

TITLE VI ACCOMPLISHMENTS & GOALS REPORT

This outline is for LPA and other governmental entities to report Title VI activities that occurred over the past year and report Title VI goals for the upcoming year. Reports must be returned on or before due date to meet eligibility requirements for federal funding. Send to TitleVI@WSDOT.wa.gov

DUE DATES: Refer to Section 28.3 for scheduled reporting period and due date: [February 1, 2023](#)

Contact Information**City of Bainbridge Island**

Blair King, City Manager
280 Madison Avenue N.
Bainbridge Island, WA 98110 – Kitsap County
(206) 842-2545 - Email: bking@bainbridgewa.gov

Name and title of head of transportation-related services:

Christopher Wierzbicki, Public Works Director
280 Madison Avenue N.
Bainbridge Island, WA 98110 – Kitsap County
(206) 842-2016 - Email: cwierzbicki@bainbridgewa.gov

Name and title of designated Title VI Coordinator*

Christopher Wierzbicki, Public Works Director
280 Madison Avenue N.
Bainbridge Island, WA 98110 – Kitsap County
(206) 842-2016 - Email: cwierzbicki@bainbridgewa.gov

*When the Title VI coordinator changes, notify TitleVI@WSDOT.wa.gov within 30 days.

To comply with Title VI requirements, each annual report submission must include signed Standard Assurances (USDOT1050.2A).

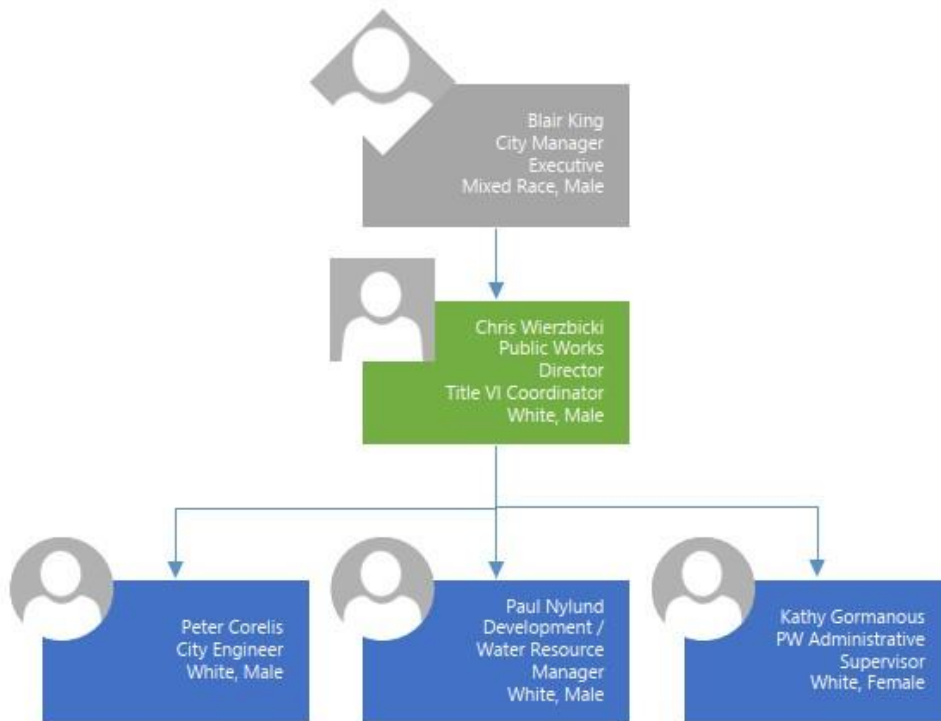
Accomplishments

1. Have there been any changes to the approved Title VI Plan that have not been reported to OEO? If Yes, please submit an update to the Title VI Plan with a new signature.
[No changes in the 2022 CY reporting period.](#)

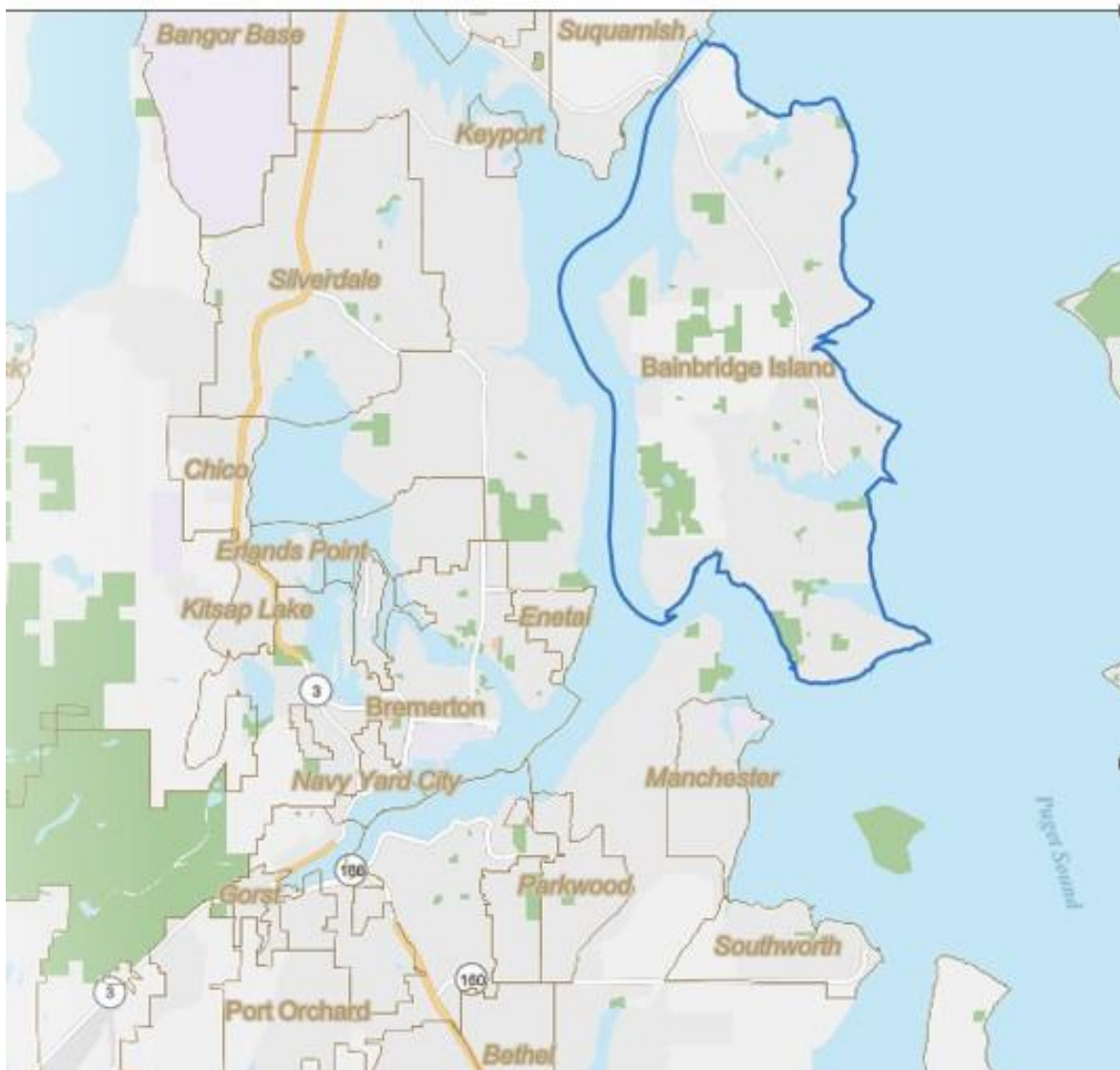
2. **Organization, Staffing, Structure – Describe the Title VI Program reporting structure including the Title VI Coordinator, Administrative Head, and transportation-related staff. The list should include name/title, race, color, and national origin of each individual.**

The City Manager is responsible for ensuring the implementation of the Title VI Program. The Director of Public Works is the Title VI Coordinator on behalf of the City Manager.

See Title VI reporting structure below:



3. Community Demographics – Using a map of the LPA’s boundaries, describe the demographics of the LPA’s service area (e.g., race, color, national origin, low-income). List, by individual languages, the percent of the population(s) that is limited English proficient.



Place

Bainbridge Island city, Washington

Bainbridge Island city, Washington is a city, town, place equivalent, and township located in [Washington](#).

Source:

United States Census Bureau Website:

https://data.census.gov/profile/Bainbridge_Island_city,_Washington?g=1600000US5303736



Source:

United States Census Bureau Website:

https://data.census.gov/profile/Bainbridge_Island_city,_Washington?g=1600000US5303736

DEMOGRAPHICS:				
<u>Race & Ethnicity</u>	<u>Population %</u>			
White	81.5%			
African American or Black	0.5%			
American Indian	0.4%			
Asian / Pacific Islander	3.4%			
Hispanic or Latino	4.4%			
Some Other Race	1.2%			
Two or More Races	8.6%			
<u>Language Spoken at Home</u>	<u>Population %</u>			
English	95.1%			
Spanish	1.2%			
Other Indo-European	2.7%			
Asian & Pacific Islander	0.8%			
Other	0.2%			
<u>Income and Poverty</u>				
Median Household Income	\$145,475			
Poverty	2.6%			

SNAP/FAP¹ Households and Recipients Living in Bainbridge Island², Dec. 2021 - Nov. 2022

Source: ESA-EMAPS Report #5736 using the ACES Data Warehouse as of the December 2022 load

This report was produced on December 28, 2022

This report has been approved for external use (outside of ESA)

Benefit Month	# of SNAP/FAP Households	# of SNAP/FAP Recipients (Adults + Children)
Dec-2021	338	501
Jan-2022	330	483
Feb-2022	331	491
Mar-2022	326	477
Apr-2022	333	477
May-2022	342	485
Jun-2022	338	479
Jul-2022	344	489
Aug-2022	335	482
Sep-2022	332	478
Oct-2022	325	471
Nov-2022	320	465
<i>Monthly Average</i>	333	482
<i>Unduplicated (Within a 12-month Period)</i>	465	685

Data Note:

¹ SNAP = Supplemental Nutrition Assistance Program; FAP = Food Assistance Program for Legal Immigrants

² Bainbridge Island is identified as anyone living in zip code 98110.

For 2022, .02% of the population were on Food Stamps on Bainbridge Island, WA.

This Report was provided to COBI by the DSHS Office, Bremerton, WA 98312.

4. Complaints – Provide a copy of the LPA’s Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).

No Title VI Complaints were received for the 2022 CY reporting period. See Exhibit A.

5. Planning – Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.

Planning —Annually, the City adopts an updated Six-Year Capital Improvement Plan (CIP) which includes a Transportation element, along with the biennial budget, and the State’s Transportation Improvement Program (STIP). This process involves a public hearing which is advertised for three consecutive weeks in the official newspaper of record and posted not less than fifteen days prior to the date of the hearing in three public places within the boundaries of the proposed district.

Notices are also sent out via City Listservs, Facebook, City Manager Weekly Report and City Hall public notification kiosk.

Periodically, the City updates the Transportation Plan which makes recommendations for proposed improvements to be added to the Capital Improvement Plan. Throughout the year, the City Council and/or staff may also make recommendations for transportation projects to be added to the proposed CIP listing.

Comprehensive Plan: The City uses the community values in the Comprehensive Plan when developing project objectives. The City of Bainbridge Island is committed to the principles of context sensitive solutions. Public Works staff strive to facilitate public engagement when developing capital projects to evolve and refine the community’s values as they relate to each project.

Outreach Efforts —The City uses a variety of public outreach methods to reach all island residents including local newspaper advertising, announcement mailings within 300’ or more of project location, project webpages, project listservs, City Facebook webpage, press releases, City Manager weekly report, weekly traffic report & listserv, on-site sandwich boards, variable message boards, public notification kiosk, and door hangers. The City also offers translation services and provides various meeting options, i.e., virtual, public, one to one, etc.

For projects, Project Managers and/or Inspectors are involved with the contractor and neighboring residents on the ground prior to and during construction to enable open one-to-one communication and awareness for any property owners’ concerns.

During construction, the Project Manager and/or Inspector are on-site monitoring for compliance. Monitoring efforts include payroll certification, DBE certification, and trainee certifications.

Agendas, notices, minutes, and video are available via the City of Bainbridge Island website: <http://www.bainbridgewa.gov/1101/City-Council-Agendas>

Project workshops held in the City Hall Council Chambers include the following notice on all announcements, "For special accommodations, please contact City Clerk at 206. 780.8624 or cityclerk@bainbridgewa.gov".

City Council meetings allow anyone to sign-up to speak and accommodations are made for persons with disabilities or who speak English as a second language by contacting the City Clerk in advance of the meeting.

The City Council Chambers is a wheelchair accessible facility with special equipment available for the hearing impaired.

Title VI Webpage: The City has created a dedicated Title VI webpage. For more information, visit www.bainbridgewa.gov/740/Title-VI-Notice.

As far as tracking data for any special need requirements at project meetings; to date, the City has not received any special needs and/or language requirement requests.

Race Equity Advisory Committee. The City of Bainbridge Island has a 10-member Race Equity Advisory Committee that meets on the first Thursday of each month from 6 – 7 p.m. in the City Council Conference Room. The Committee's mission statement is committed to building racial justice awareness, solutions, and leadership. The Committee defines racial justice as the systematic fair treatment of people of all races, resulting in equitable opportunities and outcomes for all. For more information, please visit the Committee's website below: <https://www.bainbridgewa.gov/1124/Race-Equity-Advisory-Committee>

6. Right-of-way actions – Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owners(s)/tenant(s).

No right-of-way acquisition for real property occurred during the 2022 CY reporting period.

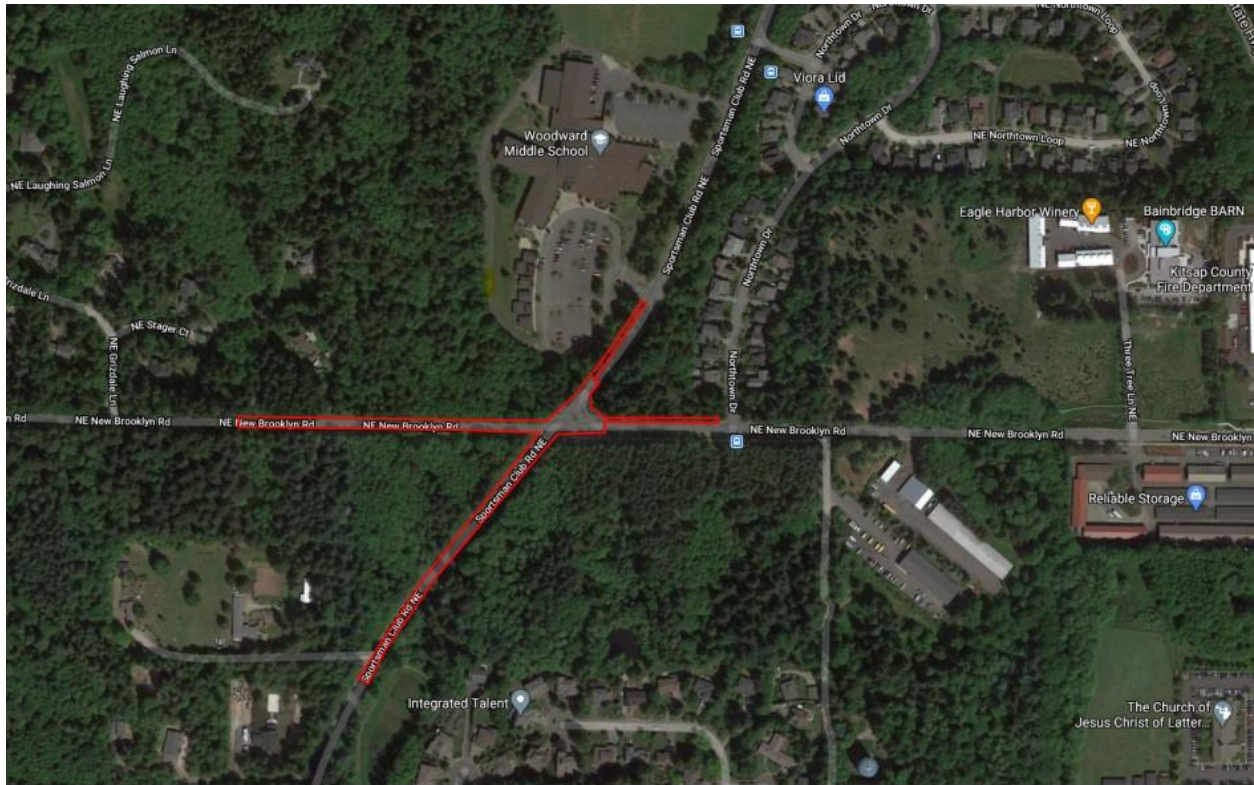
7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.

No right-of-way appraisers or acquisition staff work occurred for the 2022 CY reporting period.

8. Studies and Plans – Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.

No studies were completed during the CY 2022 reporting period.

9. Project Location and Design – Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects’ benefits/burdens to affected populations. If possible, provide a map that overlays projects with the racial composition of affected neighborhoods.



Sportsman Club & New Brooklyn Rd Intersection Improvements

Vicinity Map

Sportsman Club & New Brooklyn Road Intersection Improvements Project

Location: Intersection of Sportsman Club Road NE & NE New Brooklyn Road

Description: The improvements to the intersection include reconstructing the intersection to provide four-way stop control with a right turn slip lane for westbound to northbound traffic. The work will also include a new sidewalk, asphalt shoulders, ADA ramps and crosswalks, drainage improvements, retaining walls, signage, striping, and traffic control.

Project Webpage:

<https://www.bainbridgewa.gov/1191/Sportsman-Club-New-Brooklyn-Intersection>

Benefits/burdens: The Sportsman Club New Brooklyn Intersection Improvements project contract was executed in 2022 and will address traffic congestion and enhance facilities for those who walk and bike in the vicinity. The City is not aware of any affected population burdened by this project. The project is in alignment with the recommendations from the Sustainable Transportation Plan.

Federally Funded Project	Company	Phase	DMW BE	Award Amt	Award Date
Sportsman Club New Brooklyn Intersection Improvements	Sound Pacific Construction	Construction	N/A	\$1,114,625.00	3/8/22
	BC Traffic (Subcontractor to Sound Pacific Construction)	Construction	DBE	Local \$118,000	Awarded to Prime on 3/8/22

10. Other Public Meetings – List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

The Sportsman Club New Brooklyn Intersection Improvements project has had many public meetings since 2018 to date. A variety of outreach efforts were used including postcards within 300’ of project area, on-site sandwich boards, project webpage, project listservs, City Manager Weekly Report and City Council agenda. As far as the 2022 reporting period, this project was approved for construction award by City Council at their March 8, 2022, Council meeting.

See City Council Agenda Bill link below for more information:

<https://d2kbkoaz7fdvtw.cloudfront.net/bainbridgewa/a66a58bf5c7c6bc6fe4f9e65488744b20.pdf>

Identify members of the LPA’s transportation planning and/or advisory groups by race, color, and national origin

The Planning Commission reviews the transportation element of the Capital Improvement Plan (CIP) and is comprised of a seven-member committee, two white females, one black female, three white males and one Indo-Aryan male.

Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.

N/A

List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.

The City has access to "Language Line Services"; however, no special language needs were requested during the 2022 CY reporting period.

11. Transportation-related Construction and Consultant Contracts (if applicable) – Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiated contracts (e.g., consultants)

Both construction and consultant advertisements are either 1) advertised in the newspaper of record and other local publications, or 2) advertised through the Municipal Research Services Center (MRSC) Small Works Roster and/or Consultant Roster. Note: Federally funded project advertisements must be approved by WSDOT prior to advertising.

Advertisements and project specifications include the following Title VI language:

"The City of Bainbridge Island, in accordance with 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 in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award."

For Construction awards:

Contract specifications and drawings are hosted by QuestCDN. The plan holders list and any addendums, if necessary, are processed through QuestCDN. Following the bid opening, and after certifying the bid results, construction contracts are awarded to the lowest responsive bidder. Contracts over \$50,000 are awarded by City Council and contracts under \$50,000 are awarded by the City Manager.

For Consultant Professional Service Agreements awards:

Consultants are awarded based on qualifications. The City follows an internal rating and interview process to determine the best qualified firm. Negotiations with the most qualified firm include scope of work, budget, schedule, and deliverables. Agreements over \$50,000 are awarded by City Council and agreements under \$50,000 are awarded by the City Manager.

The City complies with 49 Code of Federal Regulations, Part 26 to ensure that disadvantaged businesses have equal opportunity to receive and participate in federally assisted projects.

12. Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g., what Title VI language was included in contracts and agreements; were contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

Project Notifications, project webpages, advertising, request for qualifications, consultant contracts under section 5, and project manual proposals all include Title VI language.

During construction, the Project Manager and/or Inspector are on-site monitoring for compliance. Monitoring efforts include payroll certification, DBE certification, and trainee certifications.

13. List construction, right-of-way, and consultant contracts with your LPA/MPO/entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).

Project	Company	Phase	DMWBE	Award Amt	Award Date
Sportsman Club New Brooklyn Intersection Improvements	Sound Pacific Construction	Construction	N/A	Federal / Local \$1,114,625	3/8/22
"	BC Traffic (Subcontract or to Sound Pacific Construction)	Construction	DBE	Local \$118,000	Awarded to Prime on 3/8/22

14. Education & Training – Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

Education/Training:

- WSDOT "Title VI Environmental Justice & Limited English Proficiency" remote training video.
- MRSC "Meaningful Engagement Strategies for Local Government Procurement" by remote training video.
- Scott Winn "Race Equity Training" – Council Chambers.
- The Public Works Department received full APWA Accreditation at the October 25, 2022 City Council meeting.

Monitoring and Review:

The Project Manager and/or Inspector are on-site monitoring for compliance. Monitoring efforts include payroll certification, DBE certification, and trainee certifications as well as responded to any needs residents may bring to their attention.

Outcomes:

The desired outcomes are engaging with the community within a project location area reaching all residences who may be affected by the project throughout the project planning and construction phases.

List Title VI training/webinars your Title VI Coordinator attended this reporting period. Include dates and entity that conducted the training.

The Title VI Coordinator attended a "Race Equity Training" by Scott Winn on August 16, 2022. City Hall Council Chambers.

When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.

On December 15, 2022, employees attended the WSDOT "Title VI Environmental Justice, & Limited English Proficiency" remote training video.

1 Contracts Coordinator – Female Mixed Race, 2 Admin Specialists - Female White Race.

List other civil rights training conducted locally. Provide dates and a list of participants by job title and Title VI role, if applicable.

City-wide mandated "Race Equity Training" by Scott Winn. See below spreadsheet for dates, position titles, and race.

RACE & EQUITY TRAINING By Scott Winn			
COBI Council Chambers - 280 Madison Ave N, BI WA 98110			
Job Class Description	Date	Gender	EEO Race
ADMINISTRATIVE SPECIALIST II	7/20/2022	F	W
ADMINISTRATIVE SPECIALIST III	7/20/2022	F	W
CONSTRUCTION INSPECTOR	7/20/2022	M	W
ENGINEER II	7/20/2022	M	W
MAINTENANCE TECHNICIAN I	7/20/2022	M	W
MAINTENANCE TECHNICIAN II	7/20/2022	M	H
PW ADMIN SUPERVISOR	7/20/2022	F	W
* DEPARTMENT DIRECTOR/PUBLIC	8/16/2022	M	W
MAINTENANCE TECHNICIAN II	8/16/2022	M	W
MAINTENANCE TECHNICIAN III	8/16/2022	M	W
MECHANIC III	8/16/2022	M	W
OPERATIONS PROJ MGR	8/16/2022	M	W
PUBLIC WORKS SUPERVISOR	8/16/2022	M	W
ADMINISTRATIVE SPECIALIST III	9/14/2022	F	W
CITY ENGINEER	9/14/2022	M	W
ENGINEER I	9/14/2022	M	W
MAINTENANCE TECHNICIAN I	9/14/2022	M	H
MAINTENANCE TECHNICIAN II	9/14/2022	M	W
MECHANIC II	9/14/2022	M	P
PUBLIC WORKS MANAGER	9/14/2022	M	W
SIGNS & MARKINGS SPECIALIST II	9/14/2022	M	W
CONSTRUCTION INSPECTOR	9/28/2022	M	W
CONTRACT COORDINATOR	9/28/2022	F	H
ENGINEER I	9/28/2022	M	W
ENGINEER II	9/28/2022	M	W
ENGINEER II	9/28/2022	M	W
ENGINEERING MANAGER	9/28/2022	M	W
MAINTENANCE TECHNICIAN I	9/28/2022	M	W
OPERATIONS PROJ MGR	9/28/2022	M	W
SURVEY PROGRAM MANAGER	9/28/2022	M	W
* TITLE VI COORDINATOR			

“Meaningful Engagement Strategies for Local Government Procurement” by Municipal Research Services Center (MRSC) on 9/29/2022 – Attended by Contracts Coordinator-Female-Mixed and Admin Specialist-Female-White attended via Zoom.

APWA Accreditation: At the October 25, 2022 City Council meeting, Region IX Director Kristina Nelson with the American Public Works Association (APWA) presented to City Council the APWA Accreditation Award for the City of Bainbridge Island’s Public Works Department. This accreditation formally verifies and recognizes that the Bainbridge Island Public Works Department is in full compliance with the recommended management practices set forth in APWA’s *Public Works Management Practices Manual*.

Title VI Goals for Upcoming Year

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

- Continue to review Local Agency Guidelines Manual – Chapter 28 updates.
- Continue to update demographic data maps.
- Attend future Title VI Trainings offered by WSDOT and any other equity training types of programs.

EXHIBIT A



**CITY OF
BAINBRIDGE
ISLAND**



Title VI Complaint Log

Case Number	Complainant/ Address	Filing Date	Basis	Status	Disposition

No Complaints Received 2022

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

The City of Bainbridge Island (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 Washington State Department of Transportation (WSDOT), 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.F.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.F.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 Washington State Department of Transportation.

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 program:

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 Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Bainbridge Island, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.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 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 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, City of Bainbridge Island 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 **Washington State Department of Transportation** 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 **Washington State Department of Transportation**. You must keep records, reports, and submit the material for review upon request to **Washington State Department of Transportation**, 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 City of Bainbridge Island 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 Federal Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Blair King
City of Bainbridge Island – City Manager
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED 1/30/23

APPENDIX A

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, Washington State 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 Washington State Department of Transportation 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 Washington State Department of Transportation, 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation 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 Washington State Department of Transportation 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

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 the City of Bainbridge Island will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of 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 City of Bainbridge Island 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 City of Bainbridge Island 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 City of Bainbridge Island, its successors and assigns.

The City of Bainbridge Island, 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 City of Bainbridge Island 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, Non-discrimination 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

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 City of Bainbridge Island 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, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Bainbridge Island 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 City of Bainbridge Island 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 City of Bainbridge Island 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

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 City of Bainbridge Island 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 Non-discrimination covenants, City of Bainbridge Island will have the right to terminate 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, City of Bainbridge Island will there upon revert to and vest in and become the absolute property of City of Bainbridge Island 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

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 Part 21.
- 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 § 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);
- 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.F.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).