

**SFY 2022**  
**SECTION 5311 CERTIFICATIONS & ASSURANCES**

**Name of Applicant:** \_\_\_\_\_

**The Applicant agrees to comply with applicable provisions of Categories 01 – 26.** \_\_\_\_\_

<u>Category</u>	<u>Description</u>	<u>Check</u>
01.	Assurances Required For Each Applicant	_____
02.	Standard Assurances	_____
03.	504 Certification	_____
04.	Local Civil Rights	_____
05.	School Bus Operations Certification	_____
06.	Disability Nondiscrimination	_____
07.	Incidental Services Certification	_____
08.	Certification of Equivalent Service	_____
09.	Charter	_____
10.	Lobbying	_____
11.	Regulatory Assurances	_____
12.	Use of Project Equipment/Facilities	_____
13.	Safety Management Policy Statement	_____
14.	Procurement Information Certification	_____
15.	Tax Liability and Felony Convictions	_____
16.	Transit Asset Management Plan	_____
17.	Rolling Stock Buy America Reviews & Bus Testing	_____
18.	Alcohol & Controlled Substances Testing	_____
19.	Demand Responsive Service	_____
20.	Procurement Compliance	_____
21.	Protections for Private Providers of Public Transportation	_____
22.	Legal Name of Entity/Applicant	_____
23.	Commitment of Local Share	_____
24.	DBE/WBE Policy Statement	_____
25.	Standard DOT Title VI Assurances	_____
26.	Labor Provisions	_____

**SECTION 5311 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**

*(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)*

**AFFIRMATION OF APPLICANT**

Name of Applicant:

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Name and Relationship of Authorized Representative:

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BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes and regulations, and follow applicable Federal directives, and comply with the certifications and assurances as indicated on the foregoing page applicable to each application it makes to the Federal Transit Administration (FTA) in **Federal Fiscal Year 2021 (State Fiscal Year 2022)**. FTA intends that the certifications and assurances the Applicant selects on the first page of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during **Federal Fiscal Year 2021 (State Fiscal Year 2022)**. The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized

in 49 U.S.C. chapter 53 or any other statute. In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_  
Authorized Transit Representative of Applicant

### 01. ASSURANCES REQUIRED FOR EACH APPLICANT

*Each Applicant for FTA assistance must provide all assurances in this Category "01." except to the extent that FTA expressly determines otherwise in writing, FTA may not award any Federal assistance until the Applicant provides the following assurances by selecting Category "01."*

As the duly authorized representative of the applicant, you certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
  - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 C.F.R. Part 21;

- b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 C.F.R. Part 25;
  - c. Section 5332 of the Federal Transit Law (49 U.S.C. §5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTS because of race, color, religion, national origin, sex, disability, or age.
  - d. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 C.F.R. Part 27;
  - e. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
  - f. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
  - g. The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  - h. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
  - i. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
  - j. Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
  - k. The requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 C.F.R. Part 24.
  8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
  9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction sub-agreements.
    - a. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a

- special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
10. Will comply with environmental standards which may be prescribed pursuant to the following:
    - a. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
    - b. Notification of violating facilities pursuant to EO 11738;
    - c. Protection of wetlands pursuant to EO 11990;
    - d. Evaluation of flood hazards in floodplains in accordance with EO 11988;
    - e. Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
    - f. Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
    - g. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
    - h. Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
  11. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
  12. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
  13. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
  14. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.
  15. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
  16. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R Part 200, Subpart F, "Audit Requirements", as adopted and implemented by U.S. DOT at 2 C.F.R. Part 1201.
  17. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
  18. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended, (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
    - a. Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
    - b. Procuring a commercial sex act during the period of time that the award is in effect; or
    - c. Using forced labor in the performance of the award or sub-awards under the award.

### **1.1. Standard Assurances: Additional Assurances for Construction Projects.**

*This certification appears on the Office of Management and Budget's standard form 424D "Assurances -- Construction Programs" and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

1. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
2. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
3. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plan and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

### **1.2. Procurement.**

*The Uniform Administrative Requirements, 2 C.F.R. 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.*

The applicant certifies that its procurement system complies with:

1. U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 200, particularly 2 C.F.R. §§ 200.317-200.326 "Procurement Standards;
2. Federal laws, regulations, and requirements applicable to FTA procurements; and
3. The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

### **1.3. Suspension and Debarment.**

*Pursuant to Executive Order 12549, as implemented at 2 C.F.R. Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant's exclusion status. 2 C.F.R. § 180.300. Additionally, each applicant must disclose any information required by 2 C.F.R. § 180.335*

*about the applicant and the applicant's principals prior to entering into an award agreement with FTA. This certification serves both purposes.*

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

1. Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
2. Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;
3. Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
4. Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

## **02. STANDARD ASSURANCES**

1. The applicant certifies that it has made the non-discrimination assurance required in 49 CFR 27.9. If non-accessible vehicles are being purchased for use in demand responsive service, the appropriate certification has been made that equivalent service is provided to individuals with disabilities.
2. The applicant's Section 5310 service provides for maximum feasible coordination of transportation services assisted under Section 5310 with transportation services assisted by other Federal sources.
3. The applicant is recognized under State law as a private, nonprofit organization [or a public body providing services that go beyond the ADA authorized through the Fixing America's Surface Transportation Act (FAST Act)] and has the legal capacity to contract with the State to carry out the proposed project.
4. The applicant has or will have the required non-Federal cash match for the project; or such match will be provided in whole or in part from other State, local, or private sources.
5. The applicant is in compliance with all applicable civil rights requirements and has signed the FTA Civil Rights Assurance and The DOT Title VI Standard Assurance.
6. The applicant will comply with all existing Federal requirements regarding transportation of elderly persons and persons with disabilities.
7. The applicant will comply with all applicable requirements of U.S.DOT regulations on the participation of disadvantaged business enterprise in U.S.DOT programs.

8. The applicant assures that the service provided or offered to be provided by existing public or private transit operators is unavailable, insufficient, or inappropriate to meet the special needs of elderly persons and persons with disabilities described in the application for Section 5310 funds.
9. The applicant assures that private transit operators have been offered a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed special transportation service for elderly persons and person with disabilities.
10. The applicant assures that it has or will submit all applicable certifications currently required, including, but not limited to: the drug-free workplace certification, a certification that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA circular 4220.1F, "Third Party Contracting Requirements," and other implementing requirements FTA may issue, a certification that its project provides for the participation of private mass transportation companies to the maximum extent feasible; a certification it has paid or will pay just compensation under state or local law to each private mass transportation company for its franchise or property acquired under the project; a nonprocurement suspension and debarment certification; a bus testing certification for new bus models; a pre-award and post-delivery review certification; a lobbying certification for each application exceeding \$100,000. The Applicant certifies that it will obtain from vendors the signed restrictions on lobbying certification when making purchases in excess of \$100,000. The Applicant certifies that it will obtain signed debarment and suspension certifications from vendors when making purchases in excess of the small purchase threshold.
11. The applicant possesses the necessary fiscal and managerial capability to implement and manage the proposed project.
12. The applicant has or will have by the time of delivery sufficient funds to operate the vehicles and equipment to be purchased under this project.
13. The applicant will comply with all applicable "Buy America" provisions, including 49CFR Parts 661, 663 and 665.
14. The Applicant certifies that they, their subcontractors and lower tiered subcontractors will comply with the attached Federally Required and Model Contract Clauses and will include the Federally Required and Model Contract Clauses in all bid documents, vendor agreements and service agreements.

**03. 504 CERTIFICATION OF SPECIAL EFFORTS TO PROVIDE TRANSPORTATION  
THAT DISABLED PERSONS CAN USE**

*In accordance with 49 U.S.C. Chapter 53 Section 5310, (a) General Authority.— (1) Grants.—The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.*

The applicant hereby certifies that special efforts are being made to provide transportation that disabled persons, including wheelchair users and semi-ambulatory persons, can use by recipients of funds under



Section 5339/5310/5311 of the FTA ACT. The transportation resulting from these special efforts is reasonable in comparison to the transportation provided to the general public and meets a significant fraction of the actual transportation needs of such persons within a reasonable time.

#### **04. LOCAL CIVIL RIGHTS ASSURANCES**

The applicant certifies as a condition to receiving Federal assistance under Section 5339/5310/5311 of the Federal transit laws (49 U.S.C. Chapter 53) that:

1. No person shall on the grounds of race, color, creed, national origin, sex, age, or handicap be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity for which this recipient receives Federal financial assistance from the Federal Transit Administration (FTA).
2. The Applicant shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, and shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, or handicap.
3. The Applicant will conduct any program or operate any facility that receives or benefits from Federal financial assistance administered by the Department of Transportation in compliance with all requirements imposed by or pursuant to 49 CFR, Part 27, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities receiving or benefiting from Federal Financial Assistance.
4. Special efforts are being made to provide transportation that handicapped persons, including wheelchair users and semi-ambulatory persons, can use. This transportation shall be reasonable in comparison to the transportation provided to the general public and shall meet a significant fraction of the actual transportation needs of such persons within a reasonable time. (This "Special efforts Certification" may be filed with the State on a one-time basis and referenced in each application.)

#### **05. SCHOOL BUS OPERATIONS CERTIFICATION**

The applicant certifies they do not engage in school bus operations exclusively for the transportation of students and school personnel. Therefore, the requirements of 49 CFR 605 does not apply to this project.

#### **06. NONDISCRIMINATION ON THE BASIS OF DISABILITY**

As required by U. S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, The Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FTA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected

to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FTA or any entity within U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, at 49 CFR parts 27, 27, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

#### **07. INCIDENTAL SERVICES CERTIFICATIONS**

The applicant hereby certifies that any incidental use provided will not interfere with the public transit services for which it was originally obtained and the incidental use will not exceed 20 percent of the total use of a vehicle.

#### **08. CERTIFICATION OF EQUIVALENT SERVICE**

The applicant certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

1. Response Time;
2. Fares;
3. Geographic service area;
4. Hours and days of service;
5. Restrictions on trip purpose;
6. Availability of information and reservation capability; and
7. Constraints on capacity or service availability.

*In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under section 18 of the Federal Transit Act must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state program office. Such public entities receiving FTA funds under any other section of the FT Act must file the certification with the appropriate FTA regional office. This certification is valid for no longer than one year from its date of filing.*

#### **09. CHARTER**

*If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.*

*To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement.*

The applicant agrees that it, and each of its sub-recipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 C.F.R. Part 604, the terms and conditions of which are incorporated herein by reference.

### **10. CERTIFICATIONS OF RESTRICTIONS ON LOBBYING**

The Applicant certifies, to the best of their knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions (as amended by A Government wide Guidance for New Restrictions on Lobbying, 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C., 1352 c (1)-(2) (a), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The applicant certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the applicant understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

## 11. REGULATORY ASSURANCES

To assure that they will comply with the laws and requirements to the Section 5311 programs, applicants must sign and include the regulatory assurance with their application.

The Grantee hereby assures and certifies that it will comply with Federal statutes, regulations, Executive orders and administrative requirements that relate to the applications made to and grants received from the Federal Transit Amendments.

Acknowledgment is given of the attached list of such statutes, regulations, Executive orders and administrative requirements as may apply. (A list of statutes, regulations, Executive Orders and administrative requirements follows.)

The provisions of Section 1001 of Title 18, U.S.C., apply to any assurance or submission under this section.

## 12. USE OF PROJECT EQUIPMENT/FACILITIES

In Compliance with Section 6 of the Section 5311/5339 Project Agreement, the applicant certifies that:

1. The equipment and/or Facilities acquired under the project continue to be used for the purpose for which the grant was approved.
2. The equipment and/or facilities do not exceed that which is needed for transit operations.
3. None of the equipment or facilities has been sold, damaged or otherwise taken out of transit service.
4. There has not been a reduction in the local contribution made to the project.

The capital purchases comprising this project will be owned by the applicant and are being obtained for use in the provision of Mass Transportation services in counties served by applicant documented in this application.

It is understood that the Grant agreement will contain provisions to assure the continuation of such use during the useful life of the project facilities and that, in the event that such facilities are sold or otherwise devoted to another use during their useful life, the Applicant will be required to refund proportionate share of the Federal Grant based on the sale and proceeds or the market value of the facilities.

## 13. SAFETY MANAGEMENT POLICY STATEMENT

The management of safety is one of our core business functions. The applicant is committed to developing, implementing, maintaining, and constantly improving processes to ensure that all our transit service delivery activities take place under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting established standards.

All levels of management and all employees are accountable for the delivery of this highest level of safety performance, starting with Accountable Executive on file with our office. The applicant commitment is to:

1. Support the management of safety through the provision of appropriate resources, that will result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication, and actively manages safety with the same attention to results as the attention to the results of the other management systems of the organization;
2. Integrate the management of safety among the primary responsibilities of all managers and employees;
3. Clearly define for all staff, managers and employees alike, their accountabilities and responsibilities for the delivery of the organization's safety performance and the performance of our safety management system;
4. Establish and operate hazard identification and analysis, and safety risk evaluation activities, including an employee safety reporting program as a fundamental source for safety concerns and hazard identification, in order to eliminate or mitigate the safety risks of the consequences of hazards resulting from our operations or activities to a point which is consistent with our acceptable level of safety performance;
5. Ensure that no action will be taken against any employee who discloses a safety concern through the employee safety reporting program, unless disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures;
6. Comply with, and wherever possible exceed, legislative and regulatory requirements and
7. Ensure that sufficient skilled and trained human resources are available to implement safety management processes;
8. Ensure that all staff are provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills;
9. Establish and measure our safety performance against realistic and data-driven safety performance indicators and safety performance targets;
10. Continually improve our safety performance through management processes that ensure that appropriate safety management action is taken and is effective; and
11. Ensure externally supplied systems and services to support our operations are delivered meeting our safety performance standards.

#### **14. PROCUREMENT INFORMATION CERTIFICATION**

It must be understood that vehicles to be procured under this program will be purchased through competitive bidding in accordance with the established State and Federal procedures. Where possible by law, the State will procure the vehicle and equipment on behalf of the private non-profit organizations; where this is prohibited, the individual organizations will procure vehicles and equipment through competitive bidding procedures established by the State. The State will offer every assistance possible under the law. The applicant certifies that based on experience that the organizations records have been reviewed and have fiscal and managerial capability to carry out the project.

## 15. TAX LIABILITY AND FELONY CONVICTIONS

*Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. As prescribed by U.S. DOT Order 4200.6, FTA requires each applicant to certify as to its tax and felony status.*

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

1. It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
2. It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

## 16. TRANSIT ASSET MANAGEMENT PLAN

*If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).*

The applicant certifies that it has, or will develop, a transit asset management plan in compliance with 49 C.F.R. Part 625.

## 17. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING

### 17.1. Rolling Stock Buy America Reviews.

*If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 C.F.R § 663.7.*

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 C.F.R. Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 C.F.R. Part 663.

### 17.2. Bus Testing.

*If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 C.F.R § 665.7.*

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 C.F.R. Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

## **18. ALCOHOL AND CONTROLLED SUBSTANCES TESTING**

*If the applicant will apply for an award under FTA's Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its sub-recipients and contractors. This certification is required by 49 C.F.R. § 655.83.*

The applicant certifies that it, its sub-recipients, and its contractors are compliant with the FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 C.F.R. Part 655.

## **19. DEMAND RESPONSIVE SERVICE**

*If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 C.F.R. Part 37, it must make the following certification. This certification is required by 49 C.F.R. § 37.77.*

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

1. Response Time;
2. Fares;
3. Geographic area of service;
4. Hours and days of service;
5. Restrictions or priorities based on trip purpose;
6. Availability of information and reservation capability; and
7. Any constraints on capacity or service availability.

## **20. PROCUREMENT COMPLIANCE**

*In accordance with 49 CFR 18.36(g)(3)(ii), each Applicant that is a State, local, or Indian tribal government that is seeking Federal assistance to acquire property or services in support of its project is requested to provide the following certification by selecting Category "03." FTA also requests other Applicants to provide the following certification. An Applicant for FTA assistance to acquire property or services in support of its project that fails to provide this certification may be determined ineligible for award of Federal assistance for the project, if FTA determines that its procurement practices and procurement system fail to comply with Federal laws or regulations in accordance with applicable Federal directives.*

The Applicant certifies that its procurements and procurement system will comply with all applicable Federal laws and regulations in accordance with applicable Federal directives, except to the extent FTA has expressly approved otherwise in writing.

## 21. PROTECTIONS FOR PRIVATE TRANSPORTATION PROVIDERS

*Each Applicant that is a State, local, or Indian tribal government that is seeking Federal assistance authorized under 49 U.S.C. chapter 53 to acquire any property or an interest in the property of a private provider of public transportation or to operate public transportation equipment or facilities in competition with, or operate public transportation equipment or facilities in addition to, transportation service provided by an existing private provider of public transportation is required to provide the following certification. FTA may not award Federal assistance for such a project until the Applicant provides this certification by selecting Category "04."*

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires the property or an interest in the property of a private provider of public transportation or operates public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing public transportation company, it has or will have:

1. Determined that the assistance is essential to carrying out a program of projects as required by 49 U.S.C. 5303 and 5304.
2. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible; and
3. Paid just compensation under State or local law to the company for any franchise or property acquired.

## 22. LEGAL NAME OF ENTITY/APPLICANT

The name listed above is the only name that will be recognized by the Office of Transportation Delivery/Kentucky Transportation Cabinet with regard to the approval of transportation operations, contracting, purchasing, audition, insurance, jurisdiction, etc. under the FY 2021-2022:

(Please check the line for the applicable program)

\_\_\_\_\_ **Section 5303**

\_\_\_\_\_ **Section 5304**

\_\_\_\_\_ **Section 5310**

\_\_\_\_\_ **Section 5311**

\_\_\_\_\_ **Section 5339**



### **23. COMMITMENT OF LOCAL SHARE**

The applicant will provide, from identifiable sources, appropriate local match for the purchase of any equipment approved under Sections 5339/5310/5311 of the Federal Transit Act.

No federal funding or revenues derived from a federally sponsored program will be used to provide local match for any equipment granted under Sections 5339/5310/5311 of the Federal Transit Act.

The Applicant is authorized by to apply for and accept grants of money to assist in the implementation of a transit system; and

The Applicant has applied to the Kentucky Transportation Cabinet and the Federal Transit Administration of the United States Department of Transportation Act of 1964, in connection with the Section 5311/5310/5339/5303/5304 project; and

The said applicant requires assurance relative to the commitment of the local share for the Section 5309/5311/5310/5339 project(s).

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD.

Applicant will provide, from identifiable sources, appropriate local match to provide the entire 20 percent local share of the total project cost of its entire Statewide and Non-Metropolitan Planning grant request. The local matching share consists of the following:

\_\_\_\_\_ **Cash**      \_\_\_\_\_ **In-Kind**      \_\_\_\_\_ **Combination**

### **24. DBE/WBE POLICY STATEMENT**

The applicant will provide, from identifiable sources, appropriate local match for the purchase of any equipment approved under Sections 5339/5310/5311 of the Federal Transit Act.

No federal funding or revenues derived from a federally sponsored program will be used to provide local match for any equipment granted under Sections 5339/5310/5311 of the Federal Transit Act.

The Applicant is authorized by to apply for and accept grants of money to assist in the implementation of a transit system; and

The Applicant has applied to the Kentucky Transportation Cabinet and the Federal Transit Administration of the United States Department of Transportation Act of 1964, in connection with the Section 5311/5310/5339/5303/5304 project; and

The said applicant requires assurance relative to the commitment of the local share for the Section 5309/5311/5310/5339 project(s).

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD.

Applicant will provide, from identifiable sources, appropriate local match to provide the entire 20 percent local share of the total project cost of its entire Statewide and Non-Metropolitan Planning grant request. The local matching share consists of the following:

1. THE APPLICANT or its contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts.
2. THE APPLICANT will make every effort to locate DBEs and purchase materials and services for use in the applicant's grant.
3. THE APPLICANT shall document the steps it has taken to obtain DBE participation as outlined in the Office of Transportation Delivery DBE Program.
4. THE APPLICANT is advised that should they find a DBE from which they can purchase these materials and services it will then ask that KYTC certify this DBE. KYTC will make available names of DBEs, that they have certified, that have the capability to furnish these materials.
5. All bidders, proposers and contractors will receive notice of THE APPLICANTS commitment to the DBE through mail outs and pre-bid notifications. DBE participation will be a factor in awarding contracts and will be monitored during the performance of the contract.
6. Failure to carry out the requirements set forth in 49 CFR Part 26 shall constitute a breach of contract and, after the notification of FTA and the Kentucky Transportation Cabinet, may result in termination of the agreement of contract by the KYTC or such remedy as KYTD deems appropriate.

## **25. STANDARD DOT TITLE VI ASSURANCES**

Applicant (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21, - Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end 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 otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the sponsor agrees concerning this grant that:

1. Each "program and "facility" (as defined in Section 21.23(e) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
5. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

6. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the sponsor with other parties:
  - a. for the subsequent transfer of real property acquired or improved with Federal financial assistance under this Project; and
  - b. for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
7. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the sponsor or any transferee for the longer of the following periods.
  - a. the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or
  - b. the period during which the sponsor retains ownership or possession of the property.
8. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other sponsors, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants or Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
9. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

### ***CONTRACTOR CONTRACTUAL REQUIREMENTS***

#### ***ATTACHMENT 1***

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations.** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination.** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports.** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance.** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:
  - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
  - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions.** The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued Pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

##### ***ATTACHMENT 2***

The following clause shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. **The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.**
2. **The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.**

## **26. LABOR PROVISIONS**

The Applicant is making application to the KYTC, pursuant to Section 5311 of the Fixing America's Surface Transportation Act (FAST Act) for a mass transportation grant to assist in Operating funding.

The agrees that, in the absence of a waiver by the Department of Labor, the terms and conditions of the Special Section 49 U.C.C. 5333(b) Warranty (also known as Section 13 (c) of the Federal Transit Act) shall apply for the protection of the employees of any employer providing transportation services assisted by the Recipient, and the employees of any other surface public transportation providers in the transportation services area of the Project. The Warranty arrangement shall be made on part of the contract assistance and shall be independently binding and enforceable by and upon the parties thereto, and by any covered employee or his representative.

The hereby certifies acceptance of the terms and conditions of the Special Section 49 U.C.C. 5333(b) Warranty (also known as Section 13 (c) of the Federal Transit Act). Such acceptance will be sufficient to permit the release of Section 5311 funding in the absence of a finding of noncompliance by the Department of Labor. This letter of acceptance is filed with the Kentucky Transportation Cabinet.