



Title VI Plan

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Grand Valley Metro Council Policy Statement

The Grand Valley Metro Council (GVMC) 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. GVMC further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of funding source.

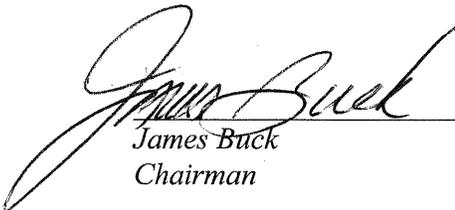
In the event GVMC distributes federal aid funds to another entity, GVMC will include Title VI language in all written agreements and will monitor compliance.

GVMC is responsible for initiating and monitoring Title VI activities, and all other responsibilities as required by 23 Code of Federal Regulation 200 and 49 Code of Federal Regulation 21.



Don Stypula
Executive Director

10-8-04
Date



James Buck
Chairman

10-11-04
Date

Title VI Authorities

Title VI of 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 assistance (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 and 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

Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000d-4; United States Code 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250, Executive Order 12898; 28 Code of Federal Regulation 50.3.

Coordinator Responsibilities

The Director of Human Resources & Administration of the Grand Valley Metro Council (GVMC) is responsible for ensuring the implementation of the GVMC’s Title VI Plan. The GVMC Director of Human Resources & Administration is responsible for the overall management of the day to day administration of the Title VI Plan.

The Director of Human Resources & Administration as the Title VI Coordinator is assigned the responsibility for implementing, monitoring, and ensuring GVMC’s compliance with the Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by GVMC.
2. Collect statistical data (race, color, sex and national origin) of participants in, and beneficiaries of GVMC Transportation Planning plans i.e. citizens, impacted communities, and affected communities.
3. Conduct an annual review of Title VI program areas (planning, education/training and contracting).
4. Conduct Title VI reviews of consultant contractors, suppliers, and other recipients of federal funds.
5. Review internal policies and, where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI.
7. Prepare an annual Title VI report highlighting accomplishments of the previous year.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.

9. Identify, investigate and eliminate discrimination when found to exist.
10. Establish procedures for promptly resolving deficiency status, and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

General Responsibilities

a. Complaints

If any individual believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination as a recipient of benefits and/or services, or on the grounds of race, color, national origin, or sex, they may exercise the right to file a complaint with GVMC. Every effort will be made to resolve complaints informally at the agency, recipient, and contractor's level (see Appendix A).

b. Data Collection

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of, GVMC programs, i.e. impacted citizens and affected communities, will be gathered and maintained by the GVMC Title VI Coordinator. Each of the Title VI program areas will maintain data to be included in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficient administration of the Title VI program.

c. Title VI Reviews

The designated Title VI Coordinator will conduct the Title VI program reviews to assess the adequacy of administrative procedures, staffing and resources available for Title VI compliance.

d. Annual Reviews

All programs will be reviewed annually to assess effectiveness in their compliance of Title VI provisions. This is in addition to the day-to-day monitoring. The Directors of GVMC and the Title VI Coordinator will coordinate efforts to ensure the equal participation in all their activities and programs at all levels.

e. Training Program

Title VI training will be made available to GVMC staff on an as needed basis. The training will provide comprehensive information on Title VI provisions, its application to the program operations, identification of Title VI issues and resolution of complaints. A summary of training received will be reported in the annual update.

f. Annual Reports

The annual Self Certification Documentation will include a review of Title VI accomplishments achieved during the year, including a review of program areas, and will be submitted to the Michigan Department of Transportation Planning (MDOT). The Title VI Coordinator and Director for Transportation Planning will be responsible for coordination and preparation of the report.

g. Public Dissemination

GVMC will disseminate Title VI Program information to GVMC employees, subrecipients, and contractors, as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, annually publishing the Title VI Policy Statement in newspapers, and announcements of hearings and meetings in minority newspapers when determined necessary and funding is available.

h. Prevention of Discrimination

Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to issues of accessibility of training to all qualified GVMC employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement and material acquisition.

i. Remedial Action

GVMC will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administrative requirements. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues and reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

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

GVMC will seek cooperation of the subrecipient in correcting any deficiencies found during the review. GVMC will also provide the technical assistance and guidance needed to aid the subrecipient in complying voluntarily.

When a subrecipient fails or refuses to voluntarily comply with requirements within the time allotted, GVMC will submit to MDOT two copies of the case file 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 Plan requirements in correcting deficiencies previously identified.

MDOT will be notified of any complaint filed at GVMC involving Title VI issues, as well as any resolution.

Title VI Incorporation Areas

I. Planning

GVMC Transportation Planning

The Grand Valley Metro Council Metropolitan Planning Organization conducts transportation planning for all of Kent County including the Cities of Grand Rapids, Wyoming, Kentwood, Walker, Grandville, East Grand Rapids, Rockford, Cedar Springs, and Lowell. In addition, eastern Ottawa County is represented by the City of Hudsonville, and the townships of Jamestown, Georgetown, Allendale, and Tallmadge.

Authorities

23 CFR 450

RCW 47.80

Planning Process

A comprehensive transportation planning process is used which incorporates input from the public into various Metropolitan Planning Organization (MPO) activities. The process further entails the monitoring and collection of varied data pertaining to transportation related issues. GVMC coordinates transportation planning on the Federal Aid Road Network utilizing input from the public. GVMC also provides technical support to jurisdictions and agencies when needed.

Title VI Responsibilities

- Ensure that all aspects of the planning process comply with Title VI.
- Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups.
- Ensure equal opportunity for participation in the public involvement process.

II. Training

Staff Development

An opportunity for staff development is offered to employees of GVMC and may include training from an outside vendor.

Education and Training Process

The GVMC Executive Director determines which employees should receive the opportunity to attend training courses. Training courses are offered on a case-by-case basis according to the needs of each job classification and the financial resources available for training.

Title VI Responsibilities

- In conjunction with managers and executives, ensure all employees have equal access to training.

- Maintain plan administration documentation and data necessary for preparation of the Annual Title VI Update, including attendance data for any outside training courses attended.
- Review directives and manuals to ensure the adherence with Title VI requirements.

III. Consultant Contract Coordination

Consultant Services

GVMC seeks consultant services on an as needed basis. GVMC is responsible for consultant selection, negotiation, and administration of consultant contracts.

Authorities

48 CFR 31

23 CFR 172

Consultant Selection Process

GVMC selects consultants using a Consultant Selection Committee. The Consultant Selection Committee members are selected based on their knowledge of the specific project that is seeking consultant services. GVMC also seeks to have the Consultant Selection Committee serve as representative of the GVMC Member Communities. The Consultant Selection Committee uses a scoring based process to select the most qualified consultants.

Title VI Responsibilities

- Ensure Disadvantage Business Enterprises opportunities exist.
- Ensure all federally-funded consultant contracts administered by GVMC have the appropriate Title VI provisions included.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of GVMC's Title VI Update Annual Report.
- Provide Title VI training and assistance in the development of the Title VI Plans for the Consultants.

Appendix A

Nondiscrimination Complaint Procedures for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, 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 plan or activity administered by the Grand Valley Metro Council as to subrecipients, consultants, and contractors.

Intimidation or retaliation of any kind is prohibited by law. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution. Further, these 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.

1. Any individual, group of individuals or entity that believes it has been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with GVMC. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, GVMC will determine its jurisdiction, acceptability, need for additional information, and will investigate the merit of the complaint. In cases where the complaint is against GVMC or one of GVMC's subrecipients of federal funds, GVMC will forward the complaint to the Michigan Department of Transportation Office of Equal Opportunity. Additionally, a copy of the complaint will be forwarded to GVMC's attorney for review.
3. When the complaint is forwarded to Michigan Department of Transportation Office of Equal Opportunity, the Title VI Coordinator will notify the individual, group of individuals or entity that believes it has been subjected to discrimination within five calendar days.
4. Upon receipt of any complaint, the Title VI Coordinator will keep record of all correspondence received regarding that complaint.
5. GVMC's Title VI Coordinator will update GVMC Executive Director on any new information obtained. The update shall include, but is not limited to, a narrative description of the incident, and identification of persons involved.
6. Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator. The Title VI Coordinator will discuss the recommendations with GVMC's Executive Director.

7. Once GVMC is notified of Michigan Department of Transportation Office of Equal Opportunity investigative report findings, GVMC will adopt a final resolution.
8. All parties will be properly notified of the outcome of the Michigan Department of Transportation Office of Equal Opportunity report.
9. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), s/he shall be advised of their rights to appeal MDOT's Office of Equal Opportunity decision. Appeals must be filed within 180 days after GVMC's final resolution. Unless new facts not previously considered come to light, reconsideration of GVMC's determination will not be available.

The foregoing complaint resolution procedures will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at <http://www.usdoj.gov/crt/cor/Pubs/manuals/complain.html>.

Appendix B

Grand Valley Metro Council Title VI Assurances

The Grand Valley Metro Council (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 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 the 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 participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Receipt receives federal financial assistance, 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 Federally funded 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 conducted (with regard to a “program”), or will be operated (with regard to a “facility”) 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 Aid Program, and in adapted form in all proposals for negotiated agreements:

The Grand Valley Metro Council in accordance with Title VI of the civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-d4 and Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of Department of Transportation, and all requirements issued pursuant to such Act, hereby notifies all bidders that 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.

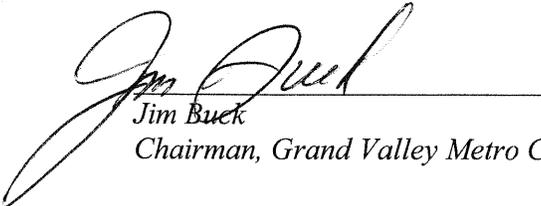
3. That the Recipient shall insert clauses of Appendix B & C of this Assurance in every contract subject to the Act and the Regulations.
4. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
5. The Recipient shall provide for such methods of administration for the plan as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such plan will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
6. 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 Department of Transportation under the Federal Aid Highway or Transit Program, and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.



Don Stypula
Executive Director

10-8-04
Date



Jim Buck
Chairman, Grand Valley Metro Council

10-11-04
Date

Appendix C

Title VI Contract Language

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 referred to as DOT), Title 49, Code of Federal Regulations, part 21 (hereinafter referred to as the Regulations), as they may be amended from time to time, herein incorporated by reference and made a 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 and leases of equipment. The contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials 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 material for 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 Regulation or directives issued pursuant thereto, and shall permit access to it books, records, accounts, other sources of information and its facilities as may be determined by the Grand Valley Metro Council, Michigan Department of Transportation or appropriate Federal Agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the

Michigan Department of Transportation or the appropriate Federal Agency as needed, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Grand Valley Metro Council shall impose such contract sanctions as the Michigan Department of Transportation may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under contract until the contractor complies, and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporations of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the Grand Valley Metro Council, Michigan Department of Transportation, or appropriate Federal Agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.