

ATTACHMENT E: ANNUAL CERTIFICATION LETTER OF COMPLIANCE

It is the Grant Program's role to monitor the activities of subrecipients as necessary to ensure that federal awards are used for authorized purposes in compliance with laws, regulations and the provisions of contracts or grant agreements and that performance goals are achieved. Grant Programs staff is responsible for sending and reviewing the annual certification letter (and supporting documentation) for proper completion and signature.

2014 Annual Certification Letter

Subrecipient:	
Authorized Representative:	
Funding Program:	
Project:	
Funding Amount:	

AUTHORITY OF THE APPLICANT AND AUTHORIZED REPRESENTATIVE

You certify that you are authorized to undertake the following activities on your organizations behalf:

1. Execute and file its application for Federal funds,
2. Execute and file its Certifications, Assurances, and Agreements binding its compliance,
3. Execute Agreements with FTA,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

Initial _____

ADMINISTRATIVE CAPABILITIES

On behalf of your organization, you assure that for every Project described in any application it submits, it has adequate resources to properly plan, manage, and complete its Project, including the:

1. Legal authority to apply for Federal funding,
2. Institutional capability,
3. Managerial capability, and
4. Financial capability (including funds sufficient to pay the non-Federal share of Project cost).

Initial _____

RIGHT TO REVIEW

On behalf of your organization, you assure that the organization will give limited access and the right to examine Project-related materials to entities or individuals, as required, including, but not limited to the:

1. FTA,
2. The Comptroller General of the United States,
3. Houston METRO ; and
4. State.

Initial _____

ACCOUNTING SYSTEMS

On behalf of your organization, you assure that the organization will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.

Initial _____

CONFLICTS OF INTEREST

On behalf of your organization, you assure that the organization will establish safeguards to prohibit employees from using their positions for a purpose that results in:

1. A personal or organizational conflict of interest, or personal gain, or
2. The appearance of a personal or organizational conflict of interest or personal gain.

Initial _____

PROJECT GOALS

You assure that following receipt of an FTA award the organization will begin and complete Project work within the time periods that apply.

Initial _____

PROJECT REPORTING

You assure that the organization will furnish progress reports and other information as FTA or Houston METRO may require.

Initial _____

ANNUAL AUDIT

You assure that the organization will perform the financial and compliance audits as required by

the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Recipients receiving more than \$500,000 in Federal assistance in any year (from all sources) must have an annual audit conducted by an independent auditor. Grant recipients are required to submit a copy of their OMB Circular A-133 audit to Houston METRO Project Manager and Houston METRO Accounting.

Initial _____

APPLICABILITY OF STATUTES, LAWS, AND REGULATIONS

You assure that you understand and agree with the following:

1. Comply with all applicable Federal statutes and regulations to carry out any FTA funded Project,
2. Comply with terms and conditions of the FTA Grant Agreement or Cooperative Agreement 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. Federal laws and regulations may be amended from time to time and those amendments may affect Project implementation,
4. Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting it or its Project,
5. The most recent Federal laws, regulations, and guidance will apply to its Project, except as FTA determines otherwise in writing,
6. Requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated.

Initial _____

NONDISCRIMINATION ASSURANCE

You assure that your organization 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 USDOT 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:

1. 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);
2. Title VI of the Civil Rights Act of 1964;
3. The Rehabilitation Act of 1973, as amended;

4. The Americans with Disabilities Act of 1990, as amended;
5. 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;
6. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39; and
7. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,

Initial _____

You assure that you will comply with nondiscrimination laws and regulations in the manner your organization

1. Conducts each Project,
2. Undertakes property acquisitions, and
3. Operates its Project facilities, including:
 - a. Facilities, and
 - b. Facilities operated in connection with its Project.

Initial _____

You assure that you will promptly take the necessary actions to carry out this assurance, including:

1. Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
2. Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.

Initial _____

You assure that you will extend nondiscrimination laws and regulations to each Third Party Participant and agreement, including any:

1. Subrecipient,
2. Transferee,
3. Third Party Contractor or Subcontractor at any tier,
4. Successor in Interest,
5. Lessee, or
6. Other participant in its Project,

Initial _____

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," you assure that your organization will comply with the following prohibitions against discrimination on the basis of disability listed below, of which compliance is a condition of approval or extension of any FTA funding awarded to:

1. Construct any facility,
2. Obtain any rolling stock or other equipment,
3. Undertake studies,
4. Conduct research, or
5. Participate in or obtain any benefit from any FTA administered program, and
6. 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:
 - a. Excluded from participation,
 - b. Denied benefits, or
 - c. Otherwise subjected to discrimination.

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ANNUAL TITLE VI SUBMISSIONS

Certain Title VI related documents must be provided to Houston METRO on an annual basis. By April 30th each year subrecipients must submit the following documents to Houston METRO :

1. Transit-related Title VI Complaints, Investigations, and Lawsuit List
2. Public Participation Plan
3. Title VI Facility Location Equity Analysis (if constructing a facility)
4. Fixed Route Service Standards (if providing fixed route service)

Certify that your organization will submit the above items to Houston METRO by April 30th.

Initial _____

AMERICANS WITH DISABILITIES

Fixed Route Systems: Public operators of fixed route systems open to the general public are required to provide complementary paratransit or other special service to persons with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. All vehicles purchased must be ADA accessible unless a waiver has been obtained from FTA.

Demand Response Systems: Operators of demand response services must conform to “equivalent service” requirements. All vehicles purchased must be ADA accessible unless the agency certifies that equivalent service is provided.

Comparable or “equivalent service” includes: response time, fares, geographic area of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions priorities based on trip purpose.

Certify that if providing fixed route or demand response services that the project has met the requirements stated above.

Initial _____

INTERGOVERNMENTAL REVIEW ASSURANCES

As required by USDOT regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," you assure that you have 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.

Initial _____

PROCUREMENT AND PROCUREMENT SYSTEMS

You certify that organizational procurements and its procurement system complies with all Federal laws and regulations in accordance with applicable Federal guidance (FTA Circular 4220.1F, Third Party Contracting Guidance)

Initial _____

SUSPENSION AND DEBARMENT CERTIFICATION

You certify that your organization will comply and facilitate compliance with suspension and debarment regulations and to the best of your knowledge and belief, that

1. Principals and Subrecipients at the first tier are eligible to participate in covered transactions of any Federal department or agency and are not presently:
 - a. Debarred,
 - b. Suspended,
 - c. Proposed for debarment,
 - d. Declared ineligible,
 - e. Voluntarily excluded, or
 - f. Disqualified,
2. Principals and Subrecipients management at the first tier have 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:
 - a. 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,
 - b. Violation of any Federal or State antitrust statute, or
 - c. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
3. Principals and Subrecipients at the first tier 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 the preceding subsection of this Certification,
4. Principals and Subrecipients at the first tier have not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,

5. If, at a later time, it receives any information that contradicts the statements of subsections 2.a – 2.d above, it will promptly provide that information to Houston METRO

Initial _____

You certify that your organization will require that each covered lower tier contractor and subcontractor will:

1. Comply and facilitate compliance with the Federal requirements and
2. That each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
 - a. Debarred from participation in its federally funded Project,
 - b. Suspended from participation in its federally funded Project,
 - c. Proposed for debarment from participation in its federally funded Project,
 - d. Declared ineligible to participate in its federally funded Project,
 - e. Voluntarily excluded from participation in its federally funded Project, or
 - f. Disqualified from participation in its federally funded Project, and

Initial _____

LOBBYING

Applicable to subrecipients receiving \$100,000 or more in Federal funding for a grant or cooperative agreement. You certify that the lobbying restrictions of this Certification apply to the lobbying activities of the organization, its Principals, and its Subrecipients at the first tier and that to the best of your knowledge and belief that no Federal appropriated funds have been or will be paid by or on its behalf to any person to influence or attempt to influence:

1. An officer or employee of any Federal agency regarding the award of a Federal grant or cooperative agreement, or Federal loan, line of credit, loan guarantee, or loan insurance; or
2. A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a Federal grant or cooperative agreement, or Federal loan, line of credit, loan guarantee, or loan insurance.

Initial _____

You certify that the organization will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:

1. Third party contracts,
2. Subcontracts,
3. Subagreements, and
4. Other third party agreements under a:
 5. Federal grant or cooperative agreement, or
 6. Federal loan, line of credit, loan guarantee, or loan insurance.

Initial _____

You certify that you understand that This Certification is a material representation of fact that

the Federal government relies on, and you must submit this Certification before the Federal government may award funding and 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.

Initial _____

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Grantees receiving FTA funds under Capital Grant, Urbanized Area Formula Grants (includes CMAQ and STP), or Non-Urbanized Area Formula Grant Programs, Section 5316 and Section 5317 must have a drug and alcohol testing program in place for all safety sensitive employees.

Subrecipients that receive only JARC, New Freedom, or Section 5310 assistance are not subject to FTA's Drug and Alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration rule for employees who hold Commercial Drivers Licenses.

The FTA-mandated drug and alcohol testing program is separate from and in addition to the provisions of the Drug-Free Workplace Act (DFWA). Policy provisions and reporting requirements mandated by that Act are discussed in Section 20 of the Grants Management Workbook (http://www.fta.dot.gov/3909_ENG_HTML.htm).

If a grantee uses a contract service provider or maintenance provider to perform safety sensitive functions, these contractors also are subject to the provisions of these regulations. For transit agencies that use volunteer drivers, the volunteers are not subject to testing.

You certify that your organization and Third Party Contractors to which these testing requirements apply have established and implemented:

1. An alcohol misuse testing program, and
2. A controlled substance testing program.

Initial _____

MAINTENANCE PROCEDURES

Subrecipients must:

1. Keep federally funded equipment and facilities in safe, operating order;
2. Have policies and procedures to maintain vehicles;
3. Maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible;
4. Repair ADA accessibility features if they are damaged or out of order; and
5. Establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

If applicable, certify that your organization meets the requirements above.

Initial _____

EQUIPMENT COMPLIANCE

Subrecipients using Federal or state funds to purchase vehicles are required to conduct pre-award and post-delivery reviews to confirm Buy America, purchaser's requirements, and Federal Motor Vehicle Safety Standards (FMVSS) and certify compliance for all revenue service rolling stock procurements. Subrecipients must keep documentation showing they complied when procuring revenue rolling stock. A grantee must ensure that any state or federally funded, contractor operated equipment is controlled. A biennial physical inventory and other control measures are required.

If applicable, certify that your organization meets the requirements above.

Initial _____

SCHOOL BUS SERVICES

Grant recipients, and their contractors, cannot engage in school bus operations (providing vehicles or facilities) exclusively for the transportation of students and school personnel in competition with private school bus operators. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.

Certify that your organization is not engaging in school bus operations.

Initial _____

CHARTER SERVICES

Grant recipients and their contractors, are prohibited from using Federally-funded equipment or facilities to provide charter service. Charter services means transportation using buses or vans or facilities, funded with FTA grants, which are provided to a group of persons who because of common purpose, have acquired exclusive use of the vehicle or service. The group operates under a single contract, at a fixed charge for the vehicle or service; and the group travels together under an itinerary either specified in advance or modified after the trip begins.

Certify that your organization is not engaging in charter services.

Initial _____

Subrecipient signature: _____ Date _____