



U.S. Department
of Transportation
**Federal Highway
Administration**

JUL 13 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2010-0360

(b) (6)

Dear **(b) (6)**:

The Federal Highway Administration (FHWA) has completed the investigation of the complaint of discrimination you filed against the Mississippi Department of Transportation (Respondent) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). Specifically, you alleged that the Respondent denied you information about contracting opportunities because of your race (African American) and your sex (female).

The evidence obtained during the investigation is outlined below:

Complainant's Statement

You stated that you met with the Respondent's representatives regarding contracting opportunities for your firm. You stated that the representatives did not provide you with information regarding what opportunities were available. You stated that as discussions and queries took place, it became evident that no offer of appraisal contracting would be extended to you.

You further stated that you did not apply for any contracts because you did not know how to apply for what was available.

Respondent's Statement

The Respondent denies the allegation of race and sex discrimination and stated that in May 2010 your firm was certified as a Disadvantaged Business Enterprise (DBE) by the DBE Certification Committee. The Respondent stated that your firm was certified to perform marketing research and real estate appraisal.

The Director of the Right of Way Division and the Manager-Property Acquisition met with you to explain the process for obtaining business in the right-of-way field. The Respondent stated that you disclosed that you had no previous experience in the right-of-way field or in the method of appraising real estate used in the right-of-way/eminent domain process. The Respondent stated that despite your lack of experience in the area, the process was reviewed for acquiring projects.

The Respondent stated that it was explained to you what you would need to be pre-qualified on the master list. The Respondent also explained the process for submitting a proposal to get on the master list and how to find out when proposals were being accepted.

The Respondent further stated that the date to submit proposals was August 31, 2010, and no proposal was submitted by your firm.

Respondent's Policy

The Respondent stated that your firm was certified in areas which qualified you as a potential consultant. The Respondent has a Standard Operating Procedure (SOP) which lays out the processes for consultant selection. The Respondent stated that for the purposes of the SOP a consultant is defined as a firm, individual, or other entity that provides contractual professional services to the Department or Local Public Agency. The procedure requires that the appropriate Respondent official draft an advertisement for the sought services which contains all of the pertinent information, including but not limited to a project description with the scope, evaluation factors, method of payment, contact information, and submittal date. The Consultant Services Unit will place the advertisement in a newspaper of statewide circulation. The information is also published online on the Respondent's public website.

The Respondent further stated that this information is published to provide public notice. It is then up to the consultants to find the information and submit a proposal.

FINDINGS

It is undisputed that you were certified as a DBE with the Respondent and placed on the List of Certified DBE Firms.

It is undisputed that you met with the Respondent's representatives regarding contracting opportunities for your firm.

It is also undisputed that you did not submit a proposal for advertised professional services contracts.

The record shows from the information contained in your complaint that you expected an offer of appraisal contracting to be extended to you by the Respondent.

While no conclusion can be drawn regarding what was stated during the meeting the Respondent's representatives held with you, it is clear that information regarding contracting opportunities are posted on Respondent's website and available to all interested parties.

There is nothing in the Respondent's policy that indicates that a contract offer is extended once a firm is placed on the DBE list.

DECISION

The evidence reviewed during the investigation does not support the allegation that Title VI was violated. There is no evidence to support the allegation that you were denied information regarding contracting opportunities with the Respondent since this information is available on the Respondent's website.

This concludes of processing of this complaint by the FHWA and no further action will be taken.

Sincerely yours,

A handwritten signature in black ink that reads "Brenda F. Armstead". The signature is written in a cursive, flowing style.

Brenda F. Armstead
Director, Investigations and Adjudications

cc:

Mr. Andrew H. Hughes, Division Administrator, FHWA, HDA-MS

Ms. Carr Brown, Equal Opportunity Specialist, FHWA, HDA-MS



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Mr. Joe Goff
Attorney
Mississippi Department of Transportation
P.O. Box 1850
Jackson, Mississippi 39215-1850

Dear Mr. Goff:

The Federal Highway Administration (FHWA) has completed the investigation of the complaint of discrimination filed by (b) (6) (Complainant) against the Mississippi Department of Transportation (Respondent) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). Specifically, the Complainant alleged that the Respondent denied her information about contracting opportunities because of her race (African American) and her sex (female).

The evidence obtained during the investigation is outlined below:

Complainant's Statement

The Complainant stated that she met with the Respondent's representatives regarding contracting opportunities for her firm. The Complainant stated that the representatives did not provide her with information regarding what opportunities were available. The Complainant stated that as discussions and queries took place, it became evident that no offer of appraisal contracting would be extended to her.

The Complainant further stated that she did not apply for any contracts because she did not know how to apply for what was available.

Respondent's Statement

The Respondent denies the allegation of race and sex discrimination and stated that in May 2010 the Complainant's firm was certified as a Disadvantaged Business Enterprise (DBE) by the DBE Certification Committee. The Respondent stated that the Complainant's firm was certified to perform marketing research and real estate appraisal.

The Director of the Right of Way Division and the Manager-Property Acquisition met with the Complainant to explain the process for obtaining business in the right-of-way field. The Respondent stated that the Complainant disclosed that she had no previous experience in the right-of-way field or in the method of appraising real estate used in the right-of-way/eminent domain process. The Respondent stated that despite the Complainant's lack of experience in the area, the process was reviewed for acquiring projects.

The Respondent stated that it was explained to the Complainant what she would need to be pre-qualified on the master list. The Respondent also explained the process for submitting a proposal to get on the master list and how to find out when proposals were being accepted.

The Respondent further stated that the date to submit proposals was August 31, 2010, and no proposal was submitted by the Complainant's firm.

Respondent's Policy

The Respondent stated that the Complainant's firm was certified in areas which qualified her as a potential consultant. The Respondent has a Standard Operating Procedure (SOP) which lays out the processes for consultant selection. The Respondent stated that for the purposes of the SOP a consultant is defined as a firm, individual, or other entity that provides contractual professional services to the Department or Local Public Agency. The procedure requires that the appropriate Respondent official draft an advertisement for the sought services which contains all of the pertinent information, including but not limited to a project description with the scope, evaluation factors, method of payment, contact information, and submittal date. The Consultant Services Unit will place the advertisement in a newspaper of statewide circulation. The information is also published online on the Respondent's public website.

The Respondent further stated that this information is published to provide public notice. It is then up to the consultants to find the information and submit a proposal.

FINDINGS

It is undisputed that the Complainant was certified as a DBE with the Respondent and placed on the List of Certified DBE Firms.

It is undisputed that the Complainant met with the Respondent's representatives regarding contracting opportunities for her firm.

It is also undisputed that the Complainant did not submit a proposal for advertised professional services contracts.

The record shows from the information contained in the complaint that the Complainant expected an offer of appraisal contracting to be extended to her by the Respondent.

While no conclusion can be drawn regarding what was stated during the meeting the Respondent's representatives held with the Complainant, it is clear that information regarding contracting opportunities are posted on Respondent's website and available to all interested parties.

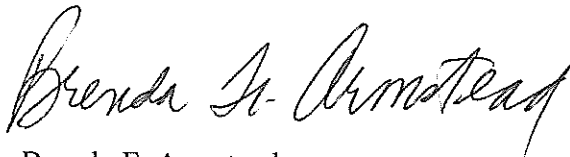
There is nothing in the Respondent's policy that indicates that a contract offer is extended once a firm is placed on the DBE list.

DECISION

The evidence reviewed during the investigation does not support the allegation that Title VI was violated. There is no evidence to support the allegation that the Complainant was denied information regarding contracting opportunities with the Respondent since this information is available on the Respondent's website.

This concludes of processing of this complaint by the FHWA and no further action will be taken.

Sincerely yours,

A handwritten signature in cursive script that reads "Brenda F. Armstead". The signature is written in black ink and is positioned above the printed name and title.

Brenda F. Armstead
Director, Investigations and Adjudications

cc:

Ms. Carolyn F. Bell, Civil Rights Director, Mississippi Department of Transportation

Mr. Jim Rigby, Title VI Coordinator, Mississippi Department of Transportation

Mr. Andrew H. Hughes, Division Administrator, FHWA, HDA-MS

Ms. Carr Brown, Equal Opportunity Specialist, FHWA, HDA-MS