

FORT BEND COUNTY FY 2009
COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 8-25-2009

Submitted By: Yvette R. Maldonado

Court Agenda Date: 9-1-2009

Department: Public Transportation
Phone Number: 281-633-7433 Ext 5

SUMMARY OF ITEM:

1) Take all appropriate action to ratify request to authorize the Director of Public Transportation to electronically execute document for Section 5340 Project Number TX-96-X034 of the Federal Transit Administration, as approved by Commissioners Court on July 7, 2009.

RENEWAL AGREEMENT/APPOINTMENT YES NO
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

List Supporting Documents Attached: 1) *Copy of Submission approved in CC on 7-7-2009*
Copy of Grant Agreement

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO

FUNDNG SOURCE: Accounting Unit: Account Number:
Activity (If Applicable):

DESCRIPTION OF LAWSOM ACCOUNT: _____

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input checked="" type="checkbox"/>	Auditor	(281-341-3774)	<input checked="" type="checkbox"/>	Comm. Pct. 1	(281-342-0587)
<input checked="" type="checkbox"/>	Budget Officer	(281-344-3954)	<input checked="" type="checkbox"/>	Comm. Pct. 2	(281-403-8009)
<input checked="" type="checkbox"/>	Facilities/Planning	(281-633-7022)	<input checked="" type="checkbox"/>	Comm. Pct. 3	(281-242-9060)
<input checked="" type="checkbox"/>	Purchasing Agent	(281-341-8642)	<input checked="" type="checkbox"/>	Comm. Pct. 4	(281-980-9077)
<input checked="" type="checkbox"/>	Information Technology	(281-341-4526)	<input checked="" type="checkbox"/>	County Clerk	(281-341-8697)
<input type="checkbox"/>	Other:		<input checked="" type="checkbox"/>	County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify):

Information
Project TX-96-X034-00 successfully submitted.

Close

DOT**FTA**

U.S. Department of Transportation

Federal Transit Administration

Application

Recipient ID:	6479
Recipient Name:	FORT BEND COUNTY
Project ID:	TX-96-X034-00
Budget Number:	1 - Budget Pending Approval
Project Information:	8 Buses, Const. Park & Ride, Misc.Equip

Part 1: Recipient Information

Project Number:	TX-96-X034-00
Recipient ID:	6479
Recipient Name:	FORT BEND COUNTY
Address:	301 JACKSON ST STE 710, RICHMOND , TX 77469 0000
Telephone:	(281) 341-8608
Facsimile:	(281) 243-6710

Union Information

Recipient ID:	6479
Union Name:	TRANSPORT WORKERS LOCAL 260 - AFL-CIO
Address 1:	2150 W. 1800 Street, Suite 104
Address 2:	
City:	Houston, TX 77004
Contact Name:	Sandra Burleson
Telephone:	(713) 864-4346
Facsimile:	(713) 869-5655
E-mail:	
Website:	

Part 2: Project Information

Project Type:	Grant	Gross Project Cost:	\$2,732,816
Project Number:	TX-96-X034-00	Adjustment Amt:	\$0
Project Description:	8 Buses, Const. Park & Ride, Misc.Equip	Total Eligible Cost:	\$2,732,816

Recipient Type:	City	Total FTA Amt:	\$2,732,816
FTA Project Mgr:	LAURA WALLACE	Total State Amt:	\$0
Recipient Contact:	PAULETTE SHELTON 281-243-7433	Total Local Amt:	\$0
New/Amendment:	None Specified	Other Federal Amt:	\$0
Amend Reason:	Initial Application	Special Cond Amt:	\$0
Fed Dom Asst. #:	20507	Special Condition:	None Specified
Sec. of Statute:	5307-4	S.C. Tgt. Date:	None Specified
State Appl. ID:	None Specified	S.C. Eff. Date:	None Specified
Start/End Date:	May. 15, 2009 - Jan. 30, 2010	Est. Oblig Date:	None Specified
Recvd. By State:		Pre-Award Authority?:	No
EO 12372 Rev:	Not Applicable	Fed. Debt Authority?:	No
Review Date:	None Specified	Final Budget?:	No
Planning Grant?:	NO		
Program Date (STIP/UPWP/FTA Prm Plan) :	Mar. 24, 2009		
Program Page:	None Specified		
Application Type:	Electronic		
Supp. Agreement?:	Yes		
Debt. Delinq. Details:			

Urbanized Areas

UZA ID	UZA Name
480130	HOUSTON, TX

Congressional Districts

State ID	District Code	District Official
48	9	Al Green
48	14	Ron E Paul
48	22	Pete Olson

Project Details

FORT BEND COUNTY SEEK TO USE ARRA FUNDS IN THE AMOUNT OF \$2,732,816 FOR CAPITAL PURCHASES.
 - \$767,816 WILL BE USED TO COMPLETE CONSTRUCTION OF THE FAIRGROUNDS PARK AND RIDE
 - \$840,000 PURCHASE 6 NEW VEHICLES
 - \$125,000 PURCHASE 2 REPLACEMENT VEHICLES
 - \$1,000,000 PURCHASE AND INSTALL MISC VEHICLE EQUIPMENT

SEE ATTACHED RESOLUTION NO 2035-18 RTP

**This ARRA grant provides additional funding for the park and ride lot project also funded in Grant# TX-95-X012.

Rolling Stock

2009 Transit Capital Assistance Grants- Urbanized Area Funding Program. This grant applies the 2009 ARRA Formula allocation of \$125,000 to bus replacement. We will purchase two (2) 25' light-duty cutaway buses that have an expected useful life of five (5) years or 250k miles. The vehicles being replaced have met their useful life of five (5) years. A Federal ratio of 100/0 will apply. The replacement buses will meet the Clean Air Act standards (CAA) and the Americans with Disabilities Act (ADA) requirements. The fleet status section of TEAM has been updated to reflect this fleet adjustment. We are able to operate and maintain this vehicle procurement.

Facility

This application is funded as follows: American Recovery and Reinvestment Act-Transit Capital Assistance Program (Urbanized). This project will use \$767,816 of (Section 5340) ARRA funds for construction of a Park-N-Ride facility along Hwy 36 at the Fort Bend County Fairgrounds in Richmond. This project includes construction of a 371 space parking area with a sheltered bus loading and staging area. It also includes access road improvements on Hwy 36 for traffic safety measures. Drawings for the project are near final revision and all preliminary environmental approvals are complete. (See attached Categorical Exclusion)

Earmarks

No information found.

Security

No – We will not expend at least 1% of the 5307 funds in this grant application for security purposes.

3. Other, please describe below.

Part 3: Budget**Project Budget**

	Quantity	FTA Amount	Tot. Elig. Cost
<u>SCOPE</u>			
113-00 BUS - STATION/STOPS/TERMINALS	0	\$767,816.00	\$767,816.00
<u>ACTIVITY</u>			
11.33.04 CONSTRUCT - BUS PARK&RIDE LOT	0	\$767,816.00	\$767,816.00
<u>SCOPE</u>			
116-00 SIGNAL & COMM EQUIPMENT (BUS)	0	\$700,000.00	\$700,000.00
<u>ACTIVITY</u>			
11.62.20 PURCHASE MISC COMMUNICATIONS EQUIP	0	\$700,000.00	\$700,000.00
<u>SCOPE</u>			
117-00 OTHER CAPITAL ITEMS (BUS)	0	\$300,000.00	\$300,000.00
<u>ACTIVITY</u>			
11.71.11 OTHER 3RD PARTY CONTRACTUAL SERVICES	0	\$300,000.00	\$300,000.00
<u>SCOPE</u>			
111-00 BUS - ROLLING STOCK	8	\$965,000.00	\$965,000.00
<u>ACTIVITY</u>			

11.12.04 BUY REPLACEMENT <30 FT BUS	2	\$125,000.00	\$125,000.00
11.13.02 BUY 35-FT BUS FOR EXPANSION	6	\$840,000.00	\$840,000.00
Estimated Total Eligible Cost:			\$2,732,816.00
Federal Share:			\$2,732,816.00
Local Share:			\$0.00

OTHER (Scopes and Activities not included in Project Budget Totals)

None

No Amendment Funding Source information is available for the selected project

Alternative Fuel Codes

11.13.00	BUS - STATION/STOPS/TERMINALS	Gasoline
11.12.04	BUY REPLACEMENT <30 FT BUS	Diesel Fuel
11.13.02	BUY 35-FT BUS FOR EXPANSION	Diesel Fuel

Extended Budget Descriptions

11.33.04	CONSTRUCT - BUS PARK&RIDE LOT	0	\$767,816.00	\$767,816.00
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The park and ride site is located along SH 36, south of US 59 and adjacent to the north/northeast of Fort Bend County Exposition Center and Fairgrounds, located at 4310 State Highway 36 South Rosenberg, TX 77471.

The lot is to be built on a portion of a 10-acre property owned by Fort Bend County. The property was acquired by Fort Bend County in the late 1990s/early 2000s. The park and ride lot is planned to be 5.18 acres in size and provide approximately 368 parking spaces. The bus loading zone will consist of eight (8) bus parking stalls and a covered passenger shelter. The bus loading zone and associated passenger shelter can also be used as a center of operations during emergency evacuation activities.

The SH 36 Park and Ride project began in the late 1990s with the Fort Bend County Engineering Department working with the Texas Department of Transportation (TxDOT)/ Federal Highway Administration (FHWA) for grant funding.

The project was transferred to the Fort Bend County Public Transportation Department, when our department was created in 2005. At this time, a transfer of grant funding from TxDOT / FHWA to the Federal Transit Administration (FTA) was requested. The grant transfer was completed in late 2008. Total CMAQ funding transferred was \$1,495,810.

The components of the SH 36 Park & Ride lot consists of an access road to the park and ride (Fairgrounds Boulevard), turn lanes on SH 36, traffic signalization at the intersection of Fairground Boulevard and SH 36, and finally the park & ride lot.

Fairgrounds Boulevard was constructed in 2005 and the SH 36 turn lane located at the intersection of Fairgrounds Boulevard, was constructed in 2007. Both projects were done by the Fort Bend County Road and Bridge Department. The traffic signal located at the intersection of SH 36 and Fairgrounds Boulevard was constructed in late 2007 by a private sector contractor.

Environmental clearance for the project was given to Fort Bend County Public Transportation on November 26, 2008.

Purchase authorization is planned for July 2009 and actual construction is scheduled for July 2009.

11.62.20	PURCHASE MISC COMMUNICATIONS EQUIP	0	\$700,000.00	\$700,000.00
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Funding requested to purchase electronic fare media, mobile data terminals, automatic vehicle locators, and passenger counters for transportation vehicles.

11.71.11	OTHER 3RD PARTY CONTRACTUAL SERVICES	0	\$300,000.00	\$300,000.00
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Funding requested for installation of electronic fare media, mobile data terminals, automatic vehicle locators, and passenger counters for transportation vehicles.

11.12.04	BUY REPLACEMENT <30 FT BUS	2	\$125,000.00	\$125,000.00
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Fort Bend County will "piggyback" from an already existing bid with HGAC to purchase Rolling Stock to Replace 2 Vehicles for the existing services.

11.13.02	BUY 35-FT BUS FOR EXPANSION	6	\$840,000.00	\$840,000.00
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Fort Bend County will "piggyback" from an already existing bid with HGAC to purchase 6 New Rolling Stock for the existing services.

Changes since the Prior Budget

Unable to find change amount information.

Part 4. Milestones

11.33.04	CONSTRUCT - BUS PARK&RIDE LOT	0	\$767,816	\$767,816
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	Milestone Description	Est. Comp. Date
1.	Final Design Approval	Jun. 15, 2009
2.	Issue Bid for Construction	Jul. 15, 2009
3.	Receive Construction Bids	Aug. 15, 2009
4.	Award Construction Bid	Sep. 15, 2009
5.	Begin Construction	Sep. 30, 2009
6.	Complete Construction	Nov. 30, 2009

11.62.20	PURCHASE MISC COMMUNICATIONS	0	\$700,000	\$700,000
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EQUIP

	Milestone Description	Est. Comp. Date
1.	RFP/IFB Issued	Jul. 15, 2009
2.	Contract Award	Sep. 15, 2009
3.	Contract Complete	Dec. 30, 2009

11.71.11 OTHER 3RD PARTY CONTRACTUAL SERVICES 0 \$300,000 \$300,000

	Milestone Description	Est. Comp. Date
1.	RFP/IFB Issued	Jul. 15, 2009
2.	Contract Award	Sep. 15, 2009
3.	Contract Complete	Dec. 30, 2009

11.12.04 BUY REPLACEMENT <30 FT BUS 2 \$125,000 \$125,000

	Milestone Description	Est. Comp. Date
1.	RFP/IFB OUT FOR BID	Sep. 25, 2008
2.	CONTRACT AWARDED	Jan. 01, 2009
3.	FIRST VEHICLE DELIVERED	Sep. 15, 2009
4.	ALL VEHICLES DELIVERED	Oct. 15, 2009
5.	CONTRACT COMPLETE	Nov. 15, 2009

11.13.02 BUY 35-FT BUS FOR EXPANSION 6 \$840,000 \$840,000

	Milestone Description	Est. Comp. Date
1.	RFP/IFB OUT FOR BID	Sep. 25, 2008
2.	CONTRACT AWARDED	Jan. 01, 2009
3.	FIRST VEHICLE DELIVERED	Sep. 15, 2009
4.	ALL VEHICLES DELIVERED	Oct. 15, 2009
5.	CONTRACT COMPLETE	Nov. 15, 2009

Part 5. Environmental Findings

113304 CONSTRUCT - BUS PARK&RIDE LOT 0 \$767,816 \$767,816

Finding No. 1 - Class II(d)

D04 - Transportation parking facilities

Transportation corridor fringe parking facilities.

111204 BUY REPLACEMENT <30 FT BUS	2	\$125,000	\$125,000
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Finding No. 1 - Class II(c)

C17 - Purchase of vehicles

The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

111302 BUY 35-FT BUS FOR EXPANSION	6	\$840,000	\$840,000
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Finding No. 1 - Class II(c)

C17 - Purchase of vehicles

The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

116220 PURCHASE MISC COMMUNICATIONS EQUIP	0	\$700,000	\$700,000
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Finding No. 1 - Class II(c)

C14 - Bus & rail car rehabilitation

Bus and rail car rehabilitation.

117111 OTHER 3RD PARTY CONTRACTUAL SERVICES	0	\$300,000	\$300,000
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Finding No. 1 - Class II(c)

C16 - Program Admin. & Operating Assistance

Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

Part 6: Fleet Status

Fixed Route

	Before	Change	After

I.	Active Fleet			
	A. Peak Requirement	15	6	21
	B. Spares	0	2	2
	C. Total (A+B)	15	8	23
	D. Spare Ratio (B/A)	0.00%	33.33%	9.52%
II.	Inactive Fleet			
	A. Other	0	0	0
	B. Pending Disposal	3	0	3
	C. Total (A+B)	3	0	3
III.	Total (I.C and II.C)	18	8	26

FORT BEND COUNTY CURRENTLY HAS 18 VEHICLES IN OUR FLEET. 12 OF WHICH ARE BEING USED FOR DEMAND RESPONSE AND 3 FOR NEW FREEDOM SERVICES AND THE REMAINING 3 ARE PENDING DISPOSAL.

FORT BEND COUNTY ALSO HAVE 9 VEHICLES USED FOR THE COMMUTER SERVICES WHICH ARE CONTRACTOR OWNED.

Part 7. FTA Comments

General Review

Comment Title:	New Comment
Comment By:	William Jones
Date Created:	Jun. 18, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	I have reviewed the Civil Rights requirements and concur with this portion of the project application

Comment Title:	Review Comment
Comment By:	Pearlie Tiggs
Date Created:	May. 27, 2009
Date Updated:	Jun. 02, 2009
Ref Section:	Project Overview
Comment:	<p>This grant application is now under review.</p> <p>If there are review comments, all comments must be addressed before a project number is assign.</p> <p>*Review comments:</p> <ul style="list-style-type: none"> - Complete the Standard Language for ARRA funded Rolling Stock, as noted in the Federal Register Notice. - Apparently, a portion of the ARRA funds will be funding the SH 36 park and ride lot. If true, the text line inserted as noted in the ARRA grant application under "Project Information" should remain.

Conditions of Award

Comment Title:	ARRA Special Provisions
Comment By:	Eldridge Onco
Date Created:	Jun. 24, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	<p>Special Provisions for Projects Financed Under the American Recovery and Reinvestment Act (Recovery Act).</p> <p>The Recipient agrees that the following provisions apply to American Recovery and Reinvestment Act of 2009 (Recovery Act) funds authorized under Pub. L. 111-5, February 17, 2009, and agrees to comply with the requirements thereof, except to the extent FTA determines otherwise in writing:</p> <p>a. Identification of Recovery Act Funding. A Grant Agreement or Cooperative Agreement financed with Recovery Act funds will indicate that the Recovery Act is the source of funding as follows:</p> <p>(1) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery," the Project or Projects are financed with Recovery Act funds appropriated for the Transit Capital Assistance for the Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.</p> <p>(2) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the FTA Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.</p> <p>(3) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – New Starts - Economic Recovery," the Project is financed with Recovery Act appropriations for Capital Investment Grants authorized for Small Starts or New Starts by 49 U.S.C. §§ 5309(d) or (e), respectively.</p> <p>(4) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – Fixed Guideway - Economic Recovery," the Project is financed with Recovery Act appropriations for Fixed Guideway Infrastructure Investment for Modernization, authorized by 49 U.S.C. 5309(b)(2).</p> <p>(5) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5311 – Nonurbanized Area - Economic Recovery," the Project is financed with Recovery Act appropriations for Transit Capital Assistance for the Nonurbanized Area Formula Program authorized by 49 U.S.C. § 5311.</p> <p>(6) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5311 – Nonurbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the Nonurbanized Area Formula Grant Program authorized by 49 U.S.C. § 5311.</p> <p>(7) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement or Cooperative Agreement displays "77 – Transportation Investments for Greenhouse Gas & Energy Reduction ARRA," the Project is financed with Recovery Act funds specified for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems.</p> <p>b. Identification of Project(s). The Project or Projects for which Recovery Act funding is provided are set forth in the Recipient's application and reflected in the Approved Project Budget.</p> <p>c. Federal Requirements. In addition to applicable Recovery Act statutory and regulatory requirements, the Recipient agrees that applicable requirements of 49 U.S.C. chapter 53 apply to federally assisted transit projects financed with Recovery Act funds and the</p>

Recovery Act funding, except that the Federal share of the costs for which any Grant is made under this heading shall be, at the option of the recipient, up to 100 percent.

d. U.S. OMB Provisions. The Recipient agrees to comply with applicable provisions of U.S. Office of Management and Budget, "Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards," 2 C.F.R. Part 176, 74 Fed. Reg. 18449 et seq., April 23, 2009. Specifically, the Recipient acknowledges and agrees to comply with the following provisions

(1) Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The Recipient agrees to submit the requisite reports no later than ten calendar days after each calendar quarter in which it receives the Federal assistance award funded in whole or in part by the Recovery Act.

(c) The Recipient agrees to maintain, and to require its first-tier subrecipients to maintain, current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient agrees to report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

(2) Buy America Requirements under Section 1605 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Buy America requirements sufficient for compliance with Section 1605 of the Recovery Act

(3) Wage Rate Requirements under Section 1606 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Wage Rate requirements involving construction, alteration, maintenance, or repair sufficient for compliance with Section 1606 of the Recovery Act.

(4) Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients.

(a) To maximize the transparency and accountability of funds authorized under the Recovery Act as required by Congress and in accordance with 49 C.F.R. § 18.20 or 49 C.F.R. § 19.21, as applicable, the Recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds.

(b) A Recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. The Recipient agrees to accomplish this by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The Recipient agrees to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When the Recipient awards Recovery Act funds for an existing program, the Recipient agrees to furnish sufficient

information to each subrecipient that distinguishes the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The Recipient agrees to require each subrecipient to include on its SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the Recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by FTA, DOT, Offices of Inspector General and the Government Accountability Office.

e. One-Time Funding. The Recipient acknowledges that receipt of Recovery Act funds is a "one-time" disbursement that does not create any future obligation by the FTA to advance similar funding amounts.

f. Integrity. The Recipient agrees that all data it submits to FTA in compliance with Recovery Act requirements will be accurate, objective, and of the highest integrity.

g. Violations of Law. The Recipient agrees that it and each of its subrecipients shall report to the U.S. DOT Inspector General or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act, 31 U.S.C. §§ 3729 et seq., or has committed a criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

h. Maintenance of Effort. A Recipient that is a State agrees to comply with the maintenance of effort certification it has made in compliance with Section 1201 of Recovery Act.

i. Emblems. The Recipient agrees to use signs and materials that display both the American Recovery and Reinvestment Act (Recovery Act) emblem and the Transportation Investment Generating Economic Recovery (TIGER) program emblem to identify its Project(s) financed with Recovery Act funds that are provided by U.S. DOT in a manner consistent with Federal guidance, and to include this provision in any subagreements, leases, third party contracts, or other similar documents used in connection with its Recovery Act Project(s).

j. Further Requirements. The Recipient agrees to comply with applicable future Federal requirements that may be imposed on the use of Recovery Act funds.

Comments to DOL

Comment Title:	Comment to DOL
Comment By:	Pearlie Tiggs
Date Created:	May. 27, 2009
Date Updated:	Jun. 02, 2009
Ref Section:	Project Overview
Comment:	<p>The FTA share, in the amount of \$2,732,816 is for capital.</p> <p>Based upon the timelines noted in the December 7, 1995 DOL guidelines, please advise the FTA of the 49 USC 5333(b) terms and conditions, for inclusion in the grant contract.</p> <p>**FTA Contact: Linda Thomas, 817.978.0559</p> <p>*Grantee Contact: Paulette Shelton, 281.243.6701....Fax: 281.243.6715....Email: sheltonp@co.fort-bend.tx.us....Union Info.: President - Sandra Burleson, 713.864.4346....Fax: 713.869.5655....Email: mailbox@twu.com</p>

Part 8: Results of Reviews

The reviewer did not find any errors

DOT



FTA

U.S. Department of Transportation

Federal Transit Administration

Part 9: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-15, October 1, 2008)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official's electronic signature is entered for this Grant Agreement, FTA has Awarded Federal assistance in support of the Project described below. Upon Execution of this Grant Agreement by the Grantee named below, the Grantee affirms this FTA Award, and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) \"Federal Transit Administration Master Agreement,\" FTA MA(15), October 1, 2008,
<http://www.fta.dot.gov/documents/15-Master.pdf>
- (2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING THE DATE OF THIS FTA AWARD SET FORTH HEREIN.

FTA AWARD

FTA hereby awards a Federal grant as follows:

Project No: TX-96-X034-00

Grantee: FORT BEND COUNTY

Citation of Statute(s) Authorizing Project: 49 USC 5307 - Urbanized Area Formula - Economic Recovery

Estimated Total Eligible Cost (in U.S. Dollars): \$2,732,816

Maximum FTA Amount Awarded [Including All Amendments] (in U.S. Dollars): \$2,732,816

Amount of This FTA Award (in U.S. Dollars): \$2,732,816

Maximum Percentage(s) of FTA Participation:

Percentages of Federal participation are based on amounts included in the Approved Project Budget, modified as set forth in the text following the Project Description.

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Project Certification Date: 7/20/2009

Project Description:

Buses, Const. Park & Ride, Misc.Equip.

The Project Description includes information describing the Project within the Project Application submitted to FTA, and the Approved Project Budget, modified by any additional statements displayed in this Grant Agreement, and, to the extent FTA concurs, statements in other documents including Attachments entered into TEAM-Web.

Special Provisions for Projects Financed Under the American Recovery and Reinvestment Act (Recovery Act).

The Recipient agrees that the following provisions apply to American Recovery and Reinvestment Act of 2009 (Recovery Act) funds authorized under Pub. L. 111-5, February 17, 2009, and agrees to comply with the requirements thereof, except to the extent FTA determines otherwise in writing:

a. Identification of Recovery Act Funding. A Grant Agreement or Cooperative Agreement financed with Recovery Act funds will indicate that the Recovery Act is the source of funding as follows:

(1) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery," the Project or Projects are financed with Recovery Act funds appropriated for the Transit Capital Assistance for the Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.

(2) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the FTA Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.

(3) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – New Starts - Economic Recovery," the Project is financed with Recovery Act appropriations for Capital Investment Grants authorized for Small Starts or New Starts by 49 U.S.C. §§ 5309(d) or (e), respectively.

(4) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – Fixed Guideway - Economic Recovery," the Project is financed with Recovery Act appropriations for Fixed Guideway Infrastructure Investment for Modernization, authorized by 49 U.S.C. 5309(b)(2).

(5) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement "49 USC 5311 – Nonurbanized Area - Economic Recovery," the Project is financed with Recovery Act appropriations for Transit Capital Assistance for the Nonurbanized Area Formula Program authorized by 49 U.S.C. § 5311.

(6) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5311 – Nonurbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the Nonurbanized Area Formula Grant Program authorized by 49 U.S.C. § 5311.

(7) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement or Cooperative Agreement displays "77 – Transportation Investments for Greenhouse Gas & Energy Reduction ARRA," the Project is financed with Recovery Act funds specified for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems.

b. Identification of Project(s). The Project or Projects for which Recovery Act funding is provided are set forth in the Recipient's application and reflected in the Approved Project Budget.

c. Federal Requirements. In addition to applicable Recovery Act statutory and regulatory requirements, the Recipient agrees that applicable requirements of 49 U.S.C. chapter 53 apply to federally assisted transit projects financed with Recovery Act funds and the Recovery Act funding, except that the Federal share of the costs for which any Grant is made under this heading shall be, at the option of the recipient, up to 100 percent.

d. U.S. OMB Provisions. The Recipient agrees to comply with applicable provisions of U.S. Office of Management and Budget, "Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards," 2 C.F.R. Part 176, 74 Fed. Reg. 18449 et seq., April 23, 2009. Specifically, the Recipient acknowledges and agrees to comply with the following provisions

(1) Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The Recipient agrees to submit the requisite reports no later than ten calendar days after each calendar quarter in which it receives the Federal assistance award funded in whole or in part by the Recovery Act.

(c) The Recipient agrees to maintain, and to require its first-tier subrecipients to maintain, current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient agrees to report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

(2) Buy America Requirements under Section 1605 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Buy America requirements sufficient for compliance with Section 1605 of the Recovery Act

(3) Wage Rate Requirements under Section 1606 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Wage Rate requirements involving construction, alteration, maintenance, or repair sufficient for compliance with Section 1606 of the Recovery Act.

(4) Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients.

(a) To maximize the transparency and accountability of funds authorized under the Recovery Act as required by Congress and in accordance with 49 C.F.R. § 18.20 or 49 C.F.R. § 19.21, as applicable, the Recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds.

(b) A Recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. The Recipient agrees to accomplish this by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The Recipient agrees to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When the Recipient awards Recovery Act funds for an existing program, the Recipient agrees to furnish sufficient information to each subrecipient that distinguishes the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The Recipient agrees to require each subrecipient to include on its SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the Recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by FTA, DOT, Offices of Inspector General and the Government Accountability Office.

e. One-Time Funding. The Recipient acknowledges that receipt of Recovery Act funds is a "one-time" disbursement that does not create any future obligation by the FTA to advance similar funding amounts.

f. Integrity. The Recipient agrees that all data it submits to FTA in compliance with Recovery Act requirements will be accurate, objective, and of the highest integrity.

g. Violations of Law. The Recipient agrees that it and each of its subrecipients shall report to the U.S. DOT Inspector General or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act, 31 U.S.C. §§ 3729 et seq., or has committed a criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

h. Maintenance of Effort. A Recipient that is a State agrees to comply with the maintenance of effort certification it has made in compliance with Section 1201 of Recovery Act.

i. Emblems. The Recipient agrees to use signs and materials that display both the American Recovery and Reinvestment Act

(Recovery Act) emblem and the Transportation Investment Generating Economic Recovery (TIGER) program emblem to identify its Project(s) financed with Recovery Act funds that are provided by U.S. DOT in a manner consistent with Federal guidance, and to include this provision in any subagreements, leases, third party contracts, or other similar documents used in connection with its Recovery Act Project(s).

j. Further Requirements. The Recipient agrees to comply with applicable future Federal requirements that may be imposed on the use of Recovery Act funds.

Awarded By:

Mr. Robert C Patrick

Regional Administrator

FEDERAL TRANSIT ADMINISTRATION

U.S. DEPARTMENT OF TRANSPORTATION

08/20/2009

EXECUTION OF GRANT AGREEMENT

The Grantee, by executing this Grant Agreement, affirms this FTA Award; adopts and ratifies all statements, representations, warranties, covenants, and materials it has submitted to FTA; consents to this FTA Award; and agrees to all terms and conditions set forth in this Grant Agreement.

By executing this Grant Agreement, I am simultaneously executing any Supplemental Agreement that may be required to effectuate this Grant Agreement.

Executed by:

Ms. Paulette Shelton

Transportation Director

FORT BEND COUNTY

08/25/2009

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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

SUPPLEMENTAL AGREEMENT
(Attachment to FTA G-15, October 1, 2008)

It is the practice of the Federal Transit Administration to enter into a formal agreement with the Designated Recipient for projects that the Designated Recipient does not carry out directly. Under this Grant Agreement, the Grant Recipient is not the Designated Recipient. Therefore, the Designated Recipient hereby agrees to permit the Grant Recipient under this Grant Agreement to receive and dispense the Federal assistance funds described in this Grant Agreement. The Designated Recipient further agrees that the Grant Recipient shall assume all responsibilities set forth in this Grant Agreement.

The Federal Government and the Grantee under this Grant Agreement hereby agree that the Designated Recipient is not in any manner subject to or responsible for the terms and conditions of this Grant Agreement and is a party to this Grant Agreement only to assign the right to receive and dispense Federal funds to the Grantee as described above.

FTA Official:

Mr. Robert C Patrick
Regional Administrator
FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION

Designated Recipient:
Ms. Edith Lowery
Director/Grant Programs
METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY

Grant Recipient:
Ms. Paulette Shelton
Transportation Director
FORT BEND COUNTY
08/25/2009