



**Gainesville MTPO**

**Joint Certification – 2019**

**March 14, 2019**

FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION**  
**Part 2 – MPO**

525-010-05b  
POLICY PLANNING  
11/17

Part 2 - MPO

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## Purpose

Each year, the District and the MPO must jointly certify the metropolitan transportation planning process as described in [23 C.F.R. §450.336](#). The joint certification begins in January. This allows time to incorporate recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions.

The certification package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than June 1.

## Certification Process

Please read and answer each question using the checkboxes to provide a “yes” or “no.” Below each set of checkboxes is a box where an explanation for each answer is to be inserted. The explanation given must be in adequate detail to explain the question.

FDOT's [MPO Joint Certification Statements and Assurances](#) document must accompany the completed Certification report. Please use the electronic form fields to fill out the Statements and Assurances document. Once all the appropriate parties sign the Statements and Assurances, scan it and email it with this completed Certification Document to your District MPO Liaison.

Please note that the District shall report the identification of, and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

## **Part 2**

Part 2 of the Joint Certification is to be completed by the MPO.

## Part 2 Section 1: MPO Overview

1. Does the MPO have up-to-date agreements such as the interlocal agreement that creates the MPO, the intergovernmental coordination and review agreement; and any other applicable agreements? Please list all agreements and dates that they need to be readopted.

**Please Check:** Yes ☒ No ☐

The Interlocal Agreement for Creation of the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area dated 5/26/04 needs to be reaffirmed by 5/26/24. The Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement dated 1/26/07 needs to be reaffirmed by 1/26/22. In addition, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has an administrative staff services agreement with the North Central Florida Regional Planning Council dated 10/27/16 and an interlocal agreement for staff services with the Bicycle/Pedestrian Advisory Board dated 5/22/02.

2. Does the MPO coordinate the planning of projects that cross MPO boundaries with the other MPO(s)?

**Please Check:** Yes ☒ No ☐

Although the Gainesville Metropolitan Area boundary does not abut the Ocala/Marion County Transportation Planning Organization boundary, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area coordinates as needed regarding projects crossing both jurisdictions. In addition, these metropolitan planning organizations have established a regional executive committee for the purpose of coordinating Florida Department of Transportation Transportation Regional Incentive Program grant applications and programming.

3. How does the MPOs planning process consider the 10 Planning Factors?

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area planning process provides for consideration of the Fixing America's Surface Transportation Act 10 Planning Factors as specified in the Unified Planning Work Program (Appendix C) and List of Priority Projects (Appendix A) and consideration of the Moving Ahead for Progress in the 21st Century Act 8 Planning Factors in the Year 2040 Long-Range Transportation Plan (Technical Report 5 Needs Plan Development)  
[http://ncfrpc.org/mtpo/publications/UPWP/UPWP\\_2019\\_2020\\_amend\\_oct22.pdf](http://ncfrpc.org/mtpo/publications/UPWP/UPWP_2019_2020_amend_oct22.pdf)  
<http://ncfrpc.org/mtpo/publications/LOPP/LOPP18b.pdf>  
[http://ncfrpc.org/mtpo/publications/LRTP2040/FinalReport\\_Jan2016.pdf](http://ncfrpc.org/mtpo/publications/LRTP2040/FinalReport_Jan2016.pdf)  
The Year 2045 Long-Range Transportation Plan update will address the Fixing America's Surface Transportation Act 10 Planning Factors.

4. How are the transportation plans and programs of the MPO based on a continuing, comprehensive, and cooperative process?

**Please Check:** Yes ☒ No ☐

The transportation plans and programs of the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, including the Transportation Improvement Program, Unified Planning Work Program and Long-Range Transportation Plan, are based on a continuing, comprehensive and cooperative process. It is continuing, comprehensive and cooperative in that for the duration of the planning process, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area with the advice of its advisory committees and opportunities for input from freight shippers, public transportation providers and users, adjacent local governments, special interest groups and the general public at-large, has developed its required planning documents with these groups and with the coordination of the Federal Highway Administration, Federal Transit Administration, Florida Department of Transportation and the Metropolitan Planning Organization Advisory Council.

5. When was the MPOs Congestion Management Process last updated?

**Please Check:** Yes ☒ No ☐ N/A ☐

The Multimodal Level of Service Report was updated December 31, 2018. The Transit Ridership Monitoring Report was updated June 25, 2018.

<http://ncfrpc.org/mtpo/publications/LOS/LOS18RPTGT.pdf>

[http://ncfrpc.org/mtpo/publications/Transit/ANNUAL\\_TRANSIT\\_RIDERSHIP\\_MONITORING REPORT\\_2016a.pdf](http://ncfrpc.org/mtpo/publications/Transit/ANNUAL_TRANSIT_RIDERSHIP_MONITORING_REPORT_2016a.pdf)

6. Has the MPO recently reviewed and/or updated its Public Participation Plan? If so, when?

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area reviewed and approved revisions to its Public Involvement Plan on June 25, 2018.

<http://ncfrpc.org/mtpo/publications/PIP/PIPLAN18a.pdf>

7. Was the Public Participation Plan made available for public review for at least 45 days before adoption?

**Please Check:** Yes ☒ No ☐

A draft copy of the Public Involvement Plan was made available at the business office of the Metropolitan transportation Planning Organization for the Gainesville Urbanized Area and on its website. In addition, it was distributed to Alachua County Library District Downtown, Millhopper and Tower Road branch libraries within the Gainesville Metropolitan Area. Legal advertisements were placed in The Gainesville Sun on May 10, 2018, The Gainesville Guardian on May 10, 2018 and The Independent Florida Alligator on May 15, 2018.



8. Does the MPO utilize one of the methods of procurement identified in [2 C.F.R. 200.320 \(a-f\)](#)?

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area utilizes several of the methods of procurement from 2 Code of Federal Regulations 200.320 -  
(a) Procurement by micro-purchases for item and services meeting specified criteria;  
(b) Procurement by small purchases for items and services meeting specified criteria;  
(c) Procurement by sealed bids; and  
(d) Procurement by competitive proposals.

9. Does the MPO maintain sufficient records to detail the history of procurement? These records will include, but are not limited to: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Note: this documentation is required by 2 C.F.R. 200.324 (a) to be available upon request by the Federal awarding agency, or pass-through entity when deemed necessary.

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area maintains sufficient records to detail the history of procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

10. Does the MPO have any intergovernmental or inter-agency agreements in place for procurement or use of goods or services?

**Please Check:** Yes ☐ No ☒

Not Applicable.

11. What methods or systems does the MPO have in place to maintain oversight to ensure that consultants or contractors are performing work in accordance with the terms, conditions and specifications of their contracts or work orders?

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area regularly maintains oversight to ensure that consultants or contractors are performing work in accordance with the terms, conditions and specifications of their contracts or work orders. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area reviews deliverables from consultants for compliance with scope of work requirements and requires appropriate modifications consistent with scope of work requirements to the deliverables prior to payment. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area maintains an agreement for administrative staff services with the North Central Florida Regional Planning Council. In addition, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has an Audit Review Committee which provides fiscal oversight.

## Part 2 Section 2: Finances and Invoicing

1. How does the MPO ensure that Federal-aid funds are expended in conformity with applicable Federal and State laws, the regulations in 23 C.F.R. and 49 C.F.R., and policies and procedures prescribed by FDOT and the Division Administrator of FHWA?

To ensure that Federal-aid funds are expended in conformity with applicable Federal and State laws, the regulations in 23 Code of Florida Regulations and 49 Code of Florida Regulations, and policies and procedures prescribed by the Florida Department of Transportation and the Division Administrator of the Federal Highway Administration, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area coordinates with the Federal Highway Administration, Florida Department of Transportation and Metropolitan Planning Organization Advisory Council through its Florida Department of Transportation Liaison and participation on the Florida Metropolitan Planning Partnership. In addition, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area participates in appropriate training workshops and webinars.

2. How often does the MPO submit invoices to the District for review and reimbursement?

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area submits invoices to the District for review and reimbursement on a quarterly basis.

3. Is the MPO, as a standalone entity, a direct recipient of federal funds and in turn, subject to an annual single audit?

Yes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area is a standalone entity subject to an annual single audit in fiscal years when the amount of federal funds received meets or exceeds \$750,000.

4. How does the MPO ensure their financial management system complies with the requirements set forth in [2 C.F.R. §200.302?](#)

To ensure their financial management system complies with the requirements set forth in 2 Code of Florida Regulations §200.302, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area coordinates with the Florida Department of Transportation. In addition, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area administrative, financial and program staff participate in appropriate training webinars and workshops to assist in complying with the requirements of 2 Code of Florida Regulations §200.302.

5. How does the MPO ensure records of costs incurred under the terms of the MPO Agreement maintained and readily available upon request by FDOT at all times during the period of the MPO Agreement, and for five years after final payment is made?

To ensure records of costs incurred under the terms of the MPO Agreement are maintained and readily available upon request by Florida Department of Transportation at all times during the period of the MPO Agreement, and for five years after final payment is made, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area maintains these records for five years at its business office, 2009 NW 67th Place, Gainesville, Florida 32653. In addition, electronic records are maintained offsite in accordance with its Continuity of Operations Plan.

6. Is supporting documentation submitted, when required, by the MPO to FDOT in detail sufficient for proper monitoring?

Yes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area submitted supporting documentation, when required, to Florida Department of Transportation in detail sufficient for proper monitoring. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area coordinates with the Florida Department of Transportation to ensure sufficient supporting documentation is submitted for proper monitoring.

7. How does the MPO comply with, and require its consultants and contractors to comply with applicable Federal law pertaining to the use of Federal-aid funds?

To comply with, and require its consultants and contractors to comply with, applicable Federal law pertaining to the use of Federal-aid funds, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area coordinates with the Florida Department of Transportation throughout the transportation planning process, including the Certification process, and includes statements and requires assurances and monitors its contracts with consultants. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area maintains an agreement for administrative staffing with the North Central Florida Regional Planning Council. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has an Audit Review Committee which provides fiscal oversight.

## Part 2 Section 3: Title VI and ADA

1. Has the MPO signed an FDOT Title VI/Nondiscrimination Assurance, identified a person responsible for the Title VI/ADA Program, and posted for public view a nondiscrimination policy and complaint filing procedure?"

**Please Check:** Yes ☒ No ☐

Yes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has signed a Florida Department of Transportation Title VI/Nondiscrimination Assurance, identified a person responsible for the Title VI/Americans with Disabilities Act Program [Michael Escalante, Senior Planner], and posted for public view a nondiscrimination policy and complaint filing procedure. The sign-in sheets for Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area meetings include the Non-Discrimination Statement in English and Spanish. In addition, a Non-Discrimination Statement poster is displayed at long-range transportation plan public hearings and workshops.

2. Do the MPO's contracts and bids include the appropriate language, as shown in the appendices of the [Nondiscrimination Agreement](#) with the State?

**Please Check:** Yes ☒ No ☐

Yes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area contracts and bids include the appropriate language, as shown in the appendices of the Nondiscrimination Agreement with the State.

3. Does the MPO have a procedure in place for the prompt processing and disposition of Title VI and Title VIII complaints, and does this procedure comply with FDOT's procedure?

**Please Check:** Yes ☒ No ☐

Yes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has procedure in place for the prompt processing and disposition of Title VI and Title VIII complaints that is in compliance with the Florida Department of Transportation procedure. A description of the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area non-discrimination complaint process is attached to this document.

4. Does the MPO collect demographic data to document nondiscrimination and equity in its plans, programs, services, and activities?

**Please Check:** Yes ☒ No ☐

Yes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area collects appropriate demographic data to document nondiscrimination and equity in its plans, programs, services, and activities. Demographic information is included in the Public Involvement Plan.

5. Has the MPO participated in any recent Title VI training, either offered by the State, organized by the MPO, or some other form of training, in the past three years?

**Please Check:** Yes ☒ No ☐

Yes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has participated in recent Title VI training, either offered by the State, organized by the MPO, or some other form of training, in the past three years. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area participated in several webinars from the 2018 United States Department of Transportation Title VI Symposium from March 13, 2018 to March 15, 2018.

6. Does the MPO keep on file for five years all complaints of ADA noncompliance received, and for five years a record of all complaints in summary form?

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area would keep all complaints of Americans with Disabilities Act noncompliance on file for one year and a five year summary of all complaints. There have been no complaints regarding noncompliance with the Americans with Disabilities Act.

## Part 2 Section 4: Disadvantaged Business Enterprises

1. Does the MPO have a FDOT-approved Disadvantaged Business Enterprise (DBE) plan?

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area includes its Disadvantaged Business Enterprise Utilization policy statement in its Unified Planning Work Program. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area follows the guidelines outlined in the Florida Department of Transportation Disadvantaged Business Enterprise Program Plan.

2. Does the MPO use the Equal Opportunity Compliance (EOC) system or other FDOT process to ensure that consultants are entering bidders opportunity list information, as well as accurately and regularly entering DBE commitments and payments?"

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area tracks Disadvantaged Business Enterprise participation through the use of the Bid Opportunity List for Professional Consultant Services and Contractual Services form that is included in Long-Range Transportation Plan Update Request for Qualifications. Disadvantaged Business Enterprise participation as well as Bidder Opportunity List information is collected and tracked by the Florida Department of Transportation via the Economic Opportunity Compliance system.

3. Does the MPO include the DBE policy statement in its contract language for consultants and subconsultants?

**Please Check:** Yes ☒ No ☐

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area includes its Disadvantaged Business Enterprise Policy Statement in its contract language for consultants and subconsultants. Per Florida Department of Transportation Disadvantaged Business Enterprise Program Plan, the Disadvantaged Business Enterprise policy statement is included in Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area contract language for all Florida Department of Transportation-funded projects.

## Part 2 Section 5: Noteworthy Practices & Achievements

One purpose of the certification process is to identify improvements in the metropolitan transportation planning process through recognition and sharing of noteworthy practices. Please provide a list of the MPOs noteworthy practices and achievements below.

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has been participating in meetings of the Florida Metropolitan Planning Organization Advisory Council Best Practices Committee. In addition, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area:

1. Updated its annual Multimodal Level of Service Report for 2017 traffic count data;
2. Updated its annual Transit Ridership Report for 2017 ridership data; and
3. Completed its Access to Essential Services Report.

## Part 2 Section 6: MPO Comments

The MPO may use this space to make any additional comments, if they desire. This section is not mandatory, and its use is at the discretion of the MPO.

None



**EXHIBIT 1**  
FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION STATEMENT**


525-010-05c  
POLICY PLANNING  
02/18

Pursuant to the requirements of 23 U.S.C. 134(k)(5) and 23 CFR 450.334(a), the Department and the MPO have performed a review of the certification status of the metropolitan transportation planning process for the Gainesville MTPO with respect to the requirements of:


1. 23 U.S.C. 134 and 49 U.S.C. 5303;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 C.F.R. Part 21
3. 49 U.S.C. 5332 prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Section 1101(b) of the FAST Act and 49 C.F.R. Part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
5. 23 C.F.R. Part 230 regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the regulations found in 49 C.F.R. Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C. 6101) prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of 23 U.S.C. regarding the prohibition of discrimination on the basis of gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 C.F.R. Part 27 regarding discrimination against individuals with disabilities.

Included in this certification package is a summary of noteworthy achievements by the MPO, attachments associated with these achievements, and (if applicable) a list of any recommendations and/or corrective actions. The contents of this Joint Certification Package have been reviewed by the MPO and accurately reflect the results of the joint certification review meeting held on March 14, 2019.

Based on a joint review and evaluation, the Florida Department of Transportation and the Gainesville MTPO recommend that the Metropolitan Planning Process for the Gainesville MTPO be certified.

  
Name: \_\_\_\_\_  
Title: District Secretary (or designee)

05/17/19  
Date

  
Name: Ken Cornell  
Title: MPO Chairman (or designee)

4/22/19  
Date



**EXHIBIT 2**  
FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION**  
**STATEMENTS & ASSURANCES**

525-010-05  
POLICY PLANNING  
11/17

**DEBARMENT and SUSPENSION CERTIFICATION**

As required by the USDOT regulation on Government wide Debarment and Suspension at 49 CFR 29.510

- (1) The Gainesville MTPO hereby certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
  - (b) 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;
  - (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 paragraph (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 Gainesville MTPO also hereby certifies that if, later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above, it will promptly provide that information to the U.S.D.O.T.



Name: Ken Cornell

Title: MPO Chairman (or designee)

4/22/19

Date



**EXHIBIT 3**  
FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION**  
**STATEMENTS & ASSURANCES**

525-010-05  
POLICY PLANNING  
11/17

**DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION**

It is the policy of the Gainesville MTPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of MPO contracts in a nondiscriminatory environment. The objectives of the Disadvantaged Business Enterprise Program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The Gainesville MTPO, and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the contract work of the Gainesville MTPO, in a non-discriminatory environment.

The Gainesville MTPO shall require its consultants to not discriminate on the basis of race, color, national origin and sex in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code



Name: Ken Cornell

Title: MPO Chairman (or designee)

4/22/19

Date



**EXHIBIT 4**  
FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION**  
**STATEMENTS & ASSURANCES**

525-010-05  
POLICY PLANNING  
11/17

**LOBBYING CERTIFICATION for GRANTS, LOANS and COOPERATIVE AGREEMENTS**

In accordance with Section 1352 of Title 31, United States Code, it is the policy of the Gainesville MTPO that:

- (1) No Federal or state appropriated funds have been paid or will be paid by or on behalf of the Gainesville MTPO, to any person for influencing or attempting to influence an officer or employee of any Federal or state agency, or a member of Congress or the state legislature in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Gainesville MTPO shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants and contracts and subcontracts under grants, subgrants, loans, and cooperative agreement), which exceeds \$100,000, and that all such subrecipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.



Name: Ken Cornell

Title: MPO Chairman (or designee)

4/22/19

Date





**EXHIBIT 5**  
FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION**  
**STATEMENTS & ASSURANCES**

525-010-05  
POLICY PLANNING  
11/17

**TITLE VI/ NONDISCRIMINATION ASSURANCE**

Pursuant to Section 9 of US DOT Order 1050.2A, the Gainesville MTPO assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Gainesville MTPO further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.



Name: Ken Cornell

Title: MPO Chairman (or designee)

4/22/19

Date



## **APPENDICES A and E**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
  - a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. Cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The



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Contractor shall take such action with respect to any subcontract or procurement as the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the Florida Department of Transportation to enter into such litigation to protect the interests of the Florida Department of Transportation, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq)

## B. Title VI Nondiscrimination Complaints

### 1. Title VI Nondiscrimination Complaint Process

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by the Title VI of the Civil Rights Act of 1964 and other federal and state nondiscrimination authorities and related statutes, may file a written complaint. All written complaints received by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area shall be referred immediately by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Title VI Nondiscrimination Liaison to the Florida Department of Transportation's District Two Title VI Nondiscrimination Coordinator for processing in accordance with approved State procedures.
2. Verbal and non-written complaints received by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area shall be resolved informally by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Title VI Nondiscrimination Liaison. If the issue has not been satisfactorily resolved through informal means, or if at any time the person(s) request(s) to file a formal written complaint, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Title VI Nondiscrimination Liaison shall refer the Complainant to the Florida Department of Transportation's District Two Title VI Nondiscrimination Coordinator for processing in accordance with approved State procedures.
3. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Title VI Nondiscrimination Liaison will advise the Florida Department of Transportation's District Two Title VI Nondiscrimination Coordinator within five calendar days of receipt of the allegations. The following information will be included in every notification to the Florida Department of Transportation District Two Title VI Nondiscrimination Coordinator.
  - (a) Name, address, and phone number of the complainant.
  - (b) Name(s) and address(es) of respondent.
  - (c) Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation).
  - (d) Date of alleged discriminatory act(s).
  - (e) Date of complaint received by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area.
  - (f) A statement of the complaint.
  - (g) Other agencies (state, local or Federal) where the complaint has been filed.
  - (h) An explanation of the actions the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has taken or proposed to resolve the allegation(s) raised in the complaint.

4. Within ten calendar days, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Title VI Nondiscrimination Liaison will acknowledge receipt of the allegation(s), inform the Complainant of action taken or proposed action to process the allegation(s), and advise the Complainant of other avenues of redress available, such as the Florida Department of Transportation Equal Opportunity Office.
5. Within 60 calendar days, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Title VI Nondiscrimination Liaison will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the Chief Staff Official [Executive Director] of the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area.
6. Within 90 calendar days of the verbal or non-written allegation(s) receipt, the Chief Staff Official [Executive Director] of the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area will notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the Complainant of his/her right to file a formal complaint with the Florida Department of Transportation Equal Opportunity Office, if they are dissatisfied with the final decision rendered by the Chief Staff Official [Executive Director] of the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Title VI Nondiscrimination Liaison will also provide the Florida Department of Transportation District Two Title VI Nondiscrimination Coordinator with a copy of this decision and summary of findings.
7. The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area Title VI Nondiscrimination Liaison will maintain a log of all verbal and non-written complaints received by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area. The log will include the following information.
  - a. Name of complainant;
  - b. Name of respondent;
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation);
  - d. Date verbal or non-written complaint was received by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area;
  - e. Date Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area notified the Florida Department of Transportation District Two Title VI Nondiscrimination Coordinator of the verbal or non-written complaint; and
  - f. Explanation of the actions the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area has taken or proposed to resolve the issue raised in the complaint.

## **2. Title VI Nondiscrimination Liaison**

The Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area designated Michael Escalante, Senior Planner, as its Title VI Nondiscrimination Liaison. For any Title VI nondiscrimination concern, he may be contacted at 2009 NW 67th Place, Gainesville, Florida 32653-1603, telephone number 352.955.2200, extension 114.

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# Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area

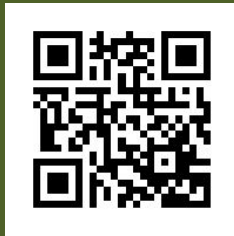
*2019 Standard Joint Certification Review Team*

Scott R. Koons, AICP, Executive Director

\* Michael Escalante, AICP, Senior Planner

\* Primary Responsibility

\*\* Secondary Responsibility



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## Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area

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