



In Reply Refer to: HCR-20  
DOT# 2019-0328

February 23, 2001

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]

**Subject:** Dismissal of Complaint DOT# 2019-0328

Dear (b) (6),

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleges violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21 and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. FHWA received this complaint on July 25, 2019 and intended for this letter to be sent in September 2019. However, due to a clerical error, the letter was not sent at that time—we apologize for the error.

To be accepted for investigation, a complaint must meet the jurisdictional requirements provided by 49 C.F.R. § 21.11. First, complaints must be filed within 180 calendar days of the alleged discriminatory act, unless the time for filing is extended by FHWA. Second, the matters must concern recipients of federal financial assistance for a program or programs authorized under a law administered by FHWA. Finally, the complaint must describe an alleged discriminatory act or acts that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations.

You alleged the Florida Department of Transportation (FDOT) intentionally discriminated against your firm, (b) (6), on the basis of race, color, and/or national origin. Specifically, you alleged that (b) (6) bid on FDOT Contract No. 20644, and when (b) (6) was not on the shortlist for the contract, you requested a debriefing meeting with FDOT to discuss the bid. At the 7/10/19 debriefing, you alleged the FDOT project manager said that under previous leadership, Hispanic-owned companies were receiving contracts because the former district (b) (6) Engineer was Hispanic. You further alleged the project manager stated that with new leadership it was time for non-Hispanic-owned firms to receive contracts instead of Hispanic firms.

After careful consideration, FHWA has determined the allegations and facts in your complaint do not meet the minimum criteria under which FHWA could establish a case of disparate treatment under Title VI. The available information is insufficient to establish a causal connection between the adverse action and the alleged contemporaneous, discriminatory

statements from decision makers. For this reason, the complaint will be dismissed by FHWA and closed with no further action.

If you have any questions, please contact Nichole McWhorter at (202) 366-1396.

Sincerely,

*Nichole McWhorter*

Nichole McWhorter  
Title VI Team Leader  
Office of Civil Rights

cc: James Christian, Division Administrator, FHWA Florida Division Office  
David Hawk, Deputy Division Administrator, FHWA Florida Division Office  
Carey Shepherd, Civil Rights Program Coordinator, FHWA Florida Division Office  
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel  
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights  
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights  
Irene Marion, Director, Departmental Office of Civil Rights