



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

MAY 03 2011

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

In Reply Refer To: HCR-40
DOT #2010-0079

(b) (6)

Dear (b) (6):

This is in reference to your complaint of discrimination, dated August 12, 2008, against DeKalb County (County) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI) and related statute (Title 23, United States Code, Section 324).

Since the County is a sub-recipient of Federal-aid funds through the Georgia Department of Transportation (GDOT), your complaint was investigated by the GDOT in accordance with the Federal Highway Administration's (FHWA) regulation at Title 23, Code of Federal Regulations, Part 200.9(b)(3) and the FHWA's complaint processing procedures. State recipients can conduct Title VI investigations of its sub-recipients or contractors and make a recommended finding to the Federal decision-making authority. However, the Department of Justice has determined that a Title VI finding of violation or no violation is a Federal decision that cannot be delegated. All FHWA recipients must submit their proposed dispositions to FHWA for a final agency decision.

The GDOT has completed its investigation and forwarded its investigative report to this office for review and issuance of a final agency decision. The evidence submitted by the GDOT shows the following:

Issue: Whether you were denied task work orders for various County Federal-aid projects that were awarded to (b) (6) (prime contractor) and (b) (6) (prime contractor), based on your race (African American) and sex (female).

- Records show that (b) (6) was awarded participation on contract numbers 07-900716 ((b) (6)) and 07-900715 ((b) (6)) as a Local Small Business Enterprise sub-contractor.



- Investigation disclosed that the contracts were for “on-call” or “as needed” services. At the time of the contracts, neither the County, prime contractors, nor sub-contractors knew the type and amount of work that was needed to be performed. All amounts entered were estimates and no amounts were guaranteed.
- Records show that the primes entered an estimate of 5 percent annually for the dollar value on your contracts.
- Records show that your scope of work under the contract with Arcadis was to provide Engineering Design Transportation/Civil services; and QA/QC Reviews, Utility Relocation under the contract with Pond and Company.
- Records show that each of the primes had six sub-contractors, including (b) (6), that worked on the contracts. The dollar value on the contracts ranged from an estimate of 2-5 percent annually.
- Investigation disclosed that some of the sub-contractors were not used at all and some were not used as much as anticipated because the County did not require the sub-contractors’ type of work.
- Arcadis acknowledged receipt of \$3,166,793.27 of its \$3,289,758.31 contract. Of that amount, \$84,630.00 (2.8 percent) was paid to (b) (6).
- Pond and Company acknowledged receipt of \$1,065,675.00 of its \$1,250,000.00 contract. Of that amount, \$43,000.00 (4 percent) was paid to (b) (6).

Conclusion:

- The records show that the 5 percent estimated dollar value for the contracts was not guaranteed, but depended on the work needed by the County.
- The records further show that of the other sub-contractors on the contracts, some did not receive any work at all and others received less work than anticipated.
- The records fail to support the allegation that race and sex were factors in the administration of (b) (6)s contracts with the County.

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

Sincerely yours,



Brenda F. Armstead
Director, Investigations and Adjudications



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

MAY 03 2011

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

In Reply Refer To: HCR-40
DOT #2010-0202

Debra B. Brewer, Esq.
Assistant Director
DeKalb County Government
Department of Purchasing and Contracting
1300 Commerce Drive, 2nd Floor
Decatur, Georgia 30020

Dear Ms. Brewer:

This is in reference to the complaint of discrimination, dated August 12, 2008, filed by (b) (6) against DeKalb County (County) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI) and related statute (Title 23, United States Code, Section 324).

Since the respondent is a sub-recipient of Federal-aid funds through the Georgia Department of Transportation (GDOT), the complaint was investigated by the GDOT in accordance with the Federal Highway Administration's (FHWA) regulation at Title 23, Code of Federal Regulations, Part 200.9(b)(3) and the FHWA's complaint processing procedures. State recipients can conduct Title VI investigations of its sub-recipients or contractors and make a recommended finding to the Federal decision-making authority. However, the Department of Justice has determined that a Title VI finding of violation or no violation is a Federal decision that cannot be delegated. All FHWA recipients must submit their proposed dispositions to the FHWA for a final agency decision.

The GDOT has completed its investigation and forwarded its investigative report to the FHWA for review and issuance in accordance with the FHWA's procedures. The evidence submitted by the GDOT shows the following:

Issue: Whether (b) (6) was denied task work orders for various County Federal-aid projects that were awarded to (b) (6) (prime contractor) and (b) (6) (prime contractor), based on race (African American) and sex (female).

- Records show that (b) (6) was awarded participation on contract numbers 07-900716 (b) (6) and 07-900715 (b) (6) as a Local Small Business Enterprise sub-contractor.



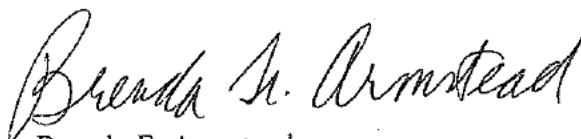
- Investigation disclosed that the contracts were for “on-call” or “as needed” services. At the time of the contracts, neither the County, prime contractors, nor sub-contractors knew the type and amount of work that was needed to be performed. All amounts entered were estimates and no amounts were guaranteed.
- Records show that the primes entered an estimate of 5 percent annually for the dollar value on (b) (6)s contracts.
- Records show that (b) (6)'s scope of work under the contract with Arcadis was to provide Engineering Design Transportation/Civil services; and QA/QC Reviews, Utility Relocation under the contract with (b) (6)
- Records show that each of the primes had six sub-contractors, including (b) (6), that worked on the contracts. The dollar value on the contracts ranged from an estimate of 2-5 percent annually.
- Investigation disclosed that some of the sub-contractors were not used at all and some were not used as much as anticipated because the County did not require the sub-contractors' type of work.
- (b) (6) acknowledged receipt of \$3,166,793.27 of its \$3,289,758.31 contract. Of that amount, \$84,630.00 (2.8 percent) was paid to (b) (6)
- (b) (6) acknowledged receipt of \$1,065,675.00 of its \$1,250,000.00 contract. Of that amount, \$43,000.00 (4 percent) was paid to (b) (6).

Conclusion:

- The records show that the 5 percent estimated dollar value for the contracts was not guaranteed, but depended on the work needed by the County.
- The records further show that of the other sub-contractors on the contracts, some did not receive any work at all and others received less work than anticipated.
- The records fail to support the allegation that race and sex were factors in the administration of (b) (6)s contracts with the County.

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

Sincerely yours,



Brenda F. Armstead
Director, Investigations and Adjudications

cc:

Mr. Michael G. Cooper, Director, Equal Employment Opportunity Office, GDOT

Ms. Carol Barnett, Title VI/Environmental Justice Coordinator, Equal Employment Opportunity Office, GDOT

Mr. Rodney N. Barry, Division Administrator, FHWA (HDA-GA)

Ms. Vanessa Ross, Civil Rights Specialist, FHWA (HDA-GA)