

**OHIO DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSIT**

**FTA FEDERAL FISCAL YEAR 2015
CERTIFICATIONS AND ASSURANCES**

FOR

THE SPECIALIZED TRANSPORTATION PROGRAM

THE OHIO COORDINATION PROGRAM

**THE JOB ACCESS AND REVERSE COMMUTE (JARC)
PROGRAM**

THE NEW FREEDOM PROGRAM

This package includes the following:

- ❖ Certifications and Assurances**
- ❖ Affirmation of Applicant**
- ❖ Affirmation of Applicant's Attorney**

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NOVEMBER 2014

**FEDERAL FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES FOR
THE SPECIALIZED TRANSPORTATION PROGRAM
THE OHIO COORDINATION PROGRAM
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PREFACE

Except as the Federal Transit Administration (FTA) and/or the Ohio Department of Transportation (We) determines otherwise in writing, before we may award Federal transit assistance (funding or funds) in the form of a Federal grant, Cooperative Agreement, Loan, Line of credit, or Loan Guarantee to support a public transportation Project, an Authorized Representative (You) of the Project sponsor (Applicant) must provide certain Certifications and Assurances required by Federal law or regulation. Among other things, the Authorized Representative must be duly authorized by the Applicant to sign these Certifications and Assurances and bind its compliance. You, as your Applicant's Authorized Representative, must provide all Certifications and Assurances required of your Applicant to support its application(s) for FTA funding during Federal fiscal year (FY) 2015.

We request that you read each Certification and Assurance. As required by Federal law and regulation, only if you provide these Certifications and Assurances on your Applicant's behalf, may we award Federal funding for its Project.

These Certifications and Assurances apply to the Specialized Transportation Program, the Ohio Coordination Program, the Job Access and Reverse Commute (JARC) Program, and the New Freedom Program. FTA, ODOT, your Applicant, and you understand and agree that not every provision of these Certifications and Assurances will apply to every Applicant or every Project we fund. The type of Project and Applicant will determine which Certifications and Assurances apply.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances provided on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as we determine otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and each Third Party Participant to assure the validity of the applicable Certifications and Assurances provided on behalf of your Applicant.

Except as FTA or we determine otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities each member will perform and the extent to which each will be responsible for compliance with the Certifications and Assurances that you provide on its behalf, and whether the member will serve as a Recipient, Subrecipient, or Third Party Contractor.

It is important that your Applicant and You also understand that these Certifications and Assurances are pre-award requirements, generally imposed by Federal law or regulation, and do not include all Federal requirements that may apply to it or its Project. FTA's Master Agreement

MA(21) for Federal FY 2015, MA(21), is available at <http://www.fta.dot.gov>, and contains a list of most of those requirements.

Be aware that these Certifications and Assurances have been prepared in light of:

- FTA's latest authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, June 6, 2012,
- FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,
- The Highway and Transportation Funding Act of 2014, Pub. L. 113-159, August 8, 2014, and
- Continuing Appropriations Resolution, 2015, Pub. L. 113-164, September 19, 2014 and other Appropriations Acts or Continuing Resolutions funding the Department of Transportation during Fiscal Year 2015.

With certain exceptions, Projects financed in FY 2015 with funds appropriated or made available for FY 2012 or a previous fiscal year must be in compliance with the requirements for that type of Project in effect during the fiscal year for which the funding was derived, except as superseded by MAP-21 cross-cutting requirements that apply.

I. ASSURANCE OF AUTHORITY OF THE APPLICANT AND ITS AUTHORIZED REPRESENTATIVE

You certify and affirm that both you, as your Applicant's Authorized Representative, and your Applicant's attorney, who is authorized to represent your Applicant in legal matters, who sign these Certifications, Assurances, and Agreements, may undertake the following activities on its behalf, in compliance with applicable State or local laws and regulations, and its by-laws or internal rules:

- (1) Execute and file its application for Federal funds,
- (2) Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
- (3) Execute the Grant Agreement, Cooperative agreement, Loan, Loan Guarantee, or Line of Credit, for which the Applicant is seeking FTA funding,
- (4) Comply with applicable Federal and State laws and regulations, and
- (5) Follow applicable Federal and State guidance.

II. STANDARD ASSURANCES

On behalf of your Applicant, you assure that it understands and agrees to the following:

- (1) It will comply with all applicable Federal and State statutes and regulations to carry out any FTA funded Project,
- (2) It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with ODOT for its Project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to that Grant Agreement or Cooperative Agreement,
- (3) It recognizes that Federal and State laws and regulations may be amended from time to time and those amendments may affect Project implementation,

- (4) It understands that Presidential executive orders and Federal and State guidance, including Federal and State policies and program guidance, may be issued concerning matters affecting it or its Project,
- (5) It agrees that the most recent Federal and State laws, regulations, and guidance will apply to its Project, except as FTA or we determine otherwise in writing,
- (6) Except as we determine otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:
 - a. In some instances, FTA has determined that Federal statutory or regulatory program and eligibility requirements for FY 2012 or a specific previous fiscal year, except as superseded by applicable MAP-21 cross-cutting requirements, apply to:
 - i. New grants and cooperative agreements, and
 - ii. New amendments to grants and cooperative agreements that:
 1. Have been awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, or
 2. May be awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, but
 - b. In other instances, FTA has determined that MAP-21 requirements will apply to Federal funds appropriated or made available for FY 2012 or a previous fiscal year, and
 - c. For all FTA-funded Projects, the following MAP-21 cross-cutting requirements supersede and apply in lieu of conflicting provisions of previous Federal law and regulations:
 - i. Metropolitan and Statewide and Nonmetropolitan Transportation Planning,
 - ii. Environmental Review Process,
 - iii. Public Transportation Agency Safety Plans,
 - iv. Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
 - v. Costs Incurred by Providers of Public Transportation by Vanpool,
 - vi. Revenue Bonds as Local Match,
 - vii. Debt Service Reserve,
 - viii. Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
 - ix. Private Sector Participation,
 - x. Bus Testing,
 - xi. Buy America,
 - xii. Corridor Preservation,
 - xiii. Rail Car Procurements,
 - xiv. Veterans Preference/Employment,
 - xv. Alcohol and Controlled Substance Testing, and
 - xvi. Other provisions as FTA may determine.¹

¹ More information about these matters appears in the Federal Transit Administration, "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, Oct. 16, 2012.

III. INTERGOVERNMENTAL REVIEW ASSURANCE

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for Federal funding to the appropriate State and local agencies for intergovernmental review, to facilitate compliance with those regulations.

IV. NONDISCRIMINATION ASSURANCE

On behalf of your Applicant, you assure that:

- (1) It will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in any U.S. DOT or FTA-funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age:
 - a. Federal transit laws, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, age, employment, or business opportunity),
 - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
 - c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
 - d. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
 - e. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
 - f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
 - g. Any other applicable Federal or State statutes that may be signed into law or Federal or State regulations that may be promulgated,
- (2) It will comply with Federal and State guidance implementing Federal nondiscrimination laws and regulations, except to the extent we determine otherwise in writing,
- (3) As required by 49 CFR 21.7:
 - a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:
 - i. It conducts each Project,
 - ii. It undertakes property acquisitions, and
 - iii. It operates all parts of its facilities, as well as its facilities operated in connection with its Project,
 - b. This assurance applies to its entire Project and to all parts of its facilities, as well as its facilities operated to implement its Project,
 - c. It will promptly take the necessary actions to carry out this assurance, including the following:
 - i. Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with ODOT, U.S. DOT or FTA, and
 - ii. Submitting information about its compliance with these provisions to ODOT, U.S. DOT or FTA upon their request,
 - d. If it transfers FTA-funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
 - i. While the property is used for the purpose that the Federal funding is extended, or

- ii. While the property is used for another purpose involving the provision of similar services or benefits,
 - e. The United States has a right to seek judicial enforcement of any matter arising under:
 - i. Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - ii. U.S. DOT regulations, 49 CFR part 21, or
 - iii. This assurance,
 - f. It will make any changes in its Title VI implementing procedures as ODOT, U.S. DOT or FTA may request, to comply with:
 - i. Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - ii. U.S. DOT regulations, 49 CFR part 21, and
 - iii. Federal transit laws, 49 U.S.C. 5332,
 - g. It will comply with applicable Federal and State guidance issued to implement Federal nondiscrimination requirements, except as we determine otherwise in writing,
 - h. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
 - i. Subrecipient,
 - ii. Transferee,
 - iii. Third Party Contractor or Subcontractor at any tier,
 - iv. Successor in Interest,
 - v. Lessee, or
 - vi. Other participant in its Project, except FTA, ODOT, and the Applicant (that later becomes the Recipient),
 - i. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including each:
 - i. Subagreement at any tier,
 - ii. Property transfer agreement,
 - iii. Third party contract or subcontract at any tier,
 - iv. Lease, or
 - v. Participation agreement, and
 - j. The assurances you have made on its behalf remain in effect as long as we determine appropriate, including, for example, as long as:
 - i. Federal funding is extended to its Project,
 - ii. Its Project property is used for a purpose for which the Federal funding is extended,
 - iii. Its Project property is used for a purpose involving the provision of similar services or benefits
 - iv. It retains ownership or possession of its Project property, or
 - v. We may otherwise determine in writing, and
- (4) As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(ii), you assure that :
- a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection IV(4)(b) below, of which compliance is a condition of approval or extension of any FTA funding awarded to:
 - i. Construct any facility,
 - ii. Obtain any rolling stock or other equipment,
 - iii. Undertake studies,

- iv. Conduct research, or
- v. Participate in any benefit or obtain any benefit from any FTA administered program, and
- b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no qualified people with a disability will, because of their disability, be:
 - i. Excluded from participation,
 - ii. Denied benefits, or
 - iii. Otherwise subjected to discrimination.

V. SUSPENSION AND DEBARMENT CERTIFICATION

On behalf of your Applicant, you certify that:

- (1) It will comply and facilitate compliance with U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 CFR part 180,
- (2) To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
 - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
 - i. Debarred,
 - ii. Suspended,
 - iii. Proposed for debarment,
 - iv. Declared ineligible,
 - v. Voluntarily excluded, or
 - vi. Disqualified,
 - b. Its management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:
 - i. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
 - ii. Violation of any Federal or State antitrust statute, or
 - iii. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
 - c. It is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection of this Certification,
 - d. It has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
 - e. If, at a later time, it receives any information that contradicts the preceding statements of subsections 2.a – 2.d above, it will promptly provide that information to ODOT,
 - f. It will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
 - i. Equals or exceeds \$25,000,
 - ii. Is for audit services, or
 - iii. Requires the consent of a Federal official, and

- g. It will require that each covered lower tier contractor and subcontractor:
 - i. Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and
 - ii. Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
 - 1. Debarred from participation in its federally-funded Project,
 - 2. Suspended from participation in its federally-funded Project,
 - 3. Proposed for debarment from participation in its federally-funded Project,
 - 4. Declared ineligible to participate in its federally-funded Project,
 - 5. Voluntarily excluded from participation in its federally-funded Project, or
 - 6. Disqualified from participation in its federally-funded Project, and
- (3) It will provide a written explanation as indicated on its Signature Page if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Certification.

VI. U.S. OMB ASSURANCES IN SF-424B AND SF-424D

- (1) *Administrative Activities.* On behalf of your Applicant, you assure that:
 - a. For every Project described in any application it submits for Federal funding, it has adequate resources to properly plan, manage, and complete its Project, including the:
 - i. Legal authority to apply for Federal funding,
 - ii. Institutional capability,
 - iii. Managerial capability, and
 - iv. Financial capability (including funds sufficient to pay the non-Federal share of Project cost),
 - b. As required, it will give access and the right to examine Project-related materials to entities or individuals including, but not limited to the:
 - i. FTA,
 - ii. The Comptroller General of the United States, and,
 - iii. State, through an appropriate authorized representative,
 - c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA or State guidance, and
 - d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
 - i. A personal or organizational conflict of interest, or personal gain, or
 - ii. The appearance of a personal or organizational conflict of interest or personal gain,
- (2) *Project Specifics.* On behalf of your Applicant, you assure that:
 - a. Following receipt of ODOT approval, it will begin and complete Project work within the time periods that apply,
 - b. For FTA-funded construction Projects:
 - i. It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications
 - ii. It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,

- iii. It will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally-funded real property,
 - iv. To the extent FTA requires, it will record the Federal interest in the title to FTA-funded real property or interests in real property, and
 - v. It will not alter the site of the FTA-funded construction Project or facilities without permission and instructions from ODOT by:
 - 1. Disposing of the underlying real property or other interest in the site and facilities,
 - 2. Modifying the use of the underlying real property or other interest in the site and facilities, or
 - 3. Changing the terms of the underlying real property title or other interest in the site and facilities, and
 - c. It will furnish progress reports and other information as FTA or the State may require, and
- (3) *Statutory and Regulatory requirements.* On behalf of your Applicant, you assure that:
- a. It will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:
 - i. The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - ii. The prohibitions against discrimination on the basis of sex, as provided in:
 - 1. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
 - 2. U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,
 - iii. The prohibitions against discrimination on the basis of age in federally-funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
 - iv. The prohibitions against discrimination on the basis of disability in federally-funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
 - v. The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
 - vi. The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
 - vii. The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
 - viii. The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
 - ix. The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
 - x. The nondiscrimination provisions of any other statute(s) that may apply to its Project,
 - b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et*

seq., and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:

- i. It will provide for fair and equitable treatment of any displaced persons, or any persons whose property is acquired as a result of federally funded programs,
- ii. It has the necessary legal authority under State and local laws and regulations to comply with:
 1. The Uniform Relocation Act. 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and
 2. U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4, and
- iii. It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
 1. It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
 2. As required by 42 U.S.C. 4622, 4623, and 4624, 49 CFR part 24, and any applicable ODOT procedures, if an FTA-funded Project results in displacement, it will provide fair and reasonable relocation payments and assistance to:
 - a. Displaced families or individuals, and
 - b. Displaced corporations, associations, or partnerships,
 3. As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
 - a. Displaced families and individuals, and
 - b. Displaced corporations, associations, or partnerships,
 4. As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals,
 5. It will:
 - a. Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - b. Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
 6. It will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652,
 7. It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs for providing payments for those expenses, as required by 42 U.S.C. 4631,
 8. It will execute the necessary implementing amendments to FTA-funded third party contracts and subagreements,
 9. It will execute, furnish, and be bound by such additional documents as we may determine necessary to effectuate or implement these assurances,
 10. It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any

amendments thereto, relating to any FTA-funded Project involving relocation or land acquisition, and

11. It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,
- c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,
- d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:
 - i. The National Research Act, as amended, 42 U.S.C. 289 *et seq.*, and
 - ii. U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,
- e. It will, to the extent applicable, comply with the labor standards and protections for federally-funded Projects of:
 - i. The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,
 - ii. Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and
 - iii. The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,
- f. It will comply with any applicable environmental standards prescribed to implement Federal laws and executive orders, including, but not limited to:
 - i. Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
 - ii. Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,
 - iii. Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,
 - iv. Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,
 - v. Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
 - vi. Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
 - vii. Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
 - viii. Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,
 - ix. Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project as required by 49 U.S.C. 303 (also known as "Section 4f"),

- x. Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
- xi. Complying with and facilitating compliance with:
 - 1. Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
 - 2. The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
 - 3. Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,
- g. To the extent applicable, it will comply with the following Federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported by Federal funding:
 - i. The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
 - ii. U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4,
- h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA-funded building,
- i. It will comply with, and assure that its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
 - i. Participating in the Federal flood insurance program, and
 - ii. Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,
- j. It will comply with:
 - i. The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement, and
 - ii. 49 U.S.C. 5323(l)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding appropriated or made available for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,
- k. It will perform the financial and compliance audits as required by the:
 - i. Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
 - ii. U.S. OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and
 - iii. Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT,
- l. It will comply with all other Federal laws or regulations that apply, and
- m. It will follow Federal and State guidance governing it and its Project, except to the extent that we have expressly approved otherwise in writing.

VII. LOBBYING

On behalf of your Applicant, you certify that:

- (1) As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:
 - a. The lobbying restrictions of this Certification apply to its requests:
 - i. For \$100,000 or more in Federal funding for a Grant or Cooperative Agreement, and
 - ii. For \$150,000 or more in Federal funding for a Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
 - b. Your Certification on its behalf applies to the lobbying activities of:
 - i. It,
 - ii. Its Principals, and
 - iii. Its Subrecipients at the first tier,
- (2) To the best of your knowledge and belief:
 - a. No Federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:
 - i. An officer or employee of any Federal agency regarding the award of a:
 1. Federal Grant or Cooperative Agreement, or
 2. Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or
 - ii. A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 1. Federal Grant or Cooperative Agreement, or
 2. Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,
 - b. It will submit a complete OMB Standard Form-LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
 - i. An officer or employee of any Federal agency, regarding the award of a:
 1. Federal Grant or Cooperative Agreement, or
 2. Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or
 - ii. A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 1. Federal Grant or Cooperative Agreement, or
 2. Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
 - c. It will include the language of this Certification in the award documents for all subawards at all tiers including, but not limited to:
 - i. Third party contracts,
 - ii. Subcontracts,
 - iii. Subagreements, and
 - iv. Other third party agreements under a:
 1. Federal grant or cooperative agreement, or
 2. Federal loan, line of credit, loan guarantee, or loan insurance,
- (3) It understands that:
 - a. This Certification is a material representation of fact that the Federal government relies on, and
 - b. It must submit this Certification before the Federal government may award funding for a transaction covered by 31 U.S.C. 1352, including a:

- i. Federal grant or cooperative agreement, or
 - ii. Federal loan, line of credit, loan guarantee, or loan insurance, and
- (4) It also understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

VIII. PROCUREMENT AND PROCUREMENT SYSTEMS

On behalf of your Applicant, you certify that its procurements and its procurement system will comply with all Federal and State laws and regulations in accordance with applicable Federal and State guidance, except to the extent we have approved otherwise in writing.

IX. PRIVATE SECTOR PROTECTIONS

- (1) **Private Property Protections.** To facilitate ODOT's ability to make the findings required by 49 U.S.C. 5323(a)(1), on behalf of your Applicant, you assure that:

- a. It has or will have:
 - i. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,
 - ii. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
 - iii. Paid just compensation under State or local laws to the company for any franchise or property acquired, and
- b. It has completed the actions described in the preceding section 1 of this Certification before it:
 - i. Acquires the property or an interest in the property of a private provider of public transportation, or
 - ii. Operates public transportation equipment or facilities:
 - 1. In competition with transportation service provided by an existing public transportation operator, or
 - 2. In addition to transportation service provided by an existing public transportation operator.

- (2) **Charter Service Agreement.** To comply with 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

- a. FTA's "Charter Service" regulations apply as follows:
 - i. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by Recipients of FTA funding for transportation Projects with Federal funding derived from:
 - 1. Federal transit laws, 49 U.S.C. chapter 53,
 - 2. 23 U.S.C. 133 or 142, or
 - 3. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
 - ii. FTA's charter service restrictions extend to:
 - 1. Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
 - a. Federal transit laws, 49 U.S.C. chapter 53,
 - b. 23 U.S.C. 133 or 142, or
 - c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
 - 2. Any Third Party Participant that receives Federal funding derived from:

- a. Federal transit laws, 49 U.S.C. chapter 53,
 - b. 23 U.S.C. 133 or 142, or
 - c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
- iii. A Third Party Participant includes any:
 - 1. Subrecipient at any tier,
 - 2. Lessee,
 - 3. Third Party Contractor or Subcontractor at any Tier, and
 - 4. Other Third Party Participant in its Project,
- iv. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives Federal public transportation assistance appropriated or made available for its Project will engage in charter service operations, except as permitted under:
 - 1. Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
 - 2. FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
 - 3. Any other Federal Charter Service regulations, or
 - 4. Federal guidance, except as FTA determines otherwise in writing,
- v. You and your Applicant agree that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
- vi. You and your Applicant agree that:
 - 1. We may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding appropriated or made available for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:
 - a. Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
 - b. Otherwise violating its Charter Service Agreement in its latest annual Certifications and Assurances, and
 - 2. These corrective measures and remedies may include:
 - a. Barring it or any Third Party Participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,
 - b. Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or
 - c. Any other appropriate remedy that may apply, and
- b. In addition to the exceptions to the restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:
 - i. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5307 and 5311, to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that FTA funding for those program purposes only,
 - ii. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5310, to be used for New Freedom activities that would have been eligible for assistance under

- repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that FTA funding for those program purposes only, and
- iii. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally-funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. 5323(r).
- (3) **School Bus Agreement.** To comply with 49 U.S.C. 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), on behalf of your Applicant, you are entering into the following School Bus Agreement:
- a. FTA's "School Bus Operations" regulations restrict school bus operations using facilities and equipment acquired with Federal funding derived from:
 - i. Federal transit laws, 49 U.S.C. chapter 53,
 - ii. 23 U.S.C. 133 or 142, or
 - iii. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
 - b. FTA's school bus operations restrictions extend to:
 - i. Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
 1. Federal transit laws, 49 U.S.C. chapter 53,
 2. 23 U.S.C. 133 or 142, or
 3. Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
 - ii. Any Third Party Participant that receives Federal funding derived from:
 1. Federal transit laws, 49 U.S.C. chapter 53,
 2. 23 U.S.C. 133 or 142, or
 3. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
 - c. A Third Party Participant includes any:
 - i. Subrecipient at any tier,
 - ii. Lessee,
 - iii. Third Party Contractor or Subcontractor at any tier, and
 - iv. Other Third Party Participant in the Project,
 - d. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
 - i. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g),
 - ii. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g),
 - iii. Any other Federal School Bus regulations, or
 - iv. Federal guidance, except as we determine otherwise in writing,
 - e. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
 - f. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, we may:

- i. Bar your Applicant or Third Party Participant from receiving further Federal transit funds, or
- ii. Require the Applicant or Third Party Participant to take such remedial measures as we consider appropriate.

X. ROLLING STOCK REVIEWS AND BUS TESTING

(1) **Rolling Stock Reviews.** On behalf of your Applicant, you certify that when procuring rolling stock for use in revenue service:

- a. It will comply with:
 - i. Federal transit laws, specifically 49 U.S.C. 5323(m), and
 - ii. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and
- b. As provided in 49 CFR 663.7:
 - i. It will conduct or cause to be conducted the required pre-award and post-delivery reviews, and
 - ii. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

(2) **Bus Testing.** On behalf of your Applicant, you certify that:

- a. Bus Testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA's Bus Testing regulations, and it will comply with:
 - i. 49 U.S.C. 5318, and
 - ii. FTA regulations, "Bus Testing," 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318,
- b. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
 - i. It will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
 - 1. That new bus or new bus model has been tested at FTA's bus testing facility, and
 - 2. It has received a copy of the test report prepared on that new bus or new bus model, and
 - ii. It will not authorize final acceptance of that new bus or new bus model until:
 - 1. That new bus or new bus model has been tested at FTA's bus testing facility, and
 - 2. It has received a copy of the test report prepared on that new bus or new bus model,
- c. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including:
 - i. Performance standards for:
 - 1. Maintainability,
 - 2. Reliability,
 - 3. Performance (including braking performance),
 - 4. Structural integrity,
 - 5. Fuel economy,
 - 6. Emissions, and
 - 7. Noise, and
 - ii. Minimum safety performance standards established under 49 U.S.C. 5329, and

- d. After FTA regulations authorized by 49 U.S.C. 5318(e)(2) are in effect, it will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the “Pass/Fail” standard established by regulation.

XI. DEMAND RESPONSIVE SERVICE

As required by U.S. DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR part 37, specifically 49 CFR 37.77(d), on behalf of your Applicant, you certify that:

- (1) Your Applicant offers public transportation services equivalent in level and quality of service to:
 - a. Individuals with disabilities, including individuals who use wheelchairs, and
 - b. Individuals without disabilities, and
- (2) Viewed in its entirety, its service for individuals with disabilities is:
 - a. Provided in the most integrated setting feasible, and
 - b. Equivalent to the service it offers individuals without disabilities with respect to:
 - i. Response time,
 - ii. Fares,
 - iii. Geographic service area,
 - iv. Hours and days of service,
 - v. Restrictions on priorities based on trip purpose,
 - vi. Availability of information and reservation capability, and
 - vii. Constraints on capacity or service availability.

XII. INTELLIGENT TRANSPORTATION SYSTEMS

On behalf of your Applicant, you and your Applicant:

- (1) Understand that, as used in this assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that in whole or in part finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the “National ITS Architecture,” and
- (2) Assure that, as provided in 23 U.S.C. 517(d), any ITS Project it undertakes funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. 517(d)(2).

XIII. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE

- (1) **Interest and Financing Costs.** On behalf of your Applicant, you certify that:
 - a. It will not seek reimbursement for interest or any other financing costs unless:
 - i. It is eligible to receive Federal funding for those costs, and
 - ii. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
 - b. It will comply with the same favorable financing cost provisions for:
 - i. Urbanized Area Formula Grants Projects,
 - ii. Projects under Full Funding Grant Agreements,
 - iii. Projects with Early Systems Work Agreements,
 - iv. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,

- v. State of Good Repair Projects,
 - vi. Bus and Bus Facilities Projects, and
 - vii. Low or No Emission Vehicle Development Projects.
- (2) **Acquisition of Capital Assets by Lease.** On behalf of your Applicant, you certify and assure that, as required by FTA regulations, “Capital Leases,” 49 CFR part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if your Applicant acquires any capital asset through a lease financed with Federal funding appropriated or made available for 49 U.S.C. chapter 53:
- a. It will not use Federal funding appropriated or made available for public transportation projects eligible under 49 U.S.C. chapter 53 or any other applicable law to finance the cost of leasing any capital asset until:
 - i. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and
 - ii. It completes these calculations before the later of:
 - 1. Entering into the lease, or
 - 2. Receiving a capital grant for the asset, and
 - b. It will not enter into a capital lease for which FTA can provide only incremental Federal funding unless it has adequate financial resources to meet its future lease obligations if Federal funding is not available.

XIV. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

- (1) **Transit Asset Management Plan.** On behalf of your Applicant, you certify that it and each Subrecipient will:
- a. Follow Federal and State guidance when issued that implements transit asset management system provisions of 49 U.S.C. 5326, except as we determine otherwise in writing, and
 - b. Comply with the final Federal regulations when issued that implement the transit asset management provisions of 49 U.S.C. 5326.
- (2) **Public Transportation Agency Safety Plan.** On behalf of your Applicant, you certify that it will:
- a. Follow the Federal and State guidance, when issued, that will implement the safety plan provisions of 49 U.S.C. 5329(d), except as we determine otherwise in writing, and
 - b. Comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

XV. JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM

- (1) The following Certifications for the Job Access and Reverse Commute (JARC) Formula Grant Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as we determine otherwise in writing, on behalf of your Applicant, you certify that:
- a. As required by former 49 U.S.C. 5316:
 - i. The Project(s) for which it has requested funding must be derived from a public transit-human services transportation plan that has been:
 - 1. Locally developed, and
 - 2. Coordinated, and

- ii. That locally developed and coordinated plan was produced through a process that included:
 - 1. Representatives of public, private, and nonprofit transportation providers,
 - 2. Human service providers, and
 - 3. Participation by the public,
 - b. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and
- (2) The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as we determine otherwise in writing, on its behalf, you certify that:
 - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - i. The legal capacity,
 - ii. The financial capacity, and
 - iii. The technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain its Project equipment and facilities adequately,
 - d. To the extent applicable, it will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5316 the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - i. Any elderly individual,
 - ii. Any handicapped individual, as described in 49 CFR part 27,
 - iii. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
 - iv. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
 - e. When carrying out a procurement under former 49 U.S.C. 5316, it will comply with the following provisions as amended by MAP-21:
 - i. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - ii. The prohibition against exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
 - iii. "Buy America" under 49 U.S.C. 5323(j),
 - iv. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m), and
 - v. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
 - f. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
 - g. It:
 - i. Has or will have the amount of funds required for the local share by former 49 U.S.C. 5316,
 - ii. Will provide the local share funds from sources approved by FTA and/or ODOT, and
 - iii. Will provide the local share funds when needed,
 - h. It has complied or will comply with 49 U.S.C. 5303, and 5304,
 - i. It has or will have a locally developed process to solicit and consider public comment before:
 - i. Raising a fare, or

- ii. Implementing a major reduction of public transportation, and
- j. To the extent applicable, it will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

XVI. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES/ NEW FREEDOM PROGRAMS

(1) Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.

- a. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. 5310; therefore, except as we determine otherwise in writing, on behalf of your Applicant, you certify that:
 - i. It is:
 - 1. A private nonprofit organization, or
 - 2. A State or local governmental authority that:
 - a. Is approved by the State to coordinate services for seniors and individuals with disabilities, or
 - b. Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.
 - ii. It will comply with the following Project selection and planning requirements:
 - 1. The Project(s) for which it has requested funding appropriated or made available for 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
 - a. Locally developed, and
 - b. Coordinated,
 - 2. The public transit-human services transportation plan was developed and approved through a process that included participation by:
 - a. Seniors,
 - b. Individuals with disabilities,
 - c. Representatives of public, private, and nonprofit transportation providers,
 - d. Representatives of public, private, and nonprofit human services providers, and
 - e. Other members of the public,
 - 3. To the maximum extent feasible, the services funded by 49 U.S.C. 5310 will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,
 - iii. It will transfer a facility or equipment financed with funding appropriated or made available for a grant under 49 U.S.C. 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:
 - 1. The recipient possessing the facility or equipment consents to the transfer, and

- 2. The facility or equipment will continue to be used as required under 49 U.S.C. 5310, and
- iv. The requirements of 49 U.S.C. 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities, authorized by 49 U.S.C. 5310, and
- b. FTA has determined certain requirements of 49 U.S.C. 5307, to be appropriate for which some require Certifications; therefore, as specified under 49 U.S.C. 5307(c)(1), it certifies that:
 - i. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - 1. Legal capacity,
 - 2. Financial capacity, and
 - 3. Technical capacity,
 - ii. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - iii. It will maintain its Project equipment and facilities adequately,
 - iv. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will comply with the:
 - 1. General Provisions of 49 U.S.C. 5323, and
 - 2. Third Party Contract Provisions of 49 U.S.C. 5325,
 - v. It has complied or will comply with:
 - 1. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - 2. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304, and
 - vi. To the extent applicable, it will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

(2) Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program.

- a. The following Certifications for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as we determine otherwise in writing, on behalf of your Applicant, you certify that:
 - i. It is:
 - 1. A private nonprofit organization, if the public transportation service that would undertake public transportation capital Project(s) planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:
 - a. Unavailable,
 - b. Insufficient, or
 - c. Inappropriate, or
 - 2. A State or local governmental authority that:
 - a. Is approved by the State to coordinate services for seniors and individuals with disabilities, or
 - b. Certifies that there are not any nonprofit organizations readily available in the area to provide public transportation capital Projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities,

- ii. The Project(s) for which it has requested funding appropriated or made available for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
 - 1. Locally developed, and
 - 2. Coordinated,
- iii. That public transit-human services transportation plan was developed and approved through a process that included participation by:
 - 1. Elderly Individuals,
 - 2. Individuals with disabilities,
 - 3. Representatives of public, private, and nonprofit transportation providers,
 - 4. Representatives of human services providers, and
 - 5. Other members of the public,
- iv. It will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,
- b. The following Certifications for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1); therefore, except as we determine otherwise in writing, on behalf of your Applicant, you certify that:
 - i. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - 1. Legal capacity,
 - 2. Financial capacity, and
 - 3. Technical capacity,
 - ii. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - iii. It will maintain its Project equipment and facilities adequately,
 - iv. When carrying out a procurement under former 49 U.S.C. 5310, it will comply with the following provisions as amended by MAP-21:
 - 1. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - 2. The prohibition against exclusionary or discriminatory specifications in its procurements, under 49 U.S.C. 5323(h),
 - 3. "Buy America" under 49 U.S.C. 5323(j),
 - 4. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - 5. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - 6. "Veterans Preference/Employment," under 49 U.S.C. 5325(k)
 - v. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
 - vi. It:
 - 1. Has or will have the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
 - 2. Will provide the local share funds from sources approved by FTA and/or ODOT, and
 - 3. Will provide the local share funds when needed,
 - vii. It has complied or will comply with 49 U.S.C. 5303, and 5304, and
 - viii. To the extent applicable, it will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

(3) New Freedom Program.

- (1) Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year requires the following Certification for the New Freedom Program; therefore, except as we determine otherwise in writing, on behalf of your Applicant, you certify that:
- a. It will comply with the following Project selection and planning requirements:
 - i. The Project(s) for which it has requested funding appropriated or made available for that program were derived from a public transit-human services transportation plan that has been:
 - 1. Locally developed, and
 - 2. Coordinated,
 - ii. That locally developed and coordinated plan was produced through a process that included:
 - 1. Representatives of public, private, and nonprofit transportation providers,
 - 2. Representatives of public, private, and nonprofit human services providers, and
 - 3. Participation by the public,
 - b. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and
- (2) The following Certifications for the New Freedom Program are required by former 49 U.S.C. 5307(d)(1) and 5310; therefore, except as we determine otherwise in writing, on its behalf, you certify that:
- a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - i. Legal capacity,
 - ii. Financial capacity, and
 - iii. Technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain its Project equipment and facilities adequately,
 - d. When carrying out a procurement under former 49 U.S.C. 5317, it will comply with the following provisions as amended by MAP-21:
 - i. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - ii. The prohibition against exclusionary or discriminatory specifications in its procurements, under 49 U.S.C. 5323(h),
 - iii. "Buy America" under 49 U.S.C. 5323(j),
 - iv. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - v. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - vi. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
 - e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
 - f. It:
 - i. Has or will have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
 - ii. Will provide the local share funds from sources approved by FTA and/or ODOT, and
 - iii. Will provide the local share funds when needed,
 - g. It has complied or will comply with 49 U.S.C. 5303, and 5304, and

- h. To the extent applicable, it will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

XVIII. DRUG-FREE WORKPLACE AGREEMENT

As required by U.S. DOT regulations, "Drug-Free Workplace Requirements (Grants)," 49 CFR part 29, Subpart F, and as modified by 41 U.S.C. 702, the Applicant agrees that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying actions that will be taken against its employees for violation of that prohibition;
- (2) Establishing an ongoing drug-free awareness program to inform its employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. Its policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation and employee assistance programs; and
 - d. The penalties that may be imposed upon its employees for drug abuse violations occurring in the workplace;
- (3) Making it a requirement that each of its employees to be engaged in the performance or implementation of the grant agreement or cooperative agreement be given a copy of the statement required by paragraph (1) of this certification;
- (4) Notifying each of its employees in the statement required by paragraph (1) of this certification that, as a condition of employment financed with Federal assistance provided by the grant agreement or cooperative agreement, the employee will be required to:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer (Applicant) in writing of any conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after that conviction;
- (5) Notifying FTA in writing, within ten (10) calendar days after receiving notice required by paragraph (4)(b) above from an employee or otherwise receiving actual notice of that conviction; the Applicant, as employer of any convicted employee, must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working, and that notice shall include the identification number(s) of each affected grant agreement or cooperative agreement;
- (6) Taking one of the following actions within thirty (30) calendar days of receiving notice under paragraph (4)(b) of this agreement with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against that employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring that employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency; and
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6) of this agreement. The Applicant agrees to maintain a list identifying its headquarters location and each workplace it maintains in which project activities supported by FTA are conducted, and make that list readily accessible to FTA.

XIX. CIVIL RIGHTS - DISADVANTAGED BUSINESS ENTERPRISE - ASSURANCE

In accordance with 49 CFR 26.13(a), the Recipient assures that it shall not discriminate on the basis of race, color, national origin, or sex in the implementation of the project and in the award and performance of any third party contract, or subagreement supported with Federal assistance derived from the U.S. DOT or in the administration of its Disadvantaged Business Enterprise (DBE) program or the requirements of 49 CFR part 26. The Recipient assures that it shall take all necessary and reasonable steps set forth in 49 CFR part 26 to ensure nondiscrimination in the award and administration of all third party contracts and subagreements supported with Federal assistance derived from the U.S. DOT. The Recipient's DBE program, as required by 49 CFR part 26 and approved by the U.S. DOT will be incorporated by reference and made part of the grant agreement or cooperative agreement for any Federal assistance awarded by FTA or U.S. DOT. Implementation of this DBE program is a legal obligation of the Recipient, and failure to carry out its terms shall be treated as a violation of the grant agreement or cooperative agreement. Upon notification by the Government to the Recipient of its failure to implement its approved DBE program, the U.S. DOT may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, and/or the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 *et seq.*

Signature Pages follow.

**OHIO DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSIT**

**FEDERAL FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES SIGNATURE PAGES
FOR
THE SPECIALIZED TRANSPORTATION PROGRAM
THE OHIO COORDINATION PROGRAM
THE JOB ACCESS AND REVERSE COMMUTE (JARC) PROGRAM
THE NEW FREEDOM PROGRAM**

AFFIRMATION OF APPLICANT

(Name of the Applicant)

(Name and Relationship of the Authorized Representative)

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal and State statutes and regulations, and follow applicable Federal and State guidance, and comply with the Certifications and Assurances applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) and/or the Ohio Department of Transportation (ODOT), irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has made in the statements submitted with this document and any other submission made to FTA and ODOT, 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 by 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 accurate.

Signature

Date

Name

Authorized Representative of Applicant

**OHIO DEPARTMENT OF TRANSPORTATION
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**FEDERAL FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES SIGNATURE PAGES
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AFFIRMATION OF APPLICANT'S ATTORNEY

For: _____
(Name of Applicant)

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State or local law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature

Date

Name
Attorney for Applicant