

STANDARD SPECIFICATIONS, SPECIAL PROVISIONS AND STANDARD DRAWINGS

REVISION TO SPECIAL PROVISIONS

PROPOSAL TO STANDARDS COMMITTEE

PROBLEM(S) ENCOUNTERED: Appendix E of the U.S. Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances (DOT Order No. 1050.2A) is a mandatory contract clause that lists the pertinent non-discrimination statutes and authorities that contractors and subrecipients must comply with. Federal and state transportation agencies (such as FHWA, FTA, and state DOTs) require Appendix E to be inserted verbatim into every federal-aid contract or agreement.

PROPOSED SOLUTION: Add required Appendix E to RSP 100-C-151E

APPLICABLE STANDARD SPECIFICATIONS: Division 100

APPLICABLE STANDARD DRAWING: none

APPLICABLE DESIGN MANUAL CHAPTER: none

APPLICABLE SECTION OF GIFE: none

APPLICABLE RECURRING SPECIAL PROVISION OR PLAN DETAILS: 100-C-151E Title VI Assurances

PAY ITEMS AFFECTED: none

APPLICABLE SUB-COMMITTEE ENDORSEMENT: ad hoc group of Steve Duncan, Taffanee Keys.

IF APPROVED AS RECURRING SPECIAL PROVISION OR PLAN DETAILS, PROPOSED BASIS FOR USE:
Required for all contracts.

IMPACT ANALYSIS (attach report): yes

Submitted By: Steve Duncan for John Wooden, PE

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Division: Contract Administration

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IMPACT ANALYSIS REPORT CHECKLIST

Explain the business case as to why this item should be presented to the Standards Committee for approval.

Answer the following questions with Yes, No or N/A.

Does this item appear in any other specification sections? No

Will approval of this item affect the Qualified Products List (QPL)? No

Will this proposal improve:

Construction costs? N/A

Construction time? N/A

Customer satisfaction? N/A

Congestion/travel time? N/A

Ride quality? N/A

Will this proposal reduce operational costs or maintenance effort? N/A

Will this item improve safety:

For motorists? N/A

For construction workers? N/A

Will this proposal improve quality for:

Construction procedures/processes? N/A

Asset preservation? N/A

Design process? N/A

Will this change provide the contractor more flexibility? N/A

Will this proposal provide clarification for the Contractor and field personnel? Yes

Can this item improve/reduce the number of potential change orders? N/A

Is this proposal needed for compliance with:

Federal or State regulations? Yes

AASHTO or other design code? No

Is this item editorial? N/A

Provide any further information as to why this proposal should be placed on the Standards Committee meeting Agenda:

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100-C-151E TITLE VI ASSURANCES

(Note: Proposed changes shown highlighted gray)

100-C-151E TITLE VI ASSURANCES (APPENDIXES A AND E)

(Revised 05-21-15)

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, religion, sexual orientation, gender identity or income 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 Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor 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 grounds of race, color, sex, age, national origin, disability/handicap, religion, sexual orientation, gender identity or income 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 Indiana Department of Transportation or the Federal Highway 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

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to furnish this information, the contractor shall so certify to the Indiana Department of Transportation, or the Federal Highway 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 Indiana Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to: (a) withholding of payments to the contractor under the contract until the contractor complies, and/or (b) cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including 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 Indiana Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance, provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana 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.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities, including but not limited to:

Pertinent Nondiscrimination Authorities:

1. **Title VI of the Civil Rights Act of 1964** (42 U.S.C. § 2000d et seq., 78 stat. 252), and 49 CFR Part 21 (prohibiting discrimination based on race, color, national origin)
2. **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** (42 U.S.C. § 4601) (prohibiting unfair treatment of displaced persons or those whose property is acquired under federal programs)
3. **Federal-Aid Highway Act of 1973** (23 U.S.C. § 324 et seq.) (prohibiting sex-based discrimination)

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4. **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. § 794 et seq.), as amended, and 49 CFR Part 27 (prohibiting disability discrimination)
5. **Age Discrimination Act of 1975**, as amended (42 U.S.C. § 6101 et seq.) (prohibiting age discrimination)
6. **Airport and Airway Improvement Act of 1982** (49 U.S.C. § 47123) (prohibiting discrimination based on race, creed, color, national origin, or sex)
7. **Civil Rights Restoration Act of 1987** (PL 100-209) (expanding the scope of Title VI, Title IX, and Section 504 to all parts of federally-assisted programs)
8. **Americans with Disabilities Act (ADA) Titles II and III** (42 U.S.C. § 12131-12189) with implementing DOT regulations in 49 CFR Parts 37 and 38 (prohibiting disability discrimination in public entities and transportation)
9. **Federal Aviation Administration's nondiscrimination statute** (49 U.S.C. § 47123) (covering race, color, national origin, and sex)
10. **Executive Order 12898** (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)
11. **Executive Order 13166** (Improving Access to Services for Persons with Limited English Proficiency - LEP)
12. **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. § 1681 et seq.) (prohibiting sex discrimination in education programs)

COMMENTS AND ACTION

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DISCUSSION:

		REQUIRED ACTION
VOTING RECORD	Motion: ☐ Second: ☐ Ayes: ☐ Nays: ☐ FHWA Approval: ☐ ☐ Passed as Submitted ☐ Passed as Revised ☐ Withdrawn	☐ Incorporate into 2028 Standard Specifications ☐ Revise Pay Items List ☐ Notification to Designers ☐ Pre-qualification Work Type Code Update ☐ GIFE Update ☐ Frequency Manual Update ☐ AWP Update
	2026 Standard Specifications: Division 100 Recurring Special Provisions (RSP): 100-C-151E TITLE VI ASSURANCES Plan Details (RPD): NONE Standard Drawing(s): NONE Design Manual Chapter(s): NONE	☐ Create RSP (No. _____) Effective Date: _____ ☐ Revise RSP (No. _____) Effective Date: _____ ☐ Standard Drawing Effective Date: _____ ☐ Create RPD (No. _____) Effective Date: _____