

## **PVMPO Title VI Subrecipient Monitoring**

### **Introduction**

In accordance with Title 49, Section 21 of the Code of Federal Regulations (49 C.F.R. § 21.9) all subrecipients of federal financial assistance are required to comply with the nondiscrimination obligations in Title VI of the Civil Rights Act of 1964. Primary recipients of federal financial assistance that pass funds to third parties, thereby making them subrecipients, are required to ensure subrecipient compliance with Title VI requirements. To that effect, the PVMPO Title VI Coordinator is responsible for conducting external Title VI / Nondiscrimination compliance monitoring activities. These monitoring activities reach subrecipients of Federal-aid highway funds, including municipalities, transportation providers, and others. To guarantee compliance, PVMPO Title VI Coordinator can provide technical assistance to achieve compliance when necessary.

### **Assurances**

The Title VI / Nondiscrimination Agreement and Recipient Assurances (Assurance) is executed by direct recipients. The PVPC Executive Director is the designated signatory of the FTA/FHWA Assurances. The PVMPO includes the Assurance provisions into contracts and subcontracts. These provisions are discussed during contract negotiations and contractors sign these documents having been fully informed of the obligations and/or having had an opportunity to review them and follow up with questions if needed.

### **Compliance Requirements**

The main compliance requirements for subrecipients are:

- Title VI Notice
- Title VI Complaint Form
- Title VI Complaint Procedures
- Title VI Complaint Log
- Public Participation Plan
- Language Access Plan

In many instances, these requirements are built into the contracts with subcontractors. PVMPO has all these documents readily available on the website and subrecipients can adopt to follow the PVMPO methodologies as a way for compliance.

Additional compliance requirements may exist depending on the nature of the subrecipient organization and other reporting requirements from various federal agencies.

### **Monitoring Methodology**

The Pioneer Valley Metropolitan Planning Organizations (PVMPO) Title VI Coordinator conducts routine audits to ensure that project administration meets applicable federal and state laws,

including Title VI. Project managers are trained in Title VI requirements and obligations and how to demonstrate compliance. Both the Title VI Coordinator and the project managers play a key role in ensuring the subrecipient's Title VI requirements are met. Their role is to explain the requirement, set a timeframe for submission or required Title VI documentation, and provide support to ensure that subrecipients comply with federally mandated reporting requirements, as outlined above.

## **Procedures**

As part of the federal funding award and obligation process, the PVMPO Title VI Coordinator in coordination with the project manager sets a meeting with the subrecipient to review the administrative requirements and procedures for a particular project as well as discuss any reporting needs that must be addressed by the subrecipient. The subrecipient is asked to submit the required Title VI documentation based on an agreed upon schedule. The subrecipients are provided with an explanation of Title VI / Nondiscrimination requirements, receive a copy of the Subrecipient Monitoring Checklist used by the PVMPO staff to ensure compliance.

If needed, the PVMPO Title VI Coordinator can provide assistance and/or technical training to subrecipients and provide clarification regarding compliance requirements. The purpose of these one-on-one interactions is to provide subrecipients with guidance on Title VI program adoption, development, customization, and implementation.

## **Modifications to the Monitoring Protocol**

Certain occurrences during the project delivery cycle may affect the subrecipient monitoring protocol. These procedures are intended to be flexible and thereby allow the PVMPO enhance and/or modify monitoring activities based on the following:

- Title VI Complaints
  - Changes in the characteristics of frequency or type of complaints received against the subrecipient could indicate a need for increased scrutiny for Title VI / Nondiscrimination compliance.
- Staff changes
  - Staffing changes can impact Title VI / Nondiscrimination compliance activities. The PVMPO Title VI Coordinator will monitor any staffing changes and will provide the necessary support to the subrecipient to ensure that Title VI / Nondiscrimination obligations are understood and continue to be fulfilled.
- Patterns of Noncompliance
  - Patterns of noncompliance could prompt additional monitoring activities. In some instances, if needed, the PVMPO Title VI Coordinator will request the support of the MassDOT Office of Diversity and Civil Rights (ODCR) to support the development of a tailored workplan to bring the noncompliant subrecipient into compliance.

If an issue does arise, PVMPO Title VI Coordinator will assess the need for technical assistance and provide guidance to the subrecipient on addressing the matter. Also, further capacity may be requested from the MassDOT Office of Diversity and Civil Rights (ODCR) to address the matter, conduct investigations, or provide compliance authority.

### **Corrective Actions**

If a subrecipient or a contractor is found to be noncompliant with Title VI and fails or refuses to voluntarily comply, the PVMPO Title VI Coordinator will take the following actions:

Resolve the noncompliance or potential noncompliance through a voluntary compliance agreement with the subrecipient or contractor.

Where voluntary compliance efforts are unsuccessful, PVMPO Title VI Coordinator may consult with MassDOT Office of Diversity and Civil Rights (ODCR) regarding possible state intervention, depending on the severity of the noncompliance.

The PVMPO Title VI Coordinator in consultation with the MassDOT Office of Diversity and Civil Rights (ODCR) may condition further financial assistance on the achievement of compliance.

The PVMPO in consultation with the MassDOT Office of Diversity and Civil Rights (ODCR) may consult with Federal partners at Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) - depending on the project's Title VI requirements – regarding possible federal intervention, depending on the severity of the noncompliance.