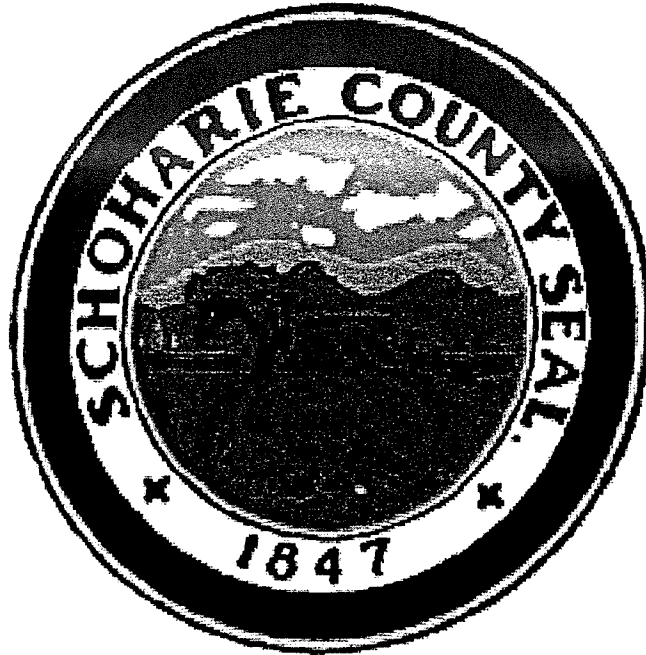
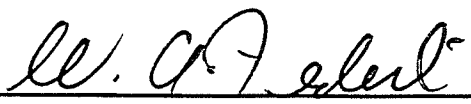


# SCHOHARIE COUNTY



## TITLE VI Policies & Procedures

Adopted By  
Schoharie County  
Board of Supervisors  
August 18, 2023

  
William Federice  
Chairman, Board of Supervisors

8/18/2023  
Date

## Table of Contents

Title VI/Nondiscrimination Policy Statement .....	3
Title VI – Introduction.....	5
SECTION 1 Title VI Coordinator and Position Responsibilities .....	6
SECTION 2 Procedures For Filing a Civil Rights Complaint.....	9
SECTION 3 Access for Persons with Limited English Proficiency (LEP) .....	12
SECTION 4 Notification To Beneficiaries .....	20
SECTION 5 Service Monitoring Procedures.....	21
SECTION 6 Equal Employment Opportunity .....	22
SECTION 7 Public Outreach and Involvement Activities .....	24
SECTION 8 Service Standards and Policies .....	25
SECTION 9 Schoharie County Environmental Justice Policy .....	28
SECTION 10 Department of Transportation Policies .....	29
SECTION 10A Fair and Equitable Distribution of Services .....	30
SECTION 10B Evaluation of Service, Fare and Other Proposed Changes .....	32
SECTION 10C NYSDOT Disadvantaged Business Enterprise Program .....	33
ATTACHMENTS .....	49
ATTACHMENT 1 Schoharie County Public Transportation DBE Program Organizational Chart.....	50
ATTACHMENT 2 Schoharie County Public Transportation Disadvantaged Business Enterprise Program ....	51
ATTACHMENT 3 Forms 1 & 2 for Demonstration of Good Faith Efforts .....	56
ATTACHMENT 4 Disadvantaged Business Enterprise Complaint Form .....	59
APPENDICES .....	63
APPENDIX 1 Complaint Form .....	64
APPENDIX 2 Good Faith Effort Procedures .....	74
APPENDIX 3 Notice to Public.....	76
APPENDIX 4 Standard Title VI/Non Discrimination Assurances.....	77
APPENDIX 5 Contractor Compliance Agreement.....	89
APPENDIX 6 Clauses for Deeds Transferring US Property .....	91
APPENDIX 7 Clauses for Transfer of Real Property Acquired or Improved .....	93
APPENDIX 8 .....	95
APPENDIX 8A Clauses for Construction/Use/Access to Real Property .....	95
APPENDIX 8B Pertinent Non-Discrimination Authorities.....	96
APPENDIX 9 Complaint Logs and Reporting .....	98
APPENDIX 10 Title VI Data Collection and Analysis Policy .....	100
APPENDIX 11 Title VI Employee Training Plan.....	102
APPENDIX 12 Minority/Women-Owned Business Enterprise Policy .....	104

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

Schoharie County assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Schoharie County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that **Schoharie County** distributes federal aid funds to another governmental entity, **Schoharie County** will include Title VI language in all written agreements and will monitor for compliance. **Schoharie County's** Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other **Schoharie County** responsibilities as required by 23 CFR 200 and 49 CFR 21.

The above policy statement and complaint form will be placed on all Schoharie County Public Transportation's (SCPT) bulletin boards, website (<https://RideSCPT.com>), schedules and public areas and made available to all organization and entities doing business with SCPT. Any complaints involving allegations of discrimination should be sent to **Schoharie County** Title VI Coordinator, Korsah Akumfi, 284 Main St., Schoharie, NY 12157, Phone # 518-295-8303, [Korsah.Akumfi@co.schoharie.ny.us](mailto:Korsah.Akumfi@co.schoharie.ny.us), or the New York State Department of Transportation Office of Civil Rights, or directly to the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Ave., SE Washington, DC 20590

### **Authorities**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

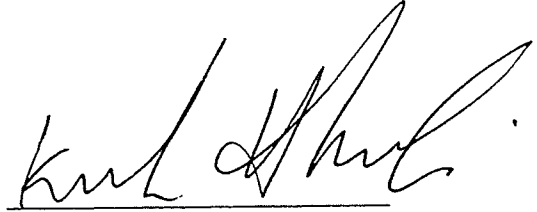
The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Additional Authorities and Citations Include:**

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166.

A handwritten signature in cursive script, appearing to read "W.A. Federice", written over a horizontal line.

Hon. William Federice, Chairman

A handwritten signature in cursive script, appearing to read "Korsah Akumfi", written over a horizontal line.

Korsah Akumfi, Title VI Coordinator

## **Title VI – Introduction**

### **Federal Section 5311 Civil Rights Plan**

The Civil Rights Act of 1964 is legislation that outlawed major forms of discrimination against racial, ethnic, national and religious minorities, and women. It ended disproportionate application of voter registration requirements and racial segregation in schools, at the workplace and by facilities that served the general public.

Powers given to enforce the act aimed to guarantee all citizens equal protection of the laws under the Fourteenth Amendment and its duty to protect voting rights under the Fifteenth Amendment. The Act was signed into law by President Lyndon B. Johnson.

Schoharie County is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the grounds of race, color, national origin, disability, sexual orientation, or other protected status, as provided by Title VI of the Civil Rights Act of 1964, and as amended.

The objectives of the plan are to:

1. Ensure the quality of service is provided without regard to race, color or national origin;
2. Identify unreasonably high and unfavorable human health and environmental effects, including social and economic effects on minority and low-income populations;
3. Promote open and fair participation of all affected populations in decision making;
4. Prevent denial in benefits and activities that benefit minority and low-income populations; and
5. Provide meaningful access to persons with limited English proficiency (LEP).

Management and staff share the responsibility for carrying out this commitment to Title VI. Contained within this document are the following sections:

1. DEFINING THE TITLE VI COORDINATOR AND POSITION RESPONSIBILITIES
2. PROCEDURES FOR FILING A CIVIL RIGHTS COMPLAINT
3. ACCESS FOR PERSON'S WITH LIMITED ENGLISH PROFICIENCY (LEP)
4. NOTIFICATION TO BENEFICIARIES
5. SERVICE MONITORING PROCEDURES
6. EQUAL EMPLOYMENT OPPORTUNITY (EEO)
7. PUBLIC OUTREACH AND INVOLVEMENT ACTIVITIES
8. ENVIRONMENTAL JUSTICE (EJ) POLICY
9. DEPARTMENT OF TRANSPORTATION POLICIES
  - a. FAIR AND EQUITABLE DISTRIBUTION OF SERVICES
  - b. EVALUATION OF SERVICE, FARE AND OTHER PROPOSED CHANGES
  - c. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

## SECTION 1

### TITLE VI COORDINATOR AND POSITION RESPONSIBILITIES

**Schoharie County** has appointed Korsah Akumfi, as the **Schoharie County** Title VI Coordinator.

**Schoharie County** is required to appoint a Title VI Coordinator who will have easy access to the agency's Chief Executive Officer.

The contact information for Schoharie County's Title VI Coordinator is as follows:

Korsah Akumfi, Title VI Coordinator  
284 Main St.  
Schoharie, NY 12157  
Phone # 518-295-8303  
Fax # 518-295-8788  
Email: [Korsah.Akumfi@co.schoharie.ny.us](mailto:Korsah.Akumfi@co.schoharie.ny.us)

#### **Title VI Coordinator's Responsibilities**

As authorized by the **Board of Supervisors**, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the **Schoharie County's** compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the **Schoharie County** in accordance with the **Schoharie County's** Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin, or gender, they may file a complaint with the **Schoharie County**. It is the goal of the **Schoharie County** to resolve complaints informally at the lowest managerial level.
2. Collect statistical data (race, color, income, gender, and national origin) of participants in and beneficiaries of, **Schoharie County** highway programs (i.e., relocatee's, impacted citizens, and affected communities). Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.
3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, all special emphasis

program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and Title VI Program Specialists will coordinate efforts to ensure equal participation in their program areas and activities at all levels.

4. Conduct Title VI reviews, when necessary, of contractors and other recipients of federal aid highway funds.
5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice outlined below:
  - Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
  - Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
  - Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
6. Develop Title VI and Limited English Proficiency information for Public Dissemination. Ensure dissemination to the general public and, where appropriate, in languages other than English. The county will disseminate Title VI Program information to county employees, contractors, subcontractors, consultants, and sub consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI/Nondiscrimination Policy Statement will be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.
7. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.
8. Schedule training for Title VI related statutes for **Schoharie County** employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all subrecipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.
9. Identify and eliminate discrimination when found to exist. Work with all **Schoharie County** Offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination

when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.

10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. The **Schoharie County** will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

The **Schoharie County** will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The **Schoharie County** will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

When a subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the **Schoharie County** will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

11. Maintain updated legislative and procedural information regarding the **Schoharie County's** Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, the **Schoharie County** Plan and updates, and other resource information pertaining to Title VI issues.

## **Special Emphasis Program Areas**

### *Appointment of Title VI Program Specialists*

In addition to appointing a Title VI Coordinator, the **Schoharie County** has proactively appointed Title VI Program Specialists to annually monitor the **Schoharie County** emphasis program areas. The emphasis program areas are: Public Transportation and Buildings/Construction. County department heads will be responsible for executing Title VI policies from their respective departments.



## SECTION 2

### PROCEDURES FOR FILING A CIVIL RIGHTS COMPLAINT

#### POLICY

It is the policy of Schoharie County to ensure programs and services are implemented without discrimination through its civil rights policies and procedures. Schoharie County's Title VI policy assures that no person or groups of persons shall, on the grounds of race, color, national origin, disability, sexual orientation, or other protected status be excluded from participation, denied benefits or otherwise subjected to discrimination under any and all programs, services, or activities offered. Schoharie County has a **zero-tolerance policy** regarding any form of unlawful discrimination against our customers. Discrimination, harassment, or retaliation against our customers is prohibited.

The objective is to:

- Ensure the quality of service is provided without regard to race, color or national origin;
- Identify unreasonably high and unfavorable human health and environmental effects, including social and economic effects on minority, low-income populations;
- Promote open and fair participation of all affected populations in decision making;
- Prevent denial in benefits and activities that benefit minority and low-income populations; and
- Provide meaningful access to persons with Limited English Proficiency (LEP).

Schoharie County has the responsibility of coordinating program procedures, managing implementation and monitoring and the reporting process. The Title VI Plan is a shared responsibility of management and staff to identify and report civil rights violators. Training is provided to management and staff that receive and investigate complaints and come in contact with the populous.

Schoharie County has developed complaint procedures; however, the complainant has the right to file formally with the Federal Transit Administration (FTA), or to seek private counsel.

## PROCEDURES

The summary below is the procedures for filing a complaint and the process Schoharie County uses to forward and not investigate complaints. These procedures are used for all complaints received by Schoharie County for documentation, research, and processing.

1. Any individual or groups of individuals who believe that they have been subjected to a discriminatory action, been excluded from participation, denied benefits, or subjected to harassment, retaliation, or other forms of discrimination based on race, color, national origin, disability, sexual orientation, or other protected status, under the program may file a complaint with Schoharie County by utilizing the Title VI complaint form found under Appendix 1. After completion, please submit all documentation to Schoharie County, **New York State Department of Civil Rights, or The Federal Transit Administration**, at the following addresses:

Christine Kraemer, Transit Director Schoharie County Public Transportation 114 Rock Road Cobleskill, NY 12043  Phone: 518-234-0952 Fax: (518)234-2046 christine.kraemer@co.schoharie.ny.us	Korsah Akumfi, Title VI Coordinator 284 Main St. Schoharie, NY 12157 Phone # 518-295-8303 Fax # 518-295-8788 <a href="mailto:Korsah.Akumfi@co.schoharie.ny.us">Korsah.Akumfi@co.schoharie.ny.us</a>	Office of Civil Rights 50 Wolf Road, 6th Floor Albany, NY 12232 Phone (518) 457-1129 Fax (518) 549-1273  OCR-TitleVI@dot.ny.gov	Mail to:  Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5 <sup>th</sup> Floor – TCR 1200 New Jersey Ave. SE Washington, DC 20590
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Allegations received that imply harassment, retaliation, or unequal treatment in services will be processed as an allegation of discriminatory practice.

2. All complaints must be submitted in writing. Allegations received verbally shall also be submitted in writing, refusal to submit in writing will require the person whom the complaint is made against to submit in writing.

Complaints should include the following information:

- a) Name, address, and phone number, if provided;
- b) Basis of the complaint: race, color, national origin, etc;
- c) Date the alleged discriminatory incident occurred;
- d) Nature of the incident that led to the complaint;
- e) Location, date, time, route, vehicle ID, and other pertinent information;
- f) Names, addresses, and phone numbers of witnesses with knowledge the event.
- g) Other agencies, courts and contacts where complaint may also be filed.

All civil rights complaints received by Schoharie County shall be forwarded to the **Title VI Coordinator and NYS Office of Civil Rights**. Complaints will then be disseminated to the **New York State Department of Transportation Office of Civil Rights for investigation**. There have been *no* investigations, complaints, or lawsuits filed with or against Schoharie County Public Transportation for Title VI violations during the past three (3) years, that we have been notified of.

3. The **New York State Department of Transportation Office of Civil Rights** shall investigate complaint(s) and assist the CRO in identifying and interviewing witnesses with knowledge or relevant information of the event. The accused will be informed and permitted to respond to the allegation. If necessary, additional information may be requested from the complainant and/or witnesses.
4. As necessary, meetings may be requested with the complainant to discuss resolution. Staff investigating may request guidance from Schoharie County, as necessary.
5. Upon completion of the investigative procedures, the **New York State Department of Transportation Office of Civil Rights** will draft a report based on the facts and submit it to Schoharie County, or appropriate agency. The report at minimum will contain the findings and conclusions concerning the complaint and recommendations for corrective and discipline actions, if necessary.

Violations found to exist will prompt appropriate action be taken, with progress of resolution monitored and reported. Any actions taken, as a result of the investigation, will be the responsibility of Schoharie County, or other governing agency. If no violation is found and the complainant is not satisfied, complaints may be filed directly with the FTA Office of Civil Rights:

**Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Ave.  
SE Washington, DC 20590**

6. A letter will be provided to the complainant from New York State Department of Transportation Office of Civil Rights or other governing agency that details the findings and conclusion, and corrective action taken or to be taken, if applicable.
7. Schoharie County will maintain a complaint log of information pertaining to Title VI and other complaints of discrimination, harassment, or retaliation including: the date the complaint, summary of the allegation(s), status of complaint; and actions taken. See Attachment 5 for Sample Title VI Complaint Log.
8. Should Schoharie County receive a complaint in the form of a formal charge or lawsuit, Schoharie County may seek professional counsel to perform the investigation and other procedures described herein.

## SECTION 3

### ACCESS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency looks to ensure access to programs and services for individuals who are not proficient in the English language. This order states, individuals having difficulty with the English language and have limited ability to read, write or speak are entitled to assistance with respect to the applicable service they seek.

This LEP plan is consistent with the federal guidance and includes the steps the agency will take to ensure that eligible LEP persons can meaningfully access programs and activities.

As a condition of receiving federal assistance, this LEP Plan flows down to recipients and subrecipients to which funds are provided.

This LEP plan covers programs that receives federal financial assistance and includes, but is not limited to, grants, training, donations and other assistance. This means all elements of Schoharie County's operations are covered. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

#### Who qualifies as an LEP Individual?

Any individual who speaks a language other than English as their primary language, and who cannot speak English well or at all. In addition, individuals who have a limited ability to read, write or speak are considered LEP individuals. To comply with guidance and rules issued by the U.S. Department of Transportation, and Title VI of the Civil Rights Act of 1964, Schoharie County will take reasonable steps to ensure that all persons have meaningful access to its programs and services, at no additional cost.

The following LEP Plan has several elements contained in the overall assessment used to identify LEP individuals who need assistance. Implementation includes the development of language assistance measures, training, notification process, and a monitoring plan.

#### Assessment of Need

In order to develop this plan, Schoharie County implemented the following four (4) elements as assessment tools used to evaluate need.

1. The number or percentage of LEP persons in the service area likely to encounter service.
2. The regularity with which LEP persons come in contact with services.
3. The importance of services provided to the LEP population.
4. The resources available and overall costs to provide LEP assistance.

#### Element 1:

The number or percentage of LEP persons in the service area likely to encounter service

Understanding the profile of LEP individuals in service began with a review of the most current census data. [Table 1](#) depicts the number and percent of persons who speak English less than well, by language spoken at home, and age.

Table 1

People QuickFacts	Schoharie County	New York
Population, 2013 estimate	NA	19,651,127
Population, 2012 estimate	32,099	19,576,125
Population, 2010 (April 1) estimates base	32,749	19,378,105
Population, percent change, April 1, 2010 to July 1, 2013	NA	1.4%
Population, percent change, April 1, 2010 to July 1, 2012	-2.0%	1.0%
Population, 2010	32,749	19,378,102
Persons under 5 years, percent, 2012	4.8%	6.0%
Persons under 18 years, percent, 2012	19.4%	21.8%
Persons 65 years and over, percent, 2012	17.5%	14.1%
Female persons, percent, 2012	50.1%	51.5%
White alone, percent, 2012 (a)	96.3%	71.2%
Black or African American alone, percent, 2012 (a)	1.3%	17.5%
American Indian and Alaska Native alone, percent, 2012 (a)	0.3%	1.0%
Asian alone, percent, 2012 (a)	0.8%	8.0%
Native Hawaiian and Other Pacific Islander alone, percent, 2012 (a)	Z	0.1%
Two or More Races, percent, 2012	1.3%	2.2%
Hispanic or Latino, percent, 2012 (b)	2.9%	18.2%
White alone, not Hispanic or Latino, percent, 2012	93.9%	57.6%
Living in same house 1 year & over, percent, 2008-2012	84.9%	88.7%
Foreign born persons, percent, 2008-2012	2.3%	22.0%
Language other than English spoken at home, pct age 5+, 2008-2012	3.6%	29.8%
High school graduate or higher, percent of persons age 25+, 2008-2012	87.7%	84.9%
Bachelor's degree or higher, percent of persons age 25+, 2008-2012	19.9%	32.8%
Veterans, 2008-2012	3,015	957,004
Mean travel time to work (minutes), workers age 16+, 2008-2012	28	31.5
Housing units, 2012	17,221	8,123,051
Homeownership rate, 2008-2012	77.1%	54.5%
Housing units in multi-unit structures, percent, 2008-2012	14.7%	50.5%
Median value of owner-occupied housing units, 2008-2012	\$147,800	\$295,300
Households, 2008-2012	12,627	7,230,896
Persons per household, 2008-2012	2.45	2.6
<b>People QuickFacts continued</b>	<b>Schoharie</b>	<b>New</b>

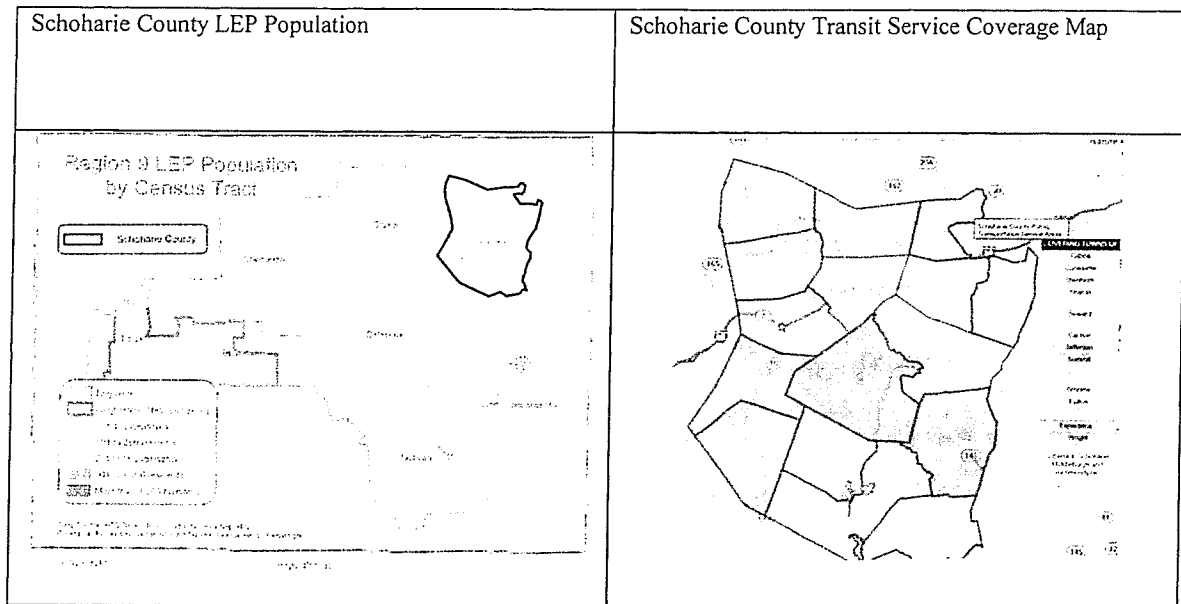
	County	York
Per capita money income in past 12 months (2012 dollars), 2008-2012	\$25,477	\$32,104
Median household income, 2008-2012	\$51,896	\$57,683
Persons below poverty level, percent, 2008-2012	11.1%	14.9%
Business QuickFacts	Schoharie County	New York
Private nonfarm establishments, 2011	556	521,537
Private nonfarm employment, 2011	5,365	7,369,731
Private nonfarm employment, percent change, 2010-2011	-1.9%	1.4%
Non-employer establishments, 2011	1,867	1,596,899
Total number of firms, 2007	2,307	1,956,733
Black-owned firms, percent, 2007	S	10.4%
American Indian- and Alaska Native-owned firms, percent, 2007	F	0.7%
Asian-owned firms, percent, 2007	S	10.1%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.1%
Hispanic-owned firms, percent, 2007	S	9.9%
Women-owned firms, percent, 2007	S	30.4%
Manufacturer shipments, 2007 (\$1000)	0	162,720,173
Merchant wholesaler sales, 2007 (\$1000)	36,031	313,461,904
Retail sales, 2007 (\$1000)	268,923	230,718,065
Retail sales per capita, 2007	\$8,422	\$11,879
Accommodation and food services sales, 2007 (\$1000)	21,552	39,813,499
Building permits, 2012	31	24,872
Geography QuickFacts	Schoharie County	New York
Land area in square miles, 2010	621.82	47,126.40
Persons per square mile, 2010	52.7	411.2
FIPS Code	95	36
Metropolitan or Micropolitan Statistical Area	Albany-Schenectady-Troy, NY Metro Area	
(a) Includes persons reporting only one race.		
(b) Hispanics may be of any race, so also are included in applicable race categories.		
FN: Footnote on this item for this area in place of data		
NA: Not available		
D: Suppressed to avoid disclosure of confidential information		
X: Not applicable		
S: Suppressed; does not meet publication standards		
Z: Value greater than zero but less than half unit of measure shown		
F: Fewer than 100 firms		
<b>Source: US Census Bureau State &amp; County QuickFacts</b>		

Element 2:

The frequency of contact with LEP individuals is predominantly determined through density analysis of LEP populations in comparison to an overlay of existing routes (as shown below) and survey distribution on an annual basis.

The map below indicates LEP populations have strong coverage by current services offered.

MAP of Service Area versus LEP population



Survey development and distributed consists of compiling information about frequency of contact with LEP individuals from management, staff and drivers as well as seat drops for riders and web based surveys. Types of questions consist of: do you speak English, how well do you understand English, what language do you speak, how often do you assist LEP customers, and to identify which languages are most encountered.

Given that language spoken other than English accounts for a 3.6% of Schoharie County's population transit service coverage would need to be consistent within the county. The above maps indicate substantial coverage exists from the county transit services. The county transit services also provide countywide demand response in addition to our deviation services.

Element 3:

The importance of services that can be utilized effectively by LEP population can have positive affects to access health care, education and employment. Public transit is a key resource in achieving mobility for many LEP persons.

Schoharie County looks to provide service information, riding instructions, ADA and Civil Rights information, complaint procedures, detours, route changes, fare increases and other critical services and limitations that may affect individuals; in all vehicles, and on all schedules, timetables, social networks and websites.

Community Outreach considers the limits of information exchange and the need to reach out to the following community-based organizations that work with LEP populations.

Community Action programs
Independent Living networks
Social Services departments
Aging departments
Work force development groups
Translator networks
CDTA

Schoharie County performs outreach in the form of questionnaires/surveys intended to obtain information on languages spoken, trends, program awareness and services offered. Further identified are the needs of LEP populations that are not being met and barriers to service use. At this time all needs seem to have adequate coverage.

Element 4:

The resources available and overall costs to provide LEP assistance.

Schoharie County is committed to assuring that resources are used to reduce the barriers that limit access to LEP populations to the best of our ability, and that information and services is disseminated to LEP persons in a timely manner. While Schoharie County does not track these expenses to providing language assistance, ongoing monitoring of this task is constant. Schoharie County will continue to plan within its budget, funding to meet compliance.



Some planning activities include:

1. Schoharie County staff that seek out translating assistance;
2. Development of various public outreach documents;
3. Engaging higher learning intuitions like SUNY at Cobleskill;
4. Web site presence;
5. Training and customer service programs;
6. Planning department activities such as conducting public hearings;
7. Flexible schedules and timetables;
8. Regular meetings with local community

Assistance strategies include:

1. First encounter planning when engaging an LEP individual;
2. User-friendly web presence;
3. Notification in applicable languages that meet the 5% or one thousand persons threshold
4. Identify vital materials for distribution
5. Identify bilingual needs and look to address as applicable;
6. Identify translation services and technologies needed.

#### Assessment Measures of LEP Population

The assessment of the number or percentage of LEP individuals that could be served and/or encountered within our service area is 3.6% but meets the thousand persons threshold.

Schoharie County will provide written instructions for all applicable employees who regularly interact with the public, about how to respond and assist an LEP individual. Policy developed will look to ensure competent interaction through known obligations to allow for meaningful access to information, services and training.

#### Training

1. Staff will receive this LEP plan upon being hired explaining LEP policies and procedures.
2. Staff having contact with the public will undergo training with regards to working effectively in-person and through interpreters.
3. Mandatory training is required for front line staff at hiring and at refresher intervals determined by management. Training will further include the definition of a service area, programs and activities affected, LEP determinations and thresholds, types of LEP services that are available, and the importance of compassionate practices across all populations.

4. State and Federal training programs and webinars will be mandatory to the extent they are practical.
5. Best practices identified for engaging LEP populations will look to be collected on an on-going basis.
6. This plan will be considered a living document that organizes the research, planning and other materials used to disseminate information to our staff, affected agencies and the public.

Schoharie County issues its LEP policy and procedures to all front-line employees required to understand the integration of LEP individuals. This is performed under many different circumstances such as: Orientation of new employees, Training and customer service, during operations, at first encounter, etc.

Notice:

Schoharie County, having established services that can provide outreach, also has a responsibility to provide awareness of the availability of those services to the LEP populations. This is performed by publishing material (posted in applicable languages) for dissemination on vehicles, stop locations, transfer points, agencies of need, web presence, social networks, translators, community organizations, local media, newspapers, schools and colleges, community and religious organizations and other available outreach services.

Some locations of posting include:

Transit website
Transit Vehicles
Wal-Marts Shopping Plaza
Dollar Stores
Human Service agencies
Community organizations
Places of worship

Monitoring and changing the LEP Plan

Schoharie County monitors outreach procedures on an ongoing basis through a systematic approach of feedback generated by questionnaires, surveys, census changes. Localized LEP population and feedback from community-based organizations that serve LEP communities also keep us apprised of their needs and changes.

Schoharie County considers the information provided and makes changes to the language assistance plan as necessary with input from the population and their affected organizations. The plan otherwise is updated on a triennial basis (every 3 years).

### **Safe Harbor Provision**

The Federal Transit Authority Circular 4702.1 B states:

“DOT has adopted DOJ’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligation. Translations of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provision apply to the translation of written documents only. They do not affect the requirement to provide access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factors Analysis, that even though a language meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

## SECTION 4

### NOTIFICATION TO BENEFICIARIES

The text below was developed and is deployed, in applicable languages, on all schedules, brochures, vehicles and facilities to be conspicuously posted for the duration services exist.

Schoharie County is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or be subjected to discrimination in the receipt of its services on the grounds of race, color, national origin, disability, sexual orientation, or other protected status as protected by Title VI of the Civil Rights Act of 1964 ("Title VI").

To request additional information about Title VI, or if you believe you have been subjected to discrimination and would like to submit a written complaint, you may contact:

Christine Kraemer, Transit Director  
Schoharie County Transit System  
114 Rock Road  
Cobleskill, NY 12043  
Phone: 518-234-0952  
Fax: 518-234-2046

Korsah Akumfi, Title VI Coordinator  
284 Main Street  
Schoharie, NY 12157  
Phone # 518-295-8303  
Fax # 518-295-8788  
Email: [Korsah.Akumfi@co.schoharie.ny.us](mailto:Korsah.Akumfi@co.schoharie.ny.us)

Or;

Office of Civil Rights  
50 Wolf Road, 6th Floor  
Albany, NY 12232  
Phone: (518) 457-1129  
Fax (518) 549-1273  
[OCR-TitleVI@dot.ny.gov](mailto:OCR-TitleVI@dot.ny.gov)

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor – TCR  
1200 New Jersey Ave.  
SE Washington, DC 20590

## SECTION 5

### SERVICE MONITORING PROCEDURES

Service monitoring is undertaken periodically, in both, scheduled and unscheduled observations. The overarching goal of service monitoring of activities is to compare the level and quality of service provided to minority, low income and LEP populations.

Level of Service – This is performed through announced and unannounced “ride alongs” to observe routes and interaction. This offers real time monitoring of performance of routes and staff, and as available, will be complimented with surveys and interviews. This sampling is then compared to adherence with in-place policy and used in recommendations and updates.

Level of Availability - This is also performed through announced and unannounced “ride alongs” to observe service availability to ascertain if areas with service are being met efficiently or in need of more transit service. Periodic census analysis is also part of this observation to determine other areas that may have a need, but are not currently serviced. This sampling offers real time and snapshot views into availability of service.

Any concerns discovered in services and availability is vetted through committee to ascertain the inconsistencies and seek corrective measures as necessary.

Schoharie County reviews monitoring procedures every one-to-three years or when governmental changes occur to make revisions to outdated service standards and procedures. Schoharie County’s procedures are designed for system wide implementation as well as route by route review.

## SECTION 6

### EQUAL EMPLOYMENT OPPORTUNITY

Schoharie County's Equal Employment Opportunity Plan (EEO) if applicable is a comprehensive process for analyzing labor markets, employment practices, barriers to the participation of women and minorities in all levels of a recipient's workforce. Its purpose is to ensure the opportunity for full and equal participation of men and women in the workplace, regardless of race, color, national origin, disability, sexual orientation, or other protected status.

Schoharie County Public Transportation informs their employees and service recipients of their rights to Equal Employment Opportunity by displaying posters of NYS Laws (including EEO) in public areas. Some of these include, but are not limited to; office, places of employment buildings, job postings and other public places of the agency. These posters are updated annually to comply with federal and state requirements for the most up to date information.

Current requirements include: receiving capital assistance in excess of \$1 million, or planning assistance in excess of \$250,000 and having more than 50 transit employees.

Current level of Capital Assistance is less than \$1,000,000 and the current level of Planning Assistance is \$ 0. The current number of transit employees equal 22. Since no threshold is equal to or greater than the thresholds stated above Schoharie County is not required to have an EEO Plan.

Is an EEO Plan required?

YES	
NO	X

Should Schoharie County reach the thresholds necessary to develop an EEO Plan it would be implemented as outlined below:

If these plateaus are met Schoharie County will submit an EEO Plan and provide updates yearly to ensure compliance as outlined below.

1. The current number of transit specific employees will be identified and documented;
2. Total FTA funds received will be identified and documented;
3. Schoharie County will assign staff designated as responsible to monitor all employment related activity;

4. The section of the civil rights plan will serve as policy and part of employee training;
5. Complaint procedures are in place as outlined under “Procedures for filing a Civil Rights complaint” found earlier in this document and the “Complaint Form” under “Appendix 1”;
6. Listing of any complaints received will be maintained including, current status and resolution if applicable;
7. Schoharie County will maintain a working environment free of discrimination, harassment, coercion and coercion at all locations;
8. Schoharie County will review its plan yearly and post updates and posters in prominent locations where all employees have access to review it;
9. Review annually of adherence to EEO Plan will be performed as well as discussions with subcontractors whom Schoharie County anticipates doing business upon request;
10. Schoharie County will document and maintain all bid solicitations and outreach efforts;
11. Schoharie County will disseminate information through various media outlets and provides copies of these advertisements upon request;
12. Schoharie County will disseminate its EEO Plan to union and community organizations;
13. Schoharie County will provide immediate notification when any action impedes efforts to maintain its plan;
14. Schoharie County will maintain a list of sources, outreach activities and record of responses;
15. Schoharie County will maintain a file of names, addresses and phone numbers of applicants and employment action taken;
16. Schoharie County encourages current employees to recruit others;
17. Schoharie County will maintain an employment selection process and other selection criteria;
18. Schoharie County will maintain documentation for on-the-job training opportunities;
19. Schoharie County will conduct annual evaluations and prepare employees for tests and promotional opportunities;
20. Schoharie County will maintain a working environment non-segregated except for providing accommodations for separate restrooms and other privacy matters.

## **SECTION 7**

### **PUBLIC OUTREACH AND INVOLVEMENT ACTIVITIES**

Schoharie County makes a concentrated effort to involve customers and the general public, including minority, low-income, and LEP populations within the service area when conducting public outreach and involvement in service changes or other decisions that have an impact on their lives. A variety of approaches and outreach activities are utilized to engage interested parties and members of the public regarding service ideas, changes and modifications that affect the many individuals who depend on it. Changes can be made for a variety of reasons such as construction, financial constraints, plan reviews, and regular schedule updates. The methods used to inform the public of these changes include newspapers, press releases, media outlets, notification to community-based organizations, correspondence and advocacy of minority predominant communities, agency website, surveys and seat drops on service routes.

#### **Public Meetings**

Public meetings are offered to further share information and gather input from the public. These meetings are publicized through many of the same means stated above.

#### **Public Hearings**

Public hearings are provided when formal comments from the public regarding plans that impact services are desired and/or requested. Notices of public hearings are published in newspapers as well as many of the same means stated above.

#### **Analysis**

Information obtained from public outreach is considered for overall effectiveness of service provided to the public at monthly meetings with Transportation Oversight Committee. Although, the county contracts with an operator (Schoharie County Counsel of Senior Citizen's, Inc.), the Director of Transportation is a Schoharie County employee who oversees the daily operation. The Director of Transportation is active in oversight and reporting responsibilities to the Transportation Oversight Committee and the Schoharie County Board of Supervisors.



## SECTION 8

### SERVICE STANDARDS and POLICIES

#### Service Standards

- Service Policies
- Service Standards
- Vehicle load, Vehicle headway, On-time performance,
- Service availability
- Transportation amenities, Vehicle assignment

Schoharie County Public Transportation is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable between minority and low-income populations and the overall population. Schoharie County Public Transportation services and benefits are provided in an equitable manner to all persons.

#### Service and Operating Policies

The Schoharie County Public Transportation's service and operating policies also ensure that operational practices do not result in discrimination on the basis of race, color, or national origin.

#### Service Standards

The agency has set standards and policies that address how services are distributed across the Transportation system service area to ensure that that distribution affords users equitable access to these services. As shown in the following maps, the agency's routes are evenly distributed across the county and more. Schoharie County Public Transportation distributes its routes based on the recommendations of multiple government agencies that recognize areas that include low income and minority areas throughout the county. The agency's demand responsive services are available to all callers on a first-come first service basis, without regard for race, color or national origin.

The following system-wide service standards are used to guard against service design or operations decisions from having disparate impacts. All of Schoharie County Public Transportation's services meet the agency's established standards; thus, it is judged that services are provided equitably to all persons in the service area, regardless of race, color or national origin.

**Vehicle load** - Vehicle load is expressed as the ratio of passengers to the total number of seats on a vehicle at its maximum load point.

The standard for maximum vehicle load is 18 ambulatory seats with 2 wheelchair stations, all of Schoharie County Public Transportation services meet this standard based on average peak fleet

information. The most utilized weekly bus has a maximum ambulatory capacity of 24 seated passengers and availability for standees. This run has an average of 12 seated passengers on the most used run (at peak fleet). This makes our maximum load factor 50% on that run. Other runs have an average of 7 seated passengers on a 18/2 vehicle that makes its maximum vehicle load factor 0.39 for the average daily run. See table below

Peak fleet = 8 buses during the hours of 8:30 am – 4:00 pm (the table below includes all daily vehicles operating during Peak fleet)

Vehicle Capacity	Route Number	Average Passengers During Peak Fleet	Percentage of Capacity Reached
18a/2wc	Route 1	7	38%
18a/2wc	Route 2	8	44%
16a/2wc	Route 2A	7	45%
24a/2wc	Route 3	10	42%
18a/2wc	Route 5	11	61%
16a/2wc	Route 20	2	13%
24a/2wc	Route 22	12	50%
16a/2wc	Route 23	2	13%

**Vehicle headway** - Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given route. A shorter headway corresponds to more frequent service. The standard for vehicle headways is various due to our different types of runs, all of Schoharie County Public Transportation services meet this standard.

The routes are typically 45 minutes difference between transfer points in the system.

**On-time performance** - On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” The standard for on-time performance is based on vehicles arriving to a stop in a timely manner (no more than 5 minutes late or 1 minute early.

All of Schoharie County Public Transportation’s services meet this standard.

#### **Service availability**

Service availability is a general measure of the distribution of routes within a Transportation provider’s service area or the span of service. The standard for service availability is fair distribution of route service in all areas of Schoharie County, all of Schoharie County Public Transportation services meet this standard.

#### **Transportation Amenities**

Distribution and Siting of Transportation Amenities - Transportation amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Schoharie County Public Transportation has a policy to ensure the equitable distribution of Transportation amenities

across the system. This policy applies to seating (i.e., benches, seats), canopies, (c) provision of information, Intelligent Transportation Systems (ITS), waste receptacles (including trash and recycling). Passenger amenities are sited based on location of embark and disembark areas.

Distribution and Siting of Fixed Facilities - Schoharie County Public Transportation shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Facilities include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. Facilities do not include bus shelters and Transportation stations.

Schoharie County Public Transportation does not plan to and has not made any changes or alterations to the “Transit Facility” since it’s last submission. The system understands its responsibility and Federal requirement to create an equity analysis of all said land acquisitions, building materials, contractors, sub-contractors and other appropriate components that are needed to plan and construct a facility using Federal funds.

#### **Vehicle assignment**

Schoharie County Public Transportation assigns vehicles with the goal of providing equitable benefits to minority and low-income populations. Vehicles are assigned with regard to service type (fixed route with deviation, demand-response, or a hybrid type) and ridership demand patterns (routes with greater numbers of passengers need vehicles with larger capacities). For each type of assignment, newer vehicles are rotated to ensure that no single route or service always has the same vehicle. The Director of Transportation(s) responsible for Title VI compliance in service delivery, reviews vehicle assignments monthly to ensure that vehicles are indeed being rotated and that no single route or service always has the old or new vehicles.

Schoharie County Public Transportation’s vehicle fleet is rotated weekly to ensure an even distribution of miles are on each vehicle and no single route or service always has the old or new vehicles and condition is maintained in a system-wide standard.

## SECTION 9

### Schoharie County Environmental Justice Policy

“Environmental Justice” is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, national origin, or educational level, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. For the purpose of this Schoharie County policy, fair treatment means that no populations is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decision, programs and policies made, implemented and enforced at the Federal, State, local or tribal level.

#### Guiding Principles:

1. To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To endure the full and fair participation by all potentially affected communities in the decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits NY minority and low-income populations.

#### Ensuring Compliance with Guiding Principles:

1. Continuously monitor its programs, policies and activities to ensure that disproportionately high and adverse effects on minority and low-income populations are avoided, minimized or mitigated in a manner consistent with these principles.
2. Administer and monitor county operations and decision-making to assure that nondiscrimination and the prevention of disproportionately high and adverse effects are an integral part of county programs, policies and activities.
3. Make efforts to ensure services are equally available to all populations regardless of age, race, socioeconomic status or other factors.
4. Revisit the County’s Equal Employment Opportunity Policy Statement from time to time, and update if necessary.
5. Immediately investigate any complaints received from the public, including minority and low-income populations, as they relate to the denial or reduction in services received, and rectify those complaints found to be valid.

## **SECTION 10**

### **DEPARTMENT OF TRANSPORTATION POLICIES**

## **SECTION 10A**

### **FAIR AND EQUITABLE DISTRIBUTION OF PUBLIC TRANSPORTATION SERVICES**

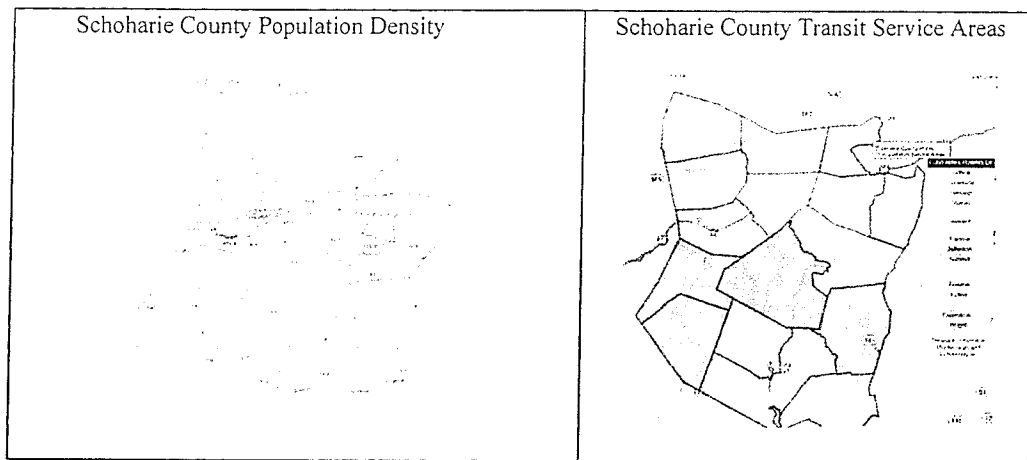
Schoharie County is committed to maintaining fair and equitable distribution of services and amenities. The selection of routes and placement of shelters and other amenities is prioritized based on, population densities; census analysis, demographic analysis of low income, elderly and LEP populations, projected number of boarding's, safe and accessible locations, community input, passenger data and financial constraints.

Since transit funds are limited, providing inclusive services is unlikely, therefore, Schoharie County developed a methodology for allocation of services based on serving population concentrations, identifying walkable communities, individuals in need of lifeline services, appropriate vehicle assignment that place accessible vehicles where most needed, optimizing spacing of bus routes and distribution of timetables that offer broader coverage of service area and hours in revenue service. The premise of this methodology is to offer the best possible service distribution while promoting freedom of mobility to as many individuals as possible.

The timetables contained in our route schedules are the by-product of the methodologies applied in support of reasonable utilization and distribution levels. In areas that do not reveal characteristics associated with the prioritizing criteria, such as sparsely populated areas, the standard approach is to seek out partners in support of services that bring resources to expansion deemed important and necessary.

While distribution of services and amenities is not an exact science, the intent of our methodology outlined above is to offer a uniform and non-discriminatory approach to distribution of services that meet the intent of Title VI while serving our customers as widely and completely as resources allow.

MAP of Service Area versus population density



Population 32,099 (Estimated 2012)

Population Density: 52.7/sq mi (2010 Census)

## SECTION 10B

### EVALUATION OF SERVICE, FARE AND OTHER PROPOSED CHANGES

Evaluation of routes, fare structure, facilities and other proposed changes that have an impact, minor or major, on services are evaluated based on established guidelines that include all segments of the community.

#### Evaluation Guidelines and Criteria:

1. Minor changes, are changes that affect 25% or less of an individual route;
2. Major changes, are new services or changes that affect 25% or more of an existing individual route. Major changes include but are not all inclusive:
  - a. New transit service;
  - b. Increase of more than 25% in the revenue vehicle miles operated on a route;
  - c. Increases of more than 25% in the annual number of service hours on a route;
  - d. Discontinuance or a temporary service change;
  - e. Mother nature;
  - f. Infrastructure failure;
  - g. Reduction in resources (budget constraints);
  - h. Service consolidation.
  - i. Restructuring and/or raising fares

All riders utilizing services are considered in the evaluation process. This is the case so as not to disproportionately impact minority and low-income individuals. The previously explained “Public Outreach and Involvement Activities” are implemented as the process for involving all segments of the population in the decisions that affect their lives and mobility concerns. All proposals and concerns are vetted and ultimately voted on in a fair and open manner as deemed appropriate to bring issue(s) to resolution.

#### Protest and Mitigation

Schoharie County will, through the previously mentioned “Procedures for filing a Civil Rights Complaint”, address protests to changes that an individual or individuals feel have a disproportionately high and adverse effect on their lives, to come to resolution on the matter. Should resolution move forward in a manner not satisfactory to all, Schoharie County will provide mitigation through outreach to the affected populations by whatever means possible to inform, clarify and assist in the transition.



## SECTION 10C

### DEPARTMENT OF PUBLIC TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

#### PROCEDURE STATEMENT

##### **Section 26.1, 26.23      Objectives /Procedure Statement**

Schoharie County Public Transportation (SCPT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. SCPT has received Federal financial assistance from the Department of Transportation and, as a condition of receiving this assistance, SCPT has signed an assurance that it will comply with 49 CFR Part 26.

The full text of 49 CFR Part 26, along with DBE program resource and guidance materials, is available on the Federal Transit Administration Civil Rights web page:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/dbe-regulations>

It is the policy of SCPT to ensure that DBE firms, as defined in Part 26, have an equal opportunity to receive and participate in DOT- assisted contracts. It is also SCPT's policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by the recipient;
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE program;

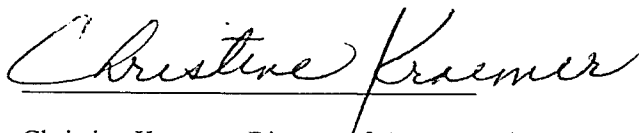
8. To provide appropriate flexibility to the recipient of Federal financial assistance in establishing and providing opportunities for DBEs.

The Board of Supervisors has designated the Confidential Assistant to the County Administrator as DBE Liaison. Inquiries can be submitted to:

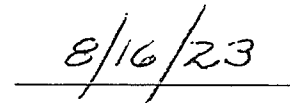
DBE Liaison Officer  
PO Box 429, County Office Building  
Schoharie, NY 12157  
(518) 295-8303

In that capacity, the DBE Liaison Officer 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 SCPT in its financial assistance agreements with the Department of Transportation.

SCPT has disseminated this policy statement to the Schoharie County Board of Supervisors and all of the relevant components of its organization. SCPT has distributed this procedure to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through legal notices and attached to bids.



Christine Kraemer, Director of Transportation



Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

The objectives are found in the procedure statement on the first page of this program.

### **Section 26.3 Applicability**

SCPT is the recipient of federal transit funds authorized by Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178. Titles I, III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU). Divisions A and B of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

### **Section 26.5 Definitions**

SCPT will adopt the definitions contained in Section 26.5 for this program.

### **Section 26.7 Non-discrimination Requirements**

SCPT will not 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, SCPT 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.

### **Section 26.11 Record Keeping Requirements**

Reporting to DOT: 26.11(b)

SCPT will transmit the Uniform Report of DBE Awards or Commitments and Payments at the intervals stated on the form, found in Appendix B in 40 CFR Part 26.

Bidders List: 26.11(c)

SCPT will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach in calculating overall goals. The bidders list will include the name, address, DBE or non-DBE status, number of years in business, and annual gross receipts of firms.

SCPT will collect this information through the inclusion of a contract clause requiring prime bidders to submit a report of required information for all firms who quote to the prime bidder on subcontracts.

SCPT has distributed this procedure to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through legal notices and attached to bids.

**Section 26.13 Federal Financial Assistance Agreement**

SCPT has agreed to the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

SCPT 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. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is 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 SCPT of its failure to carry out its approved program, the Department may impose sanction 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.*).

This language will appear in financial assistance agreements with sub-recipients.

*[Note – This language is to be used verbatim, as it is stated in 26.13(a)]*

Contract Assurance: 26.13(b)

SCPT will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor 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, which may include, but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non-responsible

*[Note – This language is to be used verbatim, as it is stated in 26.13(b)]*

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program Updates**

Since SCPT has received grant funding of \$250,000 or more in FTA planning, capital, and/or operating assistance in a federal fiscal year, SCPT will continue to carry out this program until all funds from DOT financial assistance have been expended and provide to DOT updates representing significant changes in the program.

### **Section 26.23 Procedure Statement**

The Procedure Statement is elaborated on the first page of this program.

### **Section 26.25 DBE Liaison Officer**

The DBE Liaison Officer is responsible for implementing all aspects of the DBE program and ensuring that SCPT complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Budget Officer and the Director of SCPT concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 1** to this program.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment).
6. Analyzes SCPT's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the County Administrator\Board of Supervisors on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

10. Plans and participates in DBE training seminars.
11. Utilizes NYSUCP directory of certified DBEs to determine relative availability.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains SCPT's DBE Program, as needed.

#### Other Personnel

Other County of Schoharie personnel responsible for DBE Program implementation:

SCPT Director of Public Transit:	Program Director
County Attorney	Bid and contract compliance
Commissioner of Public Works	Bid and contract compliance
County Administrator	Appeal Process

#### **Section 26.27 DBE Financial Institutions**

It is the policy of SCPT 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 contractors on DOT-assisted contracts to make use of these institutions. SCPT has made the following efforts to identify and use such institutions:

SCPT has searched the New York State Unified Certification Program (NYSUCP) DBE Directory to identify DBEs in Schoharie County and its six surrounding counties, including Montgomery, Otsego, Delaware, Greene, Schenectady and Albany. To date, no financial institutions have been identified in this seven-county area which are owned and controlled by socially and economically disadvantaged individuals. If any such institutions are formed, SCPT will make reasonable efforts to utilize their services and will encourage prime contractors on DOT-assisted contracts to utilize these institutions.

#### **Section 26.29 Prompt Payment**

SCPT will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from SCPT. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor'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 SCPT. This clause applies to both DBE and non-DBE subcontractors.

Failure to comply with the requirements of this section will result in future payments to the prime contractor being conditioned upon the satisfactory demonstration of past payments to subcontractors.

SCPT will also include a clause in each DOT-assisted prime contract which specifies the method to be utilized to assure compliance with the requirement for prompt and full payment of retainage to the subcontractor, as provided in Section 26.29(b).

SCPT will also provide appropriate means to enforce the requirements which may include appropriate penalties for failure to comply, the terms and conditions that were set. SCPT will also require written approval for any delay or postponement of payment among the parties that may take place only for a good cause.

SCPT will also establish a mechanism to ensure prompt payment as provided in Section 26.29(e).

#### **Section 26.31 DBE Directory**

SCPT participates in the New York State Unified Certification Program (NYSUCP) DBE Directory, which identifies all firms eligible to participate as DBEs. The directory lists the 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. Interested parties can access the NYSUCP DBE Directory at the following website: <https://nysucp.newnycontracts.com/>



### **Section 26.33 Overconcentration**

SCPT has reviewed the NYSUCP DBE Directory and has not identified that over-concentration exists in the types of work that DBEs perform within the area of Schoharie County and its six adjoining counties.

### **Section 26.35 Business Development Programs**

SCPT has established a business development program in which we will have outreach and communication with interest groups that represent DBEs.

### **Section 26.37 Monitoring and Enforcement Mechanisms**

SCPT will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. SCPT will bring to the attention of the DOT 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.
2. SCPT will consider similar action under its own legal authorities, including responsibility determinations in future contracts, available to SCPT in the event of non-compliance by a participant in its procurement activities.
3. SCPT will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by on site visits, assuring the work is being performed by DBE's in accordance with the signed contracts, and requiring the prime contractor to provide documentation of payments actually made to DBE's.
4. SCPT will keep a running tally of actual payments to DBE firms for comparison to the amount of work committed to them at the time of contract award.

### **Section 26.39 Fostering Small Business Participation**

SCPT's DBE program includes an element to structure contracting requirements to facilitate competition by small business concerns, to meet the portion of our overall goal. SCPT projects to meet through race neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform. SCPT will take all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. SCPT will identify alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts. SCPT actively implements its program elements to foster small business participation. Doing so is a requirement of good faith implementation of SCPT's DBE program. SCPT plans to implement the provision within twelve months of the signed contract dates.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43 Set-asides or Quotas**

SCPT does not use quotas in any way in the administration of this DBE program. SCPT does not set-aside contracts for DBEs on DOT-assisted contracts.

### **Section 26.45 Overall Goals**

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 2** to this program. This section of the program will be updated every three years

In accordance with Section 26.45(f) SCPT will submit its overall goal to DOT on August 1 every third year.

SCPT 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 its principal office for 30 days following the date of the notice, and informing the public that SCPT and DOT will accept comments on the goals for 45 days from the date of the notice. This notice will be published in general circulation newspapers, as designated for legal notices by the Schoharie County governing body, as well as locally available minority-focused media, trade publications and websites. Normally, SCPT will issue this notice by June 1 of each time period. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. A copy of the Public Notice is included in **Attachment 2**.

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

SCPT will begin using its overall goal on October 1 of each year, unless SCPT has received other instructions from DOT. *[or, if the goal is established on a project basis, by the time of the first solicitation for a DOT-assisted contract for the project.]*

#### **Section 26.49 Transit Vehicle Manufacturers**

SCPT will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, SCPT may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

#### **Section 26.51(a-c) Breakout of Estimated Race-Neutral and Race-Conscious Participation**

SCPT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The breakout of estimated race-neutral and race-conscious participation will be included in **Attachment 2** to this program. This section of the program will be updated every three years when the goal calculation is updated.

## **Section 26.51(d-g)      Contract Goals**

SCPT will use contract goals to meet any portion of the overall goal SCPT 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, awarded contracts will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means. SCPT will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. SCPT needs 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). Schoharie County will arrange solicitations that will facilitate participation by DBEs and other small business by making contracts more accessible to small businesses. Schoharie County will ensure distribution of our DBE directory to the widest feasible groups of potential prime contractors. Schoharie County will provide technical assistance and other services as needed.

SCPT will express contract goals as a percentage of the Federal share of a DOT-assisted contract.

## **Section 26.53    Good Faith Efforts Procedures**

### Demonstration of good faith efforts 26.53(a) & (c)

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. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible:

SCPT DBE Liaison Officer

SCPT Director

Schoharie County Attorney

SCPT will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before SCPT commits to the performance of the contract by the bidder/offeror.

Information to be submitted 26.53(b)

SCPT treats bidder/offerors' compliance with good faith efforts requirements as a matter of responsibility. Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information within 5 days after the opening of bids and before the award of the contract:

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 participating;
4. Written and signed documentation of commitment to use a DBE subcontractor 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 contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts (see Appendix A to 49 CFR Part 26).

Contractors must meet all requirements of this section as a matter of responsibility (prior to contract award). A prime contractor may not terminate a DBE subcontractor for convenience, nor may it terminate a DBE subcontractor and perform work with its own forces without prior written consent from SCPT.

Administrative reconsideration 26.53(d)

Within 7 days of being informed by SCPT that it is not responsible 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, County Administrator, or his/her designee. 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. SCPT 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 is not administratively appealable to the DOT.

Good Faith Efforts when a DBE is replaced on a contract 26.53(f)

SCPT will require a contractor 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. SCPT will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

Sample Bid Specification: *(required only when a contract goal is established)*

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of SCPT to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of .4% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

**Section 26.55 Counting DBE Participation**

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

## **SUBPART D – CERTIFICATION STANDARDS**

### **Section 26.61 - 26.81 Certification Process**

SCPT is a member of a Unified Certification Program (UCP) administered by the New York State Department of Transportation in lieu of conducting its own certification process. SCPT will not be certifying any firm for DBE eligibility.

For information about the certification process or to apply for certification, firms should contact:

NYS Unifies Certification Program

DBE Certification

<https://nysucp.newnycontracts.com/>

### **Section 26.89 Certification Appeals**

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

U.S. Department of Transportation

Office of Civil Rights

1200 New Jersey Ave SE

Washington, DC 20590-0001

## **SUBPART E – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation**

SCPT will make available to the public any information concerning the DBE program release of which is not prohibited by the Federal law. SCPT will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, SCPT will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

### Monitoring Payments to DBEs

SCPT will perform on site visits to assure DBE's are completing the work as stated in the signed contracts. SCPT will require prime contractors 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 SCPT or DOT. This reporting requirement also extends to any certified DBE subcontractor.

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

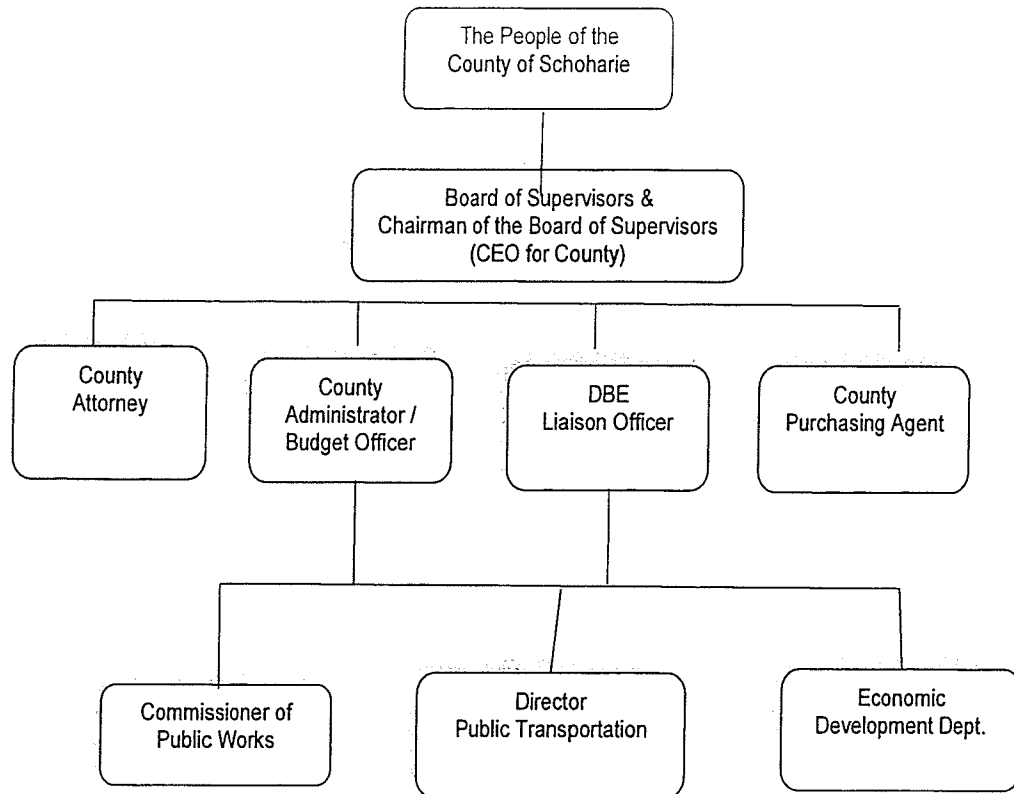


## ATTACHMENTS

- Attachment 1:** Organizational Chart
- Attachment 2:** Overall Goal Calculation and Breakout of Estimated Race-Neutral & Race-Conscious Participation *(to be updated every three years)*
- Attachment 3:** Forms 1 & 2 for Demonstration of Good Faith Efforts
- Attachment 4:** DBE Complaint Form

## Attachment 1

### Schoharie County Public Transportation DBE Program Organizational Chart



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Schoharie County Board of Supervisors is an Elected Group that oversees our public transit system. The recipient has no control of the membership nor the selection of candidates that are selected based on race, color, national origin or minority status.

## **Attachment 2**

### **Schoharie County Public Transportation Disadvantaged Business Enterprise Program**

**Overall Goal for Federal Fiscal Year 2023-2026**

**DBE Goal Narrative:**

Based on Schoharie County's program of projects over the next three years, these are the possible contracting opportunities that will be upcoming: preventive maintenance which will include parts and repairs and tires for all revenue vehicles, upgraded security system for the facility, office supplies, printing for outreach and marketing, bus fare equipment, architectural/engineering/construction for safety improvements to facility. Work on the future safety improvements to facility will be broken down into smaller projects in order to attract DBEs and small businesses. Schoharie County will also be utilizing medical laboratories for federally required drug testing.

Schoharie County reviewed our program of projects to establish what contracting opportunities are available. The boundaries of our local market include the surrounding counties that border Schoharie County. These areas were used to determine the availability of contractors and subcontractors, as well as DBEs. Schoharie County used the census website to define the NAICS codes for types of work and the New York State Unified Certification Program to determine what DBEs are available. The types of work were broken down by Federal dollar amounts anticipated for the upcoming projects and using the weighted percentage, the weighted base figure was established.

#### **Method**

The following is a summary of the method that SCPT used to calculate this goal:

All reasonably anticipated FTA-assisted contracting opportunities are identified as:

	NAICS Code	Description of Work	Amount of DOT funds on project:	% of total DOT
1)	541310	Architectural Design Services	\$24,000.00	0.0737
2)	423120	Revenue Vehicle Parts	\$60,000.00	0.1844
3)	423130	Tires	\$15,000.00	0.0461
4)	323111	Printing	\$3,500.00	0.0108
5)	424120	Office Supplies	\$250.00	0.0008
6)	561621	Security Systems	\$32,040.00	0.0984
7)	621511	Medical Laboratories	\$500.00	0.0015
8)	423850	Fare Equipment	\$84,160.00	0.2586
9)	811111	Revenue Vehicle Repairs	\$5,000.00	0.0154
10)	236220	Construction/Renovation	\$96,000.00	0.2950
11)	811121	Automotive Body & Paint	\$5,000.00	0.0154
	<b>Total FTA-Assisted Contract Funds</b>		<b>\$325,450.00</b>	<b>1</b>

## Attachment 2 (continued)

Step 1 B - Determine the relative availability of DBE's by NAICS Code:

The numbers of DBEs and of all firms available to perform work on the identified contracting opportunities are:

	NAICS Code	Description of Work	Number of DBEs available to perform this work	Number of all firms available	Relative Availability
1)	541310	Architectural Design Services	2	41	0.0488
2)	441310	Revenue Vehicle Parts	0	75	0.0000
3)	423130	Tires	0	8	0.0000
4)	32311	Printing	1	42	0.0238
5)	424120	Office Supplies	0	9	0.0000
6)	561621	Security Systems	0	12	0.0000
7)	621511	Medical Laboratories	0	22	0.0000
8)	423850	Fare Equipment	0	11	0.0000
9)	811111	Revenue Vehicle Repairs	0	244	0.0000
10)	236220	Construction/Renovation	1	88	0.0114
11)	811121	Automotive Body & Paint	0	74	0.0000
	Combined Totals		4	626	0.0064 Overall availability of DBEs

Step 1 C - (Weight) x (Availability) = Weighted Base Figure

	NAICS Code	Description of Work	Weight	x	Avail-ability of DBEs	Weighted Base Figure
1)	541310	Architectural Design Services	0.07374	x	0.04878	0.0036
2)	441310	Revenue Vehicle Parts	0.18436	x	0.00000	
3)	423130	Tires	0.04609	x	0.00000	
4)	323111	Printing	0.01075	x	0.02381	0.0003
5)	424120	Office Supplies	0.00077	x	0.00000	
6)	561621	Security Systems	0.09845	x	0.00000	
7)	621511	Medical Laboratories	0.00154	x	0.00000	
8)	423850	Fare Equipment	0.25860	x	0.00000	
9)	811111	Revenue Vehicle Parts	0.01536	x	0.00000	
10)	236220	Construction/Renovations	0.29498	x	0.00000	
11)	811111	Revenue Vehicle Parts	0.01536	x	0.00000	
					<b>Total</b>	<b>0.0039</b>
					Expressed as a % (*100)	0.39%
					<b>Rounded, Weighted Base Figure:</b>	<b>0.4%</b>

### Public Participation Process

SCPT published a notice of a proposed overall race neutral goal of .4%, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at its principal office for 30 days following the date of the notice and informing the public that written comments on the goal will be accepted for 45 days from the date of the notice. The notice also set forth the date, time, and place of a Public Meeting on the proposed overall goal. A copy of the Public Notice and meeting summary is included below.

## **PUBLIC NOTICE**

### **For publication on**

Schoharie County Public Transportation (SCPT) hereby announces a proposed overall goal of .4% for Disadvantaged Business Enterprise (DBE) participation in DOT-assisted contracts receiving Federal financial assistance for the Federal Fiscal Years (FFY) 2022-2024. SCPT's DBE goal will include projects for bus maintenance, drug and alcohol testing, planning and construction for building renovations, security system, printing and office supplies. Information on the SCPT DBE Procedure and the proposed overall goal is available at [www.ridescpt.com](http://www.ridescpt.com). It is also available for public review from Monday through Friday between 7:00 a.m. and 5:00 p.m. for 30 days following the date of this notice at 114 Rock Road, Cobleskill, NY 12043, (518) 234-0952. Written comments will be accepted at the above address for 45 days from the date of this notice. A Public Meeting will be held within 6 months of the accepted plan.

### **Meeting Summary**

The Public Meeting was held on

## **Attachment 3**

### **Forms 1 & 2 for Demonstration of Good Faith Efforts**

*[Forms 1 and 2 are to be provided as part of the bid solicitation documents when a contract goal is established.]*



**FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION**

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

\_\_\_\_\_ The bidder/offeror is committed to a minimum of \_\_\_\_\_ % DBE utilization on this contract.

\_\_\_\_\_ The bidder/offeror (if unable to meet the DBE goal of \_\_\_\_\_ %) is committed to a minimum of \_\_\_\_\_ % DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By: _____	_____
Signature	Date
_____	_____
Printed name	Title

**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ \_\_\_\_\_.

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed name Title

**If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.**

(Submit a separate Form 2 for each DBE subcontractor.)

## **Attachment 4**

### **Disadvantaged Business Enterprise Complaint Form**

## DBE COMPLAINT FORM

Please fill out complainant information below (if someone other than the complainant, please fill out the last two boxes as well):				<u>Type of Complaint: (please check one)</u> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Civil Rights <input type="checkbox"/></div> <div>LEP <input type="checkbox"/></div> <div>DBE <input type="checkbox"/></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>ADA <input type="checkbox"/></div> <div>EEO <input type="checkbox"/></div> <div>Other <input type="checkbox"/></div> </div>			
Name:							
Address:							
City:		State:		Zip:			
Phone:		Email:					
Person(s) discriminated against (if someone other than complainant):							
Address (if someone other than complainant):							

Which reason best describes the alleged discrimination that took place? (Please check one)	
Race	
Color	
National Origin	
Disability	
Sexual Orientation	
Other discrimination/allegation <i>(please explain in detail)</i>	

**Description of Complaint:**

\_\_\_\_/\_\_\_\_/\_\_\_\_

**Date of incident:**

Please describe the alleged discrimination in as much detail as available, such as: date, time, route number, location, vehicle number, names and titles of all staff involved, reason for complaint, explanation of actions leading to complaint, whom you believe responsible and any witnesses including their contact information. Please use additional sheets of paper as necessary if additional space is required. \_\_\_\_\_

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**Have you filed a complaint with any other federal, state or local agencies? (Check one)**

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

If yes, please list agencies and contact information below:

Agency Name:					
Address:					
City:		State:		Zip:	
Phone:		Email:			
Website Address:					
Contact Person:					

Agency Name:	
Address:	

City:		State:		Zip:	
Phone:		Email:			
Website Address:					
Contact Person:					

Agency Name:					
Address:					
City:		State:		Zip:	
Phone:		Email:			
Website Address:					
Contact Person:					

I affirm that I have read the above charge and that it is true to the best of my knowledge.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Complainant's Signature                      Date

\_\_\_\_\_  
 Print or Type Name of Complainant

For Office use Only:	
Date Received:	
Received By:	

## APPENDICES

Appendix 1	Title VI Complaint Form
Appendix 2	Good Faith Effort Procedure
Appendix 3	Title VI Notice to Public
Appendix 4	Standard Title VI/Non-Discrimination Assurances
Appendix 5	Contractor Compliance Agreement
Appendix 6	Clause for Deed Transfers of US Property
Appendix 7	Clause for Transfer of Real Property
Appendix 8A	Clause for Construction/Use/Access to Acquired Real Property
Appendix 8B	Pertinent Non-Discrimination Authorities
Appendix 9	Title VI Complaint Log and Reporting Form
Appendix 10	Title VI Data Collection and Analysis Policy
Appendix 11	Title VI Employee Training Plan

## APPENDIX 1

### COMPLAINT FORM

Schoharie County is dedicated to ensuring that no person is excluded from participation or denied benefits of services on the basis of race, color, national origin, disability, sexual orientation, or other protected status, as provided by Title VI of the Civil rights Act of 1964 and as amended, and prohibits discrimination against people with disabilities The Americans with Disabilities as provided by Act (ADA) of 1990 and as amended.

Complaints must be filed within 180 days from the date of the alleged discrimination with the following information provided to assist in processing. If you require assistance in completing this form, please contact Schoharie County by calling 518-234-0952. Return the completed form to:

Christine Kraemer, Transit Director Schoharie County Transit System 114 Rock Road Cobleskill, NY 12043 Phone: 518-234-0952 Fax: 518-234-2046	Korsah Akumfi, Title VI Coordinator 284 Main Street Schoharie, NY 12157 Phone # 518-295-8303 Fax # 518-295-8788 Email: Korsah.Akumfi@co.schoharie.ny.us
Or;	
Office of Civil Rights 50 Wolf Road, 6th Floor Albany, NY 12232 Phone: (518) 457-1129 Fax (518) 549-1273 OCR-TitleVI@dot.ny.gov	Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave. SE Washington, DC 20590



## Department of Transportation Complaint Form

### General Instructions for Completing the Application

Unless otherwise indicated, applicants are required to complete all required fields as they appear in the application.

### **PART A: Complainant Contact Information**

#### **Complainant Contact Information:**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_

## **PART B: Complaint**

Name of the Entity/individual against which this complaint is being filed:

Location of incident: \_\_\_\_\_

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_

## PART C: Complaint Details

*Please check the appropriate box(es). Select the phrase that best represents what occurred.*

### ☐ **DISCRIMINATION**

- i. I received negative comments, racial slurs, or other unwelcome remarks, or questions because of my: (select all that apply)
- ☐ Age
  - ☐ Gender
  - ☐ National Origin
  - ☐ Race
  - ☐ Religion
  - ☐ Other

- ii. I was denied equal access to: (select all that apply) because of my: (select all that apply)

- |   |   |
|---|---|
| <input type="radio"/> Contracting Opportunities | <input type="radio"/> Age                               |
| <input type="radio"/> Information               | <input type="radio"/> Disability                        |
| <input type="radio"/> Programs                  | <input type="radio"/> Gender                            |
| <input type="radio"/> Public Transportation     | <input type="radio"/> Limited English Lang. Proficiency |
| <input type="radio"/> Services                  | <input type="radio"/> National Origin                   |
| <input type="radio"/> Training                  | <input type="radio"/> Race                              |
| <input type="radio"/> Other                     | <input type="radio"/> Religion                          |

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

## **PART C: Complaint Details- continued**

### ☐ **HARASSMENT**

i.

I was: (select all that apply)

- ☐ Harassed
- ☐ Subjected to unfair worksite policies and practices
- ☐ Subjected to unfair bidding practice
- ☐ Other

ii.

I was sexually harassed because I: (select all that apply)

- ☐ was subjected to unwelcomed sexual advances and/or sexually-charged comments
- ☐ am/was exposed to sexually explicit pictures/posters posted in common and/or public areas.
- ☐ Other

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

### ☐ **LANGUAGE ACCESS**

Regarding barriers to equal access, select all that apply to your experience: (select all that apply)

- ☐ Written information related to instructions, directions, or vital information was not available in my native language.
- ☐ Translation services I requested were not made available to me for live or recorded events, presentations, or trainings.

### **PART C: Complaint Details- continued**

- ☐ I was denied an accommodation to enter a building, or to access a facility or room in the building.
- ☐ There were no signs conspicuously posted notifying me of wheelchair accessibility.
- ☐ Readers and/or interpreters for the blind and/or hearing impaired I requested were not provided to me.

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

### ☐ **ADA**

I could not access public transportation, a public facility, or public right of way because: (select all that apply)

- ☐ Of physical barriers (e.g. improper ramps, lack of equipment or crossing aids, etc.).
- ☐ The bus did not have chair lifts or there was no bus-lowering mechanism.
- ☐ The sidewalks, roadways or public facility was not maintained to allow access.
- ☐ The paratransit bus schedule does not accommodate my activities of daily living.
- ☐ The bus routes do not sufficiently deviate from routes to accommodate me.
- ☐ The vehicles, shelters, and/or other facilities are not accessible to me.

### **PART C: Complaint Details- continued**

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

☐ **FRAUD**

- i. I witnessed a disadvantaged business enterprise (DBE), a minority or women owned (M/WBE), or a service disabled veteran owned (SDVOB) firm not performing the contractual commercially useful function (CUF) on a NYSDOT contract.

The firm is: \_\_\_\_\_

Contractual services that were to be performed include: \_\_\_\_\_  
\_\_\_\_\_

☐ Check this box to attach any documents or photos that substantiate your complaint.

- ii. I have not been paid promptly for the work I have performed as follows: (select one)
- ☐ I have not received any payments
  - ☐ I have received some and/or partial payments
  - ☐ I received full payments, but they are late
  - ☐ I received partial payments and they are late

### **PART C: Complaint Details- continued**

- iii. My payment is \_\_\_\_\_ days late. Attach the following documentation to this complaint:
- ☐ Check this box to attach the signed contract/ agreement between your firm and the Prime Contractor that outlines the scope of services and payment or reimbursement schedules for services or supplies.
  - ☐ Check this box to attach documentation to support that your firm fulfilled its obligations on the project, e.g. signed delivery slips, payroll reports, etc.
  - ☐ Check this box to attach documentation or communications from the Prime Contractor regarding any payment issues or reasons why you have not been compensated.
  - ☐ If you received partial payments, check this box to attach a listing of the payment dates and amounts received.

- iv. My firm was negatively affected by a removal or substitution for an approved item of work for project: \_\_\_\_\_ Location: \_\_\_\_\_  
(Project No.)

Attach the following documentation to this complaint:

- ☐ Check this box to attach documentation to support the original scope of the project.
  - ☐ Check this box to attach documentation or communications from the Prime Contractor regarding why your firm's scope of work was being removed from the project or why your firm was being replaced with another firm.
- v. A Prime Contractor did not negotiate a bid with me/my firm in good faith.
- ☐ Check this box to attach any documents or other information that substantiates your complaint.

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

## **PART D: Additional Information**

- i. Were there any witnesses to the action or inaction leading to your complaint?  
☐ Yes ☐ No ☐ Unknown

Please provide the name(s) and contact information for any witnesses: (if any)

- ii. Was this complaint filed with another agency? Yes ☐ No ☐

Filed with: (select one): ☐ Local Entity

☐ Private Entity

☐ Human Rights Commission

☐ Department of Justice

☐ USDOT-FTA

- iii. Were you the recipient of intimidation or retaliatory actions because you filed a complaint? Yes ☐ No ☐

\_\_\_\_\_  
**Sign the Complaint form:**

\_\_\_\_\_  
**Date:**



## PART E: Complaint Submission

**Mail to:**

Christine Kraemer, Transit Director  
Schoharie County Transit System  
114 Rock Road  
Cobleskill, NY 12043  
Phone: 518-234-0952  
Fax: 518-234-2046

Korsah Akumfi, Title VI Coordinator  
284 Main Street  
Schoharie, NY 12157  
Phone # 518-295-8303  
Fax # 518-295-8788  
Email: Korsah.Akumfi@co.schoharie.ny.us

Or;

Office of Civil Rights  
50 Wolf Road, 6th Floor  
Albany, NY 12232  
Phone: (518) 457-1129  
Fax (518) 549-1273  
OCR-TitleVI@dot.ny.gov

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor – TCR  
1200 New Jersey Ave.  
SE Washington, DC 20590

## APPENDIX 2

### Good Faith Effort Procedures

Good Faith Efforts will be documented on contracts utilizing federal funds that have an established DBE goal. Award requires a bidder/offeror be able to show good faith efforts were performed to meet the goal. A good faith effort is defined as one where the bidder:

1. Documents that it has obtained enough DBE participation to meet the goal; or
2. Documents adequate good faith efforts, even though it did not meet the goal.

This appendix “Good Faith Effort Procedures” provides the documented process that will be performed to demonstrate good faith efforts.

These efforts will be active steps, which could reasonably be expected to lead to sufficient DBE participation to meet the contract DBE participation goal. Schoharie County will consider all qualified DBEs, who express an interest in performing work under the contract. Schoharie County will not reject a DBE as unqualified unless sound reasons based on a thorough investigation of the DBE’s capabilities have been documented. Further, the DBE’s standing within its industry, membership in specific groups, organizations or associations and political or social affiliation (for example, union vs. non-union employee status) will not be cause for the rejection or non-solicitation of bids in Schoharie County efforts to meet the contract DBE participation goal.

The following, which is not all inclusive, list types of actions Schoharie County will take to meet the DBE goal. The extent and type of actions required will vary depending on such things as industry practice, the time available for submitting a bid and the type of contract.

1. Schoharie County will encourage attendance at pre-bid meetings to inform DBEs of subcontracting opportunities under a given solicitation.
2. Schoharie County will advertise in circulation media, trade association publications, and minority-focus media.
3. Schoharie County will provide written notification to capable DBEs that their interest in the contract is solicited.
4. Schoharie County will document efforts to negotiate with DBEs for sub-contracts including:
  - a. *The names, addresses, and telephone numbers of DBEs contacted and the date;*
  - b. *Descriptions of the information provided to, and work to be performed by DBEs;*
  - c. *The proposed dollar amount for each DBE firm;*

- d. Written documentation of the DBE's confirmation that it is participating;*
  - e. Documentation showing DBE certification;*
  - f. A statement explaining why additional agreements with DBEs were not reached;*
  - g. Copies of each DBE and non-DBE subcontractor quote received.*
- 
- 5. For DBE bidders contacted but rejected as unqualified, the reason for that conclusion.
  - 6. Documentation of efforts made to assist the DBEs contacted that needed assistance in obtaining bonding or insurance required by the bidder.
  - 7. Documentation of efforts to utilize the services of small business organizations, community and contractor groups to locate qualified DBEs.
  - 8. Documentation that the bidder has broken out contract work items into economically feasible units in fields where there are available DBE firms to perform the work.
  - 9. Evidence that adequate information was provided to DBEs about the plans, specifications and requirements of the contract, and that information was communicated in a timely manner.
  - 10. Documentation of any efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.

## APPENDIX 3

### Title VI Notice to Public

The **Schoharie County** hereby gives public notice that it is the **Schoharie County** policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, gender, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the **Schoharie County** receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with **Schoharie County, the Federal Transit Administration (FTA) or New York State Department of Transportation (NYSDOT) Office of Civil Rights**. Any such complaint must be in writing and filed within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant on our website at [www.ridescpt.com](http://www.ridescpt.com) or by calling (518) 234-0952.

If you choose to fill out the form, please return it completed to:

**Mail to:**

Christine Kraemer, Transit Director Schoharie County Transit System 114 Rock Road Cobleskill, NY 12043 Phone: 518-234-0952 Fax: 518-234-2046	or; Korsah Akumfi, Title VI Coordinator 284 Main Street Schoharie, NY 12157 Phone # 518-295-8303 Fax # 518-295-8788 Email: <a href="mailto:Korsah.Akumfi@co.schoharie.ny.us">Korsah.Akumfi@co.schoharie.ny.us</a>
Or;	
Office of Civil Rights 50 Wolf Road, 6th Floor Albany, NY 12232 Phone: (518) 457-1129 Fax (518) 549-1273 <a href="mailto:OCR-TitleVI@dot.ny.gov">OCR-TitleVI@dot.ny.gov</a>	or; Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave. SE Washington, DC 20590

## APPENDIX 4

### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

The **County of Schoharie** (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *New York State Department of Transportation (NYSDOT)*, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964 );

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient 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 the Recipient receives Federal financial assistance from DOT, including the NYSDOT."*

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.

### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *(Federal Highway Administration or Federal Transit Administration program:*

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient 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 *((Federal Highway Administration or Federal Transit Administration program:)* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  
  
*"The County of Schoharie, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. 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. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient 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 the Recipient for the period during which Federal financial assistance is extended to the 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 the Recipient, 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 the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she 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 such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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


By signing this ASSURANCE, the **County of Schoharie** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **County of Schoharie** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **County of Schoharie**. You must keep records, reports, and submit the material for review upon request to the New York State Department of Transportation, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The **County of Schoharie** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal Highway Administration or Federal Transit Administration program*:


This ASSURANCE is binding on the State of **New York**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Highway Administration or Federal Transit Administration program*:

The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**County of Schoharie**

  
Hon. William Federice, Chairman

Date 18 August 2023

  
Korsah Akumfi, Title VI Coordinator

Date 08/16/2023



## 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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the *New York State Department of Transportation (NYSDOT)* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the *NYSDOT*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *NYSDOT* may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the *NYS**DOT* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **County of Schoharie** will accept title to the lands and maintain the project constructed thereon in accordance with **Schoharie County Board of Supervisors**, the Regulations for the Administration of *(Name of Appropriate Program)*, and the policies and procedures prescribed by the **FHWA & FTA** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **County of Schoharie** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the **County of Schoharie** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **County of Schoharie**, its successors and assigns.

The **County of Schoharie**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that ( 1) no person will 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 with regard to

any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the **County of Schoharie** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **County of Schoharie** pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the **County of Schoharie** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **County of Schoharie** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **County of Schoharie** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the **County of Schoharie** pursuant to the provisions of Assurance 7(b):.

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, **County of Schoharie** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*

C. With respect to deeds, in breach of any of the above Non-discrimination covenants, the **County of Schoharie** will there upon revert to and vest in and become the absolute property of the **County of Schoharie** and its assigns. \*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

### Contractor Information of Authorities

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 non-discrimination statutes and authorities; including but not limited to:

#### Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP

persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



## APPENDIX 5

### Contractor Compliance Agreement

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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the

*New York State Department of Transportation (NYSDOT)* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the *NYSDOT*, as appropriate, and will set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *NYSDOT* may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

**6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the *NYSDOT* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX 6

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **County of Schoharie** will accept title to the lands and maintain the project constructed thereon in accordance with **Schoharie County Board of Supervisors**, the Regulations for the Administration of *(Name of Appropriate Program)*, and the policies and procedures prescribed by the **FHWA & FTA** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **County of Schoharie** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the **County of Schoharie** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **County of Schoharie**, its successors and assigns.

The **County of Schoharie**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that ( 1) no person will 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the **County of Schoharie** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## APPENDIX 7

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **County of Schoharie** pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the **County of Schoharie** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **County of Schoharie** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **County of Schoharie** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## **APPENDIX 8**

### **A and B**

## APPENDIX 8A

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the **County of Schoharie** pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that ( 1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, **County of Schoharie** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. \*

C. With respect to deeds, in breach of any of the above Non-discrimination covenants, the **County of Schoharie** will there upon revert to and vest in and become the absolute property of the **County of Schoharie** and its assigns. \*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## **APPENDIX 8B**

### **Pertinent Non-Discrimination Authorities**

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 non-discrimination statutes and authorities; including but not limited to:

#### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601 ), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, ( 49 USC § 4 71, Section 47123 ), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-



12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP

persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## APPENDIX 9

### Logs and Reporting

#### A. Sample Title VI Complaint Log

Date Complaint Received	Name of Complainant	Address & Telephone	Race/Sex	Color	Age	National Origin (if known)	Other Protected Status	Nature of Complaint	Status/Final Disposition

## **B. Title VI Investigations, Complaints & Lawsuits Log**

**NYSDOT Public Transportation Programs  
Title VI Investigations, Complaints & Lawsuits Log**

**AGENCY: Schoharie County Public Transportation**

**TITLE VI OFFICER: Michael West, County Attorney/Title VI Officer**

**E-MAIL: lawfirm@midtel.net**

**CONTACT: 518-296-8844**

**FISCAL YEAR FY:20XX**

**REPORTING PERIOD (check appropriate box):**

1<sup>st</sup> Half ☐

2<sup>nd</sup> Half ☐

Complete Fiscal Year ☐

(July-December)

(January-June)

(July-June)

1. Were any investigations, lawsuits or complaints filed during this time period?
2. If YES, please provide the following information for each investigation, lawsuit or complaint received during this time period:  
  
Date the investigation, lawsuit or complaint was filed, and Summary of the allegation(s) and status if resolved.
3. Based on the investigations, lawsuits or complaints filed during the Fiscal Year, please provide a status of each allegation. (Report on separate paper at the end of the Fiscal Year).
4. Please indicate if or what actions were taken by the sub recipient in response to the investigation, lawsuit or complaint. (Report on separate paper at the end of the Fiscal Year).

## APPENDIX 10

### TITLE VI DATA COLLECTION AND ANALYSIS POLICY

Schoharie County is required to develop procedures for the collection of statistical data of participants in and beneficiaries of County related programs (relocates, impacted citizens and affected communities). 49 CFR 21.9(b) requires sub-recipients to maintain records and submit to NYSDOT information necessary for NYSDOT to determine whether the sub-recipient is complying with the terms and conditions set forth in the Nondiscrimination Agreement for receiving Federal financial assistance.

Schoharie County shall collect and review relevant data and information in order to assess its implementation of and compliance with its Title VI Program. The County shall also provide data and information to federal agencies as required by federal regulations.

As requested, the County shall provide agencies from which it receives federal funding/assistance access to data and information necessary to ascertain its Title VI compliance, including access to pertinent books, records, accounts, facilities, and other sources of information. The County shall also provide data and information as required by 28 C.F.R. § 42.406 as requested in conjunction with a new application for federal funding, an application for continuance or renewal of funding with specific projects or significant changes, and at other times appropriate under the regulation.

The County shall reasonably gather, analyze, and retain statistical data on the race, color, national origin, sex, age, income, and disability status of beneficiaries of its services and programs. The County shall identify the programs and services most appropriate for analysis. The County shall analyze the data to determine whether benefits from County services are fairly distributed, especially among minority and low-income populations.

To assist the County in analyzing fair distribution of benefits and burdens, each department within the County shall maintain relevant data on identified programs appropriate for analysis. Additionally, if the County extends federal funding/assistance to a sub recipient, the sub recipient shall collect, retain, and submit such data to the County in order to enable the County to carry out its civil rights compliance obligations. Data submitted by sub recipients shall also be incorporated into the County's comprehensive analysis.

*Self-Identification:* From time to time, the County may find it necessary to request voluntary identification of racial, ethnic, or other relevant information from those who participate in its public events or utilize its services. This information will assist the County in improving its targeted outreach and measures of effectiveness. Self-identification of personal information to the County will always be voluntary and anonymous. Moreover, the County will not release or otherwise use these data in any manner inconsistent with federal and state regulations. Self-identification surveys shall include the following race and ethnicity codes, in the combined format as structured by the federal Office of Management and Budget:

- American Indian or Alaska Native Multiracial or Other

- Asian or Pacific Islander Native Hawaiian or other Pacific Islander
- Black or African American White (not of Hispanic origin)
- Hispanic or Latino

All surveys shall note that participants may include multiple responses.

## APPENDIX 11

### TITLE VI EMPLOYEE TRAINING PLAN

#### Introduction

Title VI of the 1964 Civil Rights Act provides 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 (Sec. 601)."

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

This Title VI Employee Training Plan has been prepared to address the *Schoharie County* responsibility to provide Title VI training to all of its current employees.

#### Title VI and ADA Nondiscrimination Statement

The *Schoharie County* adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. The *Schoharie County* carries out its transportation planning processes without regard to race, color, or national origin. For more information or to file a complaint or concern, please contact the *Schoharie County* Title VI Civil Rights Coordinator, at (123) 456-7890.

The *Schoharie County* also follows the New York State Department of Transportation's Americans with Disabilities Act Grievance Procedure. The *Schoharie County* hosts its public meetings and open houses in facilities allowing access for those who may be mobility impaired, sight impaired, hearing impaired or mentally impaired. The *Agency name* will accommodate anyone who may need special requests with adequate notification, preferably 48 hours before a scheduled meeting or open house.

The *Schoharie County* is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. The *Schoharie County* recognizes its responsibilities to the citizens for whom it carries out its transportation planning processes and to the society it serves.

#### Education and Training

The Title VI Coordinator, the CEO of the County or their designee shall be responsible for advising

*Schoharie County* staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinator or their designee to coordinate scheduled training in such a way that appropriate notices and announcements are made to *Schoharie County* staff. All employees are encouraged to participate in professional development training within and outside of the *Schoharie County*.

Internally, the *Schoharie County* offers a Title VI training put on by the Title VI Coordinator or their designee in accordance to Title VI and ADA requirements. This training is reviewed and updated as necessary by the Title VI Coordinator or their designee. It is a requirement that all employees participate in annual training that is to include Title VI training.

In an effort to continuously improve the *Schoharie County's* overall Title VI compliance requirement, nondiscrimination training will be coordinated with the New York State Department of Transportation (NYSDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA).

## **APPENDIX 12**

### **SCHOHARIE COUNTY**

#### **MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE POLICY**

The County of Schoharie ("County") encourages participation by Minority/Women-Owned Business Enterprises ("MWBEs") in all aspects of the procurement process. New York State Certification for MWBEs is granted and verified through the Empire State Development Division of Minority and Women's Business Development ("DMWBD").

Contract and other funding requirements of the State of New York and the United States Government may contain MWBE participation goals. Also, County requests for bids to be awarded on a best value basis pursuant to New York State General Municipal Law §103(1) and State Finance Law §163 may include a quantitative MWBE requirement.

To achieve MWBE participation goals set by state or federal funding requirements, the County shall, and shall cause its contractors to (and contractors shall cause their subcontractors to), take the following good faith actions:

- Actively and affirmatively solicit bids for contracts and subcontracts from qualified New York State certified MWBEs, including solicitations to MWBE contractor associations.
- Ensure that plans, specifications, request for proposals and other documents used to secure bids/proposals shall be made available in sufficient time for review by prospective MWBEs.
- Where feasible, divide the work into smaller portions to enhance participation by MWBEs and encourage the formation of joint ventures and other partnerships among MWBE contractors to enhance their participation.
- Document and maintain records of bid/proposal solicitation, including those to MWBEs and the results thereof. Contractor(s) shall also maintain or, where appropriate, require their subcontractors to maintain and submit, records of actions that its subcontractors have taken toward meeting MWBE contract participation goals.
- Ensure that progress payments to MWBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements may, in the role discretion of the County or the New York State or federal funding agency, as applicable, be waived and/or appropriate alternatives developed to encourage MWBE participation.



County department heads receiving funds with MWBE requirements will be responsible for coordinating and administering contract and purchasing requirements as prescribed by the funding guidelines. Department heads will keep appropriate records of such MWBE requirements, file any necessary documents to the appropriate funding agencies in a timely manner.

For additional information, please do not hesitate to contact Christine Kraemer, Director of Transportation for more information.

Christine Kraemer

Christine Kraemer, Director of Transportation

8/16/23

Date

