

CLAUSE IN MORPC/ODOT AGREEMENT

To effectuate Title VI of the Civil Rights Act of 1964, the following notice to the Agency's compliance with Title VI of the Civil Rights Act of 1964 for federal aid recipients applies:

During the performance of this Agreement, the AGENCY for itself, its assignees and successors in interest agrees as follows:

1. Compliance with Regulations: The AGENCY will comply with the regulations relative to non-discrimination in Federally-assisted programs of the U.S. DOT Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as "Regulations"), which are herein incorporated by reference and made a part of this Agreement.
2. Non-discrimination: The AGENCY, with regard to the work performed by it after the execution of this Agreement, will not discriminate on the grounds of race, color, or national origin, in the selection and retention of contractors and consultants, including in the procurement of materials and leases of equipment. The AGENCY will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Contracts, including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the AGENCY for work to be performed under a contract, including procurement of materials or equipment, each potential contractor or supplier will be notified by the AGENCY of the AGENCY's obligations under this Agreement and the Regulations relative to non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The AGENCY will provide all information and reports required by the Regulations or 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 ODOT, FHWA, or FTA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the AGENCY is in the exclusive possession of another who fails or refuses to furnish this information, the AGENCY will so certify to ODOT, FHWA or FTA as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the AGENCY's noncompliance with the non-discrimination provisions of this Agreement, ODOT will impose such Agreement sanctions as ODOT, FHWA, or FTA may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the AGENCY under the Agreement until the AGENCY complies, and/or
 - b. Cancellation, termination, or suspension of the Agreement, in whole or in part.

6. Incorporation of Provisions: The AGENCY will include the provisions of the five immediately preceding paragraphs in every contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The AGENCY will take such action with respect to any contracts or procurement as ODOT, FHWA, or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the AGENCY becomes involved in, or is threatened with, litigation with a contractor, consultant, or supplier as a result of such direction, the Agency may request ODOT to enter into such litigation to protect the interests of ODOT, and, in addition, the Agency may request the United States to enter into such litigation to protect the interest of the United States.