

Port of Vancouver, USA
Federally Funded Transportation Program
Title VI Plan

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Title VI Plan

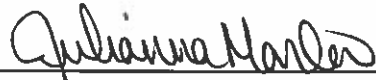
I. Policy Statement, Authorities and Citations

A. Policy of Nondiscrimination

The Port of Vancouver 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 port sponsored program or activity. The Port of Vancouver 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 the Port of Vancouver distributes Federal aid funds to another entity, the port will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the Board of Port Commissioners pursuant to its budgetary authority and responsibility. The Executive Director, management staff and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.



Julianna Marler
Chief Executive Officer

1/27/2020
Date

B. 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.

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, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

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

II. Organization, Staffing and Structure

A. Organizational Chart – Reporting Relationship

See Attachment “A”

B. Staffing and Structure

Chief Executive Officer/Executive Director – hereinafter referred as CEO

The CEO is authorized to ensure compliance with provisions of the Agency’s policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The port’s grants compliance function and Title VI coordination shall be performed under the authority of the Chief Financial and Administrative Officer.

Title VI Coordinator

The Port of Vancouver has assigned the Procurement/Grants Specialist the duties of the Title VI Coordinator (Coordinator) to provide oversight of the Agency’s Title VI Program. Although the Procurement/Grants Specialist reports to the Procurement Services Manager as a direct supervisor, this position shall have an indirect relationship to the CEO.

Title VI Specialists

Additionally, the port has designated Title VI Specialists (Specialists) by department. The Specialists shall work in concert with the Title VI Coordinator. These departments are subject to receiving Federal assistance through grants or other types of transportation related funding, or are responsible for implementing port directives and policies providing civil rights compliance and equal opportunity. The Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, address federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

Title VI Specialists will work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under Federal funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Specialists assist the Coordinator in obtaining statistical data on race, color, national origin, handicap/disability, age and sex of participants in, and beneficiaries of federally funded Port of Vancouver programs as necessary. The Specialists are as follows:

Operations	Assistant Project Manager
Operations	Project Delivery Manager
Environmental Services	Project Manager
Property	Real Estate Manager
Human Resources	Director of Human Resources
Contracts	Contract Manager
Public Affairs	Director of Communications

III. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the CEO, the Title VI Coordinator is responsible for initiating, monitoring and ensuring the port's compliance with Title VI requirements as follows:

Program Administration: Administers the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the CEO and the Chief Financial and Administrative Officer.

- A. **Complaints:** Review written Title VI complaints that may be received by the port following the adopted procedural guidelines (See Section V- Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local level.
- B. **Environmental Impact Statements:** Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted on projects receiving Federal Highway Administration or other Federal assistance.
- C. **Training Programs:** Conduct or facilitate training programs on Title VI issues and regulations as needed for port employees, appropriate staff, contractors and sub-recipients.
- D. **Title VI Plan Update:** Review and update the port's Title VI Plan as needed or required. Present updated plan to the CEO for approval; submit amended Plan to WSDOT.
- E. **Annual Accomplishment Report:** Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required; and submit to the Washington Department of Transportation by February 1, 2020
- F. **Public Dissemination:** Work with port staff to develop and disseminate Title VI program information to port employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, or any area deemed appropriate to ensure dissemination. Where appropriate, provide written or verbal information in languages other than English.
- G. **Elimination of Discrimination.** Work with the Contracts Department, Human Resources, External Affairs and other port departments to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any port process.
- H. **Maintain Legislative and Procedural Information.** Federal laws, rules and regulations, WSDOT guidelines, the current Port of Vancouver Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the port's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other port departments or the public as requested or required.

IV. NHI Education and Title VI Training

In keeping with the adopted Port of Vancouver policy of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities. Port staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

A. National Highway Institute (NHI) Education

The Coordinator will be notified when training for the National Highway Institute courses or workshops become available to the port staff. The Project Delivery Manager will ensure the selection of participants interested in taking part in the NHI training workshops is conducted so that no one is denied participation or subjected to discrimination on the basis of race, color, national origin or sex. A report will be completed and forwarded to the Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, their title, division, sex and ethnicity for use in completing the annual Title VI accomplishment report.

B. Title VI Training

The Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other port employees. The Coordinator will organize or conduct internal Title VI training session as necessary. The Coordinator may as deemed necessary organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically.

C. Selection of Instructors

The Coordinator will ensure the port's policy is followed in the selection of instructors for port training courses/workshops and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the port will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts.

V. Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by the Port of Vancouver, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the port and

sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the port's Title VI Coordinator, Director of Human Resources or Board of Commissioners. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The port will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, the port will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the port may request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the port the appropriate division and/or agency shall be notified of the complaint, within 15 calendar days.
4. Once the port decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
5. In cases where the port assumes investigation of the complaint, the port will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the port with his/her response to the allegations.
6. Within 60 days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for the CEO and Director of Human Resources. The report shall include a narrative description of the incident, identification of persons interviewed, finding and recommendations for disposition.
7. If necessary, the recommendation may be reviewed by the Prosecuting Attorney's office (PA). The PA may discuss the report and recommendations with the Coordinator and other appropriate port staff. The report will be modified as needed and made final for its release to the parties.
8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of

the investigative report during the briefings and will be notified of their respective appeal rights.

9. A copy of the complaint and the port's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the receipt of the complaint.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to WSDOT, USDOT or the U.S. Department of Justice. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
11. An annual Log of Complaints must be maintained. The Log of Complaints must contain the following information for each complaint filed.
 - The name and address of the person filling the complaint
 - The date of the complaint
 - The basis of the complaint
 - The disposition of the complaint
 - The status of the complaint

Only qualified, well trained investigators should conduct these investigations. No department is allowed to investigate a complaint against itself.

VI. Sub-recipient Review and Remedial Action Procedures

- A. Title VI Review of Sub-recipients of Federal-aid funds: Title VI Specialists and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Title VI Specialists and port staff will review select recipients of Federal-aid funds, to ensure adherence to Title VI requirements (see Section VII). The Coordinator and Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.
- B. Post-Grant Reviews: The Coordinator will collaborate with Specialist and port staff to conduct periodic post grant reviews of select recipients of Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.
- C. Remedial Action: When irregularities occur in the administration of Federal-aid programs at either the port or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The port will seek the cooperation of the consultant,

contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The port will provide technical assistance and guidance, upon request, to support voluntary compliance reviews, the port will reduce to writing any recommended remedial action agreed upon by the port and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days.

Sub-recipients 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. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the port will submit to WSDOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the port and WSDOT may, with FHWA concurrence, initiate sanctions per 49 CFR 21.

VII. Title VI Implementation Activities in Special Emphasis Program Areas

A. Planning & Location Activities

1. **Planning Process.** The Engineer and Project Delivery department has the responsibility for providing long-range planning, program development, and capital programming. Operations and Finance maintain a capital improvement program and cash flow plan through 2020. The program provides the results of evaluation and prioritization of needs in various port development areas. The evaluation process includes input from various departments and aligns with the port's strategic and business plans.
2. **Authorities.** Port Authorities RCW 53.08.
3. **Public Involvements in Planning Activities & Title VI**
 - a. The port will invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations. The port will provide public service announcements for local media and minority resources when forming citizen advisory committees and requesting involvement. Invitations will be distributed through neighborhood organizations and other gathering places for public meetings, presentation, and input on port development projects. The Director of Business Development and Director of Communications will take steps to ensure all reasonable measures are taken to ensure participation in port planning activities by a cross section of the community populace.
 - b. To provide necessary access to public meetings, evening meetings will be conducted in a variety of community buildings or public venues throughout the

port district, including those along transit routes. Staff will ensure translation services are available if anticipated, and plan public meetings in predominantly minority communities when projects will specifically impact those communities.

B. Consultant Contracts Activities

1. **Consultant Contracts Administration.** Port projects shall be assigned a project lead. The project lead shall work with the Title VI Coordinator and the contract manager in conducting solicitations for services. The project lead and the contract manager shall be responsible for establishing evaluation teams for recommending consultant firms for final selection, negotiation and award. The port Board of Commissions shall award consultant contracts except as those delegated to the CEO through resolution of the commission.
2. **Authorities.** Port Authority RCW 53.08 and Administrative Authority of the CEO/Executive Director (Resolution 9-2015).
3. **Consultant Selection Process.** Port staff will request qualifications from consulting engineering firms specializing in various aspects of engineering which may relate to port projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects.
4. **Title VI Assurances and Provisions**
 - a. Include applicable Disadvantaged Business Enterprise (DBE) goals in designated projects, and seek to proactively achieve the goal(s).
 - b. Include Title VI assurance and provision language in all federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations.
 - c. When necessary, the Title VI Coordinator will maintain demographic data on the utilization of women and minority owned consulting firms. The Title VI Coordinator will have the ability to track award letters for use in preparing the Annual Update Accomplishment Report.

C. Design & Engineering/Environmental Activities

1. The Operations team including Engineering and Environmental department representatives as well as Finance, Contracts and other designated departments are responsible for the development of the Capital Improvements Program (CIP). Departments are responsible for implementation within their respective areas. For example: Environmental implements the environmental permitting for projects. Studies are performed to assess various environmental factors as they relate to the implementation of the port's development programs.

2. Authorities. Port Authority RCW 53.08; Local Agency Guidelines - WSDOT
3. Design/Environmental Review Process and Title VI
 - a. Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement may be completed.
 - b. As necessary, the Title VI Coordinator will monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. When appropriate, the Project Manager for Environmental Services will provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. This summary may be incorporated into the review process giving adequate time for the Coordinator to review and comment on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the port's federal-aid activities.
 - c. In order to ensure dissemination of information and foster participation from affected populations, the port staff may place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Port staff will ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.

D. Right-of-way Activities

1. Real Property Services. The Property section manages and coordinates the appraisal and acquisition of real property and relocation assistance services for port projects. The right-of-way acquisition process entails appraisal of property, negotiations of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management. The Property section is located within the Commercial division.
2. Authorities. Port Authority RCW 53.08 and Administrative Authority of the CEO/Executive Director (Resolution 9-2015).
3. Right-of-way Activities and Title VI

- a. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted procurement policies in the acquisition of contracted services.
- b. Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services.
- c. Follow the guidelines in the WSDOT Local Agency Guidelines/Right-of-Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.
- d. Adhere to departmental guidelines of appraising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by WSDOT.
- e. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI assurances.
- f. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- g. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- h. Maintain statistical data including race, color, national origin, and sex on all relocations affected by federally funded projects as available or applicable, and provide detailed demographic data as necessary to the Title VI Coordinator.

E. Construction and Maintenance Activities

- 1. Construction Management Section. Activities within this section are managed by the Operations and Contracts departments. Contract staff are responsible for solicitation of and administration of all new construction contracts and maintenance agreements. The Operations department is responsible for oversight and the administration of construction projects.
- 2. Maintenance. The Director of Facilities is responsible for the efficient program for maintaining port facilities by economically utilizing the resources of port maintenance crews, contractors, equipment, services and materials.

3. Authorities. Port Authority RCW 53.08 and Administrative Authority of the CEO/Executive Director (Resolution 9-2015).
4. Construction and Maintenance Activities and Title VI
 - a. Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the port's Title VI Policy Statement and Assurances herein.
 - b. Award construction contracts on the basis of lowest responsive and responsible bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
 - c. Ensure that prime contracts with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
 - d. Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
 - e. Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Title VI Coordinator.

Exhibit 1- Port of Vancouver Title VI Notice to the Public

The Port of Vancouver hereby gives public notice that it is the port's 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 shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal-aid program or other activity for which the Port of Vancouver receives Federal financial assistance.

Exhibit 2 – Port of Vancouver Title VI Assurances

The Port of Vancouver in the State of Washington, (hereinafter referred to as the Recipient”), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d —4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded

from participating 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 through the Washington State Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal aid programs:

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to the a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal aided program, and in adapted form in all proposals for negotiated agreements:

The Port of Vancouver in accordance with Title VI of the Civil Rights Act of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Exhibit 3 of this Assurance in every contract subject to the Act and Regulations.
4. That the Recipient shall insert the clauses of Exhibit 4 of this Assurance as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal Financial assistance to construct a facility, or part of a facility, the Assurance shall 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 shall extend rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Exhibit 5 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a Federally aided program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federally aided program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, 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 shall 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-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has the right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participated in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign the Assurance on behalf of the Recipient.

Exhibit 3 – Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers and Manufactures

The Port of Vancouver will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance.

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

1. *Compliance with Regulations.*

The contractor shall comply with the regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the regulations), which are herein incorporated by reference and made part of this contract.

2. *Nondiscrimination.*

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials, services and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the regulations, including employment practices when the contract covers a program set forth in Appendix B of the regulations.

3. *Solicitation for Subcontracts, including procurement of materials, services and equipment.*

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials, services, or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. *Information and Reports*

The contractor shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Port of Vancouver or the Washington State Department of Transportation to be pertinent to ascertain compliance with such regulations, orders and instruction. Where any information required of a contract is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Port of Vancouver, or the Washington State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Sanctions for Noncompliance.*

In the event of the contractor's noncompliance with the nondiscrimination provision of this contract, the Port of Vancouver and the Washington State Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. *Withholding of payments to the contractor under the contract until the contractor complies, and/or;*
 - b. *Cancellation, termination, or suspension of the contract, in whole or in part.*
6. *Incorporation of Provisions.*

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials, services and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the Port of Vancouver or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the even a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such litigation to protect the interest of the port and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Exhibit 4 – Granting and Habendum Clauses

When the Port of Vancouver is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

A. Granting Clauses

NOW, THEREFORE, the Port of Vancouver, as authorized by law, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration for the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provision of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d—4) does hereby remise, release, quitclaim, and convey unto the Port of Vancouver all the right, title and interest of the Department of Transportation in and to said land described in Exhibit __ attached hereto and made a part thereof.

B. Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the Port of Vancouver, 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 the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Port of Vancouver, its successors and assigns.

The Port of Vancouver, 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 shall on the grounds of race, color, sex, 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 Port of Vancouver, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the port shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

Exhibit 5 – Lease/Deed Provisions

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by the Port of Vancouver pursuant to the provisions of Title VI Assurance:

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed 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, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the port shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases permits, or similar agreements entered into by the port pursuant to the provisions of Title VI Assurances:

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises 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 Regulations may be amended that in the event of breach of any of the above nondiscrimination covenants, the port shall have the right to terminate the lease, and reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.