**CHECKLIST FOR SECTION 5311(f) INTERCITY OPERATING ASSISTANCE APPLICATION**

**FY 2024 and FY 2025**

**Please ensure ALL the following documents are submitted along with your application. If any documents are missing or incomplete, your application will be delayed and/or rejected.**

* Resolution from your governing body supporting the application and committing local match (Applicable only if applicant is a non-profit organization or a unit of government.)
* Documentation of commitment from other local match sources (if applicable).
* Copy of public notice (Applicable only if applicant is a non-profit organization or a unit of government.)
* Copy of affidavit for proof of public notice (Applicable only if applicant is a non-profit organization or a unit of government.)
* Copy of public hearing notice and minutes (Applicable only if applicant is a non-profit organization or a unit of government AND if there is a change in service or fares from previous application)
* Organizational chart for the transit system showing relationship to the governing body.
* Copy of applicant's drug and alcohol testing policy
* Indirect Cost Rate Agreement (Applicable only to nonprofit or governmental agencies claiming an indirect cost).
* Documentation of fair market value for in-kind services or goods (applicable only if claimed on application and invoices).
* Exhibit A
1. Certification of Compliance with Civil Rights
2. Certification of Restrictions on Lobbying
3. Labor Narrative – See example
4. Acceptance of Special 5333(B) of Title 49
5. Certifications and Assurances for FTA Programs

**NDOT's Commitment to Civil Rights**

Title VI of the Civil Rights Act of 1964 is a Federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. Reference to Title VI includes other civil rights provisions of Federal statutes and related authorities to the extent they prohibit discrimination in programs and activities receiving Federal financial assistance.

Title VI compliance is defined as when the recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end.

All programs conducted by NDOT and the Section 5311 program recipients must meet the requirements. Education, training, work opportunities, benefits, and provision of services are examples of programs that must meet the Title VI requirements, whether provided directly by the recipient or its subrecipients, agents, contractors, or other vendors.

Discrimination is defined as: *(action or inaction)* whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability, sex, age or income status, has been otherwise subjected to unequal treatment or impact, under any program or activity receiving Federal financial assistance.

A complaint may be filed by any individual or group that believes they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability or income status. The complaint may be filed by the affected party or a representative and must be in writing.

Section 5311 program recipients who feel they have been discriminated against by any NDOT employee or its agent/contractor may contact the NDOT Transit Section. A review will be made to determine if NDOT has jurisdiction to investigate the issues raised. If NDOT does not have jurisdiction, the complaint will be forwarded to the appropriate agency. If NDOT does have jurisdiction, the allegations will be investigated and an attempt will be made to resolve the matter. If violations are found and negotiations to correct the violation are unsuccessful, enforcement proceedings may be initiated to attain compliance.

In addition, any individual or group who believes they have been discriminated against by an employee of a Section 5311 program recipient or its agent/contractor should first contact the Section 5311 recipient in writing. NDOT should also be notified of the complaint within 5 working days.

NDOT and the Section 5311 program recipients are prohibited from retaliating against any person because they reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI. If an individual or group believes they have been retaliated against, they should immediately contact NDOT to report their allegation. Filing a complaint with NDOT does not prevent an individual or group from seeking remedy through other resources.

Complaints should be addressed to:

Nebraska Department of Transportation Attn: Kari Ruse

1400 Hwy 2

PO Box 94759

Lincoln NE 68509-4759

(402) 479-4694

kari. ruse@nebraska.gov

Exhibit A

**Certification of Compliance with Civil Rights**

29 U.S.C. § 623, 42 U.S.C. § 2000 42 U.S.C. § 6102, 42 U.S.C. § 12112 42 U.S.C. § 12132,

49 U.S.C. § 5332 29 CFR Part 1630, 41 CFR Parts 60 et seq.

Civil Rights - The following requirements apply to the underlying contract:

1. Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the applicant certifies it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Applicant agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
2. Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:
	1. Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Applicant agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor *(U.S. DOL)* regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq. *(which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C.* § *2000e note),* and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Applicant agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.
	2. Age - In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Applicant agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.
	3. Disabilities - In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Applicant agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.
3. Disadvantaged Business Enterprise - To the extent authorized by Federal law, the Applicant agrees to facilitate participation by Disadvantaged Business Enterprises *(DBEs)* in the Project and assure that each subrecipient, lessee, third-party contractor, or other participant at their tier of the Project will facilitate participation by DBEs in the Project to the extent applicable.
4. Access to Services for Persons with Limited English Proficiency - The Applicant agrees to facilitate compliance with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. Section 2000d-1 note, and follow applicable provisions of

U.S. DOT Notice, "DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency *(LEP)* Persons," 70 Fed. Reg. 74087, December 14, 2005, except to the extent that FTA determines otherwise in writing.

1. The applicant also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

Exhibit A

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| --- |
| The following information is required by the Federal Transit Administration. The economic/racial/ethnic composition of your governing body or riders will not be considered as a factor in awarding grants.Check Yes or No:Has your transit agency received any Title VI nondiscrimination complaints in the last fiscal year? If Yes, attach all documentation to this application. Yes NoOur governing body *(Board of Director, City Council, etc.)* is made up predominantly of minority and/or low-income individuals. Yes NoPotential riders/clients of our transportation service will be predominantly minority and/or low income |
| individuals. |  | Yes |  | No |

*Signature*

*Title*

*Date*

Exhibit A

**CERTIFICATION OF RESTRICTIONS ON LOBBYING**

I,

behalf of

*(Name and Title of Grantee Official)*

, hereby certify on

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the agreement, and the extension, continuation, renewal, amendment, or modification of any Federal 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 agency, a Member of Congress, or an officer 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 undersigned shall require that language of this certification be included in the award documents for all subawards at all tiers, *(including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements)* and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is 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 such failure.

*(Note: Pursuant to 31 U.S.C. Section 1352 (c) (1)-(2)(A), any person who makes* a *prohibited expenditure or fails to file or amend* a *required certification or disclosure form shall be subject to* a *civil penalty of not less than*

*$10,000 and not more than $100,000 for each such expenditure or failure.)*

The applicant certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Applicant understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

*Signature*

*Title*

*Date*

Exhibit A

**LABOR**

Please state in a narrative how this project will affect the employment conditions of your employees. What is the anticipated impact on employment of eligible public mass transportation providers in your proposed service area? Federal Transit Administration rules and regulations have defined public transportation as "any transportation by bus or rail or other conveyance, ether publicly or privately owned, which provides to the public general or special services on a regular and continuing basis," Public transportation does not include the following: 1) school bus, charter or sightseeing service; 2) exclusive ride taxi service; and 3) service to individuals or groups which excludes use by the general public *(i.e., age or income restrictions).*

The term transportation service area of your project is intended to include the geographic area over which the project is operated and the area whose population is served by the project, including adjacent areas affected by the project.

Note: An eligible recipient includes those providers who are approved to receive Section 5311 assistance and other providers who qualify for Section 5311 assistance.

Applicants for Section 5311 assistance are required to abide by all conditions of the Section 5333 (b) warranty (see page d. of Exhibit A.) A listing of eligible public mass transportation providers in the applicant's transportation service area should be provided with this document.

**Labor Narrative:**

Exhibit A .

Name of Subrecipient: Address:

Telephone:

**ACCEPTANCE OF SPECIAL 5333(8) OF TITLE 49, UNITED STATES CODE WARRANTY FOR APPLICATION TO THE SMALL URBAN AND RURAL PROGRAM**

The recipient, for and in consideration of a transportation grant to be made available to the recipient, pursuant to Section 5311 of Title 49, United States Code, hereby agrees to accept the terms and conditions of the Special 5333 (b} Warranty, incorporated herein and made a part hereof by reference, absent a waiver by the

U.S. Department of Labor.

The recipient hereby agrees that it is the exclusive designated legally responsible party under the terms of the Special Section 5333 (b) Warranty and that the State of Nebraska, acting through the Nebraska Department of Transportation assumes no obligation under the terms of the Special Warranty which are not otherwise part of its normal obligation as a grant administering agency.

The recipient hereby authorizes the presentation of this acceptance by the state of Nebraska to the

U.S. Department of Labor as evidence of the Recipient's commitments above described.

*Subrecipient*

*Signature*

*Title*

*Date*

Exhibit A

## Certifications and Assurances

**FEDERAL FISCAL YEAR 2022 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS FOR STATE FY 23-24APPLICATION**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.) Name of Applicant:

The Applicant certifies to the applicable provisions of categories 01–20. X

*Or*,

## The Applicant certifies to the applicable provisions of the categories it has selected:

|  |  |
| --- | --- |
| **Categor** | **y Certification** |
| 01 C | ertifications and Assurances Required of Every ApplicantN/A |
| 02 P | ublic Transportation Agency Safety Plans N/A  |
| 03 T | ax Liability and Felony Convictions N/A  |
| 04 L | obbying N/A  |
| 05 P | rivate Sector Protections N/A  |
| 06 T | ransit Asset Management Plan N/A  |
| 07 R | olling Stock Buy America Reviews and Bus Testing N/A  |
| 08 U | rbanized Area Formula Grants Program N/A  |
| 09 F | ormula Grants for Rural Areas N/A  |
| 10 FP | ixed Guideway Capital Investment Grants and the Expedited roject Delivery for Capital Investment Grants Pilot Program N/A  |
| 11 G V | rants for Buses and Bus Facilities and Low or No Emission ehicle Deployment Grant ProgramsN/A |

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Certifications and Assurances

N/A N/A N/A

|  |  |
| --- | --- |
| 12 | Enhanced Mobility of Seniors and Individuals with Disabilities Programs |
| 13 | State of Good Repair Grants |
| 14 | Infrastructure Finance Programs |
| 15 | Alcohol and Controlled Substances Testing |
| 16 | Rail Safety Training and Oversight |
| 17 | Demand Responsive Service |
| 18 | Interest and Financing Costs |
| 19 | Construction Hiring Preferences |
| 20 | Cybersecurity Certification for Rail Rolling Stock and Operations |

N/A N/A N/A N/A

 N/A

N/A

**FEDERAL FISCAL YEAR 2021 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2022)

**AFFIRMATION OF APPLICANT**

Name of the Applicant:

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2021, irrespective of whether the individual that acted on his or her Applicant’s behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2021.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq*., and implementing U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

## 2

Certifications and Assurances

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature Date:

Name

## 3