

The Department of General Services

IMPLEMENTATION PLAN
FOR
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
2014 – 2015



October 1, 2014

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SECTION 1

OVERVIEW - DEPARTMENT OF GENERAL SERVICES

A. Overview of the Department

The Department of General Services was established by Tennessee Code Annotated (TCA) § 4-3-1101 through 1114. The function of the Department is to act as a service provider to other State agencies by coordinating and administering the State's purchases, real property, personal property, printing, motor vehicles, surplus property, postal services, and general public works services, as well as other support services not specifically assigned by law to other departments. In addition to the administrative staff, the Department is divided into several divisions which provide services to other State agencies. These are:

1. **Motor Vehicle Management:** This division is responsible for the management and maintenance of State vehicles utilized by State departments, offices, and agencies. The Division establishes policies and procedures to affect the best maintenance, repair, operation, and administration of the fleet consistent with safety and service.
2. **Postal Service:** This division provides centralized mail services for State agencies in Davidson County. It is the recognized liaison between State government and the U.S. Postal Service.
3. **Real Estate Asset Management:** This division is dedicated to operating, managing, and maintaining the State's real estate assets and needs, in a manner that ensures a comfortable, safe, and secure working environment for State tenants, employees, and guests.
4. **Printing, Media & Photographic Services:** This division provides a full range of graphic design, photography, printing, copying, and binding services to State agencies, other government agencies, non-profit agencies, and charities.
5. **Warehousing & Distribution:** This division provides storage and distribution services for a variety of forms, envelopes, and other printed materials. In addition, the division is responsible for the redistribution of personal property declared as surplus by a State agency or the Federal government. This property is redistributed to other State agencies and eligible recipients as needed.
6. **Central Procurement Office:** The Central Procurement Office was created by Public Chapters 1098 (passed in 2010) and 295 (passed in 2011) with the goal of making the procurement and contracting processes faster and easier, while ensuring transparency and creating cost savings.
7. **Governor's Office of Diversity Business Enterprise (GODBE):** This office is charged with coordinating and directing the Executive Branch's efforts in assisting minority owned,

women owned, service-disabled veteran owned, and small businesses in participating in bids and contracting opportunities within the State procurement processes. In accordance with TCA §12-3-801 through 808, the Department issues an annual report to the Governor and members of the Tennessee General Assembly regarding GODBE. This public report outlines the purpose, goals, and achievements of the Office. The Department makes this report available through GODBE's website at <http://www.tn.gov/businessopp/>.

Appendix A displays the organizational chart for the department.

The primary goal of the Department's Title VI Program is to ensure that all staff, contractors, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. Public Chapter 502, passed by the Tennessee General Assembly and signed into law on May 31, 1993, requires each State agency to develop a Title VI Implementation Plan. Each State governmental entity must submit an updated plan annually to the Human Rights Commission by October 1.

B. Mission Statement

The Department of General Services' mission is to provide essential centralized services to support the daily operation of State government.

C. Nondiscrimination Policy

The Department's Title VI and non-discrimination policies and statements are as follows:

Policy Compliance Statement

The Department of General Services, State of Tennessee, complies with Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. 2000d, which states that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance."

Affirmative Action/Equal Employment Opportunity

Pursuant to State and Federal law, the Department of General Services does not discriminate on the basis of race, color, age, national origin, religion, sex, disability, pregnancy, veteran status, or any other category protected by State and/or Federal civil rights laws. It is the policy of the State of Tennessee, in all of its decisions, programs, and activities, to promote equal employment opportunity and to eliminate unlawful discrimination. Equal Employment/Affirmative Action inquiries should be directed to the Department of General Services' Employee Relations and Compliance Manager, Angela Nicole Scruggs (615-253-5992).

Americans with Disabilities Act (ADA)

It is the policy of the Department of General Services to comply with all Federal and State laws concerning the employment of persons with disabilities. The Department prohibits discrimination and harassment against any qualified individual with a qualified disability as defined by the Americans with Disabilities Act and the Americans with Disabilities Act Amendment Act (ADA/ADAAA). Furthermore, the Department of General Services shall comply with applicable requirements set forth by the Rehabilitation Act of 1973, the Department of Human Resources Rules and Regulations, and any other applicable laws that pertain to disability non-discrimination. Anyone wishing to request an accommodation under the ADA should contact the Department's ADA Coordinator at 615-253-3966. Individuals seeking to file an ADA complaint should contact the General Services' Affirmative Action Officer directly.

SECTION 2 DEFINITIONS

- A. Beneficiary: Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any Federally-assisted program.
- B. Commissioner: Commissioner of the Department of General Services.
- C. Complaint: A written allegation of discrimination, which indicates that a program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.
- D. Compliance: Fulfillment of the requirement of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit based on race, color, or national origin.
- E. Compliance Reviews: Conducted by means of either regular inspections of Department programs to determine compliance with Title VI requirements (which may be conducted by means of on-site visits), or desk (structured paper) reviews of programs and associated documentation.
- F. Contractor: An individual, group, or company that agrees to perform services or provide commodities at a specified price pursuant to a contract.
- G. DGS: The Department of General Services
- H. Donees: Recipients of Federal and/or State surplus property from DGS' Warehouse and Distribution Division.
- I. Limited English Proficiency (LEP): A person who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English.
- J. Monitoring: A review process used to determine compliance with the requirements of a State and/or Federal program, applicable laws and regulations, and stated results and outcomes.
- K. Recipient: Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.
- L. Title VI Coordinator: A position designated by the DGS Commissioner to ensure compliance with Title VI program requirements.

SECTION 3 FEDERAL PROGRAMS OR ACTIVITIES

A. Program Coverage

Title VI prohibits discrimination in “any program or activity” which receives Federal financial assistance. Although the Department does not directly receive Federal funding, the Warehousing and Distribution Division receives Federal surplus property from the U.S. General Services Administration which it sells to governmental subdivisions, non-profit organizations, and the public. As a recipient of Federal surplus property, the requirements of Title VI are applicable to all of the operations of the Department.

The Federal Surplus Property Section is governed by Federal guidelines (41 CFR 102-37), which are incorporated into the Federal Surplus Property Rules in Chapter 0690-1-1 in the *Rules and Regulations of the State of Tennessee (Appendix B)*. Under these rules, the Department receives surplus property from the Federal government, which it redistributes throughout the state to eligible recipients. The process of redistributing Federal surplus property is completed in accordance with Federal Surplus Property Rules and Guidelines.

B. Federal Assistance

For the most recent State fiscal year, the total original acquisition cost of property received through the Federal Surplus Property program for the period July 1, 2013, through June 30, 2014, was \$1,538,727 with a fair market value of \$62,243 represented by direct sales amounts.

Any property received from State agencies for surplus, which may have been originally purchased using Federal Aid, would not be included in the above totals.

The Department does not receive any federal grants, loans, subsidies, training resources, land, or detail of Federal personnel.

SECTION 4 ORGANIZATION

The Commissioner of the Department has assigned Title VI responsibilities and the title of Title VI Coordinator to Michael Winston, within the Office of Internal Audit. The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the Department’s compliance with Title VI regulations.

Title VI Coordinator responsibilities are as follows:

1. Receive and process the disposition of Title VI complaints.
2. Review annual Title VI reviews of DGS program areas performed by division representatives to determine the effectiveness of program activities at all levels.
3. Coordinate training programs on Title VI for Title VI Division Representatives and recipients of Federal property.
4. Prepare a yearly report of Title VI accomplishments and goals, as required.
5. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 30 days. See **Appendix C** - Title VI Policy.
6. Prepare annual Title VI Implementation Plan as required by the Tennessee Human Rights Commission.

Divisional Title VI Representatives are a key component in assisting the Title VI Coordinator in fostering the department’s mission to ensure compliance with Title VI Regulations. The following staff members are properly trained on Title VI regulations to ensure compliance within their division.

TITLE VI DIVISION REPRESENTATIVES	
Melissa Thomas Human Resources 615-741-1037	Marva Bradford Office of Financial Management 615-741-8635
Theresea Nixon Postal Service 615-741-8243	Kevin Wahl Warehousing & Distribution 615-532-9078
Dian Douglas Motor Vehicle Management 615-532-8914	Pamela Fitzpatrick Real Estate Asset Management 615-253-2561
Helen Crowley Central Procurement Office 615-741-3836	Donald Conner Printing, Media and Photographic Services 615-741-4188
Shelia Simpson GODBE 615-253-4634	

Responsibilities of the Title VI Division Representatives are as follows:

1. Serve as the point of contact for division Title VI complaints.
2. Disseminate Title VI information to the public and, where appropriate, in languages other than English. See **Appendix D** – Title VI LEP Policy.
3. Conduct quarterly compliance audits of program activities, applicable contracts, and donees.
4. Report Title VI noncompliance issues to the Title VI Coordinator and appropriate supervisor.
5. Prepare a final monitoring report of Title VI findings to the Title VI Coordinator.

SECTION 5
DATA COLLECTION AND ANALYSIS

A. Beneficiaries of Federally Assisted Programs

The primary beneficiaries of the Surplus Property Distribution Program are State and local governmental agencies, non-profit organizations, and other organizations listed in **Appendix E**, as opposed to the public. Property not distributed to one of these organizations within 30 days of receipt is made available for sale to any other entity or the public via a third-party online auction site managed by Asset Auctions. Collection of participant race, color, or national origin data is not applicable to the Department because the main beneficiaries of the surplus program are other government agencies and non-profit organizations. Inclusion of U.S. Census data regarding race and ethnicity or any other demographic data is not applicable to these organizations.

B. Minority Representation of Agency Staff

The organizational list below displays the staff composition of the Department as of September 2014:

Gender	Executive Service	Preferred Service	Total	Percent
Female	93	72	165	54.17%
Male	77	118	195	45.83%
Total	170	190	360	100%

Race	Executive Service	Preferred Service	Total	Percent
White	141	129	270	75.00%
African American	26	58	84	23.33%
Other	3	3	6	1.67%
Total	170	190	360	100%

SECTION 6 DISCRIMINATORY PRACTICES

The following activities would be considered discriminatory practices under Title VI:

- Denying any individual any service, financial aid, or other benefits offered by the Department because of their race, color, or national origin.
- Treating individuals differently because of their race, color, or national origin.
- Using methods which directly or indirectly, through contractual relationships, defeat or substantially impair the accomplishment of effective non-discriminatory practices.

SECTION 7 LIMITED ENGLISH PROFICIENCY (LEP)

Limited English Proficiency policies and procedures for the Department are included as **Appendix D**.

The Central Procurement Office, Department of General Services manages a statewide contract called the Managed Service Provider contract with Guidesoft Inc, DBA Knowledge Services. Under this contract, Knowledge Services manages all vendors who provide staff augmentation for the State, which includes telephonic interpretative services. Knowledge Services' vendor for telephonic interpretative services is Avaza Language Services Corporation.

Avaza Language Services Corporation
5209 Linbar Drive, Suite 603
Nashville, TN 37211
1-800-482-8292

The Department utilized Avaza's translation services twice during the fiscal year July 1, 2013 – June 30, 2014. The Department's General Counsel used Avaza's over the phone interpretation service to facilitate two conversations with a Spanish speaker.

As the Department's main function is to provide services to other State departments and agencies, the Department does not encounter LEP persons on a regular basis. However, the Department has elected to provide its Title VI poster in both English and Spanish, the second most common language spoken in Tennessee. This poster is displayed in all of the Department's offices and is distributed to donees participating in the surplus property program.

A. Process for Filing a Complaint

A formal complaint must be filed in writing, within one hundred eighty (180) days of the occurrence of the alleged discrimination. See the Department's Title VI Policy in **Appendix C**.

The complaint should be filed on form DGS-1070, Title VI Complaint Form. See **Appendix F**.

The complaint may also be filed in a letter stating the elements of the complaint.

Allegations that are received by telephone, fax, or e-mail will be acknowledged and reduced to writing. However, a complaint form will be forwarded for the person(s) to sign and return to the Department for processing. The person to whom the complaint is made will document the elements of the complaint in writing if the complainant is unable or unwilling to file the complaint in writing.

The complaint must contain the following information:

1. Name, address, and telephone number of the complainant,
2. Location and name of the agency, facility, or other office where the alleged discrimination took place,
3. Identification of the agency staff alleged to have engaged in discrimination,
4. The elements of the event(s) that led to the belief that discrimination occurred,
5. The basis of the complaint, i.e., race, color, or national origin,
6. Names, addresses, and telephone numbers of people who may have knowledge of the event, and
7. The date(s) the alleged discriminatory event(s) occurred.

A complaint alleging discrimination against a division or entity of the Department's program delivery system may be filed internally with the Department's Title VI Coordinator. In addition, a complaint can be filed externally with the Tennessee Human Rights Commission or the Office of Civil Rights of the U.S. General Services Administration.

B. Investigation, Determination, and Ruling

The Department's supervisory staff shall forward all written complaints to the Title VI Coordinator within two (2) business days of the receipt of any complaint.

The Title VI Coordinator will:

1. Coordinate the review and investigation of complaints.

2. Notify the complainant of receipt of the complaint.
 - a. The notification will be accomplished by the most expedient means available, including e-mail, fax, or telephone call to be documented in writing and confirmed by letter.
 - b. The notification will include a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint.
3. Notify the complainant by certified letter of the determination and/or any remedial action that has been taken if it is determined that discrimination exists based on race, color, or national origin.
4. Maintain copies of complaints and findings for a minimum of three (3) years from the resolution of the complaint.
5. Take primary responsibility for investigating complaints and reporting findings to the Commissioner. The investigation will review, minimally:
 - a. Applicable practices and policies
 - b. The circumstances and events which led to the filing of the complaint
 - c. All other pertinent information
6. Complete the investigation and prepare a written determination on the alleged discrimination and/or make any recommendations on appropriate remedial action to the Commissioner within thirty (30) calendar days of receipt of the written complaint.

C. Department of General Services Complaints for Fiscal Year 2013-2014:

- No complaints were filed regarding Title VI during the year.
- No complaints were closed.
- No complaints were referred to another State or Federal department or agency.

There were no lawsuits filed during fiscal year 2013-2014 against the Department alleging discrimination on the basis of race, color, or national origin under any federally funded program or activity.

A copy of the Department's Title VI Complaint Log has been included as **Appendix G**.

A. Subrecipients, Contractors, and Vendors

The Department acts primarily as a service provider to other State departments and agencies by coordinating and administering the State's purchases, real property, personal property, printing, motor vehicles, surplus property, postal services, and general public works services. In performing these activities, the department utilizes numerous contractors and vendors. However, the department does not have any subrecipient relationships.

The Department's Central Procurement Office (CPO) was created with the purpose of centralizing the State's procurement and contracting activities. In this role, the CPO works with all State agencies and departments to fulfill their purchasing needs and serves as the primary point of contact for registering vendors seeking to provide goods or services to the State. While the CPO facilitates many aspects of these processes, it is not applicable for the Department to include all of these contractors and vendors in this Implementation Plan. Because many of these contractors and vendors are for utilization by other State departments, they should be included in the applicable department's plan, and inclusion by the Department of General Services would be duplicative. The Department has selected contractors and vendors that are important to the operation of the Department and included them in **Appendix H**.

The Department does not have any Federal Financial Assistance applications pending with other Federal and/or State departments.

B. Pre-Award Procedures – Assurances and Data Collection

The Department agrees that as a condition to receiving any Federal financial assistance, it will comply with Title VI of the Civil Rights Acts of 1964. The Commissioner has the overall responsibility for compliance with Title VI. The Title VI Coordinator, appointed by the Commissioner, is responsible for coordinating Title VI within the Department. The Department will make available to the Human Rights Commission any compliance reports upon request.

The U.S. General Services Administration, Southeast Office of Civil Rights, requires the Department to comply with Title VI for the receipt of Federal property. The Warehouse and Distribution Division (W&D) is required to follow strict Federal compliance review procedures in order to remain eligible to participate in the Federal surplus property program. The Title VI Coordinator and the Director of W&D are responsible for coordinating and monitoring all approved donees that are participating in the Federal surplus property program. The rules of Federal Surplus Property are included in **Appendix B**. See **Appendix E** for qualifications to become a donee. All donees must complete the application and non-discrimination assurance documents found in **Appendix I**.

Currently, the Department only has approved donees that participate in our Federal property program. We do not have any subrecipients that would require compliance with Title VI regulations.

All Requests for Proposals (RFPs) for professional service contracts require signed statements that the proposer will conform to the requirements of Title VI. See the *Proposal Statement of Certifications and Assurances* in **Appendix J**.

Title VI training assistance is available through the Department's Title VI Representatives upon request or as deemed appropriate in the event compliance audits indicate deficiencies.

C. Post-Award Procedures

As of September 2014, the Department had a total of 64 active donees who have received Federal surplus property from the W&D Division in the last two years. **Appendix K** contains the complete list of donees. From this list, 7 donees, or eleven percent (11%), were selected for compliance checks during the year. The Title VI Audit Checklist (**Appendix L**) was utilized during these visits.

The Department has prepared a summary report of Title VI compliance checks, and it is included as **Appendix M** of this Implementation Plan.

D. Public Notice and Outreach

All donees receive Title VI posters and brochures for display and distribution. All RFPs and contracts include standard language concerning non-discrimination practices and compliance with the requirements of Title VI.

E. Procedures for Noncompliance

After compliance checks, follow-up letters are sent to each donee and deficiencies are noted if the donee is found to be in noncompliance with the Title VI regulations. An example follow-up letter is included as **Appendix N**. The Department will work with all non-compliant donees in an effort to achieve voluntary compliance and will follow up on any deficiencies within ninety (90) days to ensure that each area has been sufficiently addressed. If noncompliance is not corrected, the donee will be denied access to surplus property and will be reported to the appropriate Federal and State authorities.

Any bidder who does not sign the required acknowledgement regarding Title VI compliance is not eligible to do business through the Department.

SECTION 10

COMPLIANCE/NONCOMPLIANCE REPORTING

The Title VI Coordinator obtains a Title VI summary report from each divisional representative on a quarterly basis. Additionally, reports are prepared for each donee compliance check performed by the Department. These reports are used to track Title VI compliance, and a summary is communicated in the Department's annual Implementation Plan. See Section 8.C, **Appendix G**, and **Appendix M**.

The Department does not routinely furnish to, or share individual Title VI compliance reports with any Federal or State agencies; however, compliance reports are furnished to the Human Rights Commission, upon request, and they are made available to the U.S. General Services Administration (GSA) during their periodic reviews of our Surplus Property Program. There were no reviews of the Department conducted by the Human Rights Commission during the fiscal year ending June 30, 2014. The GSA's Office of Civil Rights requested information for a "desk compliance review" in January 2014. The Department responded to the GSA's request in a timely manner. As of the release of this plan, the Department has not received a response to the information provided.

The Department is required to report quarterly results of the surplus property program to the GSA (41 CFR 102-37.360). This report reflects the Federal surplus property that has been allocated from the GSA and the property that the Department has issued to donees. This report does not involve Title VI compliance.

SECTION 11 TITLE VI TRAINING PLAN

The Department has communicated the Title VI policy to its Title VI representatives, staff, vendors, and donees through training seminars, one-on-one counseling, posters hung in centrally located areas, dissemination of Title VI brochures, and by making available upon request its written non-discrimination policy.

In addition, the Department includes its non-discriminatory policy clause on all pro forma Invitation to Bid and Request for Proposal contract documents. The Department's efforts in the promulgation of Executive Order 14 and involvement with the Governor's Office of Diversity Business Enterprise are other examples of the Department's commitment to Title VI.

The Department provides and requires Title VI training for employees on an annual basis. For the current plan year, the Title VI Coordinator attended the annual update meeting presented by the Human Rights Commission in July 2014. All employees within the Department were provided Edison access to a Title VI training presentation in May 2014, which included two videos promulgated by the U.S. Department of Justice. Each employee was required to register and complete the training in Edison and submit a copy of their completion certificate. A copy of the Department's training program is included as **Appendix O**.

For fiscal year 2013-2014, a total of 346 Department employees completed the Title VI training (Note: New staff hires since fiscal year 2014 will receive Title VI training and be reported in the following year's plan). Records of completed training are retained in an electronic format by the Department's Training Coordinator.

The Department will provide additional training to all employees during the third quarter of fiscal year 2014-2015.

A. Commitment Statement

The primary goal of the Department's Title VI Program is to ensure that all staff, contractors, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. We are readily available to provide high-quality technical assistance, resources, guidance, and any other information in regard to Title VI. Information related to the Department's Title VI Policy, which includes complaint procedures, is included as part of the Department's Title VI Implementation Plan, which is accessible on the Department's internet page at <http://tn.gov/generalserv/centralstores/>. A brief *Title VI Fact Sheet* created by the Human Rights Commission is available on the Department's homepage at <http://www.tn.gov/generalserv/index.shtml> and on the Department's intranet page at <http://www.intranet.state.tn.us/generalserv/>. While this fact sheet does not contain information specific to the Department, it does provide general Title VI information to the public in an easily accessible manner. In addition to electronic distribution, the Department will provide all of these documents in print, upon request.

The workshop concept has been utilized as a means of identifying specific issues and concerns of minorities. Concerns can be properly addressed only when they have been identified. This type of outreach and training throughout the State is continuously promoted by the Department through the GODBE office. Along with various other state agencies, this effort is intended to increase awareness of the Department's policy, as well as to increase contracting opportunities with minority owned, women owned, service-disabled veteran owned, and small businesses.

B. Minority Representation

The Department does not control the membership of any Board or Commission. However, the Commissioner, or his designee, sits on the following boards and commissions listed below, pursuant to the statutes indicated for each:

- State Capitol Commission pursuant to TCA § 4-8-301. The Capitol Commission has minority participation assured by the General Assembly through this legislation.
- Procurement Commission pursuant to TCA § 4-56-102. The membership in this commission is mandated as the commissioners of the Departments of General Services and Finance and Administration, as well as the Comptroller of the Treasury.
- State Protest Committee pursuant to TCA § 4-56-103, comprised of the commissioners of the Departments of General Services and Finance and Administration, as well as the State Treasurer.
- Public Records Commission pursuant to TCA § 10-7-302, created to consist of the State Treasurer, the Comptroller of the Treasury, the Secretary of State, the Director of Legal Services for the General Assembly, and the commissioner of the Department of General Services.

Effective November 1, 2011, a separate twelve member, advisory council on State procurement was established by TCA § 4-56-106. Membership information is available on the Department's website at http://tn.gov/generalserv/cpo/pro_reform.shtml and has been included as **Appendix P**. The Commissioner appoints two members to the council and gives due consideration to the need for geographic, age, racial, gender, and ethnic diversity on the council, in accordance with the requirements of the TCA. As stipulated by the TCA, the Commissioner must appoint one representative from the Department and one representative from other State agencies.

C. Outreach

Bidding opportunities for surplus personal property and professional service contracts are published on the Department's website.

The Governor's Office of Diversity Business Enterprise (GODBE) is charged with coordinating and directing the Executive Branch's efforts in assisting minority owned, women owned, service-disabled veteran owned, and small businesses in participating in bids and contracting opportunities within the State procurement processes. In accordance with TCA § 12-3-801 through 808, the Department issues an annual report to the Governor and members of the Tennessee General Assembly regarding GODBE. This public report outlines the purpose, goals, and achievements of the Office. The Department makes this report available through GODBE's website at <http://www.tn.gov/businessopp/>.

EVALUATION PROCEDURES OF TITLE VI IMPLEMENTATION

The Department evaluates its Title VI compliance program on a regular basis to ensure effectiveness and efficiency and considers the following information when evaluating its Title VI program:

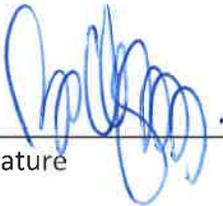
- Compliance reports received from the Human Rights Commission
- Recent complaints received
- Results of donee compliance checks
- Department program changes and additions
- Other relevant data and information

The Department has been deemed compliant by the Human Rights Commission for the previous fiscal year. Additionally, the Department did not receive any Title VI complaints in the previous year and as a result, has not identified any deficiencies at this time that need to be addressed.

SECTION 14
RESPONSIBLE OFFICIALS

A. The responsible State official charged with ensuring that the Department of General Services complies with Title VI is:

Robert E. Oglesby, Commissioner
Department of General Services
William R. Snodgrass Tennessee Tower, 22nd Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243



Signature

B. The Title VI Coordinator assigned with the task of developing and drafting the annual implementation plan is:

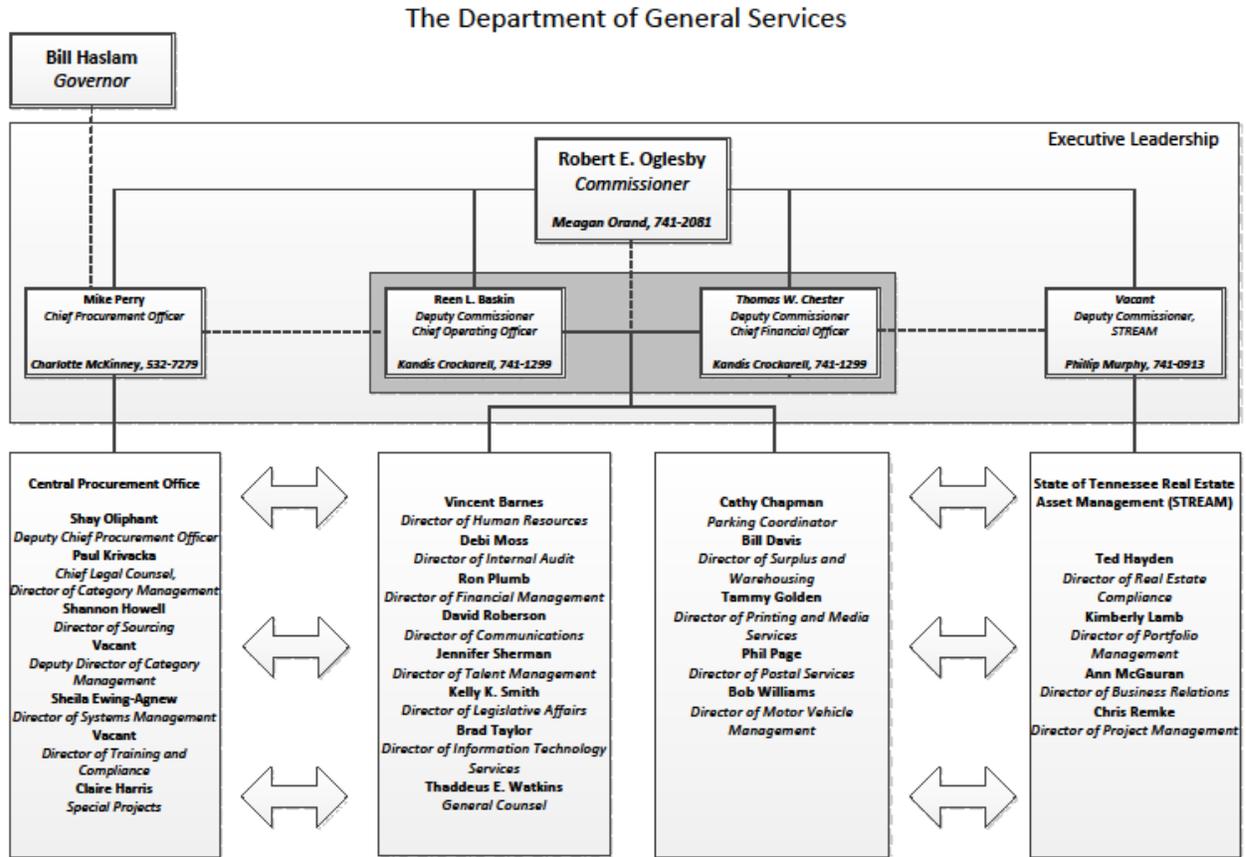
J. Michael Winston, Title VI Coordinator
Department of General Services
William R. Snodgrass Tennessee Tower, 22nd Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243



Signature

APPENDIX A

ORGANIZATIONAL CHART FOR GENERAL SERVICES



September 10, 2014

APPENDIX B

**RULES FOR DISTRIBUTION OF FEDERAL SURPLUS PROPERTY WITHIN THE STATE OF
TENNESSEE**

0690-1-1-.12 COOPERATIVE AGREEMENTS; The State Agency has the authority and will enter into such cooperative agreements deemed necessary with GSA or other Federal agencies in accordance with FPMR 101- 44.206. Such agreements may involve, but are not limited to:

- 1) Use of property by State Agency
- 2) Overseas property
- 3) Use of Federal Telecommunications System
- 4) Interstate transfers
- 5) Others, as may be necessary

Authority: *T.C.A. Sections 4-330(15), 12-333(5A), and 49-808 through 49-810. See also Public Law No. 94-519*

Administrative History: *Original Rule filed August 31, 1977, effective September 30, 1977.*

DISTRIBUTION OF FEDERAL SURPLUS PROPERTY CHAPTER 0690-1-1
WITHIN THE STATE OF TENNESSEE

DEPARTMENT OF GENERAL SERVICES
FEDERAL PROPERTY UTILIZATION DIVISION

ISSUE SHEET and INVOICE

DATE: _____

ID NUMBER: _____

INSTITUTION: _____ COUNTY: _____ INVOICE NO.: _____

ADDRESS: _____ POSTED: _____

PURPOSES FOR WHICH PROPERTY ARE BEING ACQUIRED:

- | | |
|-------------------------|--|
| 1. PUBLIC AGENCY | 2. NONPROFIT INSTITUTION OR ORGANIZATION |
| A. CONSERVATION | A. EDUCATION |
| B. ECONOMIC DEVELOPMENT | B. HEALTH |
| C. MEDICATION | C. OTHER |
| D. PARKS AND RECREATION | |
| E. PUBLIC HEALTH | |
| F. PUBLIC SAFETY | |
| G. TWO OR MORE PURPOSES | |
| H. OTHER | |

Purpose	Stock No.	Qty.	Unit of Measure	Description	Unit Fee	Total	Check if Loaded	Loader	Office Use Only Acquisition Cost	
									Unit Total Cost	
Property Checked By:				Items Checked Above Picked up By:				Date:		

BEING THE DULY AUTHORIZED AGENT OF THE ABOVE DONEE ORGANIZATION, I ACCEPT THE PROPERTY LISTED HEREON AND ON THE ATTACHED CONTINUATION SHEET(S) WHERE APPROPRIATE, AND COMMIT THE DONEE TO COMPLY WITH THE TERMS AND CONDITIONS PRINTED ON THE REVERSE OF THIS DOCUMENT AND INVOICE.

SIGNATURE OF AGENT	DATE
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• LETTER ATTACHED

DISTRIBUTION OF FEDERAL SURPLUS PROPERTY CHAPTER 0690-1-1
WITHIN THE STATE OF TENNESSEE

A. THE DONEE CERTIFIES THAT:

1. It is a public agency; or a nonprofit educational or public health institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.
2. If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such purposes. The property is not being acquired for any other use or purpose or for sale or other distribution; or for permanent use outside the State, except with prior approval of the State Agency.
3. Funds are available to pay all costs and charges incident to donation.
4. This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964 and Title VI Section 606 of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

B. THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

1. All items of property shall be placed in use for the purposes for which acquired within one year of receipt and shall be continued in use for such purposes for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State Agency, and at the donee's expense, return such property to the State Agency, or otherwise make the property available for transfer or other disposal by the State Agency, provided the property is still usable as determined by the State Agency.
2. Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.
3. In the event the property is not so used or handled as required by (B) (1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

C. THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$3,000 OR MORE AND PASSENGER MOTOR VEHICLES REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

1. The property shall be used only for the purpose(s) for which acquired and for no other purpose.
2. There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the State Agency designates a further period of restriction.
3. In the event the property is not so used as required by (C) (1) and (2) and federal restrictions (B) (1) and (2) have expired, then title and right to the possession of such property shall at the option of the

State Agency revert to the State of Tennessee and the donee shall release such property to such person as the State Agency shall direct.

D. THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS AND RESTRICTIONS:

1. From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently for use outside the State, without prior approval of GSA under (B) or the State Agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property, when such action is authorized by GSA or by the State Agency, shall be remitted promptly by the donee to GSA or the State Agency as the case may be.
2. In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the State Agency, the donee, at the option of GSA or the State Agency, shall pay to GSA or the State Agency, as the case may be, the proceeds of the disposal or for the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the State Agency.
3. If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the State Agency, and shall, as directed by the State Agency, return the property to the State Agency, release the property to another donee or another State Agency, a department or agency of the United States, sell or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the State Agency.
4. The donee shall make reports to the State Agency on the use, condition, and location of the property listed hereon and on other pertinent matters as may be required from time to time by the State Agency.
5. At the option of the State Agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations and restrictions pertinent thereto in (D) by payment of an amount as determined by the State Agency.

E. THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

1. The property acquired by the donee is on an "as is, where is" basis, without warranty of any kind.
2. Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations or restrictions occurs, the State Agency will be entitled to reimbursement from the donee out of the insurance proceeds of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$3,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

THE DONATION SHALL BE SUBJECT TO THE TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS SET FORTH IN THE CONDITIONAL TRANSFER DOCUMENT EXECUTED BY THE AUTHORIZED DONEE REPRESENTATIVE.

**APPENDIX C
TITLE VI POLICY**

 <p>POLICIES AND PROCEDURES State of Tennessee Department of General Services</p>	Index #	Page 1 of 6
	Effective Date: October 1, 2013	
	Distribution: Division Directors and Title VI Representatives	
	Supersedes: September 27, 2011 Title VI Complaint and Monitoring Process	
Approved By: Robert E. Oglesby		
Subject: Title VI Policy		

- I. **AUTHORITY:** TCA §§ 4-3-1105, 4-21-901, 4-21-904, 4-21-905, 49-1-304; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.
- II. **POLICY:** No person based on race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program, service, or activity operated, funded, or overseen by the Tennessee Department of General Services (DGS).
- III. **PURPOSE:** To ensure agency compliance with the requirements of Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations.
- IV. **APPLICATION:** All Department of General Services Employees, Contractors, Subcontractors, and Donee organizations who are eligible to receive federal surplus property.
- V. **RESPONSIBILITY:** The Title VI Coordinator under the supervision and direction of the Director of Internal Audit will coordinate all programs and activities associated with Title VI complaint investigations and compliance monitoring.
- VI. **DEFINITIONS:** As used in this policy, include the following:
 - A. **Beneficiary:** Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program.
 - B. **Complaint:** A written allegation of discrimination, which indicates that a program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.
 - C. **Compliance:** Fulfillment of the requirements of Title VI, other applicable laws, implementing regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit based on race, color, or national origin.

- D. Compliance Reviews: Conducted by means of either regular inspections of Department programs to determine compliance with Title VI requirements, which may be conducted by means of on-site, or desk (structured paper) reviews of programs and associated documentation.
- E. Contractor: An individual, group, or company that agrees to perform services or provide commodities at a specified price pursuant to a contract.
- F. Donees: Non-profit organizations and state entities who receive federal surplus property from DGS' Warehouse and Distribution Division.
- G. Limited English Proficiency (LEP): Persons that do not speak English as their primary language, and have a limited or no ability to read, speak, write or understand English.
- H. Monitoring: A review process used to determine compliance with the requirements of a state and/or federal program, applicable laws and regulations, and stated results and outcomes.
- I. Recipient: Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.
- J. Title VI Coordinator: A position designated by the DGS Commissioner to ensure compliance with Title VI program requirements.

VII. PROCEDURES:

A. Complaint Filing

A formal complaint must be filed in writing, within one hundred-eighty (180) days of the occurrence of the alleged discrimination.

1. The complaint should be filed on form **DGS-1070, Complaint under Title VI of the Civil Rights Act of 1964** available on the Department's internet webpage.
2. The complaint may also be filed in a letter stating the elements of the complaint.

3. Allegations that are received by telephone, fax, or e-mail will be acknowledged and reduced to writing. However, a complaint form will be forwarded for the person(s) to sign and return to DGS for processing.

The person to whom the complaint is made will document the elements of the complaint in writing if the complainant is unable or unwilling to file the complaint in writing. The complaint must contain the following information:

- a. Name, address and phone number of the complainant;
 - b. Location and name of the agency, facility, or other office where the alleged discrimination took place;
 - c. Identification of the agency staff alleged to have engaged in discrimination;
 - d. The elements of the event(s) that led to the belief that discrimination occurred,;
 - e. The basis of the complaint: race, color, or national origin;
 - f. Names, addresses and phone numbers of people who may have knowledge of the event;
 - g. The date(s) the alleged discriminatory event(s) occurred.
4. A complaint alleging discrimination against a division or entity of the General Services program delivery system may be filed internally with the DGS Title VI Coordinator.
 5. In addition, a complaint can be filed externally with the Tennessee Title VI Compliance Commission or the Office of Civil Rights, U.S. General Services Administration.

B. Investigation, Determination and Ruling

DGS supervisory staff shall forward all written complaints received to the Title VI Coordinator within two (2) business days of the receipt of any complaint.

The Title VI Coordinator will:

1. Coordinate the review and investigation of complaints.
2. Notify the complainant of receipt of the complaint.
 - a. The notification will be accomplished by the most expedient means available, including e-mail, fax, or telephone call to be documented in writing and confirmed by letter.
 - b. The notification will include a request for a time and date an investigator can reach the complainant by telephone or in person to discuss the complaint.

3. Notify the complainant by certified letter of the determination and/or any remedial action that has been taken if it is determined that there was discrimination based on race, color, or national origin.
4. Maintain copies of complaints and findings for a minimum of three (3) years from the resolution of the complaint.
5. Take primary responsibility for investigating complaints and reporting findings to the Commissioner. The investigation will review, minimally:
 - a. Applicable practices and policies;
 - b. The circumstances and events which led to the filing of the complaint;
 - c. All other pertinent information.
6. Complete the investigation and prepare a written determination on the alleged discrimination and/or make any recommendations on appropriate remedial action to the Commissioner within thirty (30) calendar days of receipt of the written complaint.
7. If a complaint involves an Executive Director, Assistant Commissioner, Deputy Commissioner, or the Commissioner, the Department of Human Resources will investigate the complaint on behalf of DGS and report the results to the appropriate agency.

C. Internal Appeal Process

If the complainant is not satisfied with the Title VI Coordinator's findings and/or the remedial action taken, an appeal may be filed with the Assistant Commissioner, which constitutes the last level in the internal complaint system.

1. Upon an appeal, the Director of Human Resources, the Title VI Coordinator, and the General Counsel will assist the Assistant Commissioner and the Commissioner in reviewing the matter and making a determination.
2. The appeal process can include, but is not limited to, discussing the complaint with the complainant, the alleged offender, the initial recipient of the complaint, and the Department authority whose finding is appealed.

D. External Review Process

A complaint may be filed simultaneously with the Tennessee Human Rights Commission or the Office of Civil Rights, U.S. General Services Administration and with DGS. In such case, the external complaint supersedes the internal DGS complaint. Accordingly, the internal complaint procedures will be suspended

pending the outcome of the Tennessee Human Rights Commission or federal review procedure, unless there is a request from the external agency for assistance in the investigation.

E. DGS Program and Activities Monitoring Process

1. The Title VI Coordinator will:
 - a. Coordinate desk audits and on-site reviews.
 - b. Ensure proper notice is given to employees and outside parties regarding the Department's nondiscrimination policy.
 - c. Approve the final monitoring report and distribute the document to the Director of Internal Audit, appropriate Division Director(s), and Donee, if applicable.

2. The Compliance Auditor (Title VI Division Rep) will:
 - a. Conduct quarterly compliance audits of DGS programs activities and Donees. These audits may include desk reviews, on-site visits, and routine reviews.
 - b. Identify and report Title VI noncompliance issues to the Title VI Coordinator and appropriate Supervisors.
 - c. Prepare the final monitoring report of Title VI findings. The report shall be submitted within thirty (30) calendar days after the completion of the on-site review or the Title VI compliance questionnaire.

3. The Title VI Divisional Representative will:
 - a. Serve as the point of contact within their respective divisions for Title VI concerns/issues.
 - b. Ensure that LEP guidelines are followed and that Title VI materials are available.
 - c. Collect and maintain data on race and ethnic categories, if applicable.

4. Upon receipt of the report, the Program Director and Donee, if applicable shall:
 - a. Prepare a corrective action plan outlining the steps that will be taken to correct findings, if any, identified in the monitoring report.
 - b. Provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned, and the anticipated completion date.
 - c. Submit the corrective action plan within thirty (30) calendar days of the date of the report.

- d. If the Program Director or Donee does not agree with the findings or believes corrective action is not required, then the corrective action plan shall include an explanation and specific reasons.

F. Non-compliance Findings and Sanctions

Any Donee or Contractor found to be in noncompliance with Title VI will be given a written notice. Failure to eliminate further discrimination within sixty (60) calendar days of receipt of notice will be considered a violation of the terms of the contract and a basis for contract suspension, termination, or rejection.

G. Title VI-Compliance Review and Implementation Plan

1. The Title VI Coordinator will develop the DGS, Title VI-Implementation Plan and monitor agency compliance.
2. The Implementation Plan will be prepared in accordance with guidance issued by the Tennessee Human Rights Commission (HRC) and shall be submitted annually to the HRC on or before October 1.

APPENDIX D
TITLE VI LEP POLICY

 <p>POLICIES AND PROCEDURES State of Tennessee Department of General Services</p>	Index #:	Page 1 of 2
	Effective Date: October 1, 2014	
	Distribution: Division Directors and Title VI Division Representatives	
	Supersedes: October 1, 2013 LEP Policy	
Approved by: Robert E. Oglesby		
Subject: Limited English Proficiency (LEP) Policy		

- I. **AUTHORITY**: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; Executive Order 13166

- II. **POLICY**: The Department of General Services does not discriminate against anyone with Limited English Proficiency (LEP), who participates in our programs and/or services. Steps have been taken to ensure that all individuals will be able to communicate, either through written or oral language services, with members of our staff.

- III. **PURPOSE**: To take reasonable steps to ensure that LEP individuals are provided meaningful access to our programs and/or services.

- IV. **APPLICATION**: All Department of General Services employees.

- V. **RESPONSIBILITY**: Each Title VI Division Representative, in conjunction with the Title VI Coordinator, will ensure that each division has properly trained staff to assist LEP individuals.

- VI. **DEFINITIONS**: As used in this policy include the following:
 - A. **Limited English Proficiency (LEP)**: Person that does not speak English as their primary language, and has a limited or no ability to read, speak, write or understand English.

 - B. **Meaningful Access**: Requires the Department to conduct an assessment of their service population by using the four factor analysis. (1) Number or proportion of LEP persons; (2) Frequency of contact LEP persons have with the program or activity; (3) Nature and importance of the program; and (4) Resources available to the recipient.

 - C. **Interpretation**: The oral or spoken transfer of a message from one language into another language.

 - D. **Translation**: The written transfer of a message from one language into another language.

VII. **PROCEDURES:** Any individual eligible for programs/services at the Department of General Services who cannot speak, write, or understand the English language at a level that permits them to interact effectively with our staff has the following rights: (1) A right to qualified interpreter services at no cost to them; (2) A right to not be required to rely on their minor children, other relatives, or friends as interpreters; (3) A right to file a grievance about the language access services provided them.

Each Division Title VI Representatives will be responsible for ensuring that all LEP individuals are able to communicate effectively, either through written or oral languages, with respective program and/or activity staff members.

The Title VI Coordinator will conduct an annual review of LEP compliance efforts undertaken by each division to ensure that the following has occurred:

1. **Perform a Needs Assessment** -- Each division will assess the language assistance needs of the population they serve by identifying the languages likely to be encountered and the number of LEP persons likely to be directly affected by its program.
2. **Train Staff** -- Each Title VI Division Representative will provide staff training to all staff members that may encounter a LEP person. This training should include how to obtain language assistance services and communication with interpreters and translators. Staff should also be trained on how to properly handle a Title VI complaint. (See Title VI Policy)
3. **Provide Interpretation Assistance** -- Each division/program will provide LEP persons with oral language assistance at reception or customer service desks or when telephone contact is made. Telephonic (over the phone) interpretation services are available, via the State's approved contractor for non-English speaking individuals. Each office shall have a designated person to request LEP services from the authorized contractor.
4. **Notify LEP Customers of Language Assistance Availability** -- Each division will inform the public of the availability of LEP services by posting signs or providing written materials in public areas notifying them of this service.
5. **Monitor Access to Language Assistance** -- Each division will continuously monitor their language assistance process to ensure that policies and practices are consistent.

DONEE QUALIFICATIONS

To become eligible to receive state and federal surplus property from the Department of General Services Warehousing and Distribution Division (W&D), organizations must qualify as one of the type agencies listed below, and submit the required Application for Eligibility package. The application package is located on the Department’s website.

The following organizations may be eligible to acquire State and Federal surplus property:

- State departments and agencies
- Cities/Towns
- Counties
- Utility Districts
- Special School Districts
- Human Resource Agencies
- Non-profit accredited educational institutions
- Non-profit licensed health agencies
- Non-profit organizations serving homeless individuals
- Non-profit organizations serving impoverished families/individuals
- Non-profit organizations serving older Americans
- SEAs (Service Educational Activities)

The Application for Eligibility package represents the documents that must be completed by your organization in order to be considered.

Please complete the forms in accordance with the instructions. Also please note the terms and conditions to acquire surplus property. After completing all required information on the four pages, send them to this office:

Department of General Services
Warehouse and Distribution – Property Utilization Division
6500 Centennial Boulevard
Nashville, TN 37243-0543
Telephone 615/350-3373
Fax 615/350-3379
e-mail: Robert.Dow@tn.gov

Please ensure that all questions are answered completely, and that all required supporting documentation is included. Incomplete applications will not be processed and will cause a delay in your becoming eligible to receive surplus property.

The application will be reviewed for approval by the Director of W&D. The organization is then notified by letter of their approval status.

**APPENDIX F
TITLE VI COMPLAINT FORM**



STATE OF TENNESSEE
DEPARTMENT OF GENERAL SERVICES

Type or Print

Date:

To: The Division Title VI Coordinator

I, _____ hereby file an official complaint **against**
(Print name of complainant)

Name of Person(s) or Agency or Entity: _____

Location or Address: _____

Complainant's Name: _____

Complainant's Address: _____

Date of alleged discrimination: _____

Basis of complaint: (For additional space use separate sheet of paper) _____

What do you want to happen as a result of this complaint? (For additional space use separate sheet of paper) _____

Signature

Date

Form DGS-1070

APPENDIX H DGS CONTRACTORS AND VENDORS

Vendor Name	Begin Date	Expire Date	Max. Amt ¹	Vendor GoDBE Certification	Contract Description	Funding Source	Contract Supplier Type	Vendor Selection Method
Acme Auto Leasing LLC 440 Washington Ave North Haven, CT 06473	2/16/2012	2/15/2015	\$0	None	SWC 222,Vehicle Lease for MVM	Interdepartm ental	Vendor	RFx (ITB)
American Paper & Twine Co 7400 Cockrill Bend Blvd Nashville, TN 37209	1/1/2013	12/31/2016	\$0	None	Copy Paper	State	Vendor	RFP
Anchor Tours Inc 3108 Blevins Road Whites Creek, TN 37189	9/1/2011	8/31/2015	\$3,134,644	None	Shuttle Service #32106-00111	Interdepartm ental	Vendor	RFP
AssetNation Inc 1001 McKinney St, Ste 1700 Houston, TX 77002	4/1/2013	3/31/2018	\$0	None	Online Auction Svs #32118-0012	Revenue Contract	Vendor	RFP
Athens Paper Co 1898 Elm Tree Dr Nashville, TN 37210	1/11/2013	1/10/2015	\$0	None	SWC#354, Paper Items	State	Vendor	RFx (ITB)
Athens Paper Co 1898 Elm Tree Dr Nashville, TN 37211	11/28/2013	11/27/2018	\$1,064,708	None	GS Printing Roll Paper	State	Vendor	RFx (ITB)
Beaman Toyota ² 1525 Broadway Nashville, TN 37203	12/16/2013	12/15/2016	\$0	None	SWC #209 Vehicles	State	Vendor	RFx (ITB)
Blues City Tours Inc 325 Union Ave Memphis, TN 38103	10/1/2012	9/30/2015	\$280,100	GODBE-MBE	Memphis Shuttle Service	Interdepartm ental	Vendor	RFx (ITB)
Bridgestone Retail Operations LLC 5808 Charlotte Pike Nashville, TN 37209	11/22/2013	11/21/2016	\$0	None	SWC #207: Fleet Maintenance	State	Vendor	RFx (ITB)
Business Products Group Inc 10440 N Central Expy, Rm 1150 Dallas, TX 75231	4/2/2012	4/1/2017	\$1,500,000	None	RFP#32107.00 211 ARCHIBUS	Interdepartm ental	Vendor	RFP
Canon Solutions America Inc 15004 Collections Center Dr Chicago, IL 60693	12/3/2013	12/2/2016	\$0	None	SWC 400 Multifunction Devices	State	Vendor	RFP
Dennis Paper Company 910 Acorn Ave Nashville, TN 37210	1/11/2013	1/10/2015	\$0	None	SWC#354, Paper Items	State	Vendor	RFx (ITB)
Dillingham & Smith 2311 Kline Ave. Nashville, TN 37211	6/1/2013	5/31/2015	\$2,500,000	None	Job Order Contract		Vendor	RFP

Vendor Name	Begin Date	Expire Date	Max. Amt ¹	Vendor GoDBE Certification	Contract Description	Funding Source	Contract Supplier Type	Vendor Selection Method
Fleetcor Technologies, 1001 Hwy 190 E Service Rd, Covington, LA 70433	7/1/11	6/30/16	\$80,000,000	None	Fleet Credit Card	State	Vendor	RFP
Focus Receivables Management LLC ² 1130 Northchase Pkwy Ste 150 Marietta, GA 30067	9/1/2012	8/31/2017	\$200,000	None	Collection Agency	Revenue Contract	Vendor	RFP
Golden Circle Ford Inc 1432 Highway 45 Byp Jackson, TN 38305	12/16/2013	12/15/2016	\$0	None	SWC #209 Vehicles	State	Vendor	RFx (ITB)
Guidesoft Inc ² 5875 Castle Creek Pkwy, St 400 Indianapolis, IN 46250	8/1/2013	7/31/2016	\$0	GODBE-WBE	MSP Contract for Temp Labor	State	Vendor	RFP
Jones Lang LaSalle Americas Inc, 200 E Randolph St, Chicago, IL 60601	4/1/13	3/31/18	\$330,500,000	None	Facilities Management Services	Interdepartm ental	Vendor	RFQ
Ikaso Consulting LLC 1776 Sacramento St, Ste 407, San Francisco, CA 94109	5/9/2011	5/8/2016	\$2,570,377	GODBE-MBE	Procurement Consolidation Consulting	Interdepartm ental	Vendor	Alternative Procurement Method
Mac Papers Inc PO Box 5369 Jacksonville, FL 32247	1/11/2013	1/10/2015	\$0	None	SWC #354 Paper Items	State	Vendor	RFx (ITB)
NB Ventures Inc 100 Walnut Ave, Ste 304 Clark, NJ 07066	9/1/2012	8/31/2016	\$4,979,978	GODBE-MBE	Strategic Sourcing 32110-00112	Interdepartm ental	Vendor	RFP
NB Ventures Inc 100 Walnut Ave, Ste 304 Clark, NJ 07067	7/1/2014	6/30/2017	\$235,000	GODBE-MBE	GEP SMART procurement tool	Interdepartm ental	Vendor	Non- Competitive Negotiation
Pitney Bowes Inc PO Box 7247-0166 Philadelphia, PA, 19170	12/27/2013	12/26/2018	\$4,000,570		Mailroom Equipment Maintenance	State	Vendor	RFx (ITB)
Staples Contract & Commercial Inc 500 Staples Drive, Framingham, MA 01702	1/1/2013	12/31/2016	\$0	None	Office Supplies & Toner	State	Vendor	RFP
TT of Columbia Inc 106 S James Campbell Blvd Columbia, TN 38401	12/16/2013	12/15/2016	\$0	None	SWC #209 Vehicls	State	Vendor	RFx (ITB)
TT of G Murfreesboro Inc 1422 NW Broad St Murfreesboro, TN 37219	12/16/2013	12/15/2016	\$0	None	SWC #209 Vehicles	State	Vendor	RFx (ITB)

Vendor Name	Begin Date	Expire Date	Max. Amt ¹	Vendor GoDBE Certification	Contract Description	Funding Source	Contract Supplier Type	Vendor Selection Method
TT of N Cool Springs Inc ² 212 Comtide Ct Franklin, TN 37067	12/16/2013	12/15/2016	\$0	None	SWC #209 Vehicles	State	Vendor	RFx (ITB)
U S Bank National Assoc 4325 17th Ave SW Fargo, ND 58103	4/1/2011	3/31/2015	\$56,000,000	None	Universal Fleet Card	Interdepartm ental	Vendor	RFP
Vinimaya Inc 10290 Alliance Rd. Cincinnati, OH 45242	12/31/2012	12/30/2017	\$1,763,630	GODBE-MBE	Catalog Management	State	Vendor	RFP
W W Grainger 1021 Charlotte Ave Nashville, TN 37203	3/1/2014	2/28/2017	\$0	None	Industrial Supplies	State	Vendor	RFP
Wilson County Motor Co LLC 903 S Hartman Dr Lebanon, TN 37090	12/16/2013	12/15/2016	\$0	None	SWC #209 Vehicles	State	Vendor	RFx (ITB)
Xerox Corporation PO Box 660502 Dallas, TX 75266	12/1/2011	11/30/2015	\$876,019	None	Xerox 1000 Digital Color Press	State	Vendor	RFx (ITB)
Xerox Corporation PO Box 660502 Dallas, TX 75267	2/1/2012	1/31/2015	\$599,762	None	Xerox DP180MX Printer Mtn	State	Vendor	Non- Competitive Negotiation
Xerox Corporation PO Box 660502 Dallas, TX 75268	7/1/2014	6/30/2017	\$355,303	None	Docutech Printer Maintenance	State	Vendor	Non- Competitive Negotiation

¹Contracts showing a “\$0” maximum amount are statewide contracts available for use by all State departments and agencies. There are no maximums for these contracts.

²New DGS vendors for Fiscal Year 2014.



**Department of General Services
Warehousing & Distribution (PUD)**

AUTHORIZED REPRESENTATIVES

NEW DESIGNATION(S)
(Delete all previous designations)

ADDITIONAL DESIGNATION(S) ONLY
(Add to previous authorization)

The following representatives are designated to:

- A. Represent organization as its authorized agent;
- B. Acquire State and Federal surplus property on behalf of the organization;
- C. Obligate necessary organization funds for this purpose
- D. Execute distribution documents binding the organization to the terms, conditions, reservations, and restrictions applying to property obtained through the agency.
- E. Further delegate this authority to any employee of the organization for the purpose of acquiring surplus property for the use by the organization, (Further delegation must be in the form of a current original, signed letter.)

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>	<u>DRIVER LICENSE NUMBER</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Are purchase orders used by your organization? Yes No If yes, with what restrictions?

I hereby certify that I understand that all authority to acquire property by those listed above ceases at the expiration of my term listed below and must be renewed by the incoming official.

SIGNATURE OF ORGANIZATION OFFICIAL: _____ **DATE:** _____

TERM OF OFFICE EXPIRES: _____



Department of General Services
Warehousing & Distribution (PUD)

NONDISCRIMINATION ASSURANCE

Assurance to be executed by organization official prior to receiving surplus personal property from the Property Utilization Division.

Assurance of compliance with GSA Regulations under Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of The Federal Property and Administrative Services Act of 1949 (as amended), Section 504 of the Rehabilitation Act of 1973 (as amended), Title IX of the Education Amendments Of 1972 (as amended), and Section 303 of the Age Discrimination Act of 1975.

The _____ (the donee)
(Name of Organization)

Agrees that the program for or in connection with which any property is transferred to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2 and 101-8) issued under provisions of Title VI of the Civil Rights Act of 1964, as amended; Section 606 of Title VI of the Federal Property and Administrative Services act of 1949, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Section 303 of the Age Discrimination Act of 1975, as amended; Title IX of the Education amendments of 1972, as amended; and Civil Rights Restoration Act of 1987, to the end that,

No person on the basis of race, color, national origin, sex, age, or handicap if otherwise qualified shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee receives assistance from the General Services Administration, and hereby gives assurance to that it will immediately take any measure necessary to effectuate this agreement.

Agrees that it is the sole responsibility of the donee to ensure all donee employees receive annual Title VI training and that said training is documented, maintained, and made available upon request by the General Services Administration or State of Tennessee.

Further, the donee agrees that this agreement obligates the donee for the period during which it retains ownership or possession of property; that the United States shall have the right to seek judicial enforcement of this agreement; and that this agreement is binding upon the donee and its successors, transferees, and assignees.

Signature of Organization Official

Date

GS-0994(Rev 10/11)

3

RDA 1876



Department of General Services
Warehousing & Distribution (PUD)

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION—LOWER TIER TRANSACTIONS**

This certification is required by the General Services Administration regulations implementing Executive Order 12549-41 CFR 105-68 for all lower tier transactions meeting the requirements stated at 41 CFR 105-68.110.

1. By signing and submitting this proposal, the prospective lower tier participating is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF DONEE APPLICANT:

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE:

SIGNATURE

DATE:

PROPOSAL STATEMENT OF CERTIFICATIONS AND ASSURANCES

RFP ATTACHMENT 6.1.

PROPOSAL STATEMENT OF CERTIFICATIONS AND ASSURANCES

The Proposer must sign and complete the Proposal Statement of Certifications and Assurances below as required, and it must be included in the Technical Proposal (as required by RFP Attachment 6.2., Technical Proposal & Evaluation Guide, Section A, Item A.1.).

The Proposer does, hereby, expressly affirm, declare, confirm, certify, and assure ALL of the following:

- 1. The Proposer will comply with all of the provisions and requirements of the RFP.
2. The Proposer will provide all services as defined in the Scope of Services of the RFP Attachment 6.6., Design-Build Agreement for the total agreement period.
3. The Proposer accepts and agrees to all terms and conditions set out in the RFP Attachment 6.6., Design-Build Agreement.
4. The Proposer acknowledges and agrees that an agreement resulting from the RFP shall incorporate, by reference, all proposal responses as a part of the agreement.
5. The Proposer will comply with:
(a) the laws of the State of Tennessee;
(b) Title VI of the federal Civil Rights Act of 1964;
(c) Title IX of the federal Education Amendments Act of 1972;
(d) the Equal Employment Opportunity Act and the regulations issued there under by the federal government; and,
(e) the Americans with Disabilities Act of 1990 and the regulations issued there under by the federal government.
6. To the knowledge of the undersigned, the information detailed within the proposal submitted in response to the RFP is accurate.
7. The proposal submitted in response to the RFP was independently prepared, without collusion, under penalty of perjury.
8. No amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Proposer in connection with the RFP or any resulting agreement.
9. Both the Technical Proposal and the Cost Proposal submitted in response to the RFP shall remain valid for at least 120 days subsequent to the date of the Cost Proposal opening and thereafter in accordance with any agreement pursuant to the RFP.

By signing this Proposal Statement of Certifications and Assurances, below, the signatory also certifies legal authority to bind the proposing entity to the provisions of this RFP and any agreement awarded pursuant to it. If the signatory is not the Proposer (if an individual) or the Proposer's company President or Chief Executive Officer, this document must attach evidence showing the individual's authority to bind the proposing entity.

DO NOT SIGN THIS DOCUMENT IF YOU ARE NOT LEGALLY AUTHORIZED TO BIND THE PROPOSING ENTITY

SIGNATURE:

PRINTED NAME & TITLE:

DATE:

PROPOSER LEGAL ENTITY NAME:

PROPOSER FEDERAL EMPLOYER IDENTIFICATION NUMBER (or SSN):

ACTIVE LIST OF FEDERAL PROPERTY DONEES

Tennessee Department of General Services

Warehouse & Distribution Division

Active List of Federal Property Donees

As of August 31, 2013

N	ENTITY NAME	Reviewed
1	ANDERSON COUNTY BOARD OF EDUCATION	
2	ANDERSON COUNTY GOVERNMENT	
3	BLOUNT COUNTY GOVERNMENT	
4	BLOUNT COUNTY SCHOOL SYSTEM	
5	BRIDGE BUILDERS INC	
6	CAMPBELL COUNTY BOARD OF EDUCATION	
7	CAMPBELL COUNTY GOVERNMENT	
8	CLAIBORNE COUNTY BOARD OF EDUCATION	
9	CLAIBORNE COUNTY EMERGENCY MANAGEMENT AGENCY	
10	COFFEE COUNTY RESCUE SQUAD	
11	COWAN, CITY OF	X
12	CUMBERLAND UTILITY DISTRICT	
13	DAVIDSON COUNTY DRUG COURT RESIDENTIAL PROGRAM	X
14	DICKSON POLICE DEPARTMENT	X
15	EAST TENNESSEE CARPENTERS & MILLWRIGHTS TRAINING CENTER	
16	FIRST TENNESSEE HUMAN RESOURCE AGENCY	
17	GALLATIN POLICE DEPARTMENT	X
18	GRAINGER COUNTY RESCUE SQUAD	
19	HARMONY EXPO	
20	HARRIMAN UTILITY BOARD	
21	HENDERSONVILLE POLICE DEPARTMENT	X
22	HICKMAN COUNTY SHERIFF DEPARTMENT	X
23	HUMPHREYS COUNTY SHERIFF DEPARTMENT	
24	HUMPHREYS COUNTY SOIL CONSERVATION	
25	KNOX COUNTY SHERIFF DEPARTMENT	
26	KNOXVILLE ZOOLOGICAL GARDENS, INC.	
27	LINCOLN COUNTY DEPT OF EDUCATION	
28	MCMINN COUNTY SHERIFF DEPARTMENT	X
29	MIDDLE TENNESSEE STATE UNIVERSITY	
30	MONROE COUNTY SCHOOL SYSTEM	
31	MORGAN COUNTY SCHOOLS	
32	NASHVILLE DRUG COURT SUPPORT FOUNDATION	
33	OAK RIDGE, CITY OF	
34	REMOTE AREA MEDICAL	
35	ROANE COUNTY BOARD OF EDUCATION	
36	ROANE COUNTY GOVERNMENT	
37	SCOTT COUNTY SCHOOL SYSTEM	
38	SHANGRI-LA THERAPEUTIC ACADEMY OF RIDING (STAR)	

N	ENTITY NAME	Reviewed
39	SIGNAL MOUNTAIN, TOWN OF	
40	SOUTHEND VOLUNTEER FIRE DEPARTMENT	
41	STEWART COUNTY BOARD OF EDUCATION	
42	STEWART COUNTY SHERIFF	
43	TAZEWELL, TOWN OF	
44	TENNESSEE DEPARTMENT OF AGRICULTURE - ELLINGTON AGRICULTURAL	
45	TENNESSEE DEPARTMENT OF CORRECTION – LOIS DEBERRY	
46	TENNESSEE DEPARTMENT OF CORRECTION - MORGAN	
47	TENNESSEE DEPARTMENT OF CORRECTION - NORTHWEST	
48	TENNESSEE DEPARTMENT OF CORRECTION - RIVERBEND MAXIMUM	
49	TENNESSEE DEPARTMENT OF GENERAL SERVICES	
50	TENNESSEE DEPARTMENT OF TRANSPORTATION - REGION 3	
51	TENNESSEE MUSEUM OF AVIATION	
52	TENNESSEE COLLEGE OF APPLIED TECHNOLOGY AT ONEIDA - HUNTSVILLE	
53	TENNESSEE WILDLIFE RESOURCES AGENCY	
54	TENNESSEE WILDLIFE RESOURCES AGENCY - REGION	
55	UNION COUNTY GOVERNMENT	
56	UNIVERSITY OF TENNESSEE - CLYDE AUSTIN 4-H CENTER - GREENEVILLE	
57	UNIVERSITY OF TENNESSEE - CLYDE YORK 4-H CENTER - CROSSVILLE	
58	UNIVERSITY OF TENNESSEE – DEPT OF MECHANICAL	
59	UNIVERSITY OF TENNESSEE - ELECTRICAL ENGINEERING	
60	UNIVERSITY OF TENNESSEE - INSTITUTE OF AGRICULTURE	
61	UNIVERSITY OF TENNESSEE – VETERINARY MEDICINE	
62	UT KNOXVILLE - EARTH & PLANETARY SERVICES	
63	WARTBURG VOLUNTEER FIRE DEPARTMENT	
64	WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM	
Grand Total	64	* 7 (11%)

The above listing reflects only the active donees that have received Federal Surplus Property in the last two (2) years, which totals 64. The majority of Federal Property received has a twelve to eighteen month restriction period. After the restriction period is over, all Federal requirements placed upon the donees, as detailed in Appendix B, cease to be enforceable. This includes compliance with the provisions of Title VI.



STATE OF TENNESSEE
DEPARTMENT OF GENERAL SERVICES
Title VI Audit Checklist

Donee: _____
Address: _____
Donee's Title VI Contact: _____
Checklist Completed by: _____
Date: _____

Attach a separate sheet detailing the organizations Title VI Implementation and Compliance procedures and plan.

1. Are Title VI Posters prominently displayed within the facility? _____ YES _____ NO

If yes, where? _____

If no, please explain: _____

2. Does the organization have existing written policies regarding Title VI (Non Discrimination)?
_____ YES _____ NO

*****Attach Copy of Written Policy*****

3. Has your organization developed and implemented policies and procedures for the monitoring and enforcement of Title VI compliance? _____ YES _____ NO

*****Attach Copy of Written Policy*****

4. Are records kept of Title VI complaints? _____ YES _____ NO

Where are the records kept? _____

Number of complaints received during the last fiscal year: _____

State name(s) and title(s) of person(s) who reviews/receives and make reports of all complaints:

5. Has your organization developed and implemented policies and procedures for monitoring and enforcement of Title VI compliance? _____ YES _____ NO

6. Is information on Title VI and laws requiring equal services to all on the basis of non discrimination disseminated to the general public, including minority groups?
_____ YES _____ NO _____ N/A

If yes, state by whom and method used: _____

7. Board of Directors, Advisory Board, or Owner of Company:

Total number of members: _____

White # _____ Minority # _____

Asian # _____ Afro-Amer # _____ Hispan # _____ N/A _____

Male # _____ Female # _____

8. Has your organization conducted training or have a policy for Title VI/Limited English Proficiency (LEP) compliance? _____ YES _____ NO

*****Attach Copy of Limited English Proficiency (LEP) Policy*****

Auditor's Signature

Date

Contractor/Donee's Title VI Contact Signature

Date

APPENDIX M
SUMMARY REPORT OF TITLE VI REVIEW RESULTS

MEMORANDUM

TO: The Honorable Robert E. Oglesby, Commissioner

FROM: Kevin G. Wahl, Title VI Representative

DATE: September 5, 2014

SUBJECT: Title VI Reviews – Surplus Property Donees

As a part of the Title VI compliance program of the Department of General Services, I have completed Title VI reviews of Donees currently registered to receive state and federal surplus property from our Surplus Property Division. These reviews were conducted during the months of August 2013 through June 2014.

From a list of 64 active Donees, 7 (11 %) were randomly selected to receive on-site visits to review their Title VI policies in relation to the below components. The following is a summary of those visits.

	TITLE VI COMPONENT	Yes	No
A	Title VI Posters prominently displayed within facilities.	7	0
B	Are there existing written policies regarding the acceptance of all persons and provisions of services to such persons without regards to race, color, or national origin.	7	0
C	Written complaint procedures.	7	0
D	Title VI complaint records maintained at facility/within organization?	7	0
E	Organizations developed and implemented policies and procedures for monitoring and enforcement of Title VI compliance.	7	0
F	Information disseminated to the public, including to minority groups, Title VI information and its laws requiring equal service to all without discrimination.	7	0
G	Information on directors, advisory or commissioner boards.	7	0
H	Limited English Proficiency (LEP) Plans – written policy in place.	7	0

Whenever a deficiency is identified during an on-site visit, the donee is given every opportunity to correct the issue. Warehouse and Distribution provides assistance and resources to these donees, including sample written policies for use in documenting their individual policies. The division then follows up with donees to ensure that deficiencies have been rectified in a timely manner. As reported above, each donee was either determined to be in compliance with Title VI at the time of the on-site visit or determined to be in compliance during follow up. A listing of active donees and those which received an on-site visit will be included in the Department’s annual Title VI Implementation Plan.

APPENDIX N
EXAMPLE FOLLOW-UP LETTER

(Date)

Mr. John Smith
ABC Company
123 Elm Street
Any City, TN 33333

Dear Mr. Smith:

ABC Company previously received state/federal surplus property from the Department of General Services Property Utilization Division. As part of the agreement for receiving such property, entities are subject to the program requirements of Title VI of the Civil Rights Act of 1964.

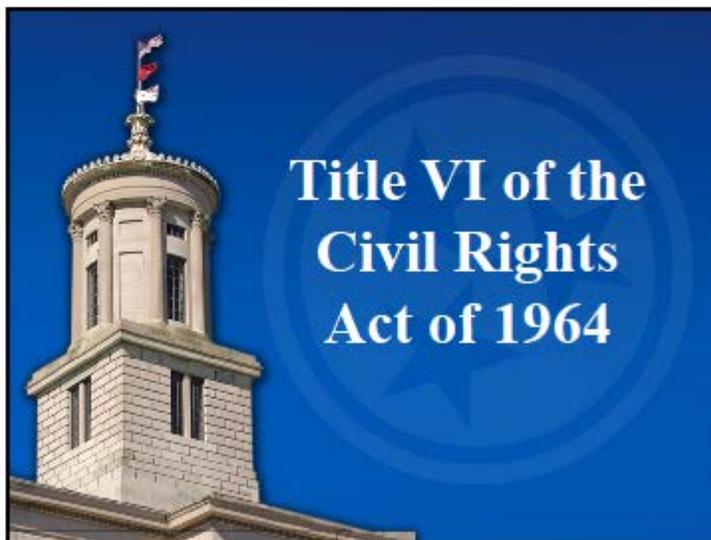
We have received your Title VI Policy and Implementation Plan which fulfills the program requirements of Title VI and corrects the three findings from our on-site visit conducted on (date). Therefore, ABC Company is in compliance with the provisions of Title VI.

If you require further assistance, please contact (name) at 615-xxx-xxxx.

Sincerely,

(Name), Title VI Representative

cc: (Name), Director, Office of Internal Audit
(Name), Director, Warehouse and Distribution Division



 **What is Title VI?
Federal Law**

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

42 U.S.C. s 2000d
Tennessee Code Annotated § 4-21-904

It does not apply to discrimination based on age, sex, geographical locale, or wealth.

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 **Purpose of Training**

To ensure General Services employees are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.

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Protected Classes

1. Race:
 - American Indian or Alaska Native
 - Asian
 - Black or African American
 - Native Hawaiian or other Pacific Islander
 - White
 - ❖ Person may identify one or more race in addition to identifying their ethnicity as Hispanic or Latino
2. Color: skin color
3. National Origin: country of ancestry (not country of citizenship)

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Funded Programs

It is a discriminatory practice for state agencies receiving federal funds making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds on the basis of race, color, or national origin.

TCA § 4-21-904

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Federal Financial Assistance

Federal financial assistance means more than just money. It is also aid that enhances the ability to improve or expand allocation of a recipient's own resources. Examples might include:

- Student Aid
- Training of employees
- Award or grant money
- Use or rent of federal land or property below market value
- Tax incentives
- Loan of federal personnel
- Technical Assistance

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Programs or Activities Covered by Title VI

Discrimination is prohibited throughout an entire agency or institution if any part of that agency or institution receives Federal financial assistance, not just actions involving the federally assisted program.

The entire agency is required to comply with Title VI, not just that particular program.

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Applicability to DGS

Although the Department does not directly receive Federal funding, the Warehousing and Distribution Division (W&D) receives Federal surplus property, which it sells to governmental subdivisions, non-profit organizations, and the public.

Because W&D receives and redistributes Federal surplus property to eligible recipients, all of the Department's operations are subject to the requirements of Title VI.

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DGS Title VI Policy

- “No person, based on race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program, service, or activity operated, funded, or overseen by the Tennessee Department of General Services.”

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Limited English Proficiency (LEP)

Presidential Executive Order 13166

- Agencies and recipients must take reasonable steps to provide meaningful access to LEP individuals.
- LEP individuals are defined as persons who do not speak English as their primary language with a limited ability to read, speak, write, or understand English.
 - This includes people who do not speak English at all.
- Providing language assistance ensures that services are not delayed or denied because of communication issues.

The Department is covered by a statewide contract to provide interpreter services:
Avaza Language Services Corp.
5209 Linbar Drive, Suite 603
Nashville, TN 37211
1-800-482-8292

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DGS Limited English Proficiency (LEP) Policy

- “The Department of General Services does not discriminate against anyone with Limited English Proficiency (LEP), who participates in our programs and/or services and steps have been taken to ensure that all individuals will be able to communicate, either through written or oral language services, with members of our staff.”

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Title VI Does...

- Prohibit entities from denying service, financial aid, or other benefits.
- Prohibit entities from providing services or benefits that are different or inferior.
- Prohibit segregation or separate treatment.
- Prohibit entities from requiring different standards or conditions as prerequisites in order to be eligible for benefits.

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Title VI Does...

- Encourage the participation of minorities as members of planning or advisory bodies.
- Prohibit discriminatory activities in facilities built with federal funds.
- Require information and services to be provided in languages other than English.
- Require entities to notify the eligible population about applicable programs.
- Require assurance of nondiscrimination in purchasing of services.

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Title VI Does Not...

- Apply to federal assistance provided through insurance or guaranty contracts.
- Apply to employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the Federal assistance is to provide employment.
- Apply to benefit programs such as Social Security.
- Apply to contracts and set-aside programs.
- Provide relief for discrimination based on age, sex, geographical locale, or wealth.

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How Is Title VI Different From Respectful Workplace?

- Respectful workplace covers discrimination and harassment in the workplace.
- Title VI only applies to discrimination in the provision of public services and is limited to race, color, or national origin discrimination.

For Example:

Example	Type of Issue	Who To Contact
A coworker uses a racial slur towards another coworker.	Respectful Workplace	Human Resources- Employee Relations Officer
A government office denies food stamps to a person because of their race.	Title VI	Department Title VI Coordinator (or Tennessee Human Rights Commission)

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Understanding and Abiding by Title VI Video

- The following link is to a video used to provide training in previous years. If you would like to review it again, please click below. If not, please continue with the presentation.
- <http://nowuseeit.state.tn.us/mediasite5/SilverlightPlayer/Default.aspx?peid=665491af3f104e1aafbd0b3b95dc84e91d>
- When the video loads, press the play button to start. Please stop the video after 23 minutes and 20 seconds. The remainder of the video is a duplication. Please return to this presentation when you are done viewing the video.

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Update Since Issuance of Original Video

In a 2001 case, *Alexander v. Sandoval*, the Supreme Court held that individuals can only sue in court to enforce Title VI claims of intentional discrimination; they cannot sue for disparate impact. It is important to recognize the Sandoval restrictions and to note that although courts will no longer accept Title VI disparate impact claims, individuals can still file such claims with the federal agency that provides financial assistance to the entity accused of discrimination.

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Limited English Proficiency Video

- The following link is to a video used to provide training in previous years. If you would like to review it again, please click below. If not, please continue with the presentation.
- <http://nowuseeit.state.tn.us/mediasite5/SilverlightPlayer/Default.aspx?peid=edca93a7fd8b4d6abbbd4ff026a6cfa71d>
- When the video loads, press the play button to start. Please return to this presentation when you are done viewing the video.

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How to File a Complaint

TCA § 4-21-905

- Aggrieved persons may file a complaint with the state agency within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- Complaints may also be filed with the Tennessee Human Rights Commission or the U.S. General Services Administration.
- Recipients or beneficiaries can contact Michael Winston, the General Services Title VI Coordinator, or Debi Moss, the Director of Internal Audit, for assistance or more information.

Department of General Services
Office of Internal Audit
WRS- TN Tower, 22nd Floor
Nashville, TN 37243
(615) 741-8348 or (615) 741-0068

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DGS Divisional Representatives

Each DGS division has a designated Title VI representative. These staff members are trained on Title VI regulations to ensure compliance within their division. If you need immediate assistance with a Title VI or LEP issue, please contact your divisional representative or the Title VI coordinator.

- Department Coordinator: Michael Winston (Internal Audit)
- Human Resources: Melissa Thomas
- Postal: Theresea Nixon
- MVM: Dian Douglas
- CPO: Helen Crowley
- GODBE: Shelia Simpson
- OFM: Marva Bradford
- W&D: Kevin Wahl
- STREAM: Pamela Fitzpatrick
- PMSD: Donald Conner

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Public Notice and Outreach

Accomplished through:

- Annual training to all DGS staff
- Title VI Implementation Plan and Title VI Information available on the DGS website

Resources

- [Title VI Training](#)
- [Title VI Implementation Plan](#)
- [Title VI Information](#)
- [Title VI Brochures](#)



IT IS THE LAW
ESTABLISHED BY

THE STATE OF TEXAS
COMPLIANCE WITH THE
FEDERAL CIVIL RIGHTS ACT OF 1964

- Compliance Posters
- Brochures

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 **What Do I Do If...?**

- I see someone being denied access to a DGS program or service because of their race, color, or national origin...

→ Contact the Title VI Coordinator or the Title VI Representative for your division.

→ You may also contact the Tennessee Human Rights Commission or the U.S. General Services Administration.

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 **What Do I Do If...?**

- Someone tells me they want to file a Title VI complaint....

→ Contact the Title VI Coordinator or the Title VI Representative for your division.

→ You may also contact the Tennessee Human Rights Commission or the U.S. General Services Administration.

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 **What Do I Do If...?**

- A customer approaches me who does not speak English...

→ Contact Avaza Language Services at **1-800-482-8292**. An Avaza representative will provide you with translation assistance over the phone. When finished assisting the customer, please contact the Title VI Coordinator.

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 **What Do I Do If...?**

- I have a question or a concern about Title VI...

→ Contact the Title VI Coordinator



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Contact Information

- **Title VI Coordinator: Michael Winston**
(615) 741-8348
Michael.Winston@tn.gov
- **TN Human Rights Commission:**
(615) 741-5825 or 1-800-251-3589
<http://tn.gov/humanrights/>
- **U.S. General Services Administration**
Office of Civil Rights: (202) 501-0767
ocr@gsa.gov

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Thank You!

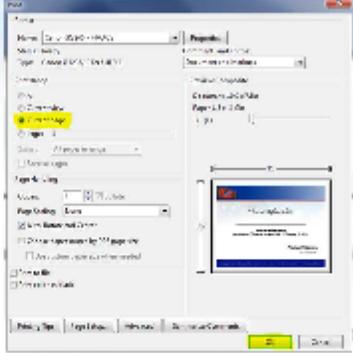
- Thank you for completing the Department of General Services' annual Title VI training.
- In order to receive credit for completing the training, please print the completion certificate on the last page of this presentation. After filling in your name, you must email a copy to Jeaneene Johnson.

Jeaneene.Johnson@tn.gov

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Instructions for Printing Certificate

1. Go to the last page of this presentation and click print.
2. Select the highlighted options shown at right.
3. After printing, write your name on the space provided.



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Certificate of Completion

This certifies that

*Has successfully completed the
Department of General Services, Title VI Training for 2014*

*Michael Winston
Title VI Coordinator*

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APPENDIX P
ADVISORY COUNCIL ON STATE PROCUREMENT

CENTRAL PROCUREMENT OFFICE
ADVISORY COUNCIL ON STATE PROCUREMENT APPOINTEES
(as of 9/29/14)

NAME	FROM	GENDER	RACE	COUNTY OF RESIDENCE	AGE 60 OR OVER	APPOINTED BY
5 Voting Members:						
Mike Perry	Central Procurement	Male	Caucasian	Davidson	Yes	T.C.A. § 4-56-106(a)(2)
Sondra Howe	Department of Military	Female	Caucasian	Williamson	Yes	DGS-Commissioner Oglesby
Kelly Smith	General Services	Female	Caucasian	Davidson	No	DGS-Commissioner Cates
Buddy Lea	Finance & Administration	Male	Caucasian	Williamson	No	F&A-Commissioner Martin
Jason Mumpower	Comptroller's Office	Male	Caucasian	Sullivan	No	Comptroller Wilson
7 Non-Voting Members:						
Rick Peppers Mt. Juliet, TN (Nashville Office Interiors)	Bidder/Vendor Community	Male	Caucasian	Wilson	No	Governor Haslam
Michelle Lane Nashville, TN (Metropolitan Govt of Nashville and Davidson Co.)	NIGP	Female	African American	Davidson	No	Governor Haslam
Terry Anderson Shady Valley, TN (State of TN, Dept. of Correction)	NIGP	Male	Caucasian	Johnson	Yes	Speaker of Senate, Lt. Governor Ron Ramsey
Melissa G. Kmiecik Brentwood, TN (IBM Corporation)	Bidder/Vendor Community	Female	Caucasian	Williamson	No	Speaker of Senate, Lt. Governor Ron Ramsey
Scottie Domenico Nashville, TN (AED Brands)	Bidder/Vendor Community	Female	Caucasian	Williamson	No	Speaker of the House, Beth Harwell
Hugh Holt Knoxville, TN (Knox County Government)	NIGP	Male	Caucasian	Blount	No	Speaker of the House, Beth Harwell
Tommy Wheeler Murfreesboro, TN (Durham Realty & Auction)	Bidder/Vendor Community	Male	Caucasian	Rutherford	Yes	Fiscal Review Committee Chairman, Senator Bill Ketron