

## **DELAWARE DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE STATEMENT**

THE DELAWARE DEPARTMENT OF TRANSPORTATION (hereinafter referred to as DelDOT) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (U. S. DOT) it will comply with:

- Title VI of the Civil Rights Act of 1964 42 USC § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) ;
- 49 CFR Part 21, (*Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 CFR section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964;
- The Civil Rights Restoration Act of 1987 (The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.)
- The American with Disability Act (ADA)
- The Executive Order #12898 regarding Environmental Justice and Executive Order #13166 regarding Limited English Proficiency EO are non-discriminatory in their intent, while they are not statutes and a person may not bring a lawsuit under them, FHWA has included them as sections within the Title VI/Nondiscrimination Plan.
- Other pertinent federal directives.

The preceding statutory, regulatory cites as well as reference to Executive Orders and federal directives hereinafter are referred to as “the Acts and the Regulations.”

### General Assurances

In accordance with the Acts, the Regulations , and other pertinent directives, circulars, policy, memoranda, and/or guidance, DelDOT hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which DelDOT receives Federal financial assistance from DOT, including FHWA.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and

Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of recipients (DeIDOT), so long as any portion of the program is Federally assisted.

### Specific Assurances

More specifically, and without limiting the above general assurance DeIDOT hereby gives the following specific assurances with respect to its programs:

1. That DeIDOT agrees that each "activity," "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of 49 CFR Part 21, will be facilitated, or conducted, or will be operated in compliance with all requirements imposed by, or pursuant to, 29 CFR Part 21 and 28 CFR §50.3.

2. That DeIDOT will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"DeIDOT in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. That DeIDOT shall insert the clauses found in Appendix A and Appendix E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. That DeIDOT will insert the clauses found in Appendix B of this Assurance as a covenant running with the land, in any deed in which the United States has a property interest affecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where DeIDOT receives Federal financial assistance to construct a facility, or part of a facility, this Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where DeIDOT receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, this Assurance shall extend to rights to space on, over or under such property.

7. That DeIDOT shall include the appropriate clauses found in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by DeIDOT with other parties: (a) for the

subsequent transfer of real property acquired or improved under the applicable activity project or program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the applicable activity, project, or program.

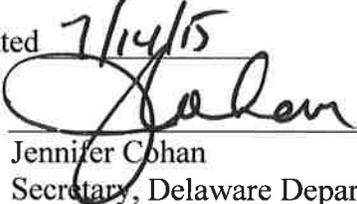
8. That this Assurance obligates DelDOT for the period during which Federal financial assistance is extended to a program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates DelDOT or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which DelDOT retains ownership or possession of the property.

9. DelDOT shall provide for such methods of administration for a program as are found by the U. S. DOT Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under that program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

10. DelDOT agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts and the Regulations as well as this Assurance.

By signing this Assurance, DelDOT also agrees to comply (and agrees to require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the USDOT, FHWA, FTA access to records, accounts, documents, information, facilities, and staff. DelDOT will also comply with any program or compliance reviews, and/or complaint investigations conducted by USDOT, FHWA, FTA. DelDOT will keep records, reports, and submit the material for review upon request to USDOT, FHWA, FTA, or its designee in a timely, complete, and accurate way. DelDOT will comply with all of the reporting, data collection, and evaluation requirements as prescribed by law or detailed in program guidance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal-aid and Federal financial assistance extended after the date hereof to DelDOT and is binding on it, other recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest and other participants in its programs. The person whose signature appears below is authorized to sign this assurance on behalf of DelDOT.

Dated 7/14/15  
By   
Jennifer Cohan  
Secretary, Delaware Department of Transportation