



Memorandum

TO: All Members of the CMCOG **Transportation Subcommittee**

FROM: Joyce Dickerson, Chairperson

DATE: August 3, 2017

SUBJECT: **Next Meeting: August 10, 2017**

Please be advised that the business of the CMCOG Transportation Subcommittee will be conducted on **Thursday, August 10th, at 12:00 p.m.** in the CMCOG Conference Room. Enclosed, please find an agenda and support materials for your review.

Please note that a light lunch will be available beginning at 11:45 a.m. so that we can begin promptly at 12:00 noon.

Please be advised that in order for the Subcommittee to conduct business, a quorum of three (3) out of the six (6) local governments or appointed members must be present. Delays in conducting business may result in delays to the flow of funding to CMCOG for carrying out transportation planning activities, so please don't forget to mark your calendars.

If you have any questions or need any additional information, please do not hesitate to contact Reginald Simmons of the CMCOG staff. Reginald can be reached at 803-744-5133 or by email at rsimmons@centralmidlands.org. Thank you for your time, dedication, and service as I look forward to seeing each of you on **August 10th**.

Enclosures

AGENDA

TRANSPORTATION SUBCOMMITTEE

THURSDAY, AUGUST 10, 2017

12:00 PM TO 1:00 PM

CMCOG CONFERENCE ROOM

1. **Welcome, Introductions, and Call to Order**..... **Joyce Dickerson**
2. **Invocation**.....**Open**
3. **Determination of a Quorum** **Entire Group**

ACTION

- 4. **Approval of the June 8th Meeting Minutes**.....**Entire Group**
(Enclosure 1)

5. **Air Quality****G. Espinosa**
Clean Air Midlands is a coalition of public, private, education, health care, faith, and citizen stakeholders who promote regional cooperation for air quality in the Midlands of South Carolina. CMCOG chairs this effort in coordination with our regional partners. Staff will provide an overview of the coalition’s activities.

6. **Performance Measures** **R. Simmons**
FHWA defines Transportation Performance Management as a strategic approach that uses system information to make investment and policy decisions to achieve national performance goals. As part of this definition, CMCOG is participating in a statewide working group that will assist us in setting performance measures for our regional transportation network.

ACTION

- 7. **CMCOG DBE Plan Update**..... **R. Simmons**
It is the policy of CMCOG to encourage all qualified businesses to actively participate in the procurement of all CMCOG sponsored contracts. CMCOG has updated its Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR, Part 26. Staff will present this updated plan for approval. (Enclosure 2)

ACTION

- 8. **Title VI Plan Update** **R. Simmons**
Under federal requirements, every three (3) years CMCOG must update its Title VI Plan. Staff has completed this update using the most current census data. Staff will present this plan for approval. (Enclosure 3)

9. **Old/New Business** **Joyce Dickerson**
10. **Public Comments**..... **Open**
11. **Adjourn** **Joyce Dickerson**

MEETING SUMMARY

Transportation Subcommittee

June 8, 2017

<u>Organization</u>	<u>Members Present</u>	<u>Others Attending</u>
Richland County:	Joyce Dickerson Paul Livingston	
Lexington County:	Todd Cullum	Holland Leger
City of Columbia:	Ellen Cooper	
Town of Lexington:	Steve MacDougall	
Calhoun County:	Ted Felder	
Richland County Penny:		Robert Pratt
SCDOT:		Jennifer Necker Tevia Brown Steven Tosco Kenny Larimore Jim Frierson
FHWA:		Yolanda Morris
CMCOG Staff:		Reginald Simmons Roland Bart Guillermo Espinosa Jessica Foster Felicia Anderson

1. Welcome, Introductions, and call to order

Joyce Dickerson welcomed everyone and called the meeting to order at 12:00 p.m.

2. Invocation

Steve MacDougall gave the invocation.

3. Determination of a Quorum

It was determined that a quorum was present

4. Approval of the April 13, 2017 Meeting Minutes

A motion was made by Todd Cullum to approve the minutes of the April 13, 2017. The motion was second by Steve MacDougall. All were in favor and the minutes were approved.

5. FY 2018 – 2019 Unified Planning Work Program

Reginald Simmons requested a recommendation of approval to adopt the FY2018 & 2019 Unified Planning Work Program (UPWP). The 2018 – 2019 COATS Unified Planning Work Program (UPWP) is based on the COATS's 2040 Long-Range Transportation Plan, which was updated and approved by the Policy Committee on September 24, 2015. Emphasis has been placed on developing a program which can be reasonably accomplished with available staff and consultant resources and which is consistent with the priorities of the COATS area. This 2018 – 2019 UPWP emphasizes activities that promote the implementation of the existing plan. The major projects to be completed in this two year timeframe include:

- Public Participation Plan – Update
- Regional Site Selection Study
- Blythewood Traffic Assessment and Safety Improvement Study
- Chapin, Batesburg-Leesville, and Swansea Bike and Pedestrian Master Plan
- Human Services Coordination Plan Update
- Travel Demand Model – Update
- Regional Freight Mobility Plan

At this time a motion was made by Ellen Cooper to adopt the FY2018 & 2019 UPWP. The motion was second by Steve MacDougall. All were in favor and the motion was approved.

6. TIP Amendment - TAP Projects

Reginald Simmons requested a recommendation of approval to amend the 2016 – 2022 TIP to add eight (8) Transportation Alternatives Projects to the FY 2017 COATS Transportation Alternatives Program. Staff has reviewed a total of eight (8) transportation alternatives projects for the FY 2017 COATS Transportation Alternatives Program. These projects were received by the deadline of 2:00 p.m. on April 17th. Through our evaluation and review, it has been determined that these projects are eligible for funding. Based on the available funding for the 2017 TAP Program, staff requested to amend the 2016-2022 TIP to include all 8 projects. Below are the list of transportation alternatives projects that were recommended for approval:

Jurisdiction	Project	Project Cost	Local Match	Federal Funds Requested
City of Columbia	Bicycle Connectivity	\$ 227,375.44	\$ 90,950.18	\$ 136,425.26
City of Columbia	Greenview Sidewalk Project	\$ 281,584.74	\$ 112,633.90	\$ 168,950.84
Richland County	Clemson Road Shared-Use Paths	\$ 2,539,936.38	\$ 2,359,936.38	\$ 180,000.00
Richland County	Alpine Road Shared-Use Paths	\$ 2,534,466.25	\$ 2,354,466.25	\$ 180,000.00
Kershaw County	Wildwood Lane Sidewalk	\$ 280,000.00	\$ 100,000.00	\$ 180,000.00
City of W. Columbia	Center St S/walk & Crosswalk	\$ 158,012.50	\$ 31,602.50	\$ 126,410.00
City of Cayce	Frink Street Sidewalk Project	\$ 266,408.00	\$ 86,408.00	\$ 180,000.00
Town of Chapin	Lexington Ave Sidewalk Ph. III	\$ 285,984.00	\$ 181,674.53	\$ 104,309.47
Totals		\$6,573,767.31	\$5,317,671.74	\$1,256,095.57

At this time a motion was made by Paul Livingston to amend the 2016 – 2022 TIP to add 8 Transportation Alternatives Projects to the 2017 COATS MPO Transportation Alternatives Program. The motion was second by Steve MacDougall. All were in favor and the motion was approved.

7. TIP Amendment – Section 5310 Projects

Reginald Simmons requested a recommendation of approval to amend the 2016-2022 TIP and the Human Services Coordination Plan to add four (4) ADA compliant passenger vehicles to the FY 2018 Section 5310 Program. On March 15th, CMCOG released a call for projects for the FFY 2015 & 2016 funding cycles. A total of three (3) applications were received requesting a total of four (4) vehicles. Those requests included the following:

Applicant	Total	Federal	Local
Mental Illness Recovery Center (2)	\$66,000	\$52,800	\$13,200
Kershaw County DSNB	\$62,500	\$50,000	\$12,500
Babcock Center	\$62,500	\$50,000	\$12,500
Total	\$191,000	\$152,800	\$38,200

Based on the amount of funding that was requested only the FFY 2015 funding was used. Those funds amounted to \$403,384. With the subtraction of \$152,800 in capital funds requested and an additional \$8,068 in administrative funds, a balance of \$242,516 was remaining. Those funds will lapse at the end of the federal fiscal year.

At this time a motion was made by Paul Livingston to amend the 2016 – 2022 TIP to add four (4) Section 5310 vehicle requests. The motion was second by Todd Cullum. All were in favor and the motion was approved.

8. Section 5339 Funding Transfer to CMRTA

Reginald Simmons requested a recommendation of approval to transfer the FY 2014, 2015, 2016 Section 5339 funds to the CMRTA. In accordance with federal guidance, CMCOG is the designated recipient for the Section 5339 Program. The purpose of this program is to provide funding for the replacement, rehabilitation, and purchase of bus and bus related facilities. From FY 2014 thru 2016, CMCOG has received a total of \$1,207,391. Under the FAST Act, CMCOG can make the funds available to the public transit provider, the CMRTA. As a direct recipient of federal funds, the CMRTA can apply directly to FTA. They will also be responsible for the 20% match. Since this funding would be more beneficial to the public transit system, Mr. Simmons requested to transfer a total of \$1,207,391 to CMRTA in Section 5339 funds

At this time a motion was made by Paul Livingston to approve the transfer of \$1,207.391 in Section 5339 funds to CMRTA. The motion was second by Todd Cullum. All were in favor and the motion was approved.

9. TIP Amendment – Section 5339 & 5307 Projects

Reginald Simmons requested a recommendation of approval to amend the 2016 – 2022 TIP to add CMRTA's Section 5339 and 5307 Projects. As the designated recipient for Section 5339 and 5307 funds, CMCOG has provided letter to CMRTA and FTA in reference to the amount of funding that would be provided in each program. With this funding secured, CMRTA has developed a list of projects to be included in the 2016 – 2022 TIP. For the Section 5339 Program, the projects included:

- Fareboxes
- Automated Passenger Counters
- Telephone System
- Staff Cars

For the Section 5307 Program, the projects included:

- Two to Five 40 foot buses
- Preventive Maintenance
- ADP Hardware
- Surveillance/Security System
- Bus Shelter & Bus Stop Amenities

At this time a motion was made by Paul Livingston to amend the 2016 – 2022 TIP to add the Section 5339 and Section 5307 Projects. The motion was second by Todd Cullum. All were in favor and the motion was approved.

10. FY 2017-2019 DBE Goal

Reginald Simmons requested a recommendation of approval to adopt the FY 2017 – 2019 DBE Goal. Each year CMCOG receives FTA funds for the improvement and enhancement of the regional transit system. As part of the federal requirement for receiving these funds, CMCOG is required to submit a DBE Goal on a triennial basis. Since the last goal addressed the FY 2014 to 2016 timeframe, this goal will be from October 1, 2016 to September 30, 2019.

During the FY 2014 to 2016 timeframe, CMCOG had a DBE Goal of 16% but a DBE participation of 8.5%. This was due to only one FTA project being funded during that timeframe. For FY 2017 thru 2019, a total of \$3.4 million is estimated to be spent. This funding will address the following projects:

- Site Selection Study
- Human Services Coordination Plan
- Legal Services
- Kershaw County Transit Feasibility Study
- Charlotte/Columbia Alternative Analysis
- South Main Street
- Bus Stop ADA Accessibility Assessment
- Transit ITS Plan

Based on the number of available firms and the number of SCDOT certified DBEs, the CMCOG staff has recommended that the DBE goal remain at 16%.

At this time a motion was made by Todd Cullum to approve the FY 2017-2019 DBE Goal. The motion was second by Ellen Cooper. All were in favor and the motion was approved.

11. CMCOG-COATS MPO Language Assistance Plan

Reginald Simmons requested a recommendation of approval to adopt the CMCOG-COATS MPO Language Assistance Plan. The COATS MPO has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to MPO programs as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. Based on the Safe Harbor Provision that has been identified in the federal guidance, the COATS MPO must make accommodations for LEP populations with more than 1,000 persons in the COATS region.

Based on our regional assessment, the languages of Spanish, Korean, and Chinese were each over 1,000 persons. But after careful review, the likelihood of encountering Korean and Chinese LEP persons throughout our planning process was limited, thus it was determined that Spanish speaking persons should be accommodated in the development and implementation of our transportation planning activities.

At this time a motion was made by Paul Livingston to adopt the CMCOG-COATS MPO Language Assistance Plan. The motion was second by Ellen Cooper. All were in favor and the motion was approved.

12. Old/New Business

There were none.

13. Public Comments

There were none.

14. Adjourn

The meeting was adjourned at 12:45pm



Memorandum

TO: All Members of the CMCOG **Transportation Subcommittee**

FROM: Reginald Simmons, Deputy Executive Director/Transportation Director

DATE: August 10, 2017

SUBJECT: **DBE Plan Update**

REQUESTED ACTION

The Central Midlands Council of Governments' staff requests a recommendation of approval to adopt the CMCOG/COATS DBE Plan.

PROGRAM DESCRIPTION

CMCOG has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR, Part 26. CMCOG receives federal financial assistance from the USDOT, and as a condition of receiving this assistance, CMCOG will sign an assurance that it will comply with 49 CFR, part 26.

It is the policy of CMCOG to ensure that all businesses have an equal opportunity to receive and participate in USDOT assisted contracts. It is also CMCOG's policy:

1. To ensure nondiscrimination in the award and administration of USDOT assisted contracts;
2. To create a level playing field on which DBEs and small businesses can compete fairly for USDOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR, part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in USDOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

CMCOG will present this policy statement to the CMCOG's Board of Directors and all components of the organization. CMCOG will published and distributed notice of this document and the DBE goal in general circulation publications and on the CMCOG website.

ATTACHMENT

Draft DBE Plan (w/o Appendixes)

POLICY STATEMENT

**CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

CMCOG has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR, Part 26. CMCOG receives federal financial assistance from the USDOT, and as a condition of receiving this assistance, CMCOG has signed an assurance that it will comply with 49 CFR, part 26.

It is the policy of CMCOG to ensure that all businesses have an equal opportunity to receive and participate in USDOT assisted contracts. It is also CMCOG's policy:

1. To ensure nondiscrimination in the award and administration of USDOT assisted contracts;
2. To create a level playing field on which DBEs and small businesses can compete fairly for USDOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR, part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs and small businesses in USDOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

CMCOG has designated the Transportation Director, as the CMCOG DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Other CMCOG staff will assist the DBELO, as needed, with DBE requirements and compliance. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by CMCOG in its financial assistance agreements with the USDOT.

CMCOG will ensure that this policy statement will be disseminated to the CMCOG Board of Directors, department heads, and all of the components of the organization. CMCOG will distribute this statement by mail and/or email to DBE and non-DBE business communities that work for CMCOG on USDOT assisted contracts, and by posting it on the CMCOG website.

Benjamin J. Mauldin, Executive Director

Date

DEFINITIONS OF TERMS (SECTION §26.5)

Central Midlands Council of Governments will adopt the definitions contained in Section 26.5 of Part 26 for this program.

INTRODUCTION

The Central Midlands Council of Governments (CMCOG) recognizes its responsibility to ensure that Disadvantaged Business Enterprise (DBE) firms have equal opportunity to participate in the performance of USDOT assisted contracts administered by CMCOG. As part of our continued effort to fulfill this responsibility, CMCOG has revised the DBE Program Plan to reflect the requirements and guidance contained in title 49 Code of Federal Regulations Part 26.

Significant changes in the Plan will be submitted to the local FHWA and FTA offices for approval.

PURPOSE

The purpose for the DBE Program Plan is to provide guidance for CMCOG personnel in implementing 49 CFR Part 26 and provide DBEs and other contractor's information on their responsibilities on USDOT assisted contracts and CMCOG's implementing procedures. It assures USDOT that CMCOG will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex or national origin.

In administering the DBE program, CMCOG will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

APPLICABILITY (SECTION §26.3)

The DBE Program applies to all USDOT-assisted transportation-related contracts administered by CMCOG and Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102240, or by federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405; and the Fixing America's Surface Transportation Act (FAST Act), Sec. 1109, Surface Transportation Block Grant Program.

The Program's requirements also apply to USDOT-funded non-construction programs including:

- Professional Service Agreements (training, computer, etc.)

- Architectural/Engineering Contracts

CMCOG will develop, an annual DBE participation goal using the methodology established in this DBE Plan. The goal will be provided by CMCOG to the appropriate USDOT administration.

In accordance with 49 CFR 26.49, transit vehicle manufacturers, as a condition of being authorized to bid on FTA-assisted transit vehicle procurements, will also be required to establish and submit for FTA's approval an overall DBE percentage goal.

Sub-recipients who receive USDOT (FTA and FAA) funds through CMCOG as noted above and award more than \$250,000 in prime contracts in a fiscal year are required to comply with the provisions of 49 CFR Part 26 and develop their own DBE Program Plan, or adopt and utilize the CMCOG DBE Program Plan.

Additionally, agreements between CMCOG and all sub-recipients will contain assurances that sub-recipients will not discriminate on the basis of race, color, national origin, sex, age, disability/handicap, and income status in the performance of this contract as well as language that obligates sub-recipients to develop, and implement, their own DBE Plan or to adopt, and implement, the provisions of the CMCOG DBE Program.

FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE (SECTION §26.13)

CMCOG has signed the following assurance, applicable to all USDOT assisted contracts and their administration. Agreements with subrecipients will also include this assurance:

The Central Midlands Council of Governments shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. CMCOG's DBE Program, as required by 49 CFR 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to CMCOG of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

CMCOG will not intimidate, threaten, coerce, or discriminate against any individual or firm for any reason.

CONTRACT ASSURANCE (SECTION §26.13(B))

CMCOG will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

NONDISCRIMINATION. (SECTION §26.7)

CMCOG will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, CMCOG will not directly or through contractual or other arrangements use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

RECORD KEEPING (Section §26.11(d))

The CMCOG will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the CMCOG or FTA. This reporting requirement also extends to any certified DBE subcontractor.

The CMCOG will perform interim audits of contract payments to DBEs. The audit will review payments to DBE sub-contractors to ensure that the actual amount paid to DBE sub-contractors equals or exceeds the dollar amounts stated in the schedule of DBE participation

The CMCOG will keep a running tally of actual payments to DBE firms for work committed to them at the time of the contract award. The CMCOG will perform interim reviews of contract payments to DBEs and will monitor payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

NONCOMPLIANCE COMPLAINTS (SECTION §26.103)

Any person who believes that CMCOG or its subrecipient has failed to comply with the obligations of 49 CFR Part 26 may file a written complaint with either the Federal Transit and/or Highway Administrations (FTA/FHWA) Office of Civil Rights in Washington, D. C. The written complaint must be filed within 180 days after the occurrence of the alleged violation or the date on which the person learned of an ongoing violation. The person may also request an extension of time to file beyond the 180 days by stating a reason in the interest of justice for so doing.

DBE PROGRAM UPDATES (SECTION §26.21)

Since CMCOG has received a grant of \$250,000 or more in FTA planning, capital, and/or operating assistance, in a federal fiscal year, we will continue to carry out this program until all funds from USDOT financial assistance have been expended. CMCOG will provide to USDOT updates representing significant changes in the program.

DBE LIAISON OFFICER (DBELO) (SECTION §26.25)

DBE program objectives are implemented and monitored by Transportation Director who is designated as the DBE Liaison Officer with overall responsibility for the program. The following individual has been designated as the DBE Liaison Officer:

Reginald Simmons
Central Midlands Council of Governments
236 Stoneridge Drive
Columbia, SC 29210
(803) 376-5390 Phone
(803) 376-5394 Fax
rsimmons@centralmidlands.org

While the Transportation Director reports to the Executive Director, he/she has direct independent access to the Executive Director concerning DBE program matters as reflected on the organizational chart. Duties and responsibilities include:

The DBELO is responsible for developing, implementing, and monitoring CMCOG’s DBE program in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by USDOT.
2. Reviews third party contracts utilizing Federal USDOT funds for compliance with this program.
3. Works with all departments using Federal USDOT funds to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes CMCOG’s progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/CMCOG’s Board of Directors on DBE matters and achievement.
9. Participates with the legal counsel and project director to determine contractor compliance with “good faith efforts.”
10. Provides DBEs with information and assistance in preparing bids.
11. Attends national and state DBE training seminars.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Reviews directories of certified DBEs compiled by local agencies.

DBE FINANCIAL INSTITUTIONS (SECTION §26.27)

It is the policy of the CMCOG to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime consultants on DOT-assisted contracts to make use of these institutions. These institutions can be identified in the U.S. Department of Treasury, Financial Management Services Division, Minority Bank Deposit Program. The availability of such institutions can be obtained at the U.S. Department of Treasury website: <http://www.fms.treas.gov/mbdp>.

The CMCOG re-evaluates the availability of DBE financial institutions every 18 months.

PROMPT PAYMENT AND RETAINAGE (Section §26.29 (a)(b))

Prompt Payment: 26.29(a)

The CMCOG ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The prime consultant or subgrantee agrees to pay each subconsultant under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime consultant or subgrantee receives from the CMCOG. The prime consultant or subgrantee agrees further to return retainage payments to each subconsultant within 30 days after the subconsultant's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the CMCOG. This clause applies to both DBE and non-DBE subconsultants.

Retainage: 26.29(b)

The CMCOG ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The prime consultant agrees to return retainage payments to each subconsultant within 30 days after the subconsultants work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the CMCOG. This clause applies to both DBE and non-DBE subconsultants.

SATISFACTORY COMPLETION (§26.29(c))

For purposes of this section, a subcontractor's work is determined to be satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

MONITORING AND ENFORCEMENT MECHANISMS (SECTION §26.29 (d))

The CMCOG has established the following to monitor and enforce that prompt payment and return of retainage is in fact occurring:

1. Requiring prime contractors (in sub-contracts in excess of \$10,000), to provide subcontractors with all contract provisions, including the prompt payment provision. This will ensure that the subcontractors are knowledgeable of the prompt payment requirement.
2. Because the contract requires prompt payment by the prime contractor to the subcontractor, the subcontractor is entitled to prompt payment. Because subcontractors will be aware of this right, and it is in their greatest financial interest to assure that this right is respected, we believe it is reasonable to expect that subcontractors not receiving prompt payment will contact the CMCOG.
3. If the CMCOG is contacted by a subcontractor regarding possible violation of the prompt payment clause by the prime contractor we will make inquiries to the prime contractor.

Any delay or postponement of payment from the above referenced period may occur only for good cause following written approval from the CMCOG. This language applies to both DBE and non-DBE subcontracts. Failure to satisfy prompt payment to subcontractors no later than thirty (30) calendar days from the receipt of payment from the CMCOG may constitute a breach of contract and may result in termination of the Contractor for default or such other remedy the CMCOG may deem appropriate.

DBE DIRECTORY (SECTION §26.31)

The South Carolina Department of Transportation maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. SCDOT revises the Directory monthly. The Directory may be found at the following link:

http://www.scdot.org/doing/businessdevelop_scunified.aspx

OVER-CONCENTRATION (SECTION §26.33)

CMCOG has not identified any areas of over-concentration. CMCOG will continue to monitor DBE participation and usage, and will take appropriate actions to address any identified over-concentrations.

BUSINESS DEVELOPMENT PROGRAMS (SECTION §26.35)

CMCOG will not have a business development or mentor – protégé program.

FOSTERING SMALL BUSINESS PARTICIPATION (SECTION §26.39)

The CMCOG has incorporated this nondiscriminatory element in its DBE program in order to facilitate participation by small businesses concerns in CMCOG projects. Under this element of the DBE program, CMCOG will consider all actions and will avoid unnecessary and unjustified bundling of contract requirements that preclude small business participation in procurements as contractors.

Small Business Administration defines a small business concern as one that is independently owned and operated, is organized for profit, and is not dominant in its field of operation, as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13

CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b). “Bundling of contract requirements” means consolidating two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to the following:

1. Diversity, size, or specialized nature of the elements of the performance specified;
2. Aggregate dollar value of the anticipated award;
3. Geographical dispersion of the contract performance sites; or
4. Any combination of the factors described above.

On prime contracts not having DBE contract goals, the CMCOG will require the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform. In addition, the CMCOG will ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

The CMCOG will accomplish its DBE contract goals by doing the following:

1. Helping small businesses to better understand the CMCOG’s contracting and procurement opportunities;
2. Continuing to identify and utilize small business firms that provide goods and services purchased by the CMCOG;
3. Encouraging small businesses, including those owned by minority and women, to pursue relevant certifications including M/W and UCP DBE certification; and
4. Hosting and participating in workshops, business development meetings and other events intended to enhance procurement opportunities for small businesses.

The CMCOG will implement the small business program within nine months of FTA approval of its DBE program. The CMCOG will verify business size through the DBE directory of South Carolina’s UCP, maintained by SCDOT.

The CMCOG will require prime contractors to identify small business subcontracts on large procurement as part of its small business element strategy.

QUOTAS (SECTION §26.43)

CMCOG does not use quotas in any way in the administration of this DBE program.

OVERALL GOALS (SECTION §26.45)

Amount of Goal

CMCOG has established an overall goal of 16 percent for DBE participation in USDOT assisted contracts. The goal is based upon evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and available to participate on USDOT assisted contracts. The goal reflects the level of DBE participation anticipated, absent the effects of discrimination.

Method (Attachment 4)

In accordance with §26.45, CMCOG has employed a two-step process to calculate its DBE program goal. Step 1 involves determining a “base figure” for the relative availability of DBEs in the area. The base figure is a percentage calculated as the ratio of available and potentially eligible DBEs to all available firms.

The data sources used to derive available DBEs and “all available” firms was as follows:

1. “Available DBEs” is derived from the total number of certified DBEs in the SCDOT DBE directory with the North American Industry Classification (NAICS) of 54169, 23731, & 54111 whose work type was listed as Other Scientific & Technical Consulting Services, Highway, Street & Bridge Construction, and Office of Lawyers for the State of South Carolina. The 2015 DBE program limited the search to these fields based on the types of contracts anticipated for the upcoming year.
2. “All available” firms is derived from the total number of firms with the NAICS of 54169, 23731, & 54111 found in Census Bureau’s County Business Patterns (CBP) for the State of South Carolina.
3. “Potentially eligible” DBEs were determined based upon the CBP and the SCDOT Disadvantaged/Minority and Women’s Business Enterprise Directory. Listed firms’ functions were evaluated to determine their eligibility to bid for proposed contracts (as listed above), and the resulting list was checked to ensure that no firms listed in the certified DBE list was repeated.

The method identified above resulted in a weighted base percent. Documentation of the process is included in Attachment 4. The second step involved examining available evidence to determine what adjustment, if any, was needed to the base figure in order to arrive at the overall goal that reflects as accurately as possible the DBE participation CMCOG would expect in the absence of discrimination. To determine what types of adjustments, if any, were needed to the base figure, one additional source of evidence was examined:

CMCOG examined the percentage of contract award amounts paid to DBE contractors and determined the historical median, in accordance with 49 CFR Part 26. (Attachment 4).

To calculate the CMCOG DBE goal, the relative availability of firms was averaged with the historical median of contract award amounts that were paid to DBE contractors thus utilizing the average of the two measures.

Reporting Process

CMCOG submits its overall goal to USDOT on August 1 every 3 years in 2016, 2019, 2022, 2025, etc... Before establishing the overall goal, CMCOG will consult with women, minority, DBE, non-DBE business communities and organizations as well as general consultant groups to obtain information

concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and CMCOG's efforts to establish a level playing field for the participation of DBEs. A public meeting to address these issues, jointly sponsored by CMCOG, and South Carolina Department of Transportation is held on a triennial basis.

Prior to this consultation and approval by CMCOG policy board, CMCOG publishes and distributes a notice of this document and the corresponding DBE goal in general circulation publications, minority publications, and the CMCOG website. Public inspection of the proposed goal and its rationale are available for inspection during normal business hours at CMCOG's office for 30 days following the date of the notice. Both CMCOG and the USDOT agencies (FTA/FHWA/FAA) will accept comments on the goal for 45 days from the date of the notice.

Normally, CMCOG will issue this notice by June 1 every three years. Comments may be sent to:

Reginald Simmons
Central Midlands Council of Governments
236 Stoneridge Drive
Columbia, SC 29210
Telephone: (803) 376-5390
Fax: (803) 376-5394
E-Mail: rsimmons@centalmidlands.org

or

Civil Rights Officer
Federal Transit Administration Region IV
230 Peachtree Street, NW Suite 800
Atlanta, GA 30303

CMCOG's overall goal submission to USDOT will include a summary of information and comments received during this public participation process and CMCOG's responses.

CMCOG will begin using our overall goal on October 1, unless CMCOG has received other instructions from USDOT.

**BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION
(SECTION §26.51A-C)**

CMCOG will meet the maximum feasible portion of its overall goal by using race-conscious means of facilitating DBE participation. CMCOG uses the following race-conscious means to increase DBE participation by:

- aggressive outreach to potential DBE firms through the use of media advertisements,
- set individual goals on each DOT-assisted contract,

- other outreach events, promotion on the CMCOG website, and;
- business promotions and other events.

CMCOG also assists by making contractor listings available and generally encouraging teaming arrangements in CMCOG contracting.

The breakout of estimated race-neutral and race conscious participation will be:

- Race Neutral – 20%
- Race Conscious – 80%

This section of the program will be updated annually when the goal calculation is updated.

GOAL SETTING AND ACCOUNTABILITY (SECTION §26.47)

If the awards and commitments shown on CMCOG's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Submit the plan to FTA within 90 days of the end of the affected fiscal year.

MEETING OVERALL GOALS/CONTRACT GOALS (SECTION §26.51)

The CMCOG will use contract goals to meet any portion of the overall DBE goal the CMCOG does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the CMCOG's overall DBE goal that is not projected to be met through the use of race-neutral means.

The CMCOG will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The size of contract goals will be adapted to the circumstances of each contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

CMCOG will express a contract goal as a percentage of the total amount of a DOT-assisted contract.

TRANSIT VEHICLE MANUFACTURERS GOALS (SECTION §26.49)

CMCOG will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, CMCOG may, at its discretion and with FTA approval,

establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

GOOD FAITH EFFORTS (SECTION §26.53)

Award of Contracts with a DBE Contract Goal: §26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, CMCOG will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Evaluation of Good Faith Efforts: 26.53(a) & (c)

The CMCOG's DBE Liaison Officer, shown below, is responsible for determining whether a bidder/offeror who has not met the contract goal and has documented sufficient good faith efforts to be regarded as responsive.

DBE Liaison Officer:
Reginald Simmons
236 Stoneridge Drive
Columbia, SC 29210
Phone: (803) 744-5133

The process used to determine whether good faith efforts have been made by a bidder are as follows:

1. Whether the consultant attended any pre-solicitation or pre-bid meetings that were scheduled by the CMCOG to inform DBEs of consulting and sub-consulting opportunities;
2. Whether the consultant or supplier provided notice in general circulation, trade association, and minority and female focus media concerning the sub-consulting opportunities;
3. Whether the consultant provided written notice to a reasonable number of specific DBEs that their interest in the contract was solicited in sufficient time to allow the DBEs to effectively participate;
4. Whether the consultant followed up the initial solicitation of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
5. Whether the consultant selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goal including, where appropriate, segmenting contracts into economically feasible units to facilitate DBE participation;
6. Whether the consultant provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;
7. Whether the consultant negotiated in "good faith" with interested DBEs and not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
8. Whether the consultant effectively used the services of available minority and female community organizations, minority and female professional groups, local, state and federal minority and

female business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBEs.

The CMCOG may, upon written notice to the consultant, meet with its officials to discuss or provide written evidence of "good faith effort" to subcontract and negotiate with DBEs and joint ventures involving DBEs and its ability to achieve the established goal. Failure of a consultant to meet or provide the requested written information at a stipulated time and place, without a demonstration of good cause, shall be cause for rejection.

The CMCOG will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be Submitted: 26.53(b)

The CMCOG treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative Reconsideration: 26.53(d)

Within three days of being informed by the CMCOG that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following Reconsideration Official: Benjamin Mauldin, Executive Director, Central Midlands Council of Governments, 236 Stoneridge Drive, Columbia, SC 29212 Phone 803-376-5390. The Reconsideration Official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The CMCOG will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The

result of the reconsideration process cannot be administratively appealed to the Department of Transportation.

**Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals:
26.53(f)**

The CMCOG requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without its prior written consent. Prior written consent will only be provided where there is “good cause” for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation. Before transmitting to the CMCOG its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to the CMCOG prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise CMCOG of why it objects to the proposed termination.

In those instances where “good cause” exists to terminate a DBE’s contract, the CMCOG will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The CMCOG will require the prime contractor to notify the DBE Liaison officer immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation. In this situation, the CMCOG will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, the CMCOG contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the CMCOG to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of _____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information:

- 1) the names and addresses of DBE firms that will participate in the contract;
- 2) a description of the work that each DBE firm will perform;
- 3) the dollar amount of the contract of each DBE firm participating;
- 4) Written documentation of the bidder/offeror’s commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;

- 5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

COUNTING DBE PARTICIPATION (SECTION §26.55)

CMCOG will count DBE participation toward overall and contract goals as provided in 49 CFR §26.55.

UNIFIED CERTIFICATION PROGRAMS (SECTION §26.81)

CMCOG is a non-certifying member of the Unified Certification Program (UCP) administered by:

South Carolina Department of Transportation
Office of Business Development and Special Programs
P.O. Box 191
Columbia, SC 29202-0191
803-737-1372
Website: http://www.scdot.org/doing/businessdevelop_scunified.aspx

The South Carolina UCP will meet all of the requirements of 49 CFR Part 26. CMCOG will use and count for DBE credit only those DBE firms certified by the South Carolina UCP.

DE-CERTIFICATION (SECTION §26.87)

The de-certification of firms as DBE's will be based on UCP standards and will be conducted by the certifying agency listed above.

CERTIFICATION APPEALS (SECTION §26.89)

Any firm or complainant may appeal the decision in a certification matter to the certifying agency listed above.

PROCEDURES FOR CERTIFICATION DECISIONS (SECTION §26.91)

CMCOG will follow the certification processes of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. A copy of the South Carolina Department of Transportation (SCDOT) UCP certification procedures and/or UCP program is available at:

http://www.scdot.org/doing/businessdevelop_scunified.aspx

Any firm or complainant may appeal SCDOT UCP's decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch
1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting.

INFORMATION, CONFIDENTIALITY, AND COOPERATION (SECTION §26.109)

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter. Attachment 8 provides a description of the South Carolina Freedom of Information Act.

REPORTING TO USDOT

The CMCOG will report DBE participation as follows:

The CMCOG will report DBE participation on June 1 and December 1 using the “Uniform Report of DBE Awards or Commitments and Payments” form. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.



Memorandum

TO: All Members of the CMCOG **Transportation Subcommittee**

FROM: Reginald Simmons, Deputy Executive Director/Transportation Director

DATE: August 10, 2017

SUBJECT: **Title VI/Environmental Justice Plan**

REQUESTED ACTION

The Central Midlands Council of Governments' staff requests a recommendation of approval to adopt the COATS MPO Title VI/Environmental Justice Plan. Please be advised that the complete plan is available on our website.

PROGRAM DESCRIPTION

Federal regulations require that MPOs who are federal grant recipients such as COATS, have a Title VI Program. Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance. Title VI prohibits intentional discrimination as well as disparate impact on protected groups. The transportation planning regulations require consistency with Title VI and subsequent civil rights laws and regulations.

Federal Transit Administration (FTA) has issued FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" describing how to comply with Title VI regulations. The COATS Title VI Program has been developed based on this guidance.

ATTACHMENT

Title VI Resolution
Policy Statement



RESOLUTION

A RESOLUTION APPROVING THE TITLE VI PROGRAM & PLAN PURSUANT TO THE CIVIL RIGHTS ACT OF 1964; APPROVING THE ASSOCIATED LIMITED ENGLISH PROFICIENCY PLAN; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE SAID POLICY ON BEHALF OF THE CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS

WHEREAS, the Central Midlands Council of Governments is the designated Metropolitan Planning Organization (MPO) for transportation planning in the Columbia Urbanized Planning Area which includes all or parts of six counties; and

WHEREAS, to fund its many work activities, CMCOG receives direct or pass-through federal funding from agencies such as the US Department of Transportation (Federal Highway Administration and Federal Transit Administration); the US Department of Health & Human Services (US DHHS); and the US Department of Labor; and

WHEREAS, as a recipient of federal funds, CMCOG is required to comply with the requirements of Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color and national origin, specifically 42 USC 2000d, which states 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; and

WHEREAS, CMCOG must also comply with the additional protections set forth in Presidential Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and Presidential Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency); and

WHEREAS, in 2009, CMCOG did develop a Title VI Plan, and in May 2012, CMCOG did develop and adopt a Limited English Proficiency Plan and provided an overall plan update in 2015; and

WHEREAS, as required by the Federal Transit Administration, CMCOG has expanded the Title VI Program & Plan to include all necessary elements; and

WHEREAS, the 2017 Title VI Program & Plan has been reviewed and approved through the Columbia Area Transportation Study Metropolitan Planning Organization.

NOW, THEREFORE, BE IT RESOLVED that the Central Midlands Council of Governments certifies compliance with policies, procedures and plans with regard to Title VI of the Civil Rights Act of 1964 (as amended) and additional Assurances as required and hereby adopts its 2017 Title VI Program & Plan; and

Serving Local Governments in South Carolina's Midlands

236 Stoneridge Drive, Columbia, SC 29210 □ (803) 376-5390 □ FAX (803) 376-5394 □ Web Site: <http://www.centralmidlands.org>

BE IT FURTHER RESOLVED that the Central Midlands Council of Governments directs staff to begin efforts immediately to implement the provisions of the 2017 Title VI Program & Plan.

THE UNDERSIGNED is the duly qualified Executive Director of Central Midlands Council of Governments, and hereby certify that the foregoing is a true and correct copy of a resolution adopted at a meeting of the Central Midlands Council of Governments held on August 24, 2017.

Norman Jackson, Chairman
Central Midlands Council of Governments

Benjamin J. Mauldin, Executive Director
Central Midlands Council of Governments

Witness

Witness

I. STATEMENT OF POLICY

The Central Midlands Council of Governments – Columbia Area Transportation Study Metropolitan Planning Organization (CMCOG-COATS MPO) is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities for the delivery of equitable and accessible transportation services. The CMCOG-COATS MPO recognizes its responsibilities to the communities it serves, and it is the MPO’s policy to utilize its best efforts to assure that no person shall, on the grounds of race, color, disability, gender, age, low income, national origin, language or limited English proficiency, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under its programs or services.

Toward this end, it is the CMCOG-COATS MPO’s objective to:

- A. Ensure that the level and quality of transportation planning and related activities are conducted without regard to race, color, disability, gender, age, low income, national origin, language or limited English proficiency;
- B. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of the MPO’s programs and activities on minority populations and low-income populations;
- C. Promote the full and fair participation of all affected populations in transportation decisionmaking;
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- E. Ensure meaningful access to programs and activities by persons with limited English proficiency.

The responsibility for carrying out CMCOG-COATS MPO’s commitment to this program is carried by the CMCOG-COATS MPO Title VI Compliance Officer. The Title VI Compliance Officer is responsible for the day-to-day operations of the Title VI Program and will receive and investigate Title VI complaints, which come through the MPO’s established complaint procedure. All managers, supervisors, and employees of the CMCOG-COATS MPO will share in the responsibility for making the Title VI Program a success.

Additional information concerning the CMCOG-COATS MPO’s Title VI obligations and the full Complaint Procedure and Complaint Forms can be found on the CMCOG-COATS MPO website at www.centralmidlands.org or by calling (803) 744-5133.

Benjamin J. Mauldin, Executive Director, Central Midlands Council of Governments

Adopted [date] _____