

FAQs - Appendix E of the Title VI Assurances in Contracts and Agreements

There is a [U.S. Department of Transportation Order No.1050.2A](#) requirement to attach Appendix E in every federal-aid contract and agreement, which is not included in [Exhibit 4-C: Master Agreement - Administering Agency-State Agreement](#) for Federal-Aid Projects. All local agencies must include the provisions indicated in Appendices A – E of the Title VI Assurances in all federal-aid contracts between an agency and a contractor.

NOTE: These changes are for Federal Highway Administration (FHWA) funds only.

Contracts that are being advertised (issue an addendum to include Appendix E)
Appendices A-E must be included in all federal-aid advertisements and executed contracts between an agency and a consultant contractor beginning Friday, September 17, 2020.

Contracts where the bids have been opened, but not awarded (reject bids and re-advertise with the Appendix E in the new ad)

If the agency wants to amend an advertisement to include Appendices A-E, they may. However, an amendment is not required as the Caltrans Division of Local Assistance (DLA) did not provide this direction prior to the [DLA Blog announcement](#) (September 17, 2020).

Contracts that have already been awarded (amend a contract to include Appendix E)

If the contract is already executed, it could be amended in, but is not necessary. Agencies need to add Appendix E beginning Friday, September 17, 2020 to all new federal-aid contracts.

If an agency puts the entirety of Local Assistance Procedure Manual Exhibit 12-G in any Federal bid package are they compliant?

The Exhibit 12-G does not include nor replaces Appendix E; Appendix E is required in all federal-aid contracts. Appendix A-E includes all of the Title VI provisions required by DOT 1050.2A.

Will any updates to or a new Program Supplement Agreement be initiated by the Division of Local Assistance?

We endeavor to include the Title VI assurances in the PSAs for new projects and will schedule an update for the federal master agreement.

Helpful Information:

- Appendix E needs to be attached in **consultant** contracts if a project is or will be federalized.
- Appendix E needs to be attached in **construction** contracts if a project is or will be federalized.