



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

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

October 1, 2012

In Reply Refer To: HCR-40  
DOT #2012-0275

(b) (6)

Dear (b) (6):

This is in reference to your complaint of discrimination, dated September 17, that you sent electronically to the Texas Department of Transportation (TxDOT) Office of Civil Rights, the Federal Highway Administration (FHWA) Texas Division Office of Civil Rights, and the FHWA Headquarters Office of Civil Rights, alleging a violation of Title 49, Code of Federal Regulations, Part 26, Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act of 1990/Section 504 of the Rehabilitation Act of 1973 against the TxDOT. In your complaint, you allege that you were denied the opportunity to protest a bid on the Horseshoe, IH-35 3A and 3B, SH-183, Grand Parkway Project.

After a thorough review of your complaint, we have determined that your complaint will not be accepted for investigation. Please be advised that none of the authorities set forth in the paragraph above require State Transportation Agencies to implement a bid protest procedure that would be available to subcontractors. Based on the aforementioned, your complaint is dismissed.

This concludes the processing of your complaint by the FHWA Headquarters Office of Civil Rights.

Sincerely yours,

Warren S. Whitlock  
Associate Administrator for Civil Rights

cc: Ms. Martha Kenley, National DBE Program Manager, FHWA, HCR-30  
Mr. Robert Tally, Jr., Division Administrator, FHWA, HDA-TX  
Mr. Mark Arrington, Civil Rights Program Manager, HDA-TX  
Mr. Jessie Ball, Director, Civil Rights, TxDOT