

# Highlights from FAA Airport Contract Provisions



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

*Office Of Civil Rights*

*ACHIEVING SAFETY  
THROUGH DIVERSITY*

Presented to: NCRTC Attendees

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# FAA Contract Provisions



- Issue:
  - Contracts with outdated or missing Title VI provisions.
  - No monitoring of subcontracts.
- What information should be included in contracts:
  - Identify all bases of prohibited discrimination, as required by Title VI and other civil rights laws.
  - Use the required FAA Procurement Provisions.

Provisions/Clauses	Dollar Threshold	Solicitation	Professional Services	Construction	Equipment	Property (Land)	Non-AIP Contracts
<u>Access to Records and Reports</u>	\$0	NIS	Required	Required	Required	Required	n/a
<u>Affirmative Action Requirement</u>	\$10,000	Required	Limited	Required	Limited	Limited	n/a
<u>Breach of Contract</u>	\$150,000	NIS	Required	Required	Required	Required	n/a
<u>Civil Rights – General</u>	\$0	NIS	Required	Required	Required	Required	Required
<u>Civil Rights - Title VI Assurances</u>	\$0	REF	Required	Required	Required	Required	Required
<b>(1) Notice - Solicitation</b>	\$0	Required	Required	Required	Required	Required	Required
<b>(2) Clause - Contracts</b>	\$0	NIS	Required	Required	Required	Required	Required
<b>(3) Clause – Transfer of U.S. Property</b>	\$0	NIS	n/a	n/a	n/a	Limited	Required

# FAA Contract Provisions



- Obligated Airport Sponsors.
  - Recipients must include the applicable Civil Rights clauses in all contracts, **regardless of the project funding source.**
  - Non-AIP funded procurements must also comply with Civil Rights provisions.
  - See A6.4.1.

# FAA Contract Provisions



- Required Federal Contract Provisions.
  - [https://www.faa.gov/airports/aip/procurement/federal\\_contract\\_provisions/](https://www.faa.gov/airports/aip/procurement/federal_contract_provisions/).
  - Where the federal directive establishes explicit contract language, the sponsor **must incorporate such text into their procurement documents, verbatim.**
- Verify compliance.

# FAA Contract Provisions - Application

- Title VI Solicitation Notice:
  - All AIP funded solicitations for bids, requests for proposals, or any work subject to Title VI regulations.
  - All sponsor proposals for negotiated agreements, **regardless of funding source.**
  - See A6.3.1.



# FAA Contract Provisions - Application

- Nondiscrimination Contract Clauses:
  - Use the 6 paragraphs:
    1. Compliance with Regulations.
    2. Nondiscrimination.
    3. Solicitations for Subcontracts.
    4. Information and Reports.
    5. Sanctions for Noncompliance.
    6. Incorporation of Provisions.
  - See A6.4.1.



# FAA Contract Provisions - Application

- Construction Contracts.
  - Frequently not AIP-funded, but still must include FAA clauses.
  - Frequently utilize sub-contracts, which are also required to include FAA clauses.
- Leases.





# FAA Contract Provisions - Application

- List of Pertinent Nondiscrimination Acts and Authorities:
  - Include the list in every contract or agreement, unless FAA concurs that it is not subject to the Nondiscrimination Acts and Authorities.
  - Includes civil rights requirements beyond Title VI and its implementing regulations, including:
    - Age Discrimination Act of 1975.
    - Airport and Airway Improvement Act of 1982.
    - Americans with Disabilities Act of 1990.
    - Executive Order 12898.
    - Executive Order 13166.
    - Section 504 of the Rehabilitation Act of 1973.
  - See A6.4.5.

# Resources

Description	Website Link
EJ Interagency Working Group	<a href="https://www.epa.gov/environmentaljustice/federal-interagency-working-group-environmental-justice-ej-iwg">https://www.epa.gov/environmentaljustice/federal-interagency-working-group-environmental-justice-ej-iwg</a>
DOT EJ Order 5610.2(a)	<a href="http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/index.cfm">www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/index.cfm</a>
LEP Information	<a href="http://www.lep.gov">www.lep.gov</a>
EJSCREEN	<a href="http://www.epa.gov/ejscreen">www.epa.gov/ejscreen</a>
FAA Civil Rights Connect	<a href="https://faa.civilrightsconnect.com/FAA/login.asp">https://faa.civilrightsconnect.com/FAA/login.asp</a>
FAA Order 1400.11	<a href="http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1021906">www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1021906</a>

# Questions

