



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

CIRCULAR

UMTA C 9100.1B

July 1, 1988

Subject: STANDARD ASSURANCES FOR URBAN MASS
TRANSPORTATION ADMINISTRATION APPLICATIONS

1. **PURPOSE.** This circular provides for the one-time submission of basic project assurances by applicants for transit assistance grants pursuant to Sections 3, 3(a)(1)(C), 4(i), 6, 8 (planning), 9 (capital, planning and operating), 9B (capital), 10 (training), 16(b)(2) (capital), 18 (capital, planning and operating), and 20 (human resource assistance) of the Urban Mass Transportation Act of 1964, as amended, as well as for applications for transit related projects under the Federal Aid Urban Systems and Interstate Transfer Programs (Sections 142 and 103(e)(4), respectively, of Title 23 of the United States Code). This circular consolidates the assurances under various Urban Mass Transportation Administration (UMTA) administered programs into a single, comprehensive and current standard assurance which can be submitted once and referred to in all future applications under the above enumerated programs.
2. **CANCELLATION.** This circular cancels the following UMTA directives:
 - a. UMTA Circular 9100.1A, "One-Time Submission of Standard Assurances for UMTA Capital Assistance Applications," dated 2-8-85.
 - b. Exhibits 5 and 6 of UMTA Circular 6300.1A, "Section 10 Single Agency Training Grant Program Guidance and Application Instructions," dated 10-23-87.
 - c. Exhibit D of UMTA Circular 8100.1A, "Program Guidance and Application Instructions for Planning and Technical Studies Grants," dated 8-30-85.
3. **REFERENCES.**
 - a. Sections 3, 3(a)(1)(C), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18 and 20 of the Urban Mass Transportation Act of 1964, as amended.
 - b. USC Title 23, sections 142 and 103(e)(4).
4. **SCOPE.** The procedures in this circular apply to any entity that is a current or potential applicant for UMTA assistance under Sections 3, 3(a)(1)(C), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18, and 20 of the Urban Mass Transportation Act of 1964, as amended, as well as for transit related projects under the Federal Aid Urban Systems and Interstate Transfer Programs (Sections 142 and 103(e)(4), respectively, of Title 23 of the United States Code).

5. PROCEDURE. Any entity which is a current or potential applicant for UMTA assistance under Sections 3, 3(a)(1)(C), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18 and 20 of the Urban Mass Transportation Act of 1964, as amended, as well as for transit related projects under the Federal Aid Urban Systems and Interstate Transfer Programs (Sections 142 and 103(e)(4), respectively, of Title 23 of the United States Code) may certify the assurances covered in this circular by a letter to the appropriate UMTA Regional Manager.

By certifying these assurances, the applicant acknowledges that these assurances are intended to apply to any subsequent applications for assistance under the programs listed in paragraph 1. A format and recommended language for the certification letter is provided in this circular (Exhibit 1). This letter certifies compliance with all applicable "...Federal statutes, regulations, Executive orders and administrative requirements...." Attachment 1 provides a listing of those Federal requirements that are often directly related to UMTA funded activities. The listing is provided as an aid to applicants, not as a limit to the extent of the applicant's obligations. Before signing the standard assurances, an applicant and its attorney are advised to examine the assurances carefully in order to become fully aware of the obligations it will be undertaking. While the majority of assurances are self-explanatory, others may require reference to the Federal regulations cited.

The appropriate UMTA Regional Manager will acknowledge certification letters upon receipt and review. Subsequently, an applicant for UMTA assistance under any of the programs covered by this circular, needs only to indicate the date of the acknowledgement letter on the "Statement of Continued Validity of One-Time Submissions" form (Exhibit 2, page 2) which is submitted with the application.

6. DEFINITION. For the purposes of this circular, "applicant" is defined as a public entity that applies to UMTA for funding under the covered programs. If the applicant that was originally designated under a program has conveyed the legal responsibility (through use of a Supplemental Agreement) for carrying out a project to another public body which acts as the applicant/grantee for the project, the applicant/grantee should submit the certification letter for standard project assurances.
7. EFFECTIVE DATE. The standard assurances provided in this circular become effective as of the date of issuance of this circular. A certification for these new assurances should be submitted by all applicants along with or prior to the first application under any of the covered programs filed after the effective date.

Alfred A. DelliBovi

Alfred A. DelliBovi
Administrator

EXHIBIT 1

FORMAT AND LANGUAGE FOR APPLICANT'S CERTIFICATION LETTER

Name and Address
of UMTA Regional
Manager

Dear _____:

The (entity) _____ hereby certifies that it will comply with all Federal statutes, regulations, Executive orders and administrative requirements applicable to applications made to and grants received from the Urban Mass Transportation Administration under Sections 3, 3(a)(1)(C), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18 or for human resource assistance under Section 20 of the Urban Mass Transportation Act of 1964, as amended, as well as for transit related projects under the Federal Aid Urban Systems and Interstate Transfer Programs (Sections 142 and 103(e)(4), respectively, of Title 23 of the United States Code.)

The provisions of Section 1001 of Title 18, U.S.C., apply to all certifications and submissions in connection with applications made to and grants received from UMTA.

The applicant certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. §§3801 et seq. are applicable thereto.

Sincerely,

Signature and Title of Authorized Official

The undersigned chief legal counsel for the _____ (entity) _____ hereby certifies that the _____ (entity) _____ has authority under State and local law to comply with the subject assurances and that the certification above has been legally made.

Signature of Applicant's Attorney

Date

EXHIBIT 2

STATEMENT OF CONTINUED VALIDITY OF ONE-TIME SUBMISSIONS

Instructions—The list of one-time submissions in the "Statement" is all-inclusive and may contain submissions that are not required of an applicant under a particular program. For example, the "Public Transportation System Description", required for §3, is not required under §9. Further, while a program will have specific requirements, all of the related submissions may not be applicable. For instance, although all applicants are required to comply with the Charter Service regulations (49 CFR Part 604), a Metropolitan Planning Organization (MPO) that does not operate any transit service is not required to submit a Charter Agreement. The applicant should enter the dates the applicable documents were executed by the applicant or the date the submission was acknowledged by UMTA. The chart below indicates which one-time submissions are applicable to the various programs covered in this Circular.

One Time Submissions

*Anti-bodily
Driving from
workforce*

Programs	Standard Assurances	Public Transportation System Description	List of Labor Unions	Opinion of Counsel	Authorizing Resolution	Designation of Recipient	MPO Designation	State Agency Designation	Section 9 Certification	Charter Bus Agreement	Primary Procurement Document & Suspension Certification	DOT Title VI Assurance	UMTA Civil Rights Assurance	Special Efforts Certification	504 Assurance
3(1)	X	X	X	X	X	NA	NA	NA	NA	X	X	X	X	X	X
8	X	NA	NA	X	X	NA	X	NA	NA	X	X	X	X	NA	X
9	X	NA	X	X	X	X	NA	NA	X	X	X	X	X	(4)	(4)
9B	X	NA	X	X	X	X	NA	NA	X	X	X	X	X	(4)	(4)
10	X	NA	NA	X	NA	NA	NA	NA	NA	NA	X	X(3)	X	NA	X
16(b)(2)	X	NA	NA	(2)	(2)	NA	NA	X	NA	NA	X	X	X	NA	X
18	X	NA	NA	(2)	(2)	NA	NA	X	NA	X	X	X	X	X	X
20	X	NA	X	X	X	NA	NA	NA	NA	X	X	X	X	X	X

- (1) Projects under Sections 3(a)(1)(C), 4(i), and 6, Interstate Transfer and Federal-Aid Urban Systems (FAUS) follow Section 3 procedures.
- (2) Authorization and legal determination is part of the Governor's State Agency designation.
- (3) Sections of Title VI Assurance referencing Appendices A, B, and C do not apply to Section 10 grants.
- (4) Special Efforts Certification and 504 Assurance are incorporated in Section 9 Certification.

STATEMENT OF CONTINUED VALIDITY OF ONE-TIME SUBMISSIONS

The following documents (and dates submitted to/acknowledged by UMTA) have been submitted to UMTA previously, continue to remain valid and accurate, and do not require revisions or updating:

- Standard Assurances/Date: _____
- Public Transportation System Description/Date: _____
- List of Labor Unions/Date: _____
- Opinion of Counsel/Date: _____
- Authorizing Resolution/Date: _____
- Designation of Recipient/Date: _____
- MPO Designation/Date: _____
- State Agency Designation/Date: _____
- Section 9 Certification/Date: _____
- Charter Bus Agreement/Date: _____
- Primary Nonprocurement Debarment and Suspension Certification/Date: _____
- DOT Title VI Assurance/Date: _____
- UMTA Civil Rights Assurance/Date: _____
- Special Efforts Certification (effective until full accessibility under an area's 504 Plan is achieved)/Date: _____
- 504 Assurance/Date: _____

The applicant understands and agrees that the use of UMTA funds approved for this project/program shall be consistent with the applicable sections of the Urban Mass Transportation Act of 1964, as amended, Sections 3, 3(a)(1)(C), 3(a)(1)(D), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18, or 20, or 23 U.S.C. Sections 103(3)(4) and 142; pertinent Federal laws; and pertinent Federal rules, regulations, and circulars; and that the use of UMTA funds is subject to audit and review. Such funds shall be returned to UMTA if, after audit, it is found that they have been used improperly. Further, the applicant certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this statement and understands that the provisions of 31 U.S.C. §§3801 et seq. are applicable thereto.

The applicant's eligibility to receive UMTA grants, as originally certified in the Opinion of Counsel (or in Governor's Designation for State programs), remains in effect. Further, signature of the attorney is certification that there is no pending or threatened litigation or other action which might adversely affect the ability of the grantee to carry out the project/program.

Signature of Authorized Official/Date

Attorney's Signature

Title of Authorized Official

Date:

ATTENTION: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. 18 U.S.C., Section 1001 (1982).

APPENDIX 1

LIST OF STATUTES, REGULATIONS, ADMINISTRATIVE REQUIREMENTS, AND
EXECUTIVE ORDERS APPLICABLE TO CERTAIN UMTA PROGRAMS

[compliance with the following is indicated by a
signed Standard Assurance (Exhibit 1)]

Part I—The following list is applicable to transit assistance projects under Sections 3, 3(a)(1)(C), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18 and 20 of the Urban Mass Transportation Act of 1964, as amended, and to transit related projects under sections 103(e)(4) (Interstate Transfer) and 142 (Federal Aid Urban Systems) of Title 23 of the United States Code.

STATUTES

18 U.S.C. Section 1001

which provides criminal sanctions for those who knowingly and willfully provide false information to the Federal Government

Section 3(e) of the UMT Act, 49 U.S.C. Section 1602(e)

which requires, among other things, that the recipient's program of projects provide to the maximum extent feasible for the participation of private mass transportation companies.

Section 3(f) of the UMT Act, 49 U.S.C. Section 1602(f)

which requires the recipient, among other things, to enter into an agreement with UMTA not to provide charter service that will foreclose private operators.

Section 3(g) of the UMT Act, 49 U.S.C. Section 1602(g)

which requires the recipient, among other things, to enter into an agreement with UMTA not to provide exclusive school bus service.

Section 8 of the UMT Act, 49 U.S.C. Section 1607

which provides, among other things, for a continuing, cooperative, and comprehensive planning process in urbanized areas.

Section 8(e) of the UMT Act, 49 U.S.C. Section 1607(e)

which requires the recipient, among other things, to provide to the maximum extent feasible for private enterprise participation in UMTA funded plans and programs.

Section 12(c) of the UMT Act, 49 U.S.C. Section 1608(c)

which sets forth definitions applicable to the grant.

Section 13 of the UMT Act, 49 U.S.C. Section 1609

which requires the recipient, among other things, to comply with applicable provisions for protection of labor.

Section 16 of the UMT Act, 49 U.S.C. Section 1612

which provides, among other things, for the planning and design of mass transportation facilities to meet the special needs of the elderly and handicapped persons.

Section 19 of the UMT Act, 49 U.S.C. Section 1615

which, among other things, prohibits discrimination on the basis of race, color, creed, national origin, sex or age.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000 (d)

which, among other things, prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000 (e)

which, among other things, prohibits discrimination in employment.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794

which, among other things, prohibits discrimination on the basis of handicap by recipients of Federal financial assistance.

Hatch Act, 5 U.S.C. Section 1501 et seq.

which, among other things, imposes certain restrictions on political activities of recipients of Federal financial assistance.

"Buy America Requirements", Section 165 of the Surface Transportation Assistance Act of 1982, P.L. 97-424, as amended, by Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, P.L. 100-17

which requires, among other things, that steel and manufactured products procured under UMTA-funded contracts be of domestic manufacture or origin (with certain exceptions).

Davis-Bacon Act, 40 U.S.C. Sections 276a to a-7

which require, among other things, that all mechanics and laborers working on federally assisted construction projects (in excess of \$2,000 contract value) be paid not less often than once a week, at computed wage rates not less than the prevailing wages for similar work in the same geographic area of the project.

Copeland "Anti-Kickback" Act, 18 U.S.C Section 874 and 40 U.S.C. 276c

which, among other things, prohibits payroll deductions from the wages of employees who are covered by the Davis-Bacon Act for any reason except those specifically stated in the Copeland Act.

Work Hours and Safety Standards Act, 40 U.S.C. Sections 327-333

which, among other things, establish the required basis and conditions for hours of work and for overtime pay of laborers and mechanics, and directs the Department of Labor to formulate construction safety and health standards.

National Environmental Policy Act, 42 U.S.C. Section 4321 et seq.

which, among other things, requires study of the environmental impacts of proposed projects that will receive Federal assistance and forbids certain project-related activities taken in anticipation of grant award.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. Section 4601 et seq.

which, among other things, establishes the terms and conditions for compensation to property owners and occupants who are displaced as a result of federally assisted projects.

National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq.

which, among other things, provides for the protection of national historic sites both while under and in anticipation of federal funding.

Archaeological and Historic Preservation Act of 1966, 16 U.S.C. Section 469a-1 et seq.

which, provides protection for historically valuable property.

Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, 33 U.S.C. Section 1251, et seq.

which, among other things, establishes a review and permit process for construction projects which affect navigable waters.

Clean Air Act of 1955, as amended, 42 U.S.C. Section 7401 et seq.

which, among other things, mandates State Implementation Plans that often encompass transit projects.

Energy Policy and Conservation Act, 42 U.S.C. Section 6321

which, among other things, authorizes development and implementation of state energy conservation plans.

National Flood Insurance Act of 1969, 42 U.S.C. Section 4011 et seq.

which, among other things, authorizes a national flood insurance program.

Flood Disaster Protection Act of 1973, 42 U.S.C. Section 4012a et seq.

which, among other things, requires the purchase of flood insurance by recipients of Federal financial assistance who are located in areas having special flood hazards.

Architectural Barriers Act of 1968, as amended, 42 U.S.C. Section 4151 et seq.

which, among other things, requires that any building or facility or portion thereof assisted with Federal funds be accessible to the handicapped in accordance with the General Services Administration's Accessibility Standards, 41 CFR Subpart 101-19.6.

REGULATIONS

49 CFR - TRANSPORTATION
(issued by the Department of Transportation)

PART

- 18 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 21 Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act
- 23 Participation by Minority Business Enterprise in Department of Transportation Programs
- 25 Uniform Relocation and Real Property Acquisition
- 27 Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance
- 29 Debarments, Suspension and Voluntary Exclusions
- 31 Program Fraud
- 604 Charter Service
- 605 School Bus Operations
- 609 Transportation for Elderly and Handicapped Persons
- 613 Planning Assistance and Standards
- 622 Environmental Impact and Related Procedures
- 623 Conformity and Priority Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs
- 630 Uniform System of Accounts and Records and Recording System
- 661 Buy America Requirements - Surface Transportation Assistance Act of 1982

TITLE 23 CFR - HIGHWAYS
(Issued jointly by the Federal Highway Administration and UMTA)

PART

- 450 Planning Assistance and Standards
- 771 Environmental Impact and Related Procedures

TITLE 5 CFR - ADMINISTRATIVE & PERSONNEL
(Issued by the Office of Personnel Management)

- 151 Political Activity of State or Local Officers or Employees

TITLE 29 CFR - LABOR
(Issued by the Department of Labor)

- 1 Procedures for Predetermination of Wage Rates
- 3 Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States
- 5 Labor Standard Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Work House Safety Standard Acts)
- 6 Rules of Practice for Administrative Proceedings Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts
- 7 Practice Before Wage Appeals Board
- 30 Equal Employment Opportunity in Apprenticeship and Training
- 215 Guidelines, Section 13(c), Urban Mass Transportation Administration Act of 1964, as Amended
- 1926 Occupational Safety & Health Administration, Department of Labor

TITLE 31 CFR - MONEY & FINANCE & TREASURY
(Issued by the Department of Treasury)

- 205 Withdrawal of Cash from Treasury for Advances Under Federal Grant and Other Programs
- 3801 Administrative Remedies for False Claims and Statements

TITLE 36 CFR - PARKS, FORESTS, AND PUBLIC PROPERTY
(Issued by the Advisory Council on Historic Preservation)

- 800 Protection of Historic and Cultural Properties

TITLE 40 CFR - PROTECTION OF ENVIRONMENT
(Issued by the Environmental Protection Agency; Council on Environmental Quality)

- 15 Administration of the Clean Air Act and the Clean Water Act with Respect to Contracts, Grants, and Loans - List of violating Facilities
- 249 Guideline for Federal Procurement of Cement and Concrete Containing Fly Ash
- 1500 Purpose, Policy, and Mandate

TITLE 41 CFR - PUBLIC CONTRACTS AND PROPERTY MANAGEMENT
(Issued by the General Services Administration and the Department of Labor)

PART

- 60 Office of Federal Contract Compliance Programs, Equal Opportunity, Department of Labor
101 Accommodations for the Physically Handicapped

TITLE 46 CFR - SHIPPING
(Issued by the Department of Transportation, Maritime Administration, DOT)

- 381 U.S. Flag Vessels

ADMINISTRATIVE REQUIREMENTS

OMB Circular A-21

which establishes cost principles for determining costs applicable to grants, contracts, and other agreements with educational institutions.

OMB Circular A-87

which provides cost principles applicable to grants and contracts with State and local governments.

OMB Circular A-102

which provides uniform requirements for assistance to State and local governments.

OMB Circular A-110

which prescribes uniform administrative requirements for grants and other agreements with institutions of higher education, hospitals, and other nonprofit organizations.

OMB Circular A-122

which establishes principles for determining costs of grants, contracts, and other agreements with nonprofit organizations.

OMB Circular A-128

which applies to audits of State and local governments.

OMB Circular A-129

which applies to the management of Federal credit programs.

EXECUTIVES ORDERS

E. O. 11246, as amended

which establishes requirements in construction activities for contracts over \$10,000.

E. O. 11988

which establishes certain specific requirements related to flood protection and control.

E. O. 12372

which rescinded OMB Circular A-95 and established new requirements contained in FR No. 48, 123, June 24, 1983, pp 29264-29267. These requirements deal with the notification of State organizations of proposed transit projects and the opportunities for those organizations to review project proposals.

Part II--Two Civil Rights assurances are required of all transit assistance applicants pursuant to Sections 3, 3(a)(1)(C), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18 and 20 of the Urban Mass Transportation Act of 1964, as amended, as well as for applications for transit related projects under the Federal Aid Urban Systems and Interstate Transfer Programs (Sections 142 and 103(e)(4), respectively, of Title 23 of the United States Code). The required UMTA Civil Rights Assurance and DOT Title VI Assurance are set forth in Appendices A and B respectively of UMTA Circular 4702.1, titled "Title VI Program Guidelines for Urban Mass Transportation Administration Recipients", dated 5-26-88.

Additionally, applicants may be required to make a certification of Special Efforts to Provide Transportation that Handicapped Persons Can Use and/or to provide a "504 Program Plan". Requirements regarding these submissions are provided in 49 C.F.R. Part 27, Nondiscrimination on the Basis of Handicap in Financial Assistance Programs.

Part III--The following two statutes apply only to transit assistance projects under Section 9 and 9B of the Urban Mass Transportation Act of 1964, as amended.

Section 15(b) of the UMT Act 49 U.S.C. 1611, as amended by section 304(c) of the Federal Public Transportation Act of 1982.

which requires the applicant and beneficiaries of the Section 9 and 9B programs to adhere to both the financial and operating information reporting system and the uniform system of accounts and records.

Title II and Title XVIII of the Social Security Act, 42 U.S.C. 401, et seq. and 42 U.S.C. 1395 et seq. as they pertain to the issuance of Medicare cards.

Part IV--The following general category of program statutes apply only to the transit assistance programs cited herein:

Section 3 of the Urban Mass Transportation Act of 1964, as amended.

APPLICABLE TO: Transit assistance projects under Sections 3, 3(a)(1)(C), and 4(i) of the Urban Mass Transportation Act of 1964, as amended, and all transit related projects under Sections 103(e)(4) and 142 (Interstate Transfer and Federal Aid Urban Systems, respectively) of Title 23 of the United States Code.

Section 4(a) of the Urban Mass Transportation Act of 1964, as amended.

APPLICABLE TO: Transit assistance projects under Section 3 and projects following Section 3 procedures.

Section 9 of the Urban Mass Transportation Act of 1964, as amended.

APPLICABLE TO: Transit Assistance projects under Section 9 of the Urban Mass Transportation Act of 1964, as amended.

Note particularly program specific requirements such as 9(e)(3)(H), Fares and Services, 9(e)(3)(D), Half-Fare Requirement, and 9(g), Audit Requirement.

Section 9B of the Urban Mass Transportation Act of 1964, as amended

APPLICABLE TO: Transit Assistance projects under Section 9B of the Urban Mass Transportation Act of 1964, as amended.

Note that Section 9 program requirements in subsections (a) through (j), (m), and (n) are also applicable to projects funded under 9B.

Section 10 of the Urban Mass Transportation Act of 1964, as amended.

APPLICABLE TO: Training fellowships under Section 10 of the Urban Mass Transportation Act of 1964, as amended.

Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended

APPLICABLE TO: Certain transit assistance projects designed to meet the special needs of the elderly and handicapped.

Section 18 of the Urban Mass Transportation Act of 1964, as amended

APPLICABLE TO: Transit assistance projects under Section 18 of the Urban Mass Transportation Act of 1964, as amended.

Section 20 of the Urban Mass Transportation Act of 1964, as amended

APPLICABLE TO: Human Resource Program Assistance projects under Section 20 of the Urban Mass Transportation Act of 1964, as amended.

CERTIFICATION BY A RECIPIENT OF A GRANT OR COOPERATIVE AGREEMENT

Appendix 2 provides the primary certifications required by the Office of Management and Budget's (OMB) Common Rule for Nonprocurement Debarment and Suspension. The first certification is to be used where the applicant is not a State. The second certification is to be submitted whenever a State acts as the applicant/grantee.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS

The Primary Participant (Applicant for an UMTA grant or cooperative agreement), _____, certifies to the best of its knowledge and belief, that it and its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against 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 false statements, or receiving stolen property;
- (3) 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 enumerated in paragraph (2) of this certification; and
- (4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the primary participant (Applicant for an UMTA grant or cooperative agreement) is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.

THE PRIMARY PARTICIPANT (APPLICANT FOR AN UMTA GRANT OR COOPERATIVE AGREEMENT), _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET SEQ. ARE APPLICABLE THERETO.

Authorized Official

Attorney's Signature

Title of Authorized Official

Date

CERTIFICATION FOR STATE REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS

The State, _____, as an Applicant for an UMTA grant or cooperative agreement, certifies to the best of its knowledge and belief, that its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against 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 false statements, or receiving stolen property;
- (3) 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 enumerated in paragraph (2) of this certification; and
- (4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the State is unable to certify to any of the statements in this certification with respect to its principals, the State shall attach an explanation to this proposal.

THE STATE, _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET SEQ. ARE APPLICABLE THEREIO.

Authorized Official

Attorney's Signature

Title of Authorized Official

Date

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