

Local Agency Program & Florida Highway Administration Certification & Recertification Computer Based Training

Module 3 Part 2 – Civil Rights

The Purpose of On the job training or OJT is to Train and Upgrade; Minorities, Females & Disadvantaged Persons to Journeyman Status. Authority can be found in Title 23, Code of Federal Regulations, Section 230.111, Subpart A.

On the Job training is applicable when the Contract Time is more than 225 Calendar Days AND the Contract is over \$1,000,000. The Final Decision will be made by the District Contract Compliance Manager and or designee at the Training Evaluation Meeting.

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000, provides in section 601 that:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The Local Agency Responsibilities are to

- Ensure Contractor compliance with Federal statutes, USDOT, and FHWA Regulations for Title VI, and
- Verify the Title VI statement is in all solicitations for bids for work or material and that Appendix A (**Local Agency Program Manual**, Chapter 16) is in every contract.

All LAP projects must be in compliance with ADA. During this section we will cover the applicable regulations, the local Agency requirements and the contractor’s requirements.

The Americans with Disabilities Act, P.L. 101-336, provides:

“No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.”

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790, provides that:

“No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.”

State and local agencies with 50 or more employees must:

- Issue a policy statement, which expresses its commitment to the nondiscrimination provisions of the ADA and Section 504. The policy statement shall be circulated throughout the Sub-recipient's organization and to the general public,
- Have a complaint process to respond to accessibility complaints, and
- Designate an ADA contact and publish their name and phone number.

Additionally, it is the responsibility of the local agency to produce plans and construct projects that are in compliance with ADA.

The Department reserves the right to review the Local Agencies monitoring of the Contractor at any time, however reviews typically occur:

- At the beginning of the project,
- At least once every 6 months and
- At the end of the project, prior to final payment of invoice

Additionally if the project is selected for a contract compliance review or a Quality Assurance Review, or QAR, a field review maybe required.

This concludes the LAP Civil Rights module. The Department has developed additional training in the area of Civil Rights and Sub-recipient compliance. The Local Agencies will be notified of the availability of the training.

Review Question

When does the Local Agency have to ensure that the contractor is providing on the job training for a LAP project?

- A) In all instances.
- B) When the contract time is less than **90 calendar days**.
- C) When the contract time is more than **225 calendar days** and contract amount over **\$1000,000**.

The answer is C.

Can a qualified handicapped person be discriminated by under any program receiving federal aid funding?

- A) Yes, if the District LAP Administrator agrees.
- B) No
- C) Sometimes, if it is in the best interest of the District LAP Administrator.

The answer is B.

How often can the FDOT conduct a field review on a LAP project?

- A) Once in the beginning
- B) Only in the ending
- C) As often as the FDOT deems necessary to ensure compliance.

The answer is C.

LINKS

LAP Website

<http://www.dot.state.fl.us/projectmanagementoffice/LAP/default.shtm>

Florida Statutes

<http://www.leg.state.fl.us/statutes/>

Wage Tables and related info

<http://www.dot.state.fl.us/construction/wage.htm>

Federal Statutes and Regulations

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Environmental Process Acronyms

<http://www.fhwa.dot.gov/programadmin/contracts/coregloss.cfm>

FHWA 1273

<http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&rgn=div6&view=text&node=23:1.0.1.7.22.1&idno=23>

Civil Rights Act of 1964

http://www.fhwa.dot.gov/environment/title_vi.htm

Section II.1 EEO

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Davis Bacon Act

<http://www.gpo.gov/davisbacon/>

Federal aid policy guide 6011.10 has additional information:

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>

“Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation”

<http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>