Name of Sub Recipient \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title VI of the Civil Rights Act of 1964, amendments and related laws state that recipients of federal-aid highway funds cannot discriminate on the basis of race, color, age, disability, gender, national origin, or low income.

The North Dakota Department of Transportation (NDDOT) receives federal funds, and in turn may pass funds directly to Local Public Agencies (LPA). In these instances the LPA becomes a recipient of federal funds and is responsible for implementing Title VI requirements on ALL contracts and in ALL programs and activities not just highway related elements.

Audit and Preauthorization Checklist: All sub recipients participating in this process will be required to complete, sign, and return this checklist, with all supporting documentation, to the North Dakota Department of Transportation (NDDOT) prior to the meeting. Compliance with these requirements is necessary to assure non-discrimination in projects/programs. This checklist also serves as a preview to the agency’s processes, procedures, policies, and documentation.

The agency may provide electronic documents or a link to a website for documents and materials as an alternative to providing a paper copy. When paper copies of documentation are provided, please label them relative to the questions on the checklist.

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Compliance with these requirements is necessary to assure non-discrimination in sub recipient transportation projects/programs.

•This checklist serves as a preview to the processes, procedures, policies, and documentation that must be in place prior to authorization of Federal funds.

•This checklist covers a reporting period of the most recent July 1 to June 30 period.

•A “No” answer does not necessarily mean the sub recipient is in “non-compliance”, but a written explanation must be provided for any “NO”’ or “N/A” responses and attached to this checklist.

Please submit the checklist and a narrative explanation relative to “No” or “N/A” responses.

Copies of information must be provided as requested.

This Audit and Preauthorization Checklist covers the period of 7-1-202\_ through 6-30-202\_.

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| --- | --- | --- |
| 1. I. Subrecipient Audit and Preauthorization Checklist
 |  Y N N/A | NOTES |
| 1.    1. Did the agency expend $750,000 in federal funds in their most recently completed fiscal year?    |   |  |
| b.    a. If yes, was a single audit conducted in accordance with 2 CFR 200? |   |  |
| c.    b. If yes, has the audit report been sent to NDDOT-Audit Services Division for review? Does it include SFN 60639? |  |  |
| 1)    c. If no, can they provide a copy of an audit report? |  |  |
| III II. Metropolitan Planning Organization (MPO) (If you are not an MPO, proceed to part III. Refer to FTA circular 4702.1B for Title VI Guidance.  |  |  |
| 1.    MPOs and other planning entities must submit the following: |  |  |
|  a.    The requirements set out in Chapter VI (Transit Provider) if the MPO is a provider of fixed route public transportation. |  |  |
|  b.    Demographic profile of the metropolitan area |  |  |
| c.    A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process. |    |  |
| d.    Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects. |   |  |
| e.    Analysis of the MPO’s transportation system investments identifies and addresses any disparate impacts. |  |  |
| f.     Description of the procedures used to ensure nondiscriminatory pass-through of FTA financial assistance (if requested). |  |  |
| g.    Description of the procedures the agency uses to provide assistance to potential sub recipients in a nondiscriminatory manner (if requested). |  |  |
| III. Equal Employment Opportunity Act (EEO) | **Y N N/A** | **NOTES** |
| 1.    Did the agency produce a current copy of the Annual EEO-4 Report on employees? If the agency employed 15 or more employees, they are required by Public Law 88-352, Title VII of the Civil Rights Act of 1964 to report on their employees. <http://www.eeoc.gov/employers/eeo4survey/e4instruct.cfm> to submit an annual EEO-4 *(NOTE:  People who are compensated for serving as members of commissions, councils, boards, or committees are considered employees.)* |  |  |
|  2.  If the agency is not required to file an Annual EEO-4 Report on employees, did it produce a list of the number of employees by race and sex?  |    |  |
| 3 3.    Did the agency produce a list showing members of commissions, councils, boards, or committees, by race and sex? |   |  |
|  4. For All commissions, councils, boards, or committees, did the agency provide a written process for the selection of members? |  |  |
|  a. Is this process contained within a manual or handbook? |  |  |
|  b. Did the process specify which members are appointees? |  |  |
|  c. Is there a document regarding the process for making those appointments? |  |  |
|  d. Did the agency outline the steps taken to increase diversity on their commissions, councils, boards, or committees?  |  |  |
|  5.  Are recruiting opportunities for both vacancies and promotions documented? |  |  |
|  a. Does the documentation include race and sex of the applicants? |   |  |
|  b. Does the documentation include race and sex of the persons hired or promoted? |   |  |
|  c. Are recruitment efforts made to hire minority or female applicants?  |  |  |
|  1.   If yes, are these efforts documented? |  |  |
|  d. Are employment vacancies advertised both internally and externally? |   |  |
|  e. Did the agency provide information on how the recruitment was done? (Where were vacancies posted, advertised, etc.) |  |  |
| V.   IV. Title VI/Nondiscrimination  | **Y N N/A** | **NOTES** |
| 1.    1. Does the agency have a Title VI/Nondiscrimination Plan? |  |  |
|  a.  If yes, does the agency Title VI/Nondiscrimination include the federal requirements? |   |  |
|  b. If no, the Title VI/Nondiscrimination Program Requirements, Guidance, and Templates are provided to assist you in developing your Title VI/Nondiscrimination and to meet the federal requirements located at   <http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm> |   |  |
|  2.   Did the agency provide documentation demonstrating dissemination of the Title VI/Nondiscrimination internally for employees and externally for the public? |  |  |
|  3. Does the agency have the Title VI/Non-Discrimination Standard Assurances? |  |  |
|  4. What is the date on the Title VI/Non-Discrimination Standard Assurances? |  |  |
|  5. Does the agency have a Title VI/Nondiscrimination Policy Statement? |  |  |
|  6.  Does the agency have a Title VI Coordinator or Specialist? |  |  |
|  7. Is the agency Title VI Coordinator’s name, title, office address, and office phone number included in the Title VI/Nondiscrimination Policy Statement and posted both internally for employees and externally for the public? |  |  |
|  NDDOT has developed a Standard Title VI/Non-Discrimination Assurance; and Title VI/Nondiscrimination and Policy Statement templates that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination Program, Sub Recipient Title VI/Nondiscrimination Program web page <https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm#subinformation> |
| V. Limited English Proficiency (LEP)11 Does the agency have more than 50 employees? If not, proceed to part VI.  |  |  |
| 1.    1. Does the agency have a Limited English Proficiency (LEP) plan? |  |  |
| . 2. Using the most current data (US Census or North Dakota census data), did the agency provide the population demographics within the service area? R Resources See [www.lep.gov](http://www.lep.gov), https://www.census.gov/programs-surveys/acs/data.html |  |  |
|  | **Y N N/A** | **NOTES** |
| b.    3. Did the agency conduct a Four Factor Analysis in their LEP Plan?  Four Factor Analysis definition : <https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm> |  |   |
|  4. How does the agency provide oral interpretation for LEP? |  |  |
| a.    5. What languages are available for oral interpretation? |   |  |
| 1. What documents were identified as vital documents?

Examples:  ApplicationsConsent and complaint forms, Notices of rights and disciplinary action Notices advising LEP persons of the availability of free language assistance Written tests that assess competency for a particular license, job, or skill for which English competency is not required Letters or notices that require a response from the beneficiary or client |  |  |
| b.  b. Were any vital documents translated in any other languages? |  |  |
| c.    c. If yes, which vital documents and what languages? |  |  |
|  d. How were the translated documents made available? |   |  |
| NDDOT has developed a template Limited English Proficiency Plan that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program web page at https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm#subinformation |
| Pa VI. Public Outreach and Education |  |  |
|  1. Did the agency provide documentation describing any public outreach activities for federally funded transportation project(s)/programs undertaken during the reporting period?  *(For example:  public announcements and/or communications for meetings, hearings, and project notices directed by their representative?)*            |   |  |
|  | **Y N N/A** | **NOTES** |
| 2.    Did the agency provide copies of ads, posters, or public notices? |  |  |
| 3. Were language assistance needs assessed?  a.  If yes, did the agency provide documentation listing the language assistance needs assessment(s) conducted and examples of those assessment(s)?  *(Should include service provided, date, number of persons served, and any other relevant information.)* |  |  |
|  4.    Were outreach efforts made to ensure that minority, disabled, low income, and Limited English Proficiency population groups, were provided equal opportunity to participate in any activities? *(For example: provided written materials in languages other than English, met with local social services agencies, or advertised in a minority publication.)* |   |  |
|  5. Were demographics gathered from attendees at public meetings, hearings, etc.? Describe the data collection and analysis process. |  |  |
| a. Did the agency provide documentation regarding the demographics gathered? |  |  |
|  6.  Did public meeting ads, public notices, or posters have a contact person and telephone number, for attendees to contact, when accommodations for disabilities or language assistance were needed? |  |  |
|  7.   Was an effort made to hold meetings in ADA compliant facilities? |  |  |
| 8 8. Are the agencyoffices where services are provided ADA compliant*?* |  |  |
|  VII.  Employee Training |  |  |
|  1.  Have all their employees received Title VI/Nondiscrimination and ADA Program related training?       |  |  |
|  a.  If no, Does the agency plan to provide training? |   |  |
|  VIII. External Complaints of Discrimination Process  |  **Y N N/A** | **NOTES** |
|  1.   Does the agency have an External Complaints of Discrimination form, instructions, and process for filing a complaint based on Title VI of the Civil Rights Act of 1964 (race, color, and national origin) or Other Nondiscrimination Statutes/Executive Orders (sex, age, disability, limited English proficiency, or income status) including a Complainant Consent/Release form with a  Notice About Investigatory Uses of Personal Information; and an External Complaints of Discrimination  Complaint Log for recording current complaints? |  |  |
|  a. Did the agency describe how the complaint form, instructions, and process for filing a complaint are disseminated to employees and the public? |    |   |
|  b. Did the agency provide a copy of their complaint form, instructions, process, consent/release, and notice |  |   |
|  c. Did the agency provide their External Complaints of Discrimination Log listing all External Complaints of Discrimination filed during the requested timeframe of this Audit?  |    |   |
|  NDDOT has developed a template External Complaints of Discrimination form, instructions, and process; Complainant Consent/Release form with a notice About Investigatory Uses of personal Information; and External Complaints of Discrimination Log that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program web page at <http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm> |
|  IX.  Contracts and Agreements |  |  |
|  1.  During the reporting period, were all federally funded transportation projects/programs either bid or procured through NDDOT’s processes?  a.  If yes, proceed to Section X. |    |   |
|  2.  Did contracts, let through the agency bidding or procurement process, contain the required Title VI statements like those bids or procured through the NDDOT? |  |  |
|  |  **Y N N/A** | **NOTES** |
|  a. Did contracts for consultant agreements for planning, design, engineering, environmental, research, maintenance, etc. contain the required Title VI statements and assurances. |  |  |
|  b. Were Disadvantaged Business Enterprise firms notified of and afforded the opportunity to bid or propose on the federally funded transportation related projects/programs?  |  |   |
|  c. Any agency efforts other than normal advertising? |  |   |
|  X. Monitoring and Compliance |  |  |
|  1.    Did the agency have monitoring and compliance procedures in place to monitor Title VI activities and responsibilities for their organization? |  |  |
|  a.  Does the monitoring and compliance process provide for the following?  |   |   |
| 1. Procedures to conduct Title VI reviews of pertinent program areas:
2. List the pertinent program areas and describe each areas Title VI responsibilities
3. Define the process to review their pertinent program areas.
4. State if the agency has training related to Title VI?
5. Include if and how a project or program area is monitored by the agency either weekly, monthly, or annually.
6. State if the agency has plans for bringing programs into compliance within a specified time.
 |  |  |
|  b.    Has the agency scheduled and conducted an annual Title VI review of their program areas to determine the effectiveness of program area activities at all levels? |  |  |
|  c.    Did the agency have any sub recipients of federal-aid highway funds? |  |   |
|  | **Y N N/A** | **NOTES** |
|  1.   If no, proceed to Section XI.  |   |    |
|  2.    If yes, does the agency have monitoring and compliance procedures in place to monitor Title VI activities and responsibilities of their sub recipients? |   |   |
|  3.    If yes, have the agency scheduled and conducted Title VI reviews of their sub recipients? Please list and provide documentation of audits conducted. *(For example: cities, counties, colleges, planning agencies, and other recipients of federal-aid highway funds)*  |  |  |
|  XI.  Environmental Impacts |  |  |
|  1. During the reporting period, was there a Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) prepared for any federally funded transportation-related projects/programs? |  |  |
|  a. If no, proceed to Section XII. |  |  |
|  b.  If yes, did the agency summarize comments provided in the Environmental Documents where race, color, sex, age, national origin, disability, and income status were adversely impacted?  |   |  |
|  c. If yes, did the agency document what those impacts were and how they were minimized or mitigated? |  |  |
|  d. How many public meetings were held?  |   |  |
| 1. Were Title VI Public Participation Surveys provided at each public meeting?
 |  |  |
| 1. Total number of cultural resource compliance studies, archaeological studies, and Tribal consultations conducted during the reporting period.
 |   |  |
| XII.  Right of Way |  |  |
|  1.  During the reporting period, was right of way acquired for any federally funded transportation related project?  If no, proceed to signature blocks. |  |  |
|  2.    Does the agency’s documentation demonstrate how many negotiations were completed during the reporting period?             |    |  |
|  | **Y N N/A** | **NOTES** |
|  a.  Does the documentation report the collection of data by race, sex, color, national origin, age, disability, or income status? |  |  |
|  3.    Were there any concerns raised by minorities or women as landowners concerning their options in the negotiation phase?      |   |   |
|  a.  Did they document what action was taken to correct those concerns? |  |  |
|  4.   List the number of negotiations when professional interpreters were used to aid the property owner in understanding the sub recipients proposed action. |  |  |
|  5.   How many businesses or residences were displaced during the reporting period? |  |   |
|  6.   Were there any Title VI concerns raised by minorities or women about their options in the relocation process? Please explain in notes. |    |   |
|  7.  Does documentation of relocation assistance activities reflect any disparities in providing relocation assistance? |  |   |
|  8.  Did the agency collect data by, race, color, national origin, sex, age, disability, or income status, or LEP during negotiations?          |  |   |
| Person(s) who submitted information for the checklist, please indicate by printing their name and title and signing below.  By signing below, you are stating that the answers above are true and accurate to the best of your knowledge.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Print Name           Sign Name                                    Title              Date  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Print Name                               Sign Name                                Title              Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Print Name Sign Name Title VI Coordinator Date |