula to the Tampa-St. Petersburg urbanized area. Prior to this designation, the Pinellas, Pasco and Hillsborough MPOs each agreed that the Pinellas MPO should serve as the designated recipient for the area.

On April 30, 2007, a Request for Proposals (RFP) for FYs 2006 and 2007 JARC and NF Program funding was issued, with a deadline for responses of May 30, 2007. During this time period, a number of questions about the RFP were received in writing as required. Answers were contained in a Q&A document that was posted to the Pinellas MPO website. Four applicants submitted proposals for five projects (3 New Freedom and 2 JARC). The applicants were:

- Hillsborough Area Regional Transit (HART) - JARC project to provide late weekday service to connect low income workers to employment-\$700,000;
- Hillsborough County Sunshine Line/Department of Health and Social Services Department - JARC project to provide transportation for low income residents to work and work-related activities-\$941,029;
- Pinellas County MPO - administration of JARC projects - \$200,898;
- Center for Independence - NF project to provide transportation services for the developmentally disabled-\$282,718;
- HART - NF project to build ADA compliant bus pads and connecting sidewalks along routes that serve the disabled - \$300,000;
- Neighborly Care Network - NF project to provide a volunteer based transportation program for elderly and disabled populations to access community services-\$322,950; and
- Pinellas County MPO - administration of NF projects-\$91,865.

The responses were reviewed for compliance with the RFP minimum requirements and distributed to members of the review committee, which included one staff member for each of the MPOs and one staff person each from the FDOT District Seven office and the Tampa Bay Regional Planning Council (TBRPC). The committee met on June 15, 2007 to review, score, and rank the applications based on the pre-established and published criteria.

The final ranking was presented to the Local Coordinating boards, other MPO committees, and MPOs of each county for review and comment. Each of the MPOs approved the priority ranking. A Program of Projects listing the 3 New Freedom and 2 JARC applications was developed and submitted to the committees and MPO Boards for approval. Final approval by the Pinellas MPO, as the designated

recipient, occurred on September 12, 2007. The Program of Projects was attached to the Transportation Electronic Award and Management (TEAM) JARC and New Freedom applications and submitted to the FTA in early November, 2007 for approval and funding of individual projects.

#### Summary of Competitive JARC & NF 2008-2009 Project Selection Process

On December 14, 2007, a Request for Proposals (RFP) for JARC and NF Program funding was issued for FY 2008 and 2009, with a February 29, 2008, deadline for responses. During this time period, a number of questions about the RFP were received in writing as required. Answers were contained in a Q&A document that was posted to the Pinellas MPO website. Seven applicants submitted proposals (3 New Freedom and 4 JARC). The responses were reviewed for compliance with the RFP minimum requirements. One application was deemed ineligible and the applicant notified. The eligible applications were distributed to members of the review committee. The committee met on March 14, 2008 to review, score, and rank the applications based on the pre-established and published criteria.

The final ranking was presented to the Local Coordinating boards, other MPO committees and MPOs of each county for review and comment. Each MPO approved the priority ranking. A Program of Projects listing was developed and submitted to the committees and MPO Boards for approval. Final public hearing and approval by the Pinellas MPO occurred at their July 9, 2008 meeting. The 2008 Program of Projects was submitted to the Federal Transit Administration (FTA) in August, 2008 for approval and funding of individual projects.

The FY 2008 and FY 2009 applicants and projects were:

- HART (Public Body, Transit Agency) – JARC - Provide late night weekday and weekend service on eight routes and weekend only service on four routes that connect low income workers to employment \$476,131
- Hillsborough County Sunshine Line (Public Body) – JARC - Provide transportation for low-income residents to work and work related activities such as job training and interviews \$460,754
- Family Service Centers (Non-Profit) – JARC- Provide small loans through the Ways to Work Program to low-income working parents specifically for car purchases or repairs. \$199,257
- Pinellas County MPO (Public Body) – JARC – Program Administration \$84,772
- Center for Independence (Non-Profit) - NF -Continue and expand a combination fixed route and on-demand bus service that links existing public transportation and developmentally disabled service providers. This service will also allow for connections to public transportation services in Pinellas and Hillsborough Counties. \$174,401
- HART (Public Body) - NF -Construct twenty ADA compliant bus pads and sidewalk improvements each year at sites that meet a combination of high ridership usage, key destinations including employment, and a need for ADA compatible improvement. \$200,000
- Neighborly Care Network (Non-Profit) - NF -Expand the EZride program which is a pre-paid fee for service, volunteer-based transportation program that enhances the quality of life for the elderly and disabled populations by providing more transportation options to community activities.\$131,032
- Pinellas County MPO (Public Body) - NF –Program Administration \$60,895

The 2009 Program of Projects was submitted to the FTA.

#### Summary of Competitive NF Project Selection Process for Remaining 2009 Funds

On December 15, 2008, a Request for Proposals was issued with a competitive grant application for New Freedom Funding for the 2009 Fiscal Year. In 2008, an RFP was also issued for FY2009 New Freedom funding; however, funds remained from that process prompting the MPO to issue another RFP for the remaining FY2009 funds. The deadline for responses was January 30, 2009. The request for proposals was advertised in the local newspaper and announced at local coordinating board meetings. Notices were

also sent via email to persons included on MPO contact lists. These lists consisted of LCB members, TD Program providers, and persons who attended the TCAP workshops and requested to be emailed future information pertaining to the TCAP, JARC and New Freedom programs. In Pinellas County, the email contact list consists of more than 135 people, including citizens, elected officials, advocates for the elderly and/or disabled, representatives from state and local agencies such as FDOT, Department of Children and Families, Agency on Health Care Administration, and WorkNet, human service agencies, and transportation providers.

No formal questions about the RFP were received in writing from the applicants by the required deadline. Three applicants submitted proposals for New Freedom projects. The responses were reviewed for compliance with the RFP minimum requirements. One application was deemed ineligible. The eligible applications were distributed to members of the review committee. The committee met on February 13, 2009 to review, score, and rank the applications based on the pre-established and published criteria.

The scores for the proposals were presented to the Local Coordinating boards, select other MPO committees, and MPOs of each county for review and comment. Once each MPO approves the projects for inclusion in the 2009 Program of Projects listing, the 2009 Program of Projects developed 2008 was amended and brought to the Pinellas County MPO in May, 2009 for final approval. The amended 2009 Program of Projects was then submitted to the FTA for approval and funding of individual projects.

#### New Freedom Projects for FY09

- Center for Independence (Non-Profit) Continue and expand a combination fixed route and on-demand bus service that links existing public transportation and developmentally disabled service providers. This service will also allow for connections to public transportation services in Pinellas and Hillsborough Counties. \$110,818
- BayCare Behavioral Health, Inc. (Non-Profit) Provide a comprehensive educational, training and information transportation program for persons with disabilities, older adults and low income individuals. \$211,365

#### **Sub Recipient Title VI Assistance and Guidance**

The MPO has approximately 40 agreements in place and actively assists its subrecipients/subgrantees in complying with the general Title VI reporting requirements in two ways:

##### Education:

- Each subrecipient/subgrantee is provided with plan documents and/or internet links to the MPO's Title VI plan. The plan includes information on informing their beneficiaries of their rights under Title VI and procedures on how to file a complaint.
- All JARC and New Freedom subgrantees are provided a binder with all applicable FTA circulars including Title VI C 4702.1A.

##### Enforcement:

- Each MPO subrecipient/subgrantee contract or agreement includes the Civil Rights clauses (see Appendix A) and the internet link to the MPO's Title VI plan.
- Each subgrantee is required to certify annually that their organization has not had any Title VI complaints or active lawsuits with respect to service or other transit benefits.
- The MPO Title VI Officer monitors the flow down of Title VI requirements associated with the subrecipient/subgrantee's third party contracts.

**PINELLAS COUNTY MPO DISCRIMINATION COMPLAINT PROCEDURE**  
**(revised January 26, 2010)**

**Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. As a sub-recipient of the Florida Department of Transportation, the Pinellas County Metropolitan Planning Organization (MPO) has in place a Title VI complaint procedure.**

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation, by any Pinellas County Metropolitan Planning Organization's (MPO) programs or activities, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint. (Note: If you believe you have been discriminated against by another branch of the Pinellas County Government, please contact the Pinellas County Office of Human Rights at 727.464.4880). All written complaints received by the MPO shall be referred immediately by the MPO's Title VI Specialist, Linda Manoleros, to the FDOT's District Seven Title VI Coordinator for processing in accordance with approved State procedures.

**Written complaints may be sent to:**  
**Linda Manoleros, Pinellas County MPO Title VI Specialist**  
600 Cleveland Street, Suite 750  
Clearwater, FL 33755

2. Verbal and non-written complaints received by the MPO shall be resolved informally by the MPO's Title VI Specialist. If the issue has not been satisfactorily resolved through informal means, or if at any time the complainant(s) request(s) to file a formal written complaint, the Complainant shall be referred by the MPO's Title VI Specialist to the FDOT's District Seven Title VI Coordinator for processing in accordance with approved State procedures.
3. The MPO's Title VI Specialist will advise the FDOT's District Seven Title VI Coordinator within five (5) calendar days of receipt of the allegations. The following information will be included in every notification to the FDOT's District Seven Title VI Coordinator:
  - (a) Name, address, and phone number of the Complainant.
  - (b) Name (s) and address(es) of the Respondent.
  - (c) Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation).
  - (d) Date of alleged discriminatory act(s).
  - (e) Date complaint received by the MPO.
  - (f) A statement of the complaint.
  - (g) Other agencies (state, local or Federal) where the complaint has been filed.
  - (h) An explanation of the actions the MPO has taken or proposed to resolve the allegation(s) raised in the complaint.
4. Within ten (10) Calendar days, the MPO's Title VI Specialist will acknowledge receipt of the allegation(s), inform the Complainant of action taken or proposed action to process the allegation(s), and advise the Complainant of other avenues of redress available, such as the FDOT's Equal Opportunity Office (EOO).
5. Within sixty (60) calendar days, the MPO's Title VI Specialist will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the MPO Executive Director.
6. Within ninety (90) calendar days of the verbal or non-written allegation(s) receipt, the MPO Executive Director will notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the Complainant of his/her right to file a formal complaint with the FDOT's EOO, if they are dissatisfied with the final decision rendered by the MPO.

The MPO's Title VI Specialist will also provide the FDOT's District Seven Title VI Coordinator with a copy of this decision and summary of findings.

7. The MPO's Title VI Specialist will maintain a log of all verbal and nonwritten complaints received by the MPO. The log will include the following information:
  - (a) Name of Complainant.
  - (b) Name of Respondent.
  - (c) Basis of Complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation).
  - (d) Date verbal or non-written complaint was received by the MPO.
  - (e) Date MPO notified the FDOT's District Seven Title VI Coordinator of the verbal or non-written complaint.
  - (f) Explanation of the actions the MPO has taken or proposed to resolve the issue raised in the complaint.

**FORMULARIO DE QUEJA**  
(Condado de Pinellas)

Nombre de la persona discriminada		Número de teléfono (Residencia)	Número de teléfono (Trabajo)	
Dirección de residencia (Número y calle, número de departamento)		Ciudad, estado, y código postal de residencia		
Nombre de la persona que discriminó contra usted, y nombre de la dependencia (si los sabe)				
Dirección de la persona o dependencia que discriminó contra usted		Ciudad, estado y código postal de la persona o dependencia que discriminó contra usted		
Fecha del incidente discriminatorio.				
Causa de la discriminación:				
<input type="checkbox"/> Raza	<input type="checkbox"/> Retaliación	<input type="checkbox"/> Sexo	<input type="checkbox"/> Estado Civil	<input type="checkbox"/> Religión
<input type="checkbox"/> Color de Piel	<input type="checkbox"/> Nacionalidad (Idioma)	<input type="checkbox"/> Edad	<input type="checkbox"/> Impedimento Físico o Impedimento Mental	<input type="checkbox"/> Otro
<p>Explique claramente como sucedió la discriminación y quienes participaron en ella. Incluya en su explicación cualquier conocimiento que tenga de tratamiento diferente a otras personas. Adjunte cualquier otro escrito relacionado con su caso.</p>				
<b>Firma</b>			<b>Fecha</b>	

**TITLE VI AND RELATED STATUTES**  
**DISCRIMINATION COMPLAINT AGAINST THE PINELLAS COUNTY MPO**

Name	Telephone (home)	Telephone (work)
Address:	City, State, Zip Code	
Name of MPO Staff Person that You Believe Discriminated Against You:		
Address:	City, State, ZIP Code	
Date of Alleged Incident:		
You were discriminated because of:		
<input type="checkbox"/> Race	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Sex
<input type="checkbox"/> Color	<input type="checkbox"/> <b>National Origin (Language)</b>	<input type="checkbox"/> Age
<input type="checkbox"/> Familial Status		<input type="checkbox"/> Religion
<input type="checkbox"/> Disability		<input type="checkbox"/> Other
<b>Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also attach any written material pertaining to your case:</b>		
<b>Signature</b>	<b>Date</b>	

## **Access for LEP Persons**

To provide meaningful access to MPO programs and services to persons who are limited English proficient, the MPO developed a Limited English Proficiency Plan (LEP) in 2006. The LEP Plan serves as a training tool and guide for MPO staff on how to recognize a person who may need language assistance and how to provide that assistance. Using the 2005 Census Bureau's American Community Survey data, the MPO identified that there was potentially a need to provide language assistance especially in the Hispanic/Latino community.

## **Sub Recipient LEP Assistance and Guidance**

The MPO actively assists its subrecipients/subgrantees in complying with the general LEP requirements through:

### Education:

- Each subrecipient/subgrantee is provided with the plan and/or the internet link to the MPO's LEP plan. The LEP plan also includes information on informing their beneficiaries of their rights under Title VI and procedures on how to file a complaint.
- The MPO posts a sign in the lobby area or at the reception desk indicating the availability of language assistance to agencies where in-person contact with beneficiaries is likely.

### Enforcement:

- Each MPO subrecipient/subgrantee contract or agreement includes the Civil Rights clauses (see Appendix A) and internet link to the MPO's LEP plan.
- The MPO Title VI Officer monitors the flow down of LEP requirements associated with the subrecipient/subgrantee's third party contracts.

## **Record of Language Assistance**

The MPO maintains a file for language assistance requests. To date, eight requests have been received and fulfilled:

11/9/06 Two persons requested American Sign Language interpretation

2/2/07 LRTP Survey in Braille

2/27/08 Transportation Disadvantaged Program to be translated to Spanish

3/19/08 Telephone caller needed Spanish Translation

10/08/08 Three requests for staff to read LRTP survey and record responses. Persons indicated they could not read or write.

## **Environmental Justice**

### Principles

The MPO seeks to achieve environmental justice by addressing three principles:

1. To avoid, minimize or mitigate the disproportionately high and adverse health, social and economic effects on minority and low-income populations;
2. To ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and
3. To collect and analyze data relating to environmental justice.

## Goals

The MPO conducted a countywide EJ demographic analysis in 2004 to identify the locations of minority and low income populations. This analysis has been a useful tool in examining the distribution of transportation planning impacts on the traditionally underserved populations. Using this tool the MPO has developed strategies to address environmental justice which are integrated throughout its numerous planning processes, programs and activities. The following plans contain significant elements that support environmental justice goals:

- The *Long Range Transportation Plan* (LRTP) – Elements of the plan address the MPO's commitments to a safe and efficient multi-modal system and to keeping communities intact and to provide information and opportunities for input from the traditionally underserved.
- The *Public Participation Plan* (PPP) complies with the public participation requirements of SAFETEA-LU. It addresses how the MPO will provide information and opportunity for input to the traditionally underserved. The plan also includes considerations such as the use of visualization techniques and simple language.
- The *Title VI Complaint Process* provides a procedure for individuals who believe they were subjected to discrimination or retaliation through the MPO's programs or activities. The MPO recognizes that the Spanish-speaking population of this county has increased dramatically since the 2000 census was completed. To this end, a Spanish language complaint form is provided.
- The *Limited English Proficiency (LEP) Plan* describes the MPO's commitment to provide language assistance for LEP persons seeking meaningful access to MPO programs, as required by *Executive Order 13166*.
- The *Tri-County Access Plan* (TCAP) was a response to *Executive Order 13330*, in compliance with SAFETEA-LU legislation. The plan seeks to reduce duplication among federally funded human service transportation services, increase the efficient service delivery of such services and expand transportation access for older individuals,

## **Qualitative and Quantitative Data Gathering**

The MPO engages in periodic EJ studies. Information drawn from the results of these studies is useful in developing subsequent MPO plans.

- The *Demographic Analysis for Environmental Justice* performed in December, 2004 used 2000 census data to determine the broad geographic location, total number and percentage of population groups addressed by the *U.S. Department of Transportation Order on Environmental Justice and Executive Order 12898*.
- Studies consisting of interviews of representatives of health and social service organizations in the community have been performed to obtain a clearer picture of where minority groups and low-income persons can be found and what types of barriers they face in gaining access to transportation services. Effective methods for distributing information and obtaining input were addressed in a 2004 study. An additional study using these groups was performed prior to developing the Tri-County Access Plan in 2008. This study involved both service providers and their clients. Another study involving service providers was performed in January, 2009 to obtain input for the Long Range Transportation Plan (LRTP). Additionally, one-on-one interviews have been performed with the Hispanic Outreach Center in Pinellas County to achieve a better understanding of the transportation and language related problems faced by Mexican workers and their families.

## **(DBE) Appendix A**

### **Required Consultant and Subgrantee Title VI Contract Clauses**

As a policy, the following civil rights clauses regarding non-discrimination are included in all MPO contracts and subgrantee agreements:

1. CIVIL RIGHTS - The following requirements apply to this AGREEMENT:

a. Nondiscrimination - In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332:

“The CONSULTANT or SUBGRANTEE shall not discriminate on the basis of race, age, creed, disability, marital status, color, national origin, or sex in the performance of this contract. The CONSULTANT or SUBGRANTEE shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the CONSULTANT or SUBGRANTEE to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy, as the MPO deems appropriate.”

Each subcontract the CONSULTANT or SUBGRANTEE signs in regards to this federal aid PROJECT must include the assurance in this paragraph (see 49 CFR 26.13(b)). The CONSULTANT or SUBGRANTEE agrees to comply with applicable federal implementing regulations and other implementing requirements FTA may issue. In addition to the above assurance, the CONSULTANT or SUBGRANTEE shall not discriminate on the basis of sexual orientation, in accordance with Pinellas County Code Chapter 70 as amended.

b. Equal Employment Opportunity - The following equal employment opportunity requirements apply to this AGREEMENT:

(1). Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the CONSULTANT or SUBGRANTEE agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the PROJECT. The CONSULTANT or SUBGRANTEE agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national

origin, sex, or age. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the CONSULTANT or SUBGRANTEE agrees to comply with any implementing requirements FTA may issue.

(2). Age – In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 through 634 and Federal transit law at 49 U.S.C. § 5332, the CONSULTANT or

SUBGRANTEE agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the CONSULTANT or SUBGRANTEE agrees to comply with any implementing requirements FTA may issue.

(3). Disabilities – In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the CONSULTANT or SUBGRANTEE agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the CONSULTANT or SUBGRANTEE agrees to comply with any implementing requirements FTA may issue.

(4). Access to Services for Persons with Limited English Proficiency – To the extent applicable and except to the extent that FTA determines otherwise in writing, the CONSULTANT or SUBGRANTEE agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d-1 note, and with the provisions of U.S. DOT Notice, "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries," 66 Fed. Reg. 6733 et seq., January 22, 2001. The MPO's LEP Plan is available at the MPO office or may be viewed on-line at:  
<http://www.pinellascounty.org/mpo/PDFs/DBETitleIV/lep.pdf>.

(5). Environmental Justice – The CONSULTANT or SUBGRANTEE agrees to comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note, except to the extent that the Federal Government determines otherwise in writing.

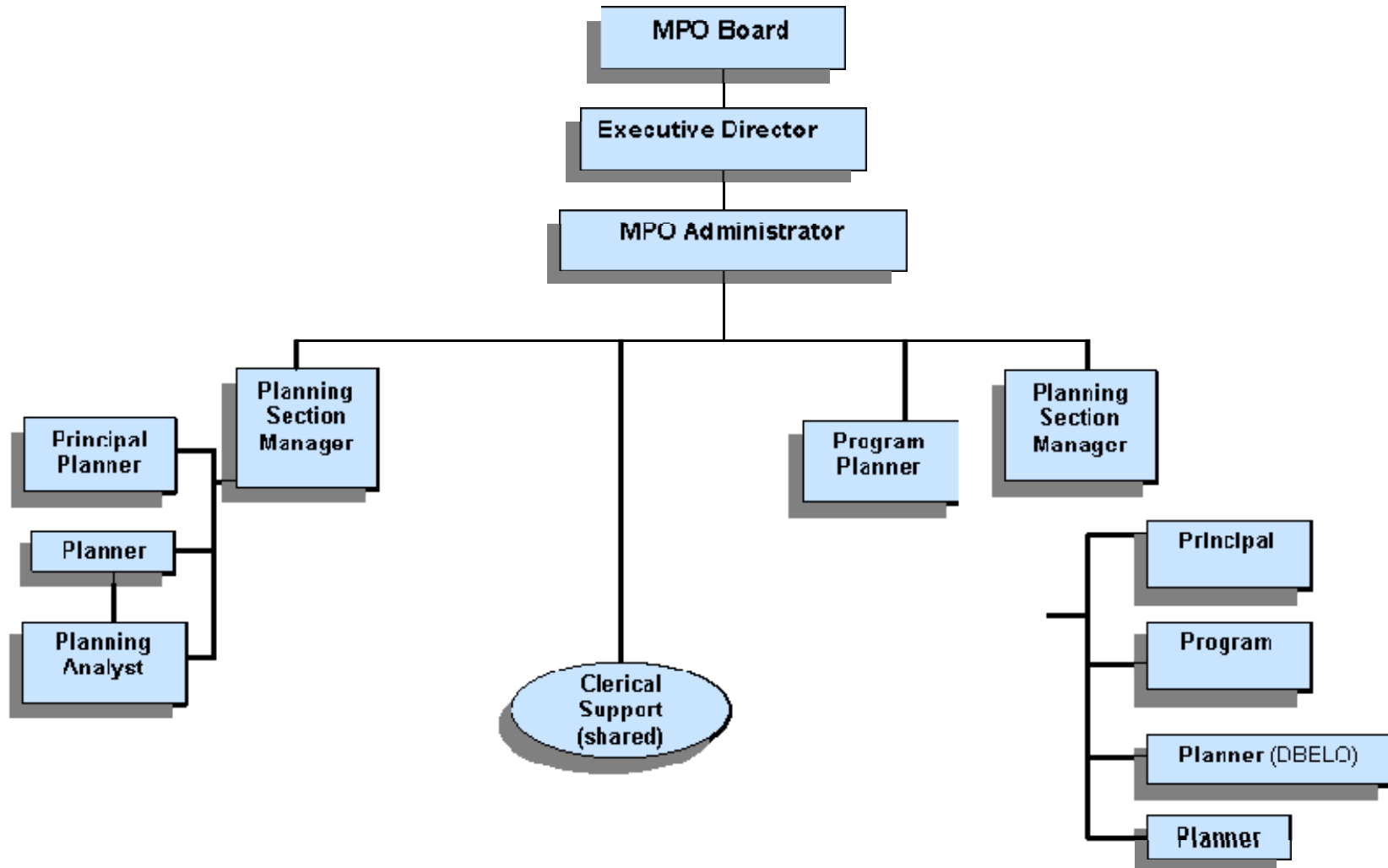
(6). Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections – To the extent applicable, the CONSULTANT or SUBGRANTEE agrees to comply with the confidentiality and other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101 et seq., with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4541 et seq., and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 201 et seq., and any amendments to these laws.

(7). Other Nondiscrimination Laws – The CONSULTANT or SUBGRANTEE agrees to comply with all applicable provisions of other federal laws, regulations, and directives pertaining to and prohibiting discrimination, except to the extent the Federal Government determines otherwise in writing. The

CONSULTANT or SUBGRANTEE also agrees to include these requirements in each subcontract financed in whole or in part with federal assistance provided by FTA, modified only if necessary to identify the affected parties.

**METROPOLITAN PLANNING ORGANIZATION  
PINELLAS COUNTY, FLORIDA  
Staff Organizational Chart**

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**Attachment C**

**Joint Certification Statement**



Attachment D  
METROPOLITAN PLANNING ORGANIZATION  
PINELLAS COUNTY, FLORIDA  
**Staff Organizational Chart**

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