

## Port of Vancouver Annual Title VI Update Questionnaire

### I. POLICY STATEMENT

There were no significant changes to the organization's Title VI Plan for the year 2018.

#### A. Policy of Nondiscrimination

The Port of Vancouver assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any port sponsored program or activity. The Port of Vancouver further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event the Port of Vancouver distributes federal aid funds to another entity, the port will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for federal funds. Assurance of compliance, therefore, falls under the proper authority of the Board of Port Commissioners pursuant to its budgetary authority and responsibility. The Executive Director and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.



Juliana Marler  
Chief Executive Officer

7/30/2019

Date

#### B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

#### C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

## II. ORGANIZATION, STAFFING, STRUCTURE

- a. Organization: The Port of Vancouver is directed by a board of three elected officials serving a six year term. For the calendar year 2018, Port of Vancouver Commissioners Jerry Oliver, Don Orange and Eric LaBrant represented the citizens of Clark County.

## III. Staffing: See attached organizational chart for details regarding the staffing structure. Significant changes in employment for the past year included:

- o Nam Nguyen was hired to a newly created position of Application Analyst
- o Brooke Crutcher promoted to a newly created position of Tenant Services Coordinator
- o Savannah Mitcham hired to an open position of Administrative Assistant
- o Mike Bomar was hired to an open position of Director of Economic Development
- o Mason Kae was hired to an open position of Records Officer

## IV. TITLE VI MONITORING AND REVIEW PROCESS

The Port of Vancouver annually conducts an audit of internal forms and processes as they relate to contracts, purchasing and advertising to ensure the organization's policy of non-discrimination is clearly understood by staff, contractors and customers.

In an effort to ensure the port is proactive and meeting the needs of the community, staff regularly attends a variety of local neighborhood meetings throughout the year, continually seeking input regarding projects and policies.

The Port of Vancouver's website, [www.portvanusa.com](http://www.portvanusa.com), includes language regarding Title VI and the Americans with Disabilities Act (ADA) and asks individuals requiring reasonable accommodations to request written material in alternative formats and languages by calling the port or emailing [info@portvanusa.com](mailto:info@portvanusa.com). In addition, there is information for the deaf or hard of hearing and opportunities to obtain translation services in a variety of languages to include Russian and Spanish. Individuals requiring a reasonable accommodation are asked to request written material in alternative formats and languages simply by contacting the Port of Vancouver by phone, fax or e-mail.

## V. COMPLAINTS

**There were no complaints filed with the Port of Vancouver in the past year.**

## VI. ACCOMPLISHMENT REPORT FOR EACH PROGRAM AREA

### A. Planning

- 1) How many consultant projects for planning were awarded and their dollar value?**There were no new contracts awarded by the Port of Vancouver to consultants for planning in the past year. However, there is an active contract awarded in 2016 to NBBJ for the amount of \$1,366,486.00. The total dollar amount spent as of December 31, 2018 is \$1,016,854.61.**
- 2) Describe efforts made to utilize minority and female consultants and subcontractors in federally funded contracts.

**The Port of Vancouver utilizes Title VI and Washington State Department of Transportation standards in contract solicitations and award. When applicable, contract solicitation and awards include Disadvantaged Business Enterprise (DBE) goals.**

- 3) Describe any studies conducted to provide data relative to minority persons, neighborhoods, income levels, physical environments, and travel habits. What assistance did the Title VI Coordinator provide to ensure that Title VI considerations were included in the planning stage?

**The Port of Vancouver did not have any such studies conducted in 2018.**

- 4) Identify the number of planning hearings held. Describe efforts to ensure citizen participation in the hearings, particularly by minorities and women. How many minorities and women both individually and through their organizations were represented, and their role(s) in the citizen participation effort?

**There were no planning hearings in 2018.**

B. Research

- 1) How many research projects are currently underway?  
**There are no research projects underway.**

C. Location

- 1) Describe complaints filed, if any, resulting from the choice of highway location decisions, or the procedure used for arriving at the decisions.

**Not applicable**

- 2) Identify the titles, ethnicity and gender of employees, and any vacancies, in the Location Program area. Describe efforts of the Title VI Coordinator to increase the representation of minorities and women if they are under-represented. Describe efforts to encourage adequate representation of minorities and women on boards and committees involved in the development of transportation projects.

**The port does not employ anyone with specific responsibilities in the Location Program Area. The port has and will continue to encourage minorities and women to participate in the development of transportation projects through applicable DBE goals and community meetings with language appropriate media. The port has significant representation of women and minorities in key positions related to the development of transportation projects to include:**

<b>Real Estate Manager</b>	<b>Caucasian Female</b>
<b>Chief Financial &amp; Administration Officer</b>	<b>Caucasian Female</b>
<b>Director of Environmental Services</b>	<b>Caucasian Female</b>
<b>Procurement Services Manager</b>	<b>Asian Female</b>
<b>Communications Manager</b>	<b>Caucasian Female</b>
<b>Rail Superintendent</b>	<b>Hispanic Male</b>
<b>Safety, Risk and Emergency Manager</b>	<b>Asian Male</b>
<b>Rail Manager</b>	<b>Native American Male</b>
<b>Senior Accountant</b>	<b>Asian Female</b>

- 3) How many Environmental Impact Statements were reviewed? Summarize comments provided on the EIS about adverse impacts on minority, handicapped, elderly, etc., communities.  
**There was no EIS reviewed in 2018**
  
- 4) How many consultants currently have contracts involving project development activities and their dollar value? How many are minority consultants and their dollar value? Where minorities and women participation is low, describe efforts to increase their participation.  
**One consultant, Leland Consulting Group, has with a contract involving project development activities was utilized in the 2018 FY. The term of the contract is expected to be through 2019 and is valued at \$1,366,486.00. The consultant did not state they are a minority firm. The Port of Vancouver will continue to advertise all projects and encourage the participation of all qualified consultants.**
  
- 5) How many project location public hearings were held? Describe how these hearings were advertised, including efforts to provide notification to minorities.  
**The Port of Vancouver held no public hearings for project location in the past year, however does host regularly scheduled bi-monthly commissioner meetings. Agency staff updates the elected officials monthly on all relevant projects providing an opportunity for direction, feedback or questions not only from elected officials, but those choosing to attend. These meetings are open to the public and are also televised via the local television network.**
  
- 6) Describe efforts to identify minority leaders and encourage them to provide suggestions and ask questions about the location of highways.  
**Not applicable.**
  
- 7) Was there a need to utilize bilingual advertisements, announcements, notices, etc.? **The Port of Vancouver provides notices that are interpreted in several languages to include, English, Spanish, Russian and Vietnamese. There were requests for bilingual advertisement in FY 2018**

**D. Design**

- 1) How many consultant firms currently have design contracts and their dollar value? How many of these are held by minority and women owned firms and their dollar value?  
**There are eleven (11) consultant firms that have design contracts with a value of approximately \$5.2 million over multiple fiscal years. The two largest design contracts are \$1 million each and were established with ZGF Architects and BergerABAM Inc (a firm that has since merged with WSP in 2019). Several of the firms with design contracts are employee owned, but none state they are minority or women owned. The Port of Vancouver publishes all solicitations in accordance with Title VI and encourages participation from all consultants.**
  
- 2) Describe efforts to increase minority and female participation in consultant contracts. Does the agency maintain a list of minority and woman consultants? If so, how many firms are on the list? How many are receiving contracts?

**The agency maintains a roster for which consultants register and are given the opportunity to select if they are a DBE/WBE/MBE/ECT certified firm. The port does advertise all solicitations required by our procurement policy in the local newspaper and the Daily Journal of Commerce. The port also advertises on its website and encourages participation from all consultants.**

**There are 25 consulting firms listed on the port small works roster who have registered as a DBE/WBE/MBE. There were 3 firms awarded contracts for the year 2018.**

- 3) How many highway design phase public hearings were held? Describe minority individuals, groups and organizations that participated in the hearings, including efforts to involve them. Provide a summary of concerns and issues raised, if any, related to minority communities. Describe actions taken by the Title VI Coordinator to facilitate and/or address these concerns.

**Not applicable**

- 4) Identify the Design Program employees by title, ethnicity, and gender, and identify any vacant positions. Describe efforts to increase minority and female representation where it is low.

**Director of Engineering and Project Delivery, Caucasian Male**

**Contract Manager, Caucasian Male**

**Project Manager, Caucasian Male**

**Project Manager, Environmental, Caucasian Male**

**Project Delivery Manger, Causasian Male**

**Project Manager, Causaian Female**

**Procurement Service Manager, Asian Female**

**There are no openings at this time.**

- 5) Identify Title VI complaints filed, if any, in the Design Program area. Provide a summary of each with basis, status, actions proposed and actions taken.  
**There have been no Title VI complaints filed with the Port of Vancouver in the past year.**
- 6) Identify any significant Title VI problem areas, accomplishments, and actions to take during the ensuing year.  
**The Port of Vancouver will continue to advertise all projects and encourage the participation of all qualified consultants.**

#### **E. Right of Way**

- 1) Identify the number of civil rights complaints filed, if any, in each of the following Right-of-Way functional areas:
- a) Appraisals
  - b) Negotiations
  - c) Relocation Assistance and Payments
  - d) Property Management
- There were no civil rights complaints filed with the Port of Vancouver for the year 2018.**

- 2) How many appraisers were utilized and how many were minority and women? What efforts were made by the Title VI Coordinator to increase minority and women representation if they were low?  
**In 2018, there were no ROW appraisals.**
- 3) Identify the number of negotiations. Does the negotiator's log reflect any disparity in negotiations with minorities as compared to non-minorities?  
**There were no negotiations or disparity identified.**
- 4) Explain concerns, if any, raised by minorities or women about their options in the negotiation phase.  
**There were no concerns raised.**
- 5) Identify the number of relocations.  
**There were two outstanding relocations from the West Vancouver Freight Access project that continued into 2018: Ports America and Kinder Morgan**
- 6) Describe concerns, if any, raised by minorities or women on replacement housing, referral housing and advisory services.  
**Not applicable.**
- 7) Identify the number of contracts awarded for providing relocation assistance, the opportunities given to minorities and women to obtain these, and how many they received.  
**There were no contracts awarded for relocation assistance.**
- 8) Describe special efforts made to comply with Title VI regulations?  
**The Port of Vancouver will continue to follow the guidelines in the WSDOT Local Agency Guidelines/Right-of-Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.**
- 9) Identify Right-of-Way staff by name, job title, race and gender.  
**Kathy Holtby                      Real Estate Manager                      Caucasian Female**

**F. Construction and Maintenance**

- 1) Describe civil right complaints, if any, the agency received on their competitive bidding procedures, and the corrective action, if any was needed, that the agency has taken. Provide a summary of any concerns raised by MWBE about licensing, pre-qualifications, lack of sub-contracting opportunities, etc.  
**There were no civil rights complaints or concerns expressed by MWBE regarding the Port of Vancouver in the past year**
- 2) Summarize the efforts of the Title VI Coordinator to encourage the use of minority individuals, firms, or agencies for maintenance agreements or construction contracts.  
**The Port of Vancouver will continue to advertise projects in compliance with Title VI regulations and seek participation in the bidding process by all qualified contractors. Procurement Specialist seeks out DBE firms on small works solications from the port's small works roster.**

**In the next fiscal year, the port anticipates utilizing federal funds for projects. The Port of Vancouver will meet Disadvantaged Business Enterprises (DBE) goals for each applicable project.**

- 3) Describe any agency procedures that were reviewed to assure Title VI compliance in subcontract agreements, first and second tier, material supply and equipment lease agreements.  
**An audit of internal forms and processes as they relate to contracts, purchasing and advertising was conducted. The goal of this internal audit was to ensure the organization's policy of non-discrimination is clearly understood by staff, contractors and customers. The Title VI assurances are part of established boilerplate language for all contracts and is a part of the review checklist to ensure consistency.**
- 4) List any significant accomplishment goals and/or action items to be taken during the ensuing year.  
**The Port of Vancouver will continue to advertise all projects in accordance with Title VI requirements and encourage the participation of all qualified contractors in the bidding process.**

#### **G. Education and Training**

- 1) Describe efforts made to encourage participation by minorities and women in National Highway Institute (NHI) educational and training program(s).  
**The Port of Vancouver did not participate in any NHI educational and training programs in the year 2018**
- 2) Identify the types of NHI programs the agency staff attended, whether the agency sponsored or co-sponsored the programs, the number of agency staff that attended, and how many of these were minorities and women.  
**The Port of Vancouver did not participate in any NHI programs. However, the Title VI Coordinator attended Title VI training presented by Washington Department of Transportation.**
- 3) Identify agency staff responsible for training by job title, ethnicity and gender.  
**Director of Human Resources, Caucasian Male**
- 4) Describe civil rights complaints filed, if any, concerning training and educational opportunities, and the corrective actions. Provide a summary of concerns raised, complaints filed, status, etc.  
**The Port of Vancouver received no civil rights complaints in the past year.**

#### **H. Administration**

- 1) Provide a summary list of employees by ethnicity, gender and title in each of the Title VI program areas.  
**Chief Operations Officer, Caucasian Male  
Procurement Services Manager, Asian Female  
Director of Engineering and Project Delivery, Caucasian Male  
Real Estate Manager, Caucasian Female  
Director of Human Resource, Caucasian Male**

**Chief Financial & Administrative Officer, Caucasian Female  
Director of Finance and Accounting, Caucasian Male**

- 2) Describe activities undertaken to assure Title VI compliance with contractors and by contractors. (Title VI requirements are to be included in all contracts, subcontracts, and consultant agreements.) Describe reviews made to ensure contractors and consultants are apprised of Title VI requirements and to ensure that contractors and/or consultants are adhering to Title VI requirements.

**The Port of Vancouver advertises all appropriate public works solicitations utilizing the Title VI language and encourages all qualified contractors to bid for projects. Construction contracts will be awarded on the basis of lowest responsive and responsible bidder, as well as meeting DBE requirements.**

**Applicable Federal requirements are included in bid documents and compliance to stated specifications is monitored throughout the project. Contractors are required to follow all provisions of Title VI and require sub-contractors to do the same.**

**Project managers are familiar with Title VI requirements and conduct regular on-site inspection to ensure compliance. All applicable projects utilizing contractors have established DBE goals. The port is diligent to ensure those goals are met by both contractors and subcontractors.**

- 3) Describe Title VI training, if any, that was provided, and how many participants attended, their titles, etc. Describe participation in any other kind of civil rights training (e.g., title and course content), and provide a list of participants by job title (e.g. supervisor, manager, etc.)

**The Title VI Coordinator went to WSDOT Title VI Training and has incorporated knowledge into port meetings. These meetings include several employees throughout the port such as: Project delivery team, maintenance, engineering, finance, and external affairs. These teams include managers, superintendents, directors, and specialists.**