



South Carolina
Department of Transportation

Required Forms and Supporting Documentation

State Fiscal Year 2010- 2011

Section 5310

South Carolina Department of Transportation
Division of Mass Transit
955 Park Street, Room 201
Columbia, South Carolina 29201
803-737-0831
www.scdot.org/getting/Masstransit.shtml

Signature of Authorization Form

Subrecipient Name: _____

Address: _____

Telephone: () _____

Contractual Agreements

Shown below is the name, title, and original signature of the individual authorized to sign contractual agreements for this agency.

Typed Name & Title	Original Signature
--------------------	--------------------

Invoices

Shown below is the name, title, and original signature of the individual authorized to sign invoices for this agency.

Typed Name & Title	Original Signature
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Authorized By:

Typed Name & Title	Original Signature
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RESOLUTION BY BOARD OF DIRECTORS TO APPLY FOR FUNDING

The Board of Directors of _____, is aware of the provisions of Federal Transit Administration (FTA) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and hereby authorizes _____, of the _____ to file an application with the South Carolina Department of Transportation (SCDOT) on behalf of _____ for a grant to assist in providing general public transportation services. If this application is approved, (1) the Board resolves that the _____ will provide the required match for the capital purchase and administrative charges, the necessary insurance coverage as required under the agreement, and all necessary local match for operating losses; and (2) the Board agrees to comply with all FTA and SCDOT program requirements to carry out the project as described in this application.

APPROVED AND ADOPTED

this _____ day of _____, 20_____

Signature of Attesting Witness

Signature of Chairperson

Typed Name of Attesting Witness

Typed Name of Chairperson

ATTORNEY'S CERTIFICATION
FOR
APPLICANT TO APPLY FOR FUNDING

I have examined the (charter, articles of incorporation, enabling legislation, etc.) under which the
_____ is legally eligible to
apply
(ORGANIZATION NAME)

for funding under Federal Transit Administration of the Safe, Accountable, Flexible, Efficient
Transportation Equity Act: A Legacy for Users (SAFETEA-LU). It is my opinion that
_____ can legally enter into contracts
with
(ORGANIZATION NAME)

the State of South Carolina for the purpose of carrying out a proposed program and meets the
eligibility requirements of this grant program.

Signature of Attorney

Date

Typed Name of Attorney

Local Match Requirement

An applicant is required to provide a local match for the Project and agrees as follows:

- a. **Restrictions on the Source of the Local Share.** The applicant agrees to provide sufficient funds or approved in-kind resources, together with the Federal assistance awarded and/or other State funds that may be awarded, that will assure payment of the actual cost of each Project activity covered by the Project Scope. The applicant agrees that no local share funds provided will be derived from receipts from the use of Project facilities or equipment, revenues of the public transportation system in which such facilities or equipment are used, or other Federal funds, except as permitted by Federal law or regulation.
- b. **Duty to Obtain the Local Match.** The applicant agrees to complete all proceedings necessary to provide the local match of the Project costs at or before the time the local match is needed for Project costs, except to the extent that SCDOT determines otherwise in writing.
- c. **Prompt Payment of the Local Match.** The applicant agrees to provide the proportionate amount of the local match promptly as Project costs are incurred or become due, except to the extent that SCDOT determines in writing that the local match may be deferred.
- d. **Reduction of the Local Match.** The applicant agrees that no reduction of the local match may be made unless, at the same time, a reduction of the proportional amount of the Federal and/or State assistance provided is made.

CERTIFICATION FOR CIVIL RIGHTS COMPLAINT STATUS

_____ I hereby certify that our organization does NOT have any pending Title VI (Civil Rights) complaints of discrimination filed against its transit program.

_____ I hereby certify that our organization DOES have _____ (number) pending Title VI (Civil Rights) complaints of discrimination filed against its transit program. This complaint(s), and its status, is briefly described below. The agency agrees it will keep the South Carolina Department of Transportation's Mass Transit Office informed of any changes in the status of that complaint(s).

To comply with the Civil Rights Act of 1964, Title VI, the Americans with Disabilities Act of 1990, Title II, and the Vocational Rehabilitation Act of 1973, Section 504, we do not discriminate on the basis of disability, race, color, national origin, or gender.

Signature

Title

Printed Name

Date

Agency Name

TITLE VI PROGRAM REPORT

July 1, 2007 – June 30, 2008

Legal Name of Applicant: _____

I certify that to the best of my knowledge, no complaints or lawsuits alleging discrimination have been filed against (*Legal Name of Applicant*) _____ during the period July 1, 2007 – June 30, 2008.

Signature and Title of Authorized Official

Date

The following Title VI complaints or lawsuits alleging discrimination have been filed with the applicant during the period July 1, 2007 through June 30, 2008:

Complainant Name/Address/Telephone Number	Date	Description	Status/Outcome

(Attach an additional page if required.)

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination have been filed against (*Legal Name of Applicant*) _____ during the period July 1, 2007 – June 30, 2008.

Signature and Title of Authorized Official

Date

DBE GOOD FAITH EFFORTS CERTIFICATION

This is to certify that in all purchase and contract selections (*Legal Name of Applicant*) _____ is committed to and shall make good faith efforts to purchase from and award contracts to Disadvantaged Business Enterprises (DBEs).

DBE good faith efforts will include the following items that are indicated by check mark(s) or narrative:

- Write a letter to Certified DBEs in the service area to inform them of purchase or contract opportunities;
- Document telephone calls, emails and correspondence with or on behalf of DBEs;
- Advertise purchase and contract opportunities on local TV Community Cable Network;
- Request purchase/contract price quotes/bids from DBEs;
- Monitor newspapers for new businesses that are DBE eligible;
- Encourage interested eligible firms to become SCDOT certified. Interested firms should contact the SCDOT Office of DBE Programs and Development for more information;
- Consult SCDOT Certified DBE Directory. A DBE company will be listed in the DBE Directory for each work type or area of specialization that it performs. You may obtain a copy of this Directory at http://www.scdot.org/doing/dbe_programs.shtml
- Other efforts: Describe: _____

Documentation of all good faith efforts shall be retained for a period of five (5) years.

I certify that, to the best of my knowledge, the above information describes the DBE good faith efforts.

Name/Title of Authorized Official

Signature of Authorized Official

Date

**CERTIFICATION
OF
RESTRICTIONS ON LOBBYING**

I, _____ hereby certify to the South Carolina Department
(Name and title of authorized official)

of Transportation, on behalf of _____ that
(Name of grantee)

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a Federal department or agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification thereof.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any 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 (as amended by “Government wide Guidance for New Restrictions on Lobbying,” 61 Fed. Reg. 1413 (11/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at Title 2 USC section 1601: et seq.)).

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. 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 Title 31 USC Section 1352 (as amended by the Lobbying Disclosure Act of 1995). 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.

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 Title 31 USC Section 1352. 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.

Executed this _____ day of _____, 20_____

By _____
(Signature and title of authorized official)

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

The Applicant/ Subrecipient under this FTA project, _____,
(name of Agency)

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 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 other wise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and 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;
- (d) 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.

(If the applicant/Subrecipient is unable to certify to any of the statements in this certification, such Grantee shall attach an explanation to this certification).

THE APPLICANT, _____,
(name of Agency)

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 Title 49 CFR PART 29 and FTA Circular 2015.1 ARE APPLICABLE THERETO.

Executed this _____ day of _____, 20____.

By _____
(Signature and title of authorized official)

BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)

49 CFR Part 661

Applicability to Contracts

The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than \$100,000).

Flow Down

The Buy America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. The \$100,000 threshold applies only to the grantee contract, subcontracts under that amount are subject to Buy America.

Mandatory Clause/Language

The Buy America regulation, at 49 CFR 661.13, requires notification of the Buy America requirements in FTA-funded contracts, but does not specify the language to be used. The following language has been developed by FTA.

Buy America - The contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification (below) with all bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

BUY AMERICA REQUIREMENTS (continued)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 C.F.R. Part 661.5.

Date _____
Signature _____
Company Name _____
Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

Date _____
Signature _____
Company Name _____
Title _____

Certification requirement for procurement of buses, other rolling stock and associated equipment.

Certificate of Compliance with 49 U.S.C. 5323(j)(2)(C).

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and the regulations at 49 C.F.R. Part 661.11.

Date _____
Signature _____
Company Name _____
Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 CFR 661.7.

Date _____
Signature _____
Company Name _____
Title _____

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION –
LOWER TIER COVERED TRANSACTIONS**

The Applicant/ Subrecipient under this FTA project, _____,
certifies _____
(name of agency)

to the best of its knowledge and belief, that it and its prospective lower tier participants:

- (1) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;
- (2) if the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this certification.

THE Applicant/ Subrecipient, _____,
(Name of Agency)

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 Title 49 CFR PART 29 and FTA Circular 2015.1 ARE APPLICABLE THERETO.

Executed this _____ day of _____, 20_____

By _____
(Signature and title of authorized official)

PRE-AWARD AND POST DELIVERY AUDITS REQUIREMENTS

49 U.S.C. 5323
49 CFR Part 663

Applicability to Contracts

These requirements apply only to the acquisition of Rolling Stock/Turnkey.

Flow Down

These requirements should not flow down, except to the turnkey contractor as stated in Master Agreement.

Model Clause/Language

Clause and language therein are merely suggested. 49 C.F.R. Part 663 does not contain specific language to be included in third party contracts but does contain requirements applicable to subrecipients and third party contractors.

- Buy America certification is mandated under FTA regulation, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 C.F.R. 663.13.

-- Specific language for the Buy America certification is mandated by FTA regulation,

"Buy America Requirements--Surface Transportation Assistance Act of 1982, as amended,"

49 C.F.R. 661.12, but has been modified to include FTA's Buy America requirements codified at 49 U.S.C. A 5323(j).

Pre-Award and Post-Delivery Audit Requirements - The Contractor agrees to comply with 49 U.S.C. § 5323(l) and FTA's implementing regulation at 49 C.F.R. Part 663 and to submit the following certifications:

(1) Buy America Requirements: The Contractor shall complete and submit a declaration certifying either compliance or noncompliance with Buy America. If the Bidder/Offeror certifies compliance with Buy America, it shall submit documentation which lists 1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and 2) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

(2) Solicitation Specification Requirements: The Contractor shall submit evidence that it will be capable of meeting the bid specifications.

(3) Federal Motor Vehicle Safety Standards (FMVSS): The Contractor shall submit 1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or 2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

PRE-AWARD AND POST DELIVERY AUDITS REQUIREMENTS (continued)

In addition, the Buy America Certificate of Compliance with FTA requirements for buses, other rolling stock, or associated equipment, must be submitted with a bid or offer exceeding the purchase threshold for federal assistance programs, currently set at \$100,000.

Jacob's Law

An applicant whose transportation needs include transporting preprimary, primary or secondary school students should insure that the vehicle used meets the requirements of Section 56-5-195 of the Code of Laws of South Carolina.

Certificate of Compliance

The bidder hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C), Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, and the regulations of 49 C.F.R. 661.11:

Date: _____

Signature: _____

Company Name: _____

Title: _____

Certificate of Non-Compliance

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C) and Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, but may qualify for an exception to the requirements consistent with 49 U.S.C. Sections 5323(j)(2)(B) or (j)(2)(D), Sections 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act, as amended, and regulations in 49 C.F.R. 661.7.

Date: _____

Signature: _____

Company Name: _____

Title: _____

**SPECIAL SECTION 5333(b)
WARRANTY
[FORMERLY 13 (c)]**

To receive funds, a grantee must provide written acceptance of the terms and conditions of the Special Section 5333(b) Warranty. The Warranty assures that each Grantee agrees to be bound by certain portions of the National (Model) Agreement executed July 23, 1975. The Warranty also provides that the Grantee may request a waiver of the statutorily required protections.

To satisfy this requirement, the *APPLICANT* will:

- (1) Sign the “Provisions of the National (Model) Agreement for Incorporation in the Special Warranty”,
- (2) Complete the form entitled “Listing of Labor Representation with *APPLICANT’S* service area”.

The *APPLICANT* certifies that it will be bound by the above listed conditions.

(Attesting Signature)

(Signature of Agency Official)

(Date)

(Typed Name and Title)

LISTING SURFACE PUBLIC TRANSPORTATION PROVIDERS AND LABOR REPRESENTATION 5333(b).

(Sample Information Provided)

Legal Name of Applicant	Project Description	Other Surface Public Transit Providers	Union Representation of Employees if any)
<i>Get-U-There Regional Transit System</i>	<i>Application for funds for the provision of public transportation in ABC and EFG counties.</i>	<i>Yellow Cab Co. 156 E. Miller Anywhere, SC 29000</i> <i>Neighboring Transit System 2225 Lower Buckeye Rd., Suite 223 Anywhere, SC 20000</i> <i>Get-U-There Bus Lines, Inc. 1350 N. 22nd Ave. Anywhere, SC 20000</i>	<i>No Union</i> <i>Amalgamated Transit Union</i> <i>Amalgamated Transit Union</i>

DRUG-FREE WORKPLACE ACT

The Drug-Free Workplace Act of 1988, as well as Section 44-107-30, S.C. Code of Laws (1976), as amended, require all grantees receiving grants from any federal or state agency to certify they will maintain a drug-free workplace.

Drug and Alcohol Testing

In response to passage of the Omnibus Transportation Employee Testing Act of 1991, FTA published two regulations prohibiting drug use and alcohol misuse. These regulations are 49 CFR, Part 653, "Prevention of Prohibited Drug Use in Transit Operations", and 49 CFR, Part 654, "Prevention of Alcohol and Prohibit Drug Misuse in Transit Operations".

Accordingly, the FTA regulations were revised to conform to the amended Part 40. The revised FTA drug and alcohol regulations were combined in a single rule: 49 CFR Part 655, "Prevention of Alcohol Misuse and Drug Use in Transit". The revised rule also incorporates comments from the FTA grantees and guidance that FTA has issued in the past several years, including technical assistance, letters of interpretation, audit findings, newsletters, training classes, safety seminars, and public speaking engagements.

Drug and alcohol program requirements must be implemented for small operations (any transit agency that operates in an area of less than 200,000 people as defined by the Bureau of the Census). This definition is unaffected by the size of the transit agency, the number of vehicles in the fleet, or the number of employees. This requirement applies to all Section 5311 funding recipients.

Certification of compliance must be signed by the subrecipient's governing board, representative or other authorized individual or body and submitted to the SCDOT Mass Transit Office. Failure to certify compliance with the drug and alcohol rules and regulations will result in jeopardizing federal funding from FTA. The Mass Transit Office will work with the Safety Office to ensure compliance with the FTA regulations regarding drug and alcohol testing and drug-free workplace.

Date: _____

Signature: _____

Company Name: _____

Title: _____

**SUBSTANCE ABUSE
PROGRAM IMPLEMENTATION CHECKLIST**
(Current program applicants only)

Check Box Below
If Applicable

- Do you have a program in place that is thorough and reflects current Federal, State and Local regulations and practices?
- Does this adequately reflect the structure and needs of your agency?
- Do you have a clearly written policy statement and procedures that describe your agency's drug policy and plans for complying with the FTA regulations?
Attach your Drug and Alcohol policy to this application.
- If your program includes more than what is mandated by the regulations, is this reflected in the written policies?
- Have you made the necessary provisions for recordkeeping and reporting?
- Do they include procedures to protect the individual's right to privacy and the prevention of unauthorized release of test result information?
- Have you selected qualified personnel who will be responsible for implementing and monitoring the program?
- Have they been provided with sufficient training?
- Have you informed your employees in writing of your agency's drug abuse policy and its implementation?
- Have you established a minimum of 60 minutes of Awareness training for safety sensitive employees?
- Have you established a minimum of two (2) hours of Awareness training for supervisors (1 hour alcohol training & 1 hour drug training)?
- Are these programs ongoing to account for staff turnover and other changes?
- Does your program include testing for the five prohibited classes of substances, marijuana, cocaine, opiates, amphetamines, and PCP?

IF REQUESTING VEHICLE PURCHASE

SCDOT Division of Mass Transit

Property Inventory Form

AGENCY

NAME: _____

Contact Person: _____

Telephone #: _____

Email: _____

LEGEND(s)*	
USE:	CONDITION:
B = Backup (Spare)	A = Excellent
R = Demand Response	B = Good
F = Fixed Route	C = Fair
P = Paratransit	P = Poor
Ad = Administrative	D = Dispose
O = Other _____	S = Salvage

EXAMPLES:

PURCHASE VALUE	MT FUNDED Y/N	CONTRACT NUMBER	GRANT NUMBER	DESCRIPTION	SERIAL # or VIN	AGENCY ASSET #	YEAR	MAKE	MODEL	ODOMETER	LOCATION	USE	COND.
\$65,000	Y	MT5M409-76	SC-06-8765-23	Vehicle - Cutaway Bus	2B5WB35Y81K555433	108	2005	Ford	Goshen	178,048	Florence	F	S

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Required Forms and Supporting Documentation