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COUNTY OF SARATOGA

TITLE VI PLAN

REVISED: April 16, 2019

MARGARET MCNAMARA,

DIRECTOR OF HUMAN RESOURCES

TITLE VI COORDINATOR

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COUNTY OF SARATOGA

I. TITLE VI/NONDISCRIMINATION CIVIL RIGHTS POLICY STATEMENT

A. POLICY STATEMENT

It is the policy of Saratoga County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All County Departments shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status, whether those programs, services and activities are federally funded or not.

This policy fully incorporates throughout all of Saratoga County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

Saratoga County's Title VI/Nondiscrimination Civil Rights Policy reflects Saratoga County':; firm commitment to achieving equal opportunity in all programs, services and activities for which the County has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The Director of Human Resources /Title VI Coordinator is charged with monitoring the continued development and implementation of Saratoga County's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the County Administrator on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of staff and managers. Additionally, all of Saratoga County's partners, contractors and consultants, sub-recipients, community based organizations, faith based organizations and advocacy groups are urged to give the County their full support and cooperation.

This policy shall be conspicuously placed on County bulletin boards, websites and made available to all organizations and entities doing business with Saratoga County. A copy shall be provided to contractors at County pre-construction and scope of service meetings. Any complaints involving allegations of discrimination should be sent to the Director of Human Resources /Title VI Coordinator, Saratoga County Personnel Department, 40 McMaster Street, Ballston Spa, New York 12020.

B. POLICY SCOPE AND GUIDANCE

Saratoga County's Civil Rights Policy Statement directs that the requirements of Articles 15-A of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities act, and all other relevant laws and executive orders are fully integrated into all of Saratoga County's and sub-recipient activities. State and Federal nondiscrimination laws are the cornerstones of Saratoga County's strategy to ensure equal opportunity and fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to Saratoga County's Director of Human Resources /Title VI Coordinator for review and appropriate action.

C. RELATED POLICY AND AUTHORITATIVE SOURCES

New York State Laws

York State Human Rights Law Article 15- Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and/or sexual **new** orientation.
New York State Executive Law Article 15-A (1988) - Promotes equal opportunity in contracting for all persons, without discrimination from minority group members and women and business enterprises owned by them, and in eradicating the barriers that have impaired access by minority-owned and women-owned business enterprises (MWBE's to State contracting opportunities.
Sexual Orientation Nondiscrimination Act (2003) - This Act amended the Executive Law to include sexual orientation.

Federal Laws, Executive Orders

Civil Rights Act of 1964 - Prevents discrimination in federally assisted programs: provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional rights to vote. **Title VI**- Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. **Title VI as amended by the Equal Employment Opportunity Act of 1972** - Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex or national origin.
Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1964 - Establishes Affirmative Action obligations of contractors and sub-contractors for disabled veterans and veterans of the Vietnam era.
Age Discrimination in Employment Act of 1967 as amended - Applies to individuals age 40 and older, and specifies that it is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such individual's age.
Federal Aid Highway Act of 1973, 23 U.S.C. 324, provides: No person shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this Title.

The Civil Rights Restoration Act of 1987, P.L. 100-209, provides: Clarification of the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. The Act restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

Section 503 of the Rehabilitation Act of 1973 – Requires that government contractors and subcontractors take affirmative action to employ and to advance in employment qualified disabled individuals, and that contractors, subcontractors and their representatives shall not discriminate against individuals because of their physical or mental disability in any employment practice (hiring, training, compensation, upgrading, etc.).

Section 504 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

Age Discrimination Act of 1975 – Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Civil Rights Restoration Act of 1988 – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

Americans with Disabilities Act (ADA) of 1990 – Prohibits discrimination against people with disabilities in employment, public access to services, transportation, public accommodations and telecommunications services.

Civil Rights Act of 1991 – Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of "business necessity" and "job related"; confirms statutory authority and provides statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trails in cases of sex, religious or disability bias.

Executive Order No. 11246 – Prohibits employers doing business with the federal government from discriminating in employment because of race, color, religion sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training of minorities and women.

Executive Order No. 12898 – Requires federal agencies to make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations.

Executive Order No. 13166 – Requires each federal agency to examine the services it provides and to develop and to implement a system by which persons with limited English proficiency (LEP) can meaningfully access those services; and work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

APPROVED:

Spencer Hellwig

Spencer Hellwig, County Administrator

4-17-19

Date

II. TITLE VI ASSURANCES

A copy of Saratoga County's Title VI Assurances Statement is attached as Appendix A. The Assurances Statement reflects the County's commitment to comply with Title VI of the Civil Rights Act of 1964, as amended, and the County's policy to ensure equal opportunity and to prevent and eliminated discrimination. Saratoga County shall submit its Assurances Statement whenever the County accepts funding from the Federal government.

III. IMPLEMENTATION AND RESPONSIBILITIES

The Title VI Coordinator shall be responsible for overseeing the implementation of Saratoga County's external and internal Civil Rights program activities to ensure equal opportunity for all. This individual shall implement, monitor and ensure the County's compliance with Title VI and related nondiscrimination regulations. The Title VI Coordinator in Saratoga County shall be the Director of Human Resources. Appendix B provides the County of Saratoga's Organizational Chart depicting a direct reporting line to the County Administrator.

The duties of the Title VI Coordinator shall include but are not limited to:

1. Processing Title VI/Discrimination complaints received by the County. When the County is identified as the complainant, the complaint will be forwarded to the USDOT entity that has jurisdiction over the program or activity.
2. Ensuring and monitoring the collection of statistical data of participants in, and the beneficiaries of, and any individual or group affected by the state highway programs.
3. Reviewing directives and operating manuals of County government operation and where applicable, including Title VI Language and related requirements.
4. Ensuring Title VI/Nondiscrimination reviews by appropriate County Department Heads of construction contractors, consultant contractors, suppliers, and other County sub-recipients of federal aid highway funds administered through the County.
5. Conducting training on Title VI/Nondiscrimination and other related statutes for employees and program areas within the County and sub-recipients.
6. Developing Title VI information for dissemination to the general public and, where appropriate, in languages other than English. This includes providing interpretation services when required. Title VI and related nondiscrimination guidance will be provided on the County's website for the general public to access.
7. Establishing procedures for promptly resolving Title VI/Nondiscrimination deficiencies within 90 days.

In support of this policy, the County of Saratoga affirms its right to take appropriate action if it or other duly constituted authority should determine that applicable Federal and State Equal Employment Opportunity laws and regulations have been violated, or that the effect or intent of this policy has been willfully or habitually abrogated.

IV. COMMUNICATION AND PUBLICATION

The following communication and publication procedures will be adhered to regarding dissemination of Title VI policies:

Internally

A. Department Heads and other departmental contacts shall be informed by:
   Written communications from County Administrator, and/or Title VI Officer.
   The Title VI Plan shall be posted on Saratoga County Intranet Site under References, Policies and Procedures, Chapter 1, Section P.
   Special meetings or conferences.
   Distribution of educational materials.
   Training sessions/seminars.

B. All employees are informed by:
   Bulletin board or memorandum from Title VI Officer.
   Including Title VI information in employee orientation.
   Copies of Title VI Plan available on Saratoga County Intranet Site.
   Title VI/Nondiscrimination posters will be posted on general information bulletin boards throughout the County government offices and on the County's website at www.saratogacountyny.gov.
   Title VI and related nondiscrimination training shall be provided to all employees a minimum of every three years. All new employees will receive Title VI and related nondiscrimination training within 45 days of employment.

C. Sub-recipients shall be informed of the Title VI provisions on the Saratoga County website.

Externally

A. The Title VI Policy shall be available on the Saratoga County website.
B. Title VI posters will be displayed as required by *23 CFR 200.9(b)(l2);* and *28 CFR 42.405(c)*
C. Nondiscrimination clauses are included in contracts and agreements between outside vendors and Saratoga County.
D. Saratoga County will enlist the assistance and support of recruiting sources such as:
   The local veterans' employment representative or his or her designee in the State Employment Service Office nearest to the County, and any other offices of national and local veterans' groups active in the County.
   Organizations who are likely to assist the County in identifying qualified individuals with disabilities for consideration in filling any vacancies which may arise.
   Other organizations or agencies likely to refer qualified women, minorities, individuals with disabilities, disabled veterans and veterans of the Vietnam area for consideration in filling any vacancies which may arise.

V. DATA COLLECTION, PLANNING AND PUBLIC OUTREACH

Saratoga County promotes full and fair participation by all segments of the population including minority, low-income communities and populations that are limited English proficient.

Title VI, one of the primary federal nondiscrimination laws, prohibits discrimination on the basis of race or national origin in the provision of any services that are at all supported with federal funds. Title VI is a valuable tool not only to redress past discrimination, but also to monitor ongoing practices. Title VI provides a legal foundation for the collection of racial, ethnic and primary language data from recipients of federal financial assistance even when a specific statutory requirement to collect this data does not exist.

Public meetings are held in ADA accessible locations. Where possible, meetings are planned in locations that align with public transportation route schedules.

Minutes to all public meetings will be available on the Saratoga County website (www.saratogacountyny.gov).

If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual should be referred to the Title VI Coordinator who will then make the necessary arrangements.

Saratoga County has an ADA Transition Plan that will be reviewed biannually by the Public Works department and updated as necessary. The ADA Transition Plan will be made available to the public on the County's website --www.saratogacountyny.gov under Title VI plan. A copy of the ADA Transition Plan is attached as Appendix C.

Saratoga County has develop a Limited English Proficiency plan (LEP) to help identify reasonable steps for providing language assistance to persons with limited English proficiencies who wish to access services provided. A copy of the LEP Limited English Proficiency Plan is attached as Appendix D.

Saratoga County Environmental Justice Plan (EJP) identifies minority communities and low income communities to ensure that all of its programs, policies and other activities do not have disproportionate adverse effects on minority and low income populations. A copy of the EJP Environmental Justice Plan is attached as Appendix E.

Whenever there is a transportation project, planning and designing services will be provided by qualified consultants who are required to review and analyze demographic data including but not limited to race, color, national origin, sex, low income, and limited English proficiency. Projects designed must be in compliance with all ADA and Title VI regulations. These project designs will be reviewed and approved by state and federal agencies prior to construction.

VI. TITLE VI COMPLAINT PROCEDURE

I. General

As a recipient of Federal funding from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA) and the Federal Aviation Administration (FAA) in accordance with 23 CFR Section 200.9, the County of Saratoga has developed a Title VI complaint procedure and maintains a complaints log.

This procedure covers all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), as amended, regarding any program or activity administered by the County of Saratoga as it relates to local agencies, contractors and other sub-recipients of United States Department of Transportation (USDOT) funds. This procedure applies to the County of Saratoga, but all Federal funded sub-recipients are required to have similar procedures in place as well.

II. Procedure

A. Timeline for Filing a Complaint

The complainant must file the complaint no later than 6 0 days after:
The date of the alleged act of discrimination; or
Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

Information on filing a complaint, including the complaint form can be accessed at the Saratoga County website: www.saratogacountyny.gov. A copy of the complaint form is attached as Appendix F.

B. Format ofComplaint

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination and provide supporting documentation.

When completed, the complaint must be sent to:

Director of Human Resources /Title VI Coordinator
Saratoga County Personnel Department
40 McMaster Street
Ballston Spa, NY 12020
Phone: (518) 885-2225
Fax: (518) 884-4752
E-mail: SaratogaCounty-TitleVl@saratogacountyny.gov

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the County, the officer or employee

shall notify in writing the Title VI Coordinator of the nature of the complaint. If necessary, the Title VI Coordinator or designee will assist the complainant to convert the complaint to writing and submit the written version of the complaint to the complainant for signature. The complaint shall then be handled as described herein.

C. Receiving Complaints.

All complaints received by the Title VI Coordinator's Office will be date-stamped and immediately forwarded to the Title VI Coordinator.

D. Acknowledgement of Complaint and Assessment for Completeness

Within ten (I0) business days of the complaint being date-stamped, the Title VI Coordinator or designee will review the complaint to determine if it contains all the necessary information to be processed. If complete, the Title VI Coordinator will acknowledge, in writing, to the complainant that the complaint has been accepted and will be investigated. If the complaint is incomplete, the complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 15 calendars days to respond to the request for additional information

The Title VI Coordinator will also notify, in writing, the party being charged (as well as the original recipient of the complaint), that a complaint has been filed.

E. Record Keeping

The Title VI Coordinator or designee will maintain a Discrimination Complaints Log. The complaints log will identify the complainant by race, color, or national origin and include the following:

the nature of the complaint;
the date the complaint was filed;
the date the investigation was completed and disposition;
the date complainant and respondent were informed; and other pertinent information.

A copy of the Discrimination Complaint Log 1s attached as Appendix G.

F. Determination of Jurisdiction and Merit

Based on the information contained in the complaint and any additional information requested, the Title VI Coordinator will determine 1) if the County of Saratoga has jurisdiction to process the complaint and 2) if the complaint has sufficient merit to warrant an investigation.

G. Investigating A Complaint

The Title VI Coordinator will have 60 days from the date the complaint is date stamped to complete its investigation and forward the complaint and findings to the appropriate federal funding agency.

1. Developing an Investigative Plan(IP).
If the complaint is to be investigated, an Investigative Plan (IP) will be prepared by the Title VI Coordinator or designee. The IP shall be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues. The draft IP will include a narrative description of the alleged incident, identification of persons to be contacted and a list of persons to be interviewed.

2. Conducting the Investigation
As part of the investigation, the Title VI Coordinator or designee will gather and analyze all relevant documents and conduct interviews with the complainant, respondent, witnesses and third parties having information relevant to the complaint. During the interview or at a later time via a follow-up interview, the complainant will have an opportunity to refute information or allegations provided by therespondent.

3. . Investigation Report.
Within five (5) days after the conclusion of the investigation, the Title VI Coordinator or designee will prepare an investigation report that includes all relevant information, findings, and recommendations. This report will include a summary of the complaint, a description of the investigation, findings and recommendations. The report will include as attachments all correspondence, reports, data, written statements from witnesses and third parties who were not interviewed, and other information collected and/or received during the course of the investigative process.

H. Disposition of a Complaint

I. Approval and Notice of Finding.

If the investigation was not conducted by the Title VI Coordinator, he/she will approve or disapprove the findings and recommendations of the investigation report within ten (10) days of receiving the report. The disposition of the complaint will be provided to the complainant, the respondent, and the original recipient of the complaint (if different from the respondent) by registered letter within five (5) days of the Title VI Coordinator's decision.

A summary of the rationale supporting the disposition made and any recommendations to any party will be included in this Notice of Finding. The notification will advise the complainant of his/her appeal rights with the Department of Transportation, the Federal Highway Administration, or the Federal Transit Administration if the complainant 1s dissatisfied with County's decision.

2. Forward to appropriate Funding Agency

The Title VI Coordinator's final report of the investigation with the preliminary findings and a copy of the complaint will be forwarded to either FHWA (both, Washington Division Office and Headquarters Civil Rights [HCR]), FTA, FAA or FRA, within 60 calendar days of the acceptance of the complaint, per 23 CPR 200.9(b)(3). Note: The PTA, as well as the FAA and FRA, provides for complainants to directly submit discrimination complaints to them.

3. Dismissal of a Complaint

The Title VI Coordinator has the authority to dismiss a complaint when:

a. The complainant requests the withdrawal of the complaint;
b. The complainant fails to respond to three repeated requests for additional information needed to process the complaint, or otherwise, through inaction or refusal to cooperate in the investigation;
c. After three attempts to contact the complainant, the complainant cannot be located.

VII. MONITORING AND REVIEW PROCESS

Saratoga County will annually review its operations to ensure compliance with Title VI. In addition, all contracts with sub-recipients will be reviewed in the Saratoga County Attorney's Office which ensures all contracts include nondiscrimination clauses.

All complaints received during the previous year will be reviewed again by the Title VI Coordinator and County Attorney to determine whether there are any repetitive issues. If any repetitive issues are identified, the issues will be investigated again with attention given as to why there was a repetitive issue and what can be done to correct the issue. The County shall correct the issue and then evaluate whether the correction has eliminated or resolved the issue.

VIII. MONITORING PROCEDURES FOR DBE AND MWBE

In an effort to track vendor applicant information to be in compliance with Title VI civil rights requirements and Saratoga County's purchasing process, the County has a vendor information questionnaire that is included with all bids, which enables the County to track contracting opportunities for Disadvantaged Business Enterprise (DBE) and Women-Owned Business Enterprise (MWBE). A copy of the Saratoga County Purchasing Department General Conditions is attached as Appendix F.

IX. PUBLIC PARTICIPATION PLAN

All applicants for Federal Transit Administration (PTA) financial assistance are required to ensure that their programs, policies, and activities comply· with U.S. Department of Transportation (USDOT) Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, Saratoga County has developed a Public Participation Plan, which is attached as Appendix G.

The goal of the Public Participation Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

X. NOTIFICATION TO BENEFICIARIES

The County of Saratoga provides information to the public regarding the County's obligations under Title VI regulations and apprises the general public of the protections against discrimination afforded to them by Title VI. The County of Saratoga disseminates this information to the general public by posting the Title VI policy notice on the County's website and in County Departments. A copy of the Public Notice is attached as Appendix H.

APPENDIX A

COUNTY OF SARATOGA TITLE VI/NON-DISCRIMINATION STATEMENT OF ASSURANCES

The County of Saratoga (hereinafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (USDOT), through the Federal Highway Administration (FHWA) and New York State Department of Transportation, is subject to and will comply with the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);
- 28 C.P.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of1964.)

The preceding statutory and regulatory citations hereinafter are referred to as the "Acts" and "Regulations" respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurances that it will promptly take any measures necessary to ensure that:

> "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from USDOT, including FHWA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in subsections 21.23(b) and 21.23(e) of 49 C.P.R. §21 will be (with regard to an "activity") facilitated, or will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements:

   > The County of Saratoga, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department ofTransp01tation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act) hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. The Recipient will insert the clauses of Exhibit 1 of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Exhibit 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Exhibit 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

    a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

    b) for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

    a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

    b) the period during which the Recipient retains ownership or possess10n of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the U.S. Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed pursuant to the Acts, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the County of Saratoga also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. The County of Saratoga also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. The County of Saratoga shall keep records, reports, and submit the material for review upon request to FHWA, or its designee, in a timely, complete, and accurate way. Additionally, the County of Saratoga shall comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The County of Saratoga gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts or other federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program, and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest and any other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this ASSURANCE on behalf of the Recipient.

THE COUNTY OF SARATOGA

By: _____
Kevin Tollisen, Chairman
Saratoga County Board of Supervisors

DATE: 4/18/19

Exhibit 1
Contractors, Subcontractors, Suppliers, and Manufacturers

A. During the performance of this contract, the contractor, for itself, its assignees and successors in (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance With Regulations

The contractor (hereinafter includes consultants) shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252) (hereinafter referred to as the Acts) and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter USDOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials and Equipment

In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to the Non-discrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports by the Acts, Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the County of Saratoga or the New York State Department of Transportation (hereinafter NYSDOT) to be pertinent to asce1tain compliance with such Acts, Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the County, or the NYSDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the County of Saratoga, and the NYSDOT shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

a. withholding of payments to the contractor under the contract until the contractor complies, and/or;
b. cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the County or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the County enter into such litigation to protect the interests of the County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

B. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but notlimited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (45 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination onthe basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act

of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

- Title II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§1213 1-1 2 1 89) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;

  The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.)

Exhibit 2

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW, THEREFORE, the County of Saratoga, as authorized by law, and upon the condition that the State of New York will accept title to the lands and maintains the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally .assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto the County of Saratoga all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the purchaser and its successors forever, subject, however, to the covenants, conditions, restrictions and reservation herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the purchaser, its successors and assigns.

The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishings of services thereon, no person, on the grounds or race, color, sex or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the purchaser shall use the premises in compliance with all requirements imposed by, or pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

Exhibit 3

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the County of Saratoga pursuant to the provisions of Assurances, number 7.

> *The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VJ of the Civil Rights Act of 1964, as said Regulations may be amended*
>
> *That in the event of breach of any of the above non-discrimination covenants, the County shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued*

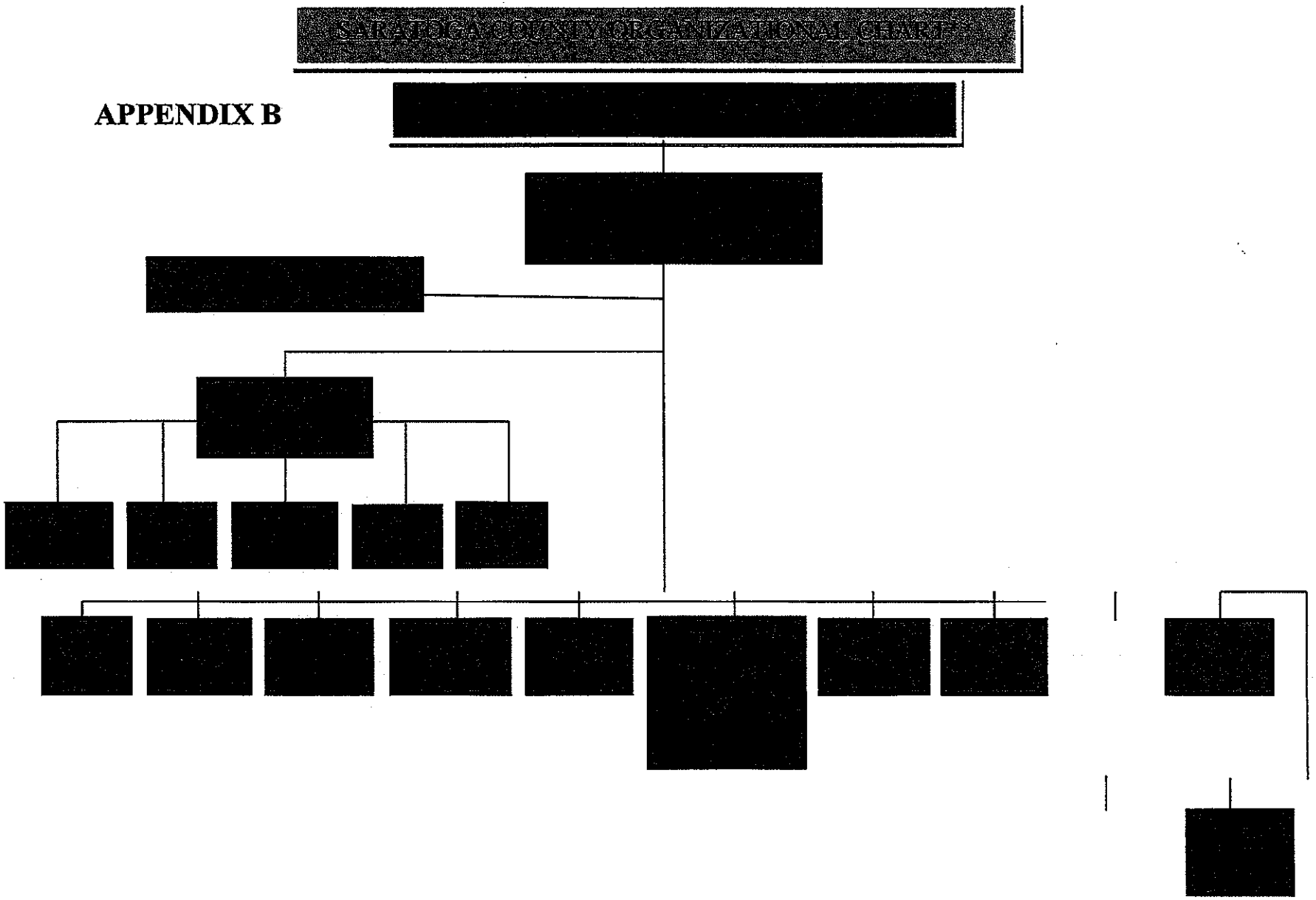
The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the County of Saratoga pursuant to the provisions of Assurances, number 7.

> *The LESSEE, or their personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of*

Transportation -Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the County shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

APPENDIX B



APPENDIX C

The County of Saratoga
Americans with Disabilities Act (ADA) Transition Plan:
Pedestrian Facilities in the Public Right-Of-Way

INTRODUCTION:
The purpose of this Plan is to ensure that the County of Saratoga creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The County of Saratoga has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The County's ADA Transition Plan will identify physical barriers and prioritize improvements that should be made to County-owned pedestrian facilities throughout the County of Saratoga. This Transition Plan will describe the existing policies and programs to enhance the overall pedestrian accessibility.
LEGAL REQUIREMENTS:
The federal legislation known as the American with Disabilities Act (ADA) enacted on July 26, 1990 provides comprehensive civil rights protections to persons with disabilities in the area of employment, state and local government services, and access to public accommodations, transportation and telecommunications. The County will follow ADA standards established by the State of New York.

Title II specifically applies to "public entities" (state and local governments) and the programs, services and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The County's ADA Transition Plan will, at a mm1mum, include:

1. A list of the physical barriers in County-owned pedestrian facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities. See attached list of County Owned Sidewalk/Crosswalk locations that are not ADA compliant.

2. A detailed outline of the methods to be utilized to remove these barriers and made the facilities accessible. The non-compliant locations listed on the attachment referred to in item 1 will be reconstructed as required to be ADA compliant.

3. The schedule for taking the necessary steps to achieve compliance with Title II. The non-compliant locations listed in Item 1 will be reconstructed to be ADA compliant within the next 1-5 years.

The name of the official responsible for the plan's implementation.

The Saratoga County Commissioner of Public Works

The County is in the process of identifying and assessing obstacles in the public right-of-way through the use of an Inventory Tool. Barrier Removal Priorities based on location priority and accessibility conditions will be a part of the inventory process. It is very important that the public be aware that their involvement in this plan is a valuable component to the County in compiling a workable plan of compliance. The Public's involvement is solicited in developing the ADA Transition Plan.*

ADA COORDINATOR:

The ADA Coordinator for the County of Saratoga shall be the Saratoga County Commissioner of Public Works. The ADA Coordinator shall be responsible for implementing the County's ADA Transition Plan.

PUBLIC COMPLAINT:

Public Complaint, Suggestions and Comments can also be an integral part of the Transition Plan. Public comments may often drive the prioritization of improvements. To file a complaint, comment or request, please contact the ADA Coordinator for the County of Saratoga at the Department of Public Works, 3654 Galway Road, Ballston Spa, NY 12020, and (518)-885-2235.

PUBLIC INPUT:

Public Comment and Response Forms are available on the Saratoga County website www.saratogacountyny.gov. The County of Saratoga welcomes the Public's participation and unique outlook as to how the County can meet and exceed ADA requirements and recommendations. Public involvement in the County ADA Transition Plan has been a valuable component to the County in compiling a workable plan of compliance. The County of Saratoga continues to solicit the Public's additions to the ADA Transition Plan.

An inventory of the County-owned sidewalks is included with this Transition Plan.

The plan is to complete the ADA requirements systematically through annual appropriations for materials to bring the sidewalk intersections into compliance.

*Public Comment and Response Form (located on the Saratoga County Website)

Spencer Hellwig, County Administrator

4-17-19
Date

COUNTY OWNED SIDEWALKS/CROSSWALKS

See ADA Transition Plan on website for this entire table at www.saratogacountyny.gov

TOWN	COUNTY ROAD	ENTITY		LOCATION	TRANSITION TOCR		ADA COMPLIANT	
		SIDEWALK	CROSSWALK		YES	NO	YES	NO
BALLSTON	58			So. Side CR 58 from SR 50 to County Line. (1,456')				
		X		East terminus		X		X
		X		West terminus		X		X
	339			So. Side CR 339 from SR 146A to CR 110. (4,834')				
		X		East terminus near SR146A		X		X
		X		West end terminus at Bus Garage entrance		X		X
		X		East end terminus at Bus Garage entrance		X		X
			X	South terminus from Bus entrance to Jacob St.	X			X
		X		West end terminus at Townley Drive		X		X
		X		East end terminus at Townley Drive		X		X
		X		West end terminus at Lawmar Lane		X		X
		X		East end terminus at Lawmar Lane		X		X
			X	South terminus H.S. Crosswalk	X			X
			X	North terminus H.S. Crosswalk		X		X
		X		SE corner CR339/CR110, cut for crossing	X			X
		X		West terminus at CR110	X			X

APPENDIX D
The County of Saratoga
Limited English Proficiency (LEP) Plan:

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address Saratoga County's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency,* states that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination which is covered under Title VI. It directs each agency {e.g., FHWA) to publish guidance for its respective recipients {e.g., NYSDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub recipients.

PLAN SUMMARY

Saratoga County has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency {LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance.

In order to prepare this plan, Saratoga County used the Federal Highway Administration {FHWA) Four-Factor LEP analysis:

- The number or proportion of LEP persons in the service area who may be served by the Saratoga County.
- The frequency with which LEP persons come in contact with Saratoga County services.
- The nature and importance of services provided by the Saratoga County to the LEP population.
- The interpretation services available to the Saratoga County and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

- **The number or proportion of LEP persons in the service area who may be served or are likely to require Saratoga County services**

The Saratoga County staff reviewed data for 2019 for New York State and determined that:

- Of the 209,298 individuals 5 yrs. and over in Saratoga County's service area, 6.3 % of the population (13,185 persons) speak a language other than English;
- Of those individuals 29.5% (3,889 persons) of them have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is 1.85 % of the population 5 yrs. and over in the service area;
- In Saratoga County's service area, of those persons with limited English proficiency:

- 6.24 % speak German
- 40.56 % speak Spanish
- 1.08 % speak African languages
- 16.82 % speak Chinese
- 1.15 % speak Serbo-Croatian
- 0.38 % speak Scandinavian
- 3.05 % speak Japanese
- 7.85 % speak Russian
- 2.66 % speak other Indic languages
- 2.03 % speak Vietnamese
- **7.12 % speak French**
- 3.04 % speak Tagalog
- 4.94 _% speak other Slavic languages
- 3.08 % speak Arabic, Inda-European languages
- 0.00 % speak Native North American Languages
- 0.00 % speak all other language

- **The frequency with which LEP persons come in contact with Saratoga County services**

Saratoga County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- To date, the Saratoga County has not had any requests for interpreters or for translated program documents.

  - The staff of Saratoga County have had very little contact with LEP persons.

- **The nature and importance of services provided by the Saratoga County to the LEP population**

There is no large geographic concentration of any type of LEP individuals in the service area for Saratoga County. The overwhelming majority of the population, 93.7%, speaks only English. As a result, there are few social, service, or professional and leadership organizations within the Saratoga County service area that focuses on outreach to LEP individuals. The Saratoga County Social Services' staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings. When LEP individuals interact with county services, they usually bring people with them who are able to assist in translating information as needed.

- **The resources available to the Saratoga County, and overall cost to provide LEP assistance**

The Saratoga County reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises. However, at this time due to the low number of Limited English Proficient people in the County no further action is necessary at this time.

LANGUAGE ASSISTANCE

A person who does not speak English as her primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible to language assistance with respect to Saratoga County services. Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How the Saratoga County staff can identify an LEP person in need of language assistance:

- Periodically surveying Saratoga County staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Periodically evaluating the number or proportion of LEP individuals in Saratoga County.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the Saratoga County service area, (i.e., persons who speak English less than "very well" or "not at all",). The Saratoga County staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.

STAFF TRAINING

The information below will be disseminated to staff. Training opportunities on these topics also will be provided:

- Title VI Policy and LEP responsibilities

- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for the Saratoga County are required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

The Saratoga County weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating documents, the likelihood of frequent changes in documents and other relevant factors, the Saratoga County has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, the Saratoga County does not have a formal outreach procedure in place as of 2019. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, the Saratoga County will consider the following options:

- When staff prepares documents or schedules public meeting whose audience is expected to include LEP individuals, the Saratoga County will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- Saratoga County will assess requests for the translation of documents based on the potential effect and known LEP population.
- In the event a need develops for interpreters, the County will research possible translators, including but not limited to foreign language teachers at area high schools and colleges.

MONITORING

Monitoring and Updating the LEP Plan – The Saratoga County will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the Saratoga County service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
- Determination as to whether the need for translation services has changed.
- Determination of the adequacy of the Saratoga County financial resources to fund language assistance resources.
- Determination of the Saratoga County processing of LEP complaints

Spencer Hellwig, County Administrator

4-17-19
Date

APPENDIX E
The County of Saratoga
Environmental Justice (EJP) Plan:

It is the policy of the County of Saratoga to ensure that all of its programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations. The County of Saratoga identifies minority communities through the use of Census data. Low income communities are identified with data from the Capital District Regional Planning Commission. The County of Saratoga takes a proactive approach to engage these communities and ensures their full and fair participation in the transportation decision-making process.

Executive Order 12898

The *County of Saratoga* follows Executive Order (EO) 12898 which outlines; *Each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health, environmental, economic and social effects of its programs, policies, and activities on minority and low income populations, particularly when such analysis is required by NEPA. The EO emphasizes the importance of NEPA's public participation process, directing that each Federal agency shall provide opportunities for community input in the NEPA process. Agencies are further directed to identify potential effects and mitigation measures in consultation with affected communities.*

The EO requires agencies to work to ensure effective public participation and access to information. The NEPA process and through other appropriate mechanisms, each federal agency should translate crucial public documents, notices and hearings, relating to human health or the environment for limited English speaking populations when it is practical and appropriate.

Guiding EJ Principles

The County of Saratoga incorporates EJ and equity principles into all transportation planning and decision-making processes and project-specific environmental reviews.

The County of Saratoga guiding EJ principles are briefly summarized as follows:

- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;
- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority or low-income populations; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority or low-income populations.

Spencer Hellwig, County Administrator

4-17-19
Date

APPENDIX F
The County of Saratoga
Purchasing Department General Conditions:

GENERAL CONDITIONS (For the purchase of materials, supplies, services, and equipment)

All invitations to bid issued by the County of Saratoga will bind bidders and successful bidders to the conditions and requirements set forth in these general conditions, and such conditions shall form an integral part of each purchase contact awarded by the County.

DEFINITIONS

"County"	- shall be the legal designation of the County of Saratoga.
"Bid"	- an offer to furnish materials, supplies, services, and or equipment in accordance with the invitation to bid,the general conditions, and the specifications.
"Bid Offer"	- the form on which the bidder submits their bid.
"Bidder"	- any individual, company, or corporation submitting a bid.
"Business Day"	- any day that the Saratoga County Purchasing Department is open to conduct normal business.
"Successful bidder"	- any bidder to whom an award is made by theCounty.
"Specification"	- a detailed description of materials, supplies, services, and/or equipment.

BIDS

1. The date and time of all bid openings will be given in the Notice to Bidders, the bid cover page, and in the Instructions to Bidders.

2. Saratoga County distributes bidding documents through the Empire State Purchasing Group website (http://www.empirestatebidsystem.com/) or through the Saratoga County Purchasing Office. Only those vendors who obtain bidding documents from either the Saratoga County Purchasing Department or from the Empire State Purchasing Group website are guaranteed to receive addendum information, if such information is issued. If you have obtained this document from any other source you are strongly encouraged to obtain a copy from a source mentioned above.

3. All bids received after the deadline, by any delivery method, will be considered late and will be returned unopened. The bidder assumes the risk of any delay in the mail or in the handling of the mail by employees of the County. The bidder assumes responsibility for having his bid deposited on time at the place specified. The County will not accept facsimile or e-mail bids.

4. All information required by the Instructions to Bidders, Specifications, and Bid Offer, in connection with each item against which a bid is submitted, must be given to constitute a regular bid. The County reserves the right to reject any incomplete bid.

5. The submission of a bid will be construed to mean that the bidder is fully informed as to the extent and character of the supplies, materials, services or equipment required and a representation that the bidder can

furnish the supplies, services, materials, or equipment in complete compliance with the specifications.

6. No alteration, erasure, or addition is to be made in the typewritten or printed matter. Deviations from the specifications must be indicated in the space provided on the bid forms or additional sheet of paper.

7. Prices and information required, except signature of bidder, should be typewritten for legibility. Illegible or vague bids may be rejected. **All signatures must be original signatures. Photocopied, facsimile, printed, stamped, or typewritten signatures will not be accepted.**

8. No charge will be allowed for federal, state, or municipal sales and excise taxes since the County is exempt from such taxes. The price bid shall be net and shall not include the amount of any such tax. The County of Saratoga is also exempt from Transportation Tax.

9. In all specifications, the words "or equal" are understood after each article giving a manufacturer's name or catalog reference, or on any patented article, unless, for reasons of efficiency and economy, the Board of Supervisors has passed a resolution "standardizing" certain equipment purchases. The decision of the County as to whether an alternate or substitution is in fact "equal" shall be final. If bidding on items other than those specified, the bidder must in every instance give the trade designation of the item, manufacturer's name, and detailed specification of the item he proposes to furnish. Otherwise, the bid will be construed as submitted on the identical item as specified.

I0. Bids on equipment must be standard new equipment, of latest model, and in current production, unless otherwise specified.

11. All regularly manufactured stock electrical items must bear the label of the Underwriters' Laboratories, Inc.

12. When bids are requested on a lump sum basis, bidder must bid on each item in the lump sum group. A bidder desiring to bid "no charge" on an item in a group must so indicate; otherwise the bid for that group may be rejected.

13. All prices quoted must be "per unit" as specified; do not quote "per case" when "per dozen" is requested; otherwise the bid may be rejected.

14. If indicated in the bid documents, all bidders must insert the price per unit and the extensions against each item in their bid. In the event of a discrepancy between the unit price and the extension, the unit price will govern. Prices shall be extended in decimals, not fractions.

15. Prices shall be net F.O.B. to the requesting Saratoga County department. If the award is made on any other basis, transportation charges must be prepaid by the successful bidder and added to the invoice as a separate item. In any case, title shall not pass until items have been delivered and accepted.

16. All bids must be sealed. Bids may be submitted either in plain or opaque envelopes. All bids must be addressed to the Director of Purchasing. Bid envelopes must be clearly marked with the bid name, the date and time of the bid opening, as indicated on the Notice to Bidders. Bids must not be attached to or enclosed in packages containing bid samples. Telephoned quotations or amendments will not be accepted at any time. The County will not accept facsimile or e-mail bids.

17. No interpretation of the meaning of the specifications or other contract document will be made to any bidder orally. Every request for such interpretation should be in writing, addressed to the County, not later than five (5) days prior to the date fixed for the opening of bids. Notice of any and all such interpretations and any supplemental instructions will be sent to all bidders of record by the County in the form of addenda

to the specifications. All addenda so issued shall become a part of the contract documents.

SAMPLES

18. All specifications are minimum standards; and accepted bid samples do not supersede specification for quality unless the bid sample is superior, in which case, deliveries must be the same identity and quality as accepted bid sample.

19. The County reserves the right to request a representative sample of the item quoted prior to the award or before shipments are made. If the sample is not in accordance with the requirements of the specification, the County may reject the bid; or, if award has been made, cancel the contract at the expense of the successful bidder.

20. Samples, when required, must be submitted strictly in accordance with the instructions; otherwise, the bid may not be considered. If samples are requested subsequent to bid opening, they shall be delivered within ten (10) business days of the request, or as directed, for the bid to have consideration. Samples must be furnished free of charge and must be accompanied by descriptive memorandum indicating if the bidder desires their return and specifying the address to which they are to be returned provided they have not been used or made useless by tests. Award samples may be held for comparison with deliveries. The County will not be responsible for any samples destroyed or mutilated by examination or testing. Samples shall be removed by the bidder at their expense. Samples not removed within fifteen (15) days after written notice to the bidder will be regarded as abandoned and the County shall have the right to dispose of them as its own property.

21. When a specification indicates that an item to be purchased is to be equal to a sample, such sample will be on display at a designated location in the County. Failure on the part of the bidder to examine sample shall not entitle him to any relief from the conditions imposed in the proposal, specification, etc.

AWARD

22. Awards will be made to the lowest responsible bidder or by Best Value Methodology, as will best promote the public interest, taking into consideration the reliability of the bidder, the quality of the materials, services, equipment, or supplies to be furnished, their conformity with the specifications, the purposes for which required, and the terms of delivery.

23. The County reserves the right to reject all bids. Also reserved to the County is the right to reject, for cause, any bid in whole or in part and to waive technical defects; qualifications; irregularities; and omissions if in the County's judgment the best interests of the County will be served. Also reserved is the right to reject bids and to purchase items on State or County contract or BOCES or other municipal bids if such items can be obtained at a lower price.

24. The County reserves the right to make awards within forty-five (45) days after the date of the bid opening during which period bids may not be withdrawn unless the bidder can prove that their submission has an obvious clerical error or where the enforcement of the bid would impose unconscionable hardship on the bidder.

25. Under NYS General Municipal Law Section (I 03), subdivision (3), it is the intent of this Request For Bids that all political subdivisions, and districts located in the State of New York, be entitled to make purchases of materials, equipment or supplies from the resulting bid award. Each participating entity shall be

billed by and make payment directly to the successful bidder. In the event of a failure or breach in performance of any such bid by a participating entity or the successful bidder, Saratoga County, specifically and expressly disclaims any and all liability for such defective performance or breach, or failure of either patty to perform in accordance with its obligations, covenants and the terms and conditions of this bid.

26. Where a bidder is requested to submit a bid on individual items and also on a total sum or sums, the right is reserved to award bids on individual items or on total sums.

CONTRACT

27. Each bid will be received with the understanding that the acceptance thereof by the County, approved by the County, to furnish any or all of the items described therein shall constitute a contract between the successful bidder and the County. The Contract shall bind the successful bidder on his part to furnish and deliver at the prices and in accordance with the conditions of the bid. Minimum Orders are not acceptable; the Contract will be for all items actually ordered. The Contract shall bind the County on its part to order from such successful bidder (except in the case of emergency) and to pay for at the contract prices, all items ordered and delivered, unless othe1wise specified. Payments will be processed after the receipt of a properly executed Saratoga County voucher and associated invoice from the successful bidder.

28. The placing in the mail of a notice of award or purchase order to a successful bidder, to the address given in the successful bid, will be considered sufficient notice of acceptance of contract.

29. If the successful bidder fails to deliver within the time specified or within a reasonable amount of time as interpreted by the County, or fails to make replacement of rejected articles, when so requested, immediately or as directed by the County, the County may purchase from other sources to take the place of the item rejected or not delivered. The County reserves the right to authorize immediate purchase from other sources against rejections on any contract when necessary. On all such purchases the successful bidder agrees to reimburse the County promptly for excess costs occasioned by such purchases. Should the cost be less, the successful bidder shall have no claim to the difference. Such purchases will be deducted from contract quantity. Whenever the County seeks legal enforcement of the provisions of said contract, the successful bidder shall be liable for payment of the County's legal costs, including reasonable attorney's fees.

30. The County may cancel the contract in writing with 10 days' notice upon non-performance of the contract.

31. If the successful bidder fails to deliver as ordered, the County reserves the right to cancel the contract and purchase the balance from other sources at the successful bidder's expense.

32. Cancellation of a contract for any reason may result in the bidder being found as non-responsive/non-responsible and removal of the successful bidder's name from mailing lists for future proposals until such time that the County has determined the bidder has resolved any issues thatcaused the initial finding.

33. When materials, equipment, services or supplies are rejected, they must be removed by the successful bidder from the premises of the County within five business (5) days of notification. Rejected items left longer than five business (5) days will be regarded as abandoned, and the County shall have the right to dispose of them as its own property.

34. No items are to be shipped or delivered until the successful bidder receives an official order from the County.

35. It is mutually understood and agreed that the successful bidder shall not assign, transfer, convey, sublet, or otherwise dispose of the contract or his right, title, or interest therein, or his power to execute such contract to any other person, company, or corporation, without the previous written consent of the County.

INSTALLATION OF EQUIPMENT

36. The successful bidder shall clean up and remove all debris and rubbish resulting from his work from time to time as required or directed. Upon completion of the work the premises shall be left in a neat, unobstructed condition, and the buildings broom cleaned, and everything in perfect repair and order.

37. Equipment, supplies, services and materials shall be stored at the site only on the approval of the County and at the successful bidder's risk. In general, such on-site storage should be avoided to prevent possible damage or loss of the material.

38. Work shall be progressed so as to cause the least inconvenience to the County and with proper consideration for the rights of other successful bidders or workmen. The successful bidder shall keep in touch with the entire operation and handle installation work promptly.

39. Bidders shall acquaint themselves with conditions to be found at the project site, or sites, and shall assume all responsibility for placing and installing the equipment in the locations required.

40. Equipment for trade-in shall be dismantled by the successful bidder and removed at his expense. The condition of the trade-in equipment at the time it is turned over to the successful bidder shall be the same as covered in the specifications, except as affected by normal wear and tear from use up to the time of trade-in. All equipment is represented "as is". Equipment is available for inspection only at the delivery point listed unless otherwise specified.

41. The successful bidder guarantees:

- The products against defective material or workmanship and will repair or replace any damages or marring occasioned in transit.
- To furnish adequate protection from damage for all work and to repair damages of any kind for which the successful bidder or its workers are responsible, to the building or equipment, to their own work, or to the work of other successful bidders.
- To carry adequate insurance to protect the County from loss in case of accident, fire, theft, etc.
- That all deliveries will be equal to the accepted bid sample.
- That the equipment or furniture offered is standard, new, latest model of regular stock product or as required by the specifications, with parts regularly used for the type of equipment or furniture offered; also that no attachment or part has been substituted or applied contrary to manufacturer's recommendations and standard practice. Every unit delivered must be guaranteed against faulty material and workmanship for a period of at least one year from date of delivery. If during this period such faults develop, the successful bidder agrees to replace the unit or the part affected without cost to the County.
- Any merchandise provided under the contract, which is or becomes defective during the guarantee period, shall be replaced by the successful bidder free of charge with the specific understanding that all replacements shall carry the same guarantee as the original equipment (one year from the date of acceptance of the replacement). The successful bidder shall make any such replacement immediately upon receiving notice from the County.

DELIVERY

42. Delivery must be made as ordered and in accordance with the proposal and specification. If delivery instructions do not appear in the Instructions or Specification, it will be interpreted to mean prompt delivery (not to exceed 30 calendar days). The decision of the County as to reasonable compliance with delivery terms shall be final. Burden of proof of delay in receipt of order shall rest with the successful bidder. Failure to deliver because of delayed payments or for any other reason except that described in Paragraph 52 will be cause for open market purchase at the expense of the successful bidder.

43. The County will not schedule any deliveries for Saturdays, Sundays, or legal holidays, except commodities required for daily consumption or where the delivery is an emergency, a replacement, or is overdue, in which event the convenience of the County shall govern.

44. Items shall be securely and property packed for shipment, storage, and stocking in new shipping containers and according to accepted commercial practice, without extra charge for packing cases, baling, or sacks.

45. The successful bidder shall be responsible for delivery of items in good condition at point of destination. He shall file with the carrier all claims for breakage, imperfections, and other losses, which will be deducted from invoices. The receiving department will note for the benefit of successful bidder when packages arenot received in good condition.

46. Unless otherwise stated in the specifications, all items must be delivered into and placed at a point within the building as directed by the shipping instructions or the agent for the County. The successful bidder will be required to furnish proof of delivery in every instance.

47. Unloading and placing of the equipment and furniture is the responsibility of the successful bidder, and the County accepts no responsibility for unloading and placing of equipment. Any costs incurred due to the failure of the successful bidder to comply with this requirement will be charged to him. No help for unloading will be provided by the County, and suppliers should notify their truckersaccordingly.

48. All deliveries shall be accompanied by delivery tickets or packing slips. Ticket shall contain the following information for each item delivered:

Contract Number

Purchase Order Number

Name of A1ticle

Item Number

Quantity

Name of the successful bidder

Cartons shall be labeled with purchase order number, successful bidder's name and general statement of contents. Failure to comply with this condition shall be considered sufficient reason for refusal to accept the goods.

PAYMENTS

49. Payment for the used portion of an inferior delivery will be made by the County on an adjusted price basis.

50. Payment will be made only after correct presentation of packing slips, invoices and a properly executed Saratoga County Voucher are provided to the requesting department by the successful bidder.

51. Payments of any claim shall not preclude the County from making claim for adjustment on any item found not to have been in accordance with the general conditions and specifications.

SAVE HARMLESS

52. Successful bidders shall protect, indemnify, defend and save the County harmless from and against any damage, cost or liability, including reasonable attorney's fees, for any or all injuries to persons or property arising from acts or omissions of the successful bidder's company, its officers, employees and agents, including but not limited to claims brought by third parties, employees of the County or employees of the company.

NONDISCRIMINATION CLAUSE

53. The bidder agrees that it will not discriminate against any employee, applicant for employment or student because of race, creed, color, national origin, religion, sex, age, disability, marital status, sexual orientation or other non-merit factors. Such action shall be taken with reference to, but not be limited to employment practices and provision of services under any contract with the County of Saratoga.

TITLE VI NONDISCRIMINATION STATEMENT

54. The County of Saratoga, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§2000d to 2000d-4, and Title 49, Code of Federal Regulations Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act) hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertised bid, that disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. The entire County of Saratoga Title VI Plan can be viewed by going to the Saratoga County website (www.saratogacountyny.gov). A Vendor Information questionnaire is included with this bid which provides an opportunity to disclose any DBE designation.

55. All questions regarding this bid should be directed to the Saratoga County Purchasing Department at (518) 885-2210

56. By submitting a bid you are indicating that you have read and will abide by these General Conditions.

VENDOR INFORMATION
FOR THE COUNTY OF SARATOGA

Please complete the following information which is necessary in order for Saratoga County to track vendor applicant information and the County's purchasing process.

Business Name _____

Address _____

Business Type (Sole Proprietorship, Corporation, LLC, etc.)_____

Is your business a Disadvantaged BusinessEnterprise (DBE)? **Yes** **No**

Is your business a Minority and Women-Owned Business Enterprise (MWBE)? **Yes** **No**

Does your business have a small business status? **Yes** **No**

Any other business status, please provide information:

_____

Provide the name of the Certifying Entity
(ties):_____

Have you conducted business with the County before? **Yes** **No**

If the answer to the above question is NO, please provide your Federal ID Number and attach a copy of your W-9 Form. F E I N # : _ _ _ _ _ _ _ _ _ _

How did you discover this Bid opportunity? _____

Do you use the Empire State Municipal Purchasing Group Website (BidNet)? **Yes** **No**

If Yes, do you find it useful (explain) or if No, why? _____

_____

_____

_____

_____

Completing the above information does not change your chances of being awarded a contract. The information collected will NOT be sold and will not be used to contact you.
Thank you.

APPENDIX G
COUNTY OF SARATOGA
Complaint of Discrimination Form

Name_____

Address._____City_____Zip_____

Telephone: Home_____ Work_____ Cell_____

Basis of Complaint

Race []
Color []
Sex []
National Origin []
Age []
Disability (ADA) []
Low-Income []
Limited English Proficiency []

Who allegedly discriminated against you?

Name _____
Address_____City_____ Zip _____

Telephone_____

If an organization, what is its name?

Name of Organization_____

Address_____City_____Zip____ _

Telephone_____

Name of Contact._____

How were you discriminated against?

_____

_____

Where did the alleged discrimination occur?

_____

_____

Date/sand times discrimination occurred?

_____

_____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

How would you like Saratoga County to resolve the complaint?

_____

_____

_____

Have you filed your complaint with anyone else?

Who_____

When _____

Complaint number, ifknown _____

Do you have an Attorney in this matter?

Name_____

Address City_____Zip__ _

When didyou hireyour attorney?_____

Signed_____Date_____

Mail to: Director of Human Resources (Title VI Coordinator)
Saratoga County
40 McMaster Street
Ballston Spa, New York 12020
Phone (518) 885-2225
Email: SaratogaCounty-TitleVI@saratogacountyny.gov

APPENDIX H

Discrimination Complaints Log

		Basis of Complaint									
Date Complaint was filed	Name of Complainant & Contact Information	Race	Color	Sex	Religion	National Origin	Other	Date Investigation Completed	Disposition	Date Complainant& Respondent Informed of Outcome	Other

APPENDIX I
The County of Saratoga
Title VI Public Participation Plan:

When the County of Saratoga accepts funding for and undertakes a Federally Funded project, we comply with all Federal and State requirements with regard to Public Participation. All required environmental permits are applied for through a joint permitting process. Public information about the proposed action is distributed and posted, if required. Likewise, a Public Information Meeting is held if required by the proposed action.

The Public Participation Plan provides a philosophy around which to build a County wide transportation participation program that will accomplish the following goals:

- ***Communicate effectively with appropriate audiences.*** The County will disseminate information about programs and projects through a variety of conduits. Information will be presented in a manner that is clear and tailored to each of the County's constituencies.

- ***Provide clear and open access to information and participation opportunities.*** The County will work to improve access to technical and planning documents and, where appropriate, tailor these documents to be accessible to more constituencies. Opportunities for participation in County meetings and in committee meetings will be clearly defined and provided for at each meeting.

- ***Gather input from diverse perspectives.*** The County will continue to encourage participation from diverse constituencies and to provide forums for discussion about transportation issues that are responsive to the interests of different constituencies.

- ***Respond meaningfully to public comment and feedback.*** The County will provide information on how comments will be considered in the planning process, including the development of the County's Long Range Transportation Improvement Program, and acknowledge that comments were received and considered.

- ***Promote a regional perspective.*** The County will communicate how regional transportation planning plays a vital role in coordinating planning activities on many levels.

Spencer Hellwig, County Administrator

4-17-19
Date

APPENDIX J
COUNTY OF SARATOGA
TITLE VI PUBLIC NOTICE

It is the policy of Saratoga County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All County Departments shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status, whether those programs, services and activities are federally funded or not.

This policy fully incorporates throughout all of Saratoga County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminato1y practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

Saratoga County's Title VI/Nondiscrimination Civil Rights Policy reflects Saratoga County's firm commitment to achieving equal opportunity in all programs, services and activities for which the County has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The Director of Human Resources /Title VI Coordinator is charged with monitoring the continued development and implementation of Saratoga County's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the County Administrator on all matters regarding Title VI compliance andenforcement.

The Title VI/Nondiscrimination program shall have the full support of staff and managers. Additionally, all of Saratoga County's partners, contractors and consultants, sub-recipients, community based organizations, faith based organizations and advocacy groups are urged to give the County their full support and cooperation.

Additional Information:
Individuals and/or organizations who would like more information concerning Saratoga County's nondiscrimination obligations under Title VI should contact:

Saratoga County Director of Human Resources /Title VI Coordinator
Saratoga County Human Resources Department
40 McMaster Street
Ballston Spa, NY 12020

Complaint Procedure:
Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status can file a complaint by completing a Complaint of Discrimination Form which can be obtained at the address listed above or through the Saratoga website -- www.saratogacountyny.gov.

Posting of this Notice:
This notice shall be posted on the County's website and conspicuously in all County Departments.

APPENDIX K
Saratoga County
Standard Title VI/Non-Discrimination Assurances

The County of Saratoga (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the New York State Department of Transportation (NYSDOT), is subject to and will comply with the following:

Statutory/Regulatory Authorities

• Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);

• 49 C.P.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);*

• 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil

Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the NYSDOT.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally *assisted grants, aids and programs:*

1. The Recipient agrees that each "activity," "facility," or "program," as defined in§§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or

pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all procurement bids for materials or services and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The County of Saratoga, *in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C.§§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color,*

or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other patties:

a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

b. for the construction or use of, or access to, space on, over, or under real prope1ty acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance

under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the County of Saratoga also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the grants, aids or programs access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the grant, aid or program. You must keep records, reports, and submit the material for review upon request to the grantor, aids or program administration, or its designee in a timely, complete, and accurate way.

Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The County of Saratoga gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the grant aid or program. This ASSURANCE is binding on the State of New York, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the grant, aid or program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

By: _____

Kevin Tollisen, Chairman

Saratoga County Board of Supervisors

DATE: 4/18/19

Appendix A
(to APPENDIX K)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations,

including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part *21*.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under

this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Director of Human Resource to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Director of Human Resource, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the County of Saratoga may determine to be appropriate, including, but not limited to:

a. withholding payments to the contractor under the contract until the contractor complies; and/or

b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the County of Saratoga may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B
(to APPENDIX K)

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Saratoga County will accept title to the lands and maintain the project constructed thereon in accordance with the Saratoga County Board of Supervisors, the Regulations for the Administration of grants, aid or programs, and the policies and procedures prescribed by the Saratoga County Board of Supervisors of the County of Saratoga and the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the County of Saratoga all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the County of Saratoga and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the County of Saratoga, its successors and assigns.

The County of Saratoga, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the County of Saratoga will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Appendix C
(to APPENDIX K)

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the County of Saratoga pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services

or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, pelmits, etc., in the event of breach of any of the above Non-discrimination covenants, the County of Saratoga will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the County of Saratoga will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the County of Saratoga and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Appendix D
(to APPENDIX K)

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the County of Saratoga pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the County of Saratoga will have the right to telminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the County of Saratoga will there upon revert to and vest in and become the absolute property of the County of Saratoga and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Appendix E
(to APPENDIX K)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

• Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.,* 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part21.

• The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

• Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.),* (prohibits discrimination on the basis of sex);

• Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.),* as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;

• The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.),* (prohibits discrimination on the basis of age);

• Airport and Airway Improvement Act of 1982, (49 USC **§ 4** 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);

• The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

• Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public

accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;

• The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

• Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

• Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

• Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U .S.C. 1681 et seq).