



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

1200 New Jersey Avenue, SE.
Washington, DC 20590

MAY 01 2017

In Reply Refer To: HCR-20
DOT# 2017-0161

(b) (6)

Subject: Dismissal of Complaint DOT# 2017-0161

Dear (b) (6):

This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, which alleged violations of Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 C.F.R. Part 21 and/or 23 C.F.R. Part 200. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in FHWA's Investigations Manual, which conforms to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. Specifically, the complaint must describe an alleged discriminatory act that, if true, would violate FHWA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin).

Your complaint alleges that the Georgia Department of Transportation (GDOT) violated Title VI by creating two prequalification categories in the minor bridge design classification, in response to requests from Disadvantaged Business Enterprises in Georgia. You also allege that these categories could result in an adverse, disparate impact to minority firms by diminishing their value in the marketplace. The FHWA concluded it will dismiss this complaint since to date, a direct link between GDOT's actions, and any alleged Title VI discriminatory effects cannot be established. Additionally, a causal connection between any future potentially adverse effects to minority businesses in the marketplace and GDOT's actions cannot be made.

FHWA will continue to monitor and engage with the GDOT closely to ensure compliance with Title VI and other federal laws. FHWA notes that nothing in this letter precludes you or another complainant from filing a Title VI complaint related to these matters at a later date or for FHWA to initiate an investigation in the future based on new information it obtains. Your complaint will be dismissed by FHWA and closed with no further action.



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If you have any questions, please contact Kevin Resler at (202) 366-2925.

Sincerely,

A handwritten signature in black ink, appearing to read "Irene Rico".

Irene Rico
Associate Administrator
FHWA Office of Civil Rights

Cc: Rodney Barry, Division Administrator, FHWA Georgia Division Office
William Farr, Assistant Division Administrator, FHWA Georgia Division Office
Vanessa Ross, Civil Rights Program Manager, FHWA Georgia Division Office
Lisa MacPhee, Senior Attorney-Advisor, FHWA's Office of Chief Counsel
Kevin Resler, National Title VI Program Manager, FHWA's Office of Civil Rights



GDOT Publications

Policies & Procedures

Form Word:2842-1a - Title VI Complaint Form
Section:Equal Employment Opportunity
Office/Department: EEO

Reports To: DD Admin/General Counsel
Contact: 404-631-1000

See [Below](#)



GEORGIA DEPARTMENT OF TRANSPORTATION

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to: Equal Employment Opportunity Division, Title VI/ Environmental Justice Specialist, Georgia Department of Transportation, 600 West Peachtree Street, N.W., 7th Floor, GA 30308.

1. Complainant's Name (b) (6)
2. Address (b) (6)
3. City, State and Zip Code (b) (6)
4. Telephone Number (home) (b) (6) (business) (b) (6)
5. Person discriminated against (if someone other than the complainant)

Name _____

Address _____

City, State and Zip Code _____

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:
 - a. Race/Color _____
 - b. National Origin _____
 - c. Other DBE / Small Business Status

7. What date did the alleged discrimination take place? 5/11/2016

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

For years (b) (6) (a GDOT Certified DBE) owner, (b) (6) has attempted to get GDOT to review its Prequalification requirement for Minor Bridge Design (Area Class 4.01). We felt the 2 PE requirement unfairly limited the the opportunity for small firms to work in that area class. In early 2016, we met with GDOT Chief Engineer and EEO Director and it was determined some adjustment could be made to remedy the issue. On 3/23/2016, GDOT revised its Prequalification Manual updating its requirements for Minor Bridge Design (Area Class 4.01) by splitting it into two individual classes (4.01a & 4.01b). The requirements for both class are the same except how the review of the work is done. We believe separating small/DBE firms from larger firms diminishes their value and acceptance in the marketplace. On 6/8/2016, we met with GDOT leadership to express our concern that publishing two SEPARATE BUT EQUAL area classes would allow GDOT and its partners (along with other municipalities that use GDOT prequalification for their solicitations) to legally exclude our group. Although it was acknowledged during our meeting that the potential for discrimination exist, it was decided by GDOT to wait until an instance occurred before addressing the change. We believe this to be in direct conflict with Title XI.

9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

Yes No

If yes, check all that apply:

Federal agency Federal court State agency State court Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

(b) (6)

Complainant's Signature

6/15/2016

Date

References:

Click here to enter Policy references, if any.

History:

proper names removed, reviewed: 10/30/14;

added to Publications: 12/19/12

Reviewed: 10/30/2014