



U.S. Department
of Transportation
**Federal Highway
Administration**

APR 12 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2011-0013

(b) (6)

Dear (b) (6):

The Federal Highway Administration (FHWA) has completed the investigation of the complaint of discrimination you filed against the Oklahoma Department of Transportation (OKDOT) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). In your complaint you alleged that the OKDOT denied you a contracting opportunity because of your race, African American.

The evidence obtained during the investigation does not support your allegation of race discrimination. The evidence reviewed during the investigation shows the following:

- The OKDOT sent letters of solicitation to 17 firms soliciting the services of Demolition Contractors for Improvement Removal and/or Sign Removal activities.
- The letter of solicitation stated that the OKDOT would be utilizing the Qualification Based Selection Process that entails a review of qualifications, an interview and selection of the firm(s) identified as the best qualified to perform the work.
- The letter of solicitation required applicants to provide a response to the OKDOT regarding availability and/or willingness to participate in the process.
- Your firm was sent a letter of solicitation dated June 22, 2010.
- You responded by fax dated July 9, 2010, stating your interest in the solicitation.
- Record evidence shows that you and 10 other applicants were interviewed for the project.
- Record evidence shows that all of the other applicants were Caucasian or Native American. You were the only African American applicant.
- The evidence shows that the OKDOT utilized a qualifications based selection process and ranked applicants based on 5 factors during the interview.
- The evidence shows that the interviews were scored and ranked. You were ranked ninth.



- Record evidence shows that the OKDOT selected the 8 applicants with the highest rankings.
- Record evidence shows that you and 2 other applicants were not selected.
- Even though you were not selected for the project, the evidence does not support your allegation that your race was a factor in your non-selection.
- Record evidence shows from your contractor's service evaluation dated August 3, 2010, that you have satisfactory performance with OKDOT and you are approved for additional projects.
- The notice provided to you regarding your non-selection states that the Department still may utilize the competitive bidding process through the Request for Proposal for which you will be eligible to bid.

Based on the foregoing evidence, the FHWA does not find that the OKDOT is in violation of Title VI with reference to your non-selection for the contract.

This concludes processing of this matter by the FHWA and no further action will be taken.

Sincerely yours,

A handwritten signature in cursive script that reads "Brenda F. Armstead".

Brenda F. Armstead
Director, Investigations and Adjudications



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of Transportation
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1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2011-0013

Mr. Gary M. Ridley
Director
Oklahoma Department of Transportation
200 Northeast 21st Street
Oklahoma City, Oklahoma 73105-3204

Dear Mr. Ridley:

This is in reference to the complaint of discrimination filed by (b) (6) against the Oklahoma Department of Transportation (OKDOT) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). In the complaint, (b) (6) alleged that the OKDOT denied him a contracting opportunity because of his race, African American.

The Federal Highway Administration (FHWA) has completed its investigation and concluded that the evidence obtained does not support the allegation raised in the complaint. The evidence reviewed during the investigation shows the following:

- The OKDOT sent letters of solicitation to 17 firms soliciting the services of Demolition Contractors for Improvement Removal and/or Sign Removal activities.
- The letter of solicitation stated that the OKDOT would be utilizing the Qualification Based Selection Process that entails a review of qualifications, an interview and selection of the firm(s) identified as the best qualified to perform the work.
- The letter of solicitation required applicants to provide a response to the OKDOT regarding availability and/or willingness to participate in the process.
- (b) (6) firm was sent a letter of solicitation dated June 22, 2010.
- (b) (6) responded by fax dated July 9, 2010, stating his interest in the solicitation.
- Record evidence shows that (b) (6) and 10 other applicants were interviewed for the project.
- Record evidence shows that all of the other applicants were Caucasian or Native American. (b) (6) was the only African American applicant.
- The evidence shows that the OKDOT utilized a qualifications based selection process and ranked applicants based on 5 factors during the interview.



- The evidence shows that the interviews were scored and ranked. (b) (6) was ranked ninth.
- Record evidence shows that the OKDOT selected the 8 applicants with the highest rankings.
- Record evidence shows that (b) (6) and 2 other applicants were not selected.
- Even though (b) (6) was not selected for the project, the evidence does not support the allegation that (b) (6) race was a factor in his non-selection.
- Record evidence shows from (b) (6) contractor's service evaluation dated August 3, 2010, that he has satisfactory performance with OKDOT and he is approved for additional projects.
- The notice provided to (b) (6) regarding his non-selection states that the Department still may utilize the competitive bidding process through the Request for Proposal for which he will be eligible to bid.

Based on the foregoing evidence, the FHWA does not find that the OKDOT is in violation of Title VI with reference to (b) (6) non-selection for the contract.

This concludes processing of this matter by the FHWA and no further action will be taken.

Sincerely yours,



Brenda F. Armstead
Director, Investigations and Adjudications

cc:

Mr. Kurt Harms, Right-of-Way and Utilities Division Chief, OKDOT

Mr. Gary Corino, Division Administrator, FHWA (HDA-OK)

Mr. Darren Kaihlanen, Civil Rights Specialist, FHWA (HDA-OK)