

# CONSULTANT COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The Commonwealth of Virginia, Department of Transportation (VDOT) as a recipient of Federal financial assistance is required to comply with Title VI of the Civil Rights Act of 1964 (Title VI), as amended, and related nondiscrimination authorities. Title VI prohibits agencies receiving federal funds from discrimination against anyone or group in the United States on the grounds of race, color, national origin, sex, age, religion or disability. The Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance, rather than just the particular programs or activities that receive the funds.

Consulting firms selected to contract and/or subcontract with VDOT are required to comply with Title VI in order for the Department to meet Title VI obligations. The Department evaluates a firm’s compliance by having the firm submit a completed VDOT Title VI Evaluation Report form (EEO-D2) for review. Firms are required to complete and submit an EEO-D2 within 10 workdays of notification of selection if they do not have a current Title VI Evaluation Report on file with the Department.

The links below provide guidance for consultant firms to satisfy Title VI requirements when engaged in a contract administered by the Structure and Bridge Division (SBD):

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## Criteria for being evaluated for compliance with Title VI

Consultant firms that contract, or subcontract, with VDOT for amounts of \$10,000 or more are required to comply with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities.

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### When to Submit Title VI Evaluation Reports

A firm that is selected to contract with VDOT is required to be in compliance with Title VI and related nondiscrimination authorities prior to the execution of the contract. Firms with existing contracts are required to be evaluated for compliance with Title VI and related nondiscrimination authorities on an annual basis. A firm only needs to be evaluated once a year regardless of the number of contracts that firm has with VDOT or the number of VDOT divisions that manage these contracts.

- A newly selected firm that does not have a current Title VI Evaluation Report on file with the Department should submit a report for evaluation within 10 days of notification of their selection.
- A newly selected firm that does have a current Title VI Evaluation Report on file with the Department needs to ensure that their “in compliance” status has not expired by the time the contract is executed by the Department. Occasionally, this may necessitate submission of an updated report earlier than the anniversary date of a firm’s currently approved report.
- A firm that is part of an unfinished contract with VDOT, and is currently performing work or may perform work before the contract has ended, shall submit an updated Title VI Evaluation Report form annually until their portion of the contract work is complete.

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### Where to Submit Title VI Evaluation Reports

The SBD’s procurement managers are ultimately responsible for ensuring that firms selected for contracts to be managed by the SBD division are in compliance with Title VI requirements at the time their contracts are executed. The SBD’s Title VI Designee is responsible for insuring these firms submit updated reports on an annual basis for the life of their contract.

- When a selected firm is required to submit a Title VI Evaluation Report, the report should be submitted to the procurement manager (VDOT person procuring the contract).
- Annual submissions of updated Title VI Evaluation Reports should be submitted to the SBD’s Title VI Designee (see contacts).
- Do not submit Title VI Evaluation Reports, with or without fiscal information, to the Department’s External and Construction Audit Division. The reports will not be used or forwarded.

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### How compliance with Title VI requirements is determined

Submitted Title VI Evaluation Report forms (EEO-D2) are forwarded to VDOT’s Civil Rights

Division (CRD) for evaluation. The CRD makes a determination of a firm's compliance based on information contained in the submitted form and its attachments. Firms that are evaluated as being "in compliance" receive an expiration date of one year from the "AS OF" date entered on the form.

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### Printing a Title VI Evaluation Report Form (Form EEO-D2)

Currently the Title VI Evaluation Report form may not be submitted online. The Department requires a paper copy with an original signature. In addition, documents, such as job advertisements, are required to be submitted with the form. However, this form may be obtained online by navigating from the VDOT Home Page ([www.virginiadot.org](http://www.virginiadot.org)). The navigation path is VDOT Home Page > 'Business Center' link > 'Online Forms' link (about halfway down the Business Center page) > 'Search by Form Name' drop down menu > select 'Title VI Evaluation Report' in the drop down menu and click the 'Go' button. Note that the "15 employees" criterion on the form's Info Sheet is an error – this criterion is for Title VII.

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### Contacts

Firms having contracts managed by the Structure and Bridge Division should contact Mark D. Pirozzi, P.E., with questions or issues regarding Title VI Compliance. Note that inquiries involving specifics on filling out Form EEO-D2, or documents to be attached to this form, are referred to the Department's Title VI Specialist, Robin Underwood. Annual updates to a firm's Title VI Evaluation Report should be submitted to Mark Pirozzi.

- Mark Pirozzi  
Title VI Designee for the Structure and Bridge Division  
  
Phone: 804-786-5171  
Fax: 804-786-2988  
  
Postal Address: Mark D. Pirozzi, P.E.  
Structure and Bridge Division  
Virginia Department of Transportation  
1401 E. Broad Street  
Richmond, VA 23219
- Robin Underwood  
Title VI Specialist  
Civil Rights Division, Virginia Department of Transportation  
  
Phone: 804-786-2730

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