

**Federal Certifications and Assurances
for
Section 5317-New Freedom Applicants**

Calendar Year 2012

**Prepared by Wisconsin Department of Transportation
Bureau of Transit and Local Roads**

Updated: 1-28-2011

Note: This booklet contains certifications and assurances which must be submitted with the application for federal operating and capital funds.

Background Information

In accordance with 49 U.S.C. 5323(n), the following certifications and assurances have been compiled for Federal Transit Administration (FTA) assistance programs. FTA requests each Applicant to provide as many certifications and assurances as needed for all programs for which the Applicant intends to seek FTA assistance during Federal Fiscal Year 2012.

FTA requests the Applicant read each certification and assurance carefully and select all certifications and assurances that may apply to the programs for which it expects to seek Federal assistance.

FTA and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every project for which FTA provides Federal financial assistance. The type of project and the selection of the statute authorizing Federal financial assistance for the project will determine which provisions apply. The terms of these certifications and assurance reflect applicable requirements of FTA's enabling legislation currently in effect.

The Applicant also understands and agrees that these certifications and assurances are special pre-award requirements specifically prescribed by Federal law or regulation and do not encompass all Federal laws, regulations, and directives that may apply to the Applicant or its project. A comprehensive list of those Federal laws, regulations, and directives is contained in the current FTA Master Agreement MA(17) for Federal Fiscal Year 2012 at the FTA Web site <http://fta.dot.gov/documents/17-Master.pdf>

Each Applicant is ultimately responsible for compliance with the provisions of the certifications and assurances applicable to itself or its project irrespective of participation in the project by any subrecipient. The Applicant understands and agrees that when it applies for funds individually, as a consortium, joint venture, partnership, or team, the Applicant is responsible for compliance with the certifications and assurances the Applicant selects.



Instructions:

Step #1: Using your keyboard Tab key, complete the required data entry. Save the document to your hard drive and print one copy.

Step #2: Read through each of the Certifications and Assurances documents that apply to your project (capital or operating). **Initial the box** next to each Certification and Assurance that applies to your project indicating you have read and understand each one. (The person initialing and signing must have the legal authority to make such certifications on behalf of the organization it is signing for.)

Step #3: Using black ink, sign and date the certification statement. Obtain attorney signature, as indicated.

Step #4: Submit the completed and signed Certifications and Assurances booklet with your New Freedom application.

Certification/ Assurance	Title	Operating	Capital
A-1	Standard Assurances		
A-2	Nondiscrimination Assurance <i>(includes Title VI form – signature required)</i>		
A-3	Compliance with FTA EEO Policy and Requirements		
A-4	Assurance of Nondiscrimination on the Basis of Disability		
A-5	Disadvantaged Business Enterprise (DBE) Assurance		
A-6	Lobbying		
A-7	Debarment, Suspension and Other Exclusions		
A-8	Protections for Private Transportation Providers		
A-9	Charter Service Agreement		
A-10	School Transportation Agreement		
A-11	Demand Responsive Service		
A-12	Intelligent Transportation Systems		
A-13	Procurement Compliance		
A-14	Alcohol Misuse and Prohibited Drug Use <i>(Required only for operating projects that provide service)</i>		
B-1	Public Hearing	N/A	
B-2	Pre-Award & Post Delivery Reviews	N/A	
B-3	Acquisition of Capital Assets by Lease	N/A	
B-4	Bus Testing	N/A	
B-5	Buy America	N/A	

The undersigned chief elected or administrative official hereby certifies that the applicant has read and understands the Certifications and Assurances that he/she has initialed in the table on page 2 and further assures that, as a condition to receiving federal financial assistance from the Wisconsin Department of Transportation, (applicant) will comply with the requirements as specified in the applicable attached Certifications and Assurances in implementing and managing (name of project) subject to funding under Section 5317, the New Freedom Program.

The person(s) whose signature appears below is/are authorized to sign this assurance on behalf of the grant applicant or recipient.

Date

Signature of Chief Elected or Administrative Official

Printed Name of Chief Elected or Administrative Official

ATTORNEY STATEMENT

The undersigned chief legal counsel for the Applicant hereby certifies that the Applicant has authority under state and local law to comply with the subject assurances and that the certification above has been legally made.

Name of Applicant

Date

Signature of Attorney for Applicant

Printed Name of Attorney for Applicant

STANDARD ASSURANCES

The Applicant assures that it will:

1. Comply with all applicable Federal statutes and regulations carrying out any project supported by an FTA grant or cooperative agreement.
2. Agree that it is under a continuing obligation to comply with the terms and conditions of the FTA grant agreement or cooperative agreement, including the FTA Master Agreement that is incorporated by reference and made part of the latest amendment to its grant agreement or cooperative agreement with FTA issued for its project.
3. Recognize that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation.
4. Understand that Presidential executive orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the Applicant or its project.
5. Agree that the most recent Federal laws, regulations and directives will apply to the project, unless FTA issues a written determination otherwise.

NONDISCRIMINATION ASSURANCE

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), by Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FTA.

Specifically, during the period in which Federal assistance is extended to the project, or project property is used for a purpose for which the Federal assistance is extended or for another purpose involving the provision of similar services or benefits, or as long as the Applicant retains ownership or possession of the project property, whichever is longer, the Applicant assures that:

- (1) Each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.
- (2) It will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Applicant assures that it will submit the required information pertaining to its compliance with these provisions.
- (3) It will include in each subagreement, property transfer agreement, third party contract, third party subcontract, or participation agreement adequate provisions to extend the requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to other parties involved therein including any subrecipient, transferee, third party contractor at any level, successor in interest, or any other participant in the project.
- (4) Should it transfer real property, structures, or improvements financed with Federal assistance provided by FTA to another party, any deeds and instruments recording the transfer of that property shall contain a covenant running with the land assuring nondiscrimination for the period during which the property is used for a purpose for which the Federal assistance is extended or for another purpose involving the provision of similar services or benefits.
- (5) The United States has a right to seek judicial enforcement with regard to any matter arising under Title VI of the Civil Rights Act, U.S. DOT implementing regulations, and this assurance.
- (6) It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to achieve compliance with the requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21.

Wisconsin Department of Transportation
Bureau of Transit, Local Roads, Railroads & Harbors
P. O. Box 7913, Madison, Wisconsin 53707-7913

Subrecipient General Civil Rights Report Title VI

This form pertains to compliance with Title VI (Civil Rights) regulations governing the provision of public transportation services and is filled out by subrecipients for that organization only. Basic Requirement: No person shall, on the grounds of race, color, creed, national origin, sex, age, or disability, be excluded from participating in, denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through financial assistance under the Federal Transit Act, as amended.

Subrecipient:

Address:

City, State ZIP

Phone:

Fax:

Other:

Email

Period covered:

FFY

Civil Rights Lawsuits & Complaints (Check all applicable)

(Notes: Complaints are formal, legal, written documents alleging discrimination filed with you or an appropriate agency that has notified you of the complaint. Also, only civil rights lawsuits or complaints are reported with this form.)

- There have been no lawsuits filed against us for transit service during the period covered.
- There have been no complaints filed against us for transit service during the period covered.
- There have been the following lawsuits or complaints filed against us during this period for transit service. The following information is attached (group lawsuits and complaint separately, by date of initiation):
 - date of the lawsuit or complaint
 - complainant's name and address
 - allegation summary
 - current status or disposition including the terms of any consent decree or agreement

Pending Federal Financing Applications (Check one)

- There are no pending applications for federal financial assistance for transit service, and attached is a description of all financial assistance currently provided by other federal agencies.
- There are pending applications for federal financial assistance for transit service, and attached is a description of all pending applications and all current financial assistance currently provided by other federal agencies.

Civil Rights Compliance Review Activities (Check one)

- There have been no civil rights compliance review activities during the period covered.
- There have been the following civil rights compliance review activities during this period pertaining to complaints or lawsuits involving the provision of transit services. The following information is attached:
 - date of the review
 - name of the agency or organization conducting the review
 - summary of findings and recommendations
 - report on the status or disposition of the recommendations

I, the undersigned, certify that the above and attached statements are truthful and complete to the best of my knowledge and that we comply with all rules and regulations related to the civil rights laws of the United States.

Principal Officer: Name

Office

Signature of Principal Officer: _____

Date

Attachments as needed:

- Lawsuit descriptions (group by date initiated)
- Complaint descriptions (group by date initiated)
- Pending Applications for Federal Financing for Public Transit
- Civil Rights Compliance Review Activities Report

COMPLIANCE WITH FTA EEO POLICY AND REQUIREMENTS

The Applicant hereby agrees that as a condition to receiving federal financial assistance from the Department of Transportation it shall not discriminate against any employee or applicant for employment because of race, color, creed, age, sex, or national origin, and that they shall take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, creed, age, sex, or national origin.

ASSURANCE OF 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 27.9, the Applicant assures that:

1. 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 employment in any program or activity receiving or benefiting from Federal assistance administered by the FTA or any entity within U.S. DOT.
2. Project implementation and operations so assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*, and implementing U.S. DOT regulations at 49 CFR parts 27, 37, and 38, and any applicable Federal laws that may be enacted or Federal regulations that may be promulgated.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) ASSURANCE

To the extent authorized by Federal law, the Recipient agrees to facilitate participation by Disadvantaged Business Enterprises (DBEs) in the Project and assures that each subrecipient, lessee, third party contractor, or other participant at any tier of the Project will facilitate participation by DBEs in the Project to the extent applicable. Therefore:

1. The Recipient agrees and assures that it shall comply with section 1101(b) of SAFETEA-LU, 23 U.S.C. 101 note, and U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 C.F.R. Part 26.
2. The Recipient agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of any subagreement, lease, third party contract or other arrangement supported with Federal assistance derived from U.S. DOT in the administration of its DBE program and shall comply with the requirements of 49 C.F.R. Part 26.
3. The Recipient agrees to take all necessary and reasonable steps as set forth in 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of all subagreements, leases, third party contracts, and other arrangements supported with Federal assistance derived from U.S. DOT. As required by 49 C.F.R. Part 26, the Recipient's DBE program approved by U.S. DOT, if any, is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement for the Project.

The Recipient agrees that it has a legal obligation to implement its approved DBE program and that failure to carry out that DBE program shall be treated as a violation of the Grant Agreement or Cooperative Agreement for the Project and the Master Agreement. Upon notification by U.S. DOT to the Recipient of the Recipient's failure to implement its approved DBE program, U.S. DOT may impose the sanctions as set forth in 49 C.F.R. Part 26 and may, in appropriate cases, refer the matter to the appropriate Federal authorities for enforcement under 18 U.S.C. 1001, or the Program Fraud Civil Remedies Act, 31 U.S.C 3801 *et seq.*, or both.

LOBBYING

*An Applicant that submits, or intends to submit this fiscal year, an application or request **for Federal assistance exceeding \$100,000** is required to provide the following certification. FTA may not award Federal grant, loan (including a line of credit), cooperative agreement, loan agreement, or loan insurance exceeding \$100,000 until the Applicant provides this certification.*

As required by 31 U.S.C. 1352 and U.S DOT regulations, "New Restrictions on Lobbying" at 49 CFR 20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application to U.S. DOT or FTA for a federal grant, loan (including a line of credit), cooperative agreement, or a commitment that the Federal Government to guarantee or insure a loan exceeding \$100,000:

1. No Federal appropriated funds have been paid or will be paid by or on behalf of the Applicant, to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of a Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee or loan insurance or the extension, continuation, renewal, amendment, or modification of any Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for a Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance, the Applicant assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, subagreements, and contracts under grants, loans (including a line of credit), cooperative agreements, loan guarantees, and loan insurance.
4. The Applicant understands that this certification is a material representation of fact upon which reliance is placed by the Federal government and that submission of this certification is a prerequisite for providing a Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a 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.

CERTIFICATION OF LOWER-TIER PARTICIPANTS REGARDING DEBARMENT,
SUSPENSION, AND OTHER RESPONSIBILITY MATTERS FOR PRIMARY COVERED
TRANSACTIONS

*An Applicant that submits, or intends to submit this fiscal year, an application or request for **Federal assistance exceeding \$25,000** must provide the following certification. FTA may not provide Federal assistance for an application or request exceeding \$25,000 until the Applicant provides this certification.*

1. The Applicant (Primary Participant) certifies to the best of its knowledge and belief, that it and its principals (the potential sub-grantee or sub-recipient under an FTA project, potential third party contractor, or potential subcontractor under a major third party contract):
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded or disqualified from covered transactions by any Federal department or agency;
 - (b) Have not, within a three (3) year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for 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, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property;
 - (c) Are 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 subparagraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this certification had one or more public transactions (Federal, state, or local) terminated for cause or default.
2. The Applicant (Primary Participant) certifies that it and its principals, including its first tier subrecipients, will treat each lower tier contract or lower tier subcontract under the Project that:
 - (a) Equals or exceeds \$25,000,
 - (b) Is for audit services, or
 - (c) Requires the consent of a Federal official, as a covered contract for purposes of 2 CFR Part 1200 and 2 CFR Part 180, and will otherwise comply with the Federal requirements of 2 CFR Part 1200 and 2 CFR Part 180, and will assure that each lower tier participant involved in the Project is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded or disqualified from participation in this transaction by and Federal department or agency.
3. The Applicant (Primary Participant) also certifies that it or its principals, including any of its first-tier subrecipients, later become aware of any information contradicting the above statements, it will promptly provide that information to WisDOT and FTA.
4. If the Applicant (Primary Participant) or any of its principals, including any of its first tier subrecipients or lower tier participants is unable to certify to the statements in the paragraphs above, the Applicant shall indicate so in its applications, or in the transmittal letter or message accompanying its annual certifications and assurances, and provide a written explanation to WisDOT.

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 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.

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires 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:

- A. Determined that the assistance is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306;
- B. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible; and
- C. Paid just compensation under State or local law to the company for its franchise or property acquired.

CHARTER SERVICE AGREEMENT

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 (except as permitted by 49 CFR 604.2) or under 23 U.S.C. 133 or 142 to acquire or operate any public transportation facilities and equipment is required to enter into the following Charter Service. FTA may not provide Federal assistance authorized under 49 U.S.C. chapter 53 (except as permitted by 49 CFR 604.2) or under 23 U.S.C. 133 or 142 for such projects until the Applicant enters into this Charter Service Agreement.

1. As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, at 49 CFR 604.4, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may provide charter service for transportation projects that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "Charter Service." 49 CFR part 604, the terms and conditions of which are incorporated herein by reference.
2. The Applicant understands and agrees that:
 - (a) The requirements of FTA regulations, "Charter Service", 49 CFR part 604, will apply to any charter service it or its subrecipients, lessees, third party contractors, or other participants in the project provide,
 - (b) The definitions of FTA regulations, "Charter Service", 49 CFR part 604, will apply to this Charter Service Agreement, and
 - (c) A pattern of violations of this Charter Service Agreement may require corrective measures and imposition of penalties, including barring the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has engaged in the pattern of violations from receiving FTA financial assistance, or withholding an amount of Federal Assistance as set forth in FTA regulations, "Charter Service," 49 CFR part 604, Appendix D.

SCHOOL TRANSPORTATION AGREEMENT

An Applicant that is seeking Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C. 133 or 142 to acquire or operate any public transportation facilities and equipment is required to enter into the following School Transportation Agreement. FTA may not provide Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C. 133 or 142 for such projects until the Applicant enters into this School Transportation Agreement.

1. As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may engage in school transportation operations in competition with private school transportation operators that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), the terms and conditions of which are incorporated herein by reference.
2. The Applicant understands and agrees that:
 - (a) The requirements of FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), will apply to any school transportation service it or its subrecipients, lessees, third party contractors, or other participants in the project provide,
 - (b) The definitions of FTA regulations, "School Bus Operations" 49 CFR part 605 will apply to this School Transportation Agreement, and
 - (c) If there is a violation of this School Transportation Agreement, FTA will bar the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has violated this School Transportation Agreement from receiving Federal transit assistance in an amount FTA considers appropriate.

DEMAND RESPONSIVE SERVICE

An Applicant that operates demand responsive service and applies for direct Federal assistance authorized for 49 U.S.C. Chapter 53 to acquire non-rail public transportation vehicles is required to provide the following certification. FTA may not award direct Federal assistance authorized for 49 U.S.C. chapter 53 to an Applicant that operates demand responsive service to acquire non-rail public transportation vehicles until the Applicant provides this certification.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA) at 49 CFR 37.77(d), 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. Viewed in its entirety, the Applicant's service for individuals with disabilities is provided in the most integrated setting feasible and is equivalent with respect to:

- (1) Response time
- (2) Fares
- (3) Geographic service areas
- (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.

INTELLIGENT TRANSPORTATION SYSTEMS

An Applicant for FTA assistance for an Intelligent Transportation Systems (ITS) project, defined as 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” is requested to provide the following assurance. FTA strongly encourages any Applicant for FTA financial assistance to support an ITS project to provide this assurance. An Applicant for FTA assistance for an ITS project that fails to provide this assurance, without providing other documentation assuring the Applicant’s commitment to comply with applicable federal ITS standards and protocols, may be determined ineligible for award of Federal assistance for the ITS project.

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.”

- A. As provided in SAFETEA-LU section 5307(c), 23 U.S.C. 512 note, apart from certain exceptions, “intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, [shall] conform to the national architecture, applicable standards or provisional standards, and protocols developed under (a)[of section 5307 of SAFETEA].” To facilitate compliance with SAFETEA-LU section 5307(c), 23 U.S.C. 512 note, the Applicant assures it will comply with all applicable provisions of Section V (Regional ITS Architecture) and Section VI (Project Implementation) of FTA Notice, “FTA National ITS Architecture Policy on Transit Projects,” at 66 FR 1455 *et seq.*, January 8, 2001, and other FTA policies that may be issued in connection with any ITS project it undertakes financed with funds authorized under Title 49 or Title 23, United States Code, except to the extent that FTA expressly determines otherwise in writing.
- B. With respect to any ITS project financed with Federal assistance derived from a source other than Title 49 or Title 23, United States Code, the Applicant assures that it will use its best efforts to assure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region.

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. 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.

ALCOHOL MISUSE AND PROHIBITED DRUG USE

In accordance with 49 CFR part 655, each Applicant that is seeking Federal Assistance and also receives FTA funding under one of the covered FTA Programs (5307, 5309, New Freedom, 5311 or STRAP) is required to provide the following certification Note: WisDOT requires applicants to join the statewide Drug and Alcohol Testing Consortium. Contact the WisDOT Transit Section for more information on the consortium.

As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" at 49 CFR part 655, subpart I, the Applicant certifies that it has established and implemented an alcohol misuse and anti-drug program, and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655.

PUBLIC HEARING

An Applicant seeking Federal assistance authorized under 49 U.S.C. Chapter 53 for a capital project that will substantially affect a community or a community's public transportation service is required to provide the following certification. FTA may not award Federal assistance for a capital project of that type until the Applicant provides this certification.

As required by U.S.C. 5323(b), for a proposed capital project that will substantially affect a community, or the public transportation service of a community, the Applicant certifies that it has, or before submitting its application, it will have:

1. Provided an adequate opportunity for public review and comment on the proposed project;
2. After providing notice, including a concise description of the proposed project, published in a newspaper of general circulation in the geographic area to be served, held a public hearing on the project if the project affects significant economic, social or environmental interests,
3. Considered the economic, social and environmental effects of the proposed project and
4. Determined that the proposed project is consistent with official plans for developing the community.

PRE-AWARD AND POST-DELIVERY REVIEWS

An Applicant seeking Federal assistance authorized under 49 U.S.C. Chapter 53 to acquire any rolling stock for use in revenue service is required to provide the following certification. FTA may not award any Federal assistance to acquire such rolling stock until the Applicant provides this certification.

As required by 49 U.S.C. 5323(m) and implementing FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, at 49 CFR 663.7, the Applicant certifies that it will comply with the requirements of 49 CFR part 663 as modified by amendments authorized by section 3023(k) of SAFETEA-LU when procuring revenue service rolling stock. Among other things, the Applicant agrees to conduct or cause to be conducted the requisite pre-award and post-delivery reviews, and maintain on file the certifications required by 49 CFR part 663, subparts B,C and D.

ACQUISITION OF CAPITAL ASSETS BY LEASE

An Applicant that intends to request the use of Federal assistance authorized under 49 U.S.C. Chapter 53 to acquire capital assets by lease is required to provide the following certifications. FTA may not provide Federal assistance to support those costs until the Applicant provides this certification.

As required by FTA regulations, "Capital Leases," 49 CFR part 639, at 49 CFR 639.15(b)(1) and 49 CFR 639.21, if the Applicant acquires any capital asset by lease financed with Federal assistance authorized under 49 U.S.C. Chapter 53, the Applicant certifies as follows:

1. It will not use Federal assistance authorized under 49 U.S.C. Chapter 53 to finance the cost of leasing any capital asset until it performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset; and it will complete these calculations before entering into the lease or before receiving a capital grant for the asset, whichever is later; and
2. It will not enter into a capital lease for which FTA can provide only incremental Federal assistance unless it has adequate financial resources to meet its future obligations under the lease if Federal assistance is not available for capital projects in the subsequent years.

BUS TESTING

An Applicant for Federal assistance appropriated or made available for 49 U.S.C. Chapter 53 to acquire any new bus model or any bus model with a new major change in configuration or components is required to provide the following certification. FTA may not provide Federal assistance for the acquisition of any new bus model or bus model with a major change until the Applicant provides this certification.

As required by 49 U.S.C. 5318 and FTA regulations, "Bus Testing," at 49 CFR 665.7, the Applicant certifies that, before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components, or before authorizing final acceptance of that bus (as described in 49 CFR part 665):

1. The bus model will have been tested at FTA's bus testing facility and
2. The Applicant will have received a copy of the test report prepared on the bus model.

BUY AMERICA

An Applicant that intends to request the use of Federal assistance authorized under 49 U.S.C. Chapter 53 to acquire goods and rolling stock or for construction contracts (valued at more than \$100,000) is required to provide the following certifications. FTA may not provide Federal assistance to support those costs until the Applicant provides this certification.

The Applicant agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.