

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 02/20

**EXHIBIT E
PROGRAM SPECIFIC TERMS AND CONDITIONS – TRANSIT**

(Section 5310: Enhanced Mobility of Seniors & Individuals with Disabilities)

- 1. Conformance with Enabling Legislation.** This Agreement is in conformance with Section 5310 of the Federal Transit Act of 1991, 49 U.S.C. 5310, as amended, and Section 341.051(1)(a), F.S.
- 2. Prevention Programs.** The Section 5310 subrecipient shall establish and implement anti-drug and alcohol misuse prevention programs in accordance with the terms of 49 CFR 655, 49 U.S.C. 5331, and 49 CFR 40.
- 3. Adherence to Certifications and Assurances.** The Section 5310 subrecipient shall ensure adherence with all federally required certifications and assurances made in its application to the Department for Section 5310 funds.
- 4. FTA Compliance.** The Section 5310 subrecipient shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between the FDOT and FTA, as they may be amended or promulgated from time to time during the term of this contract. Failure to comply shall constitute a material breach of this contract.
- 5. Nondiscrimination.** The Section 5310 subrecipient assures the project will be completed in accordance with all applicable requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000(d), and 49 CFR 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.
- 6. Charter Operation.** The Section 5310 subrecipient agrees to comply with 49 U.S.C. 5323(d) and 49 CFR 604, which provide that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.
- 7. Exclusive Operation.** Pursuant to 49 U.S.C. 5323(f) and 49 CFR 605, the Section 5310 subrecipient may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators, unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, subrecipients may not use federally funded equipment, vehicles, or facilities.
- 8. Buy America.** The Section 5310 subrecipient agrees to comply with Buy America requirements outlined in 49 U.S.C. 5323(j) and 49 CFR 661, if using the funds granted under this agreement for rolling stock purchases. The recipient also agrees to comply with the pre-award and post-delivery requirements outlined in 49 CFR 661.12.
- 9. Water Pollution Control.** The Section 5310 subrecipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, codified at 33 U.S.C. 1251 et seq., as amended, if the agreement exceeds \$100,000.
- 10. Anti-Lobbying.** The Section 5310 subrecipient agrees to comply with the requirements pursuant to Byrd Anti-lobbying Amendment, 31 U.S.C. 1352(b)(5) and 49 CFR 20, Appendix A.

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11. **Bonding Requirements.** If this agreement is for a construction project over \$150,000, the recipient must adhere to FTA's bonding requirements as outlined in the Best Practices Procurement Manual.
12. **Clean Air Act.** The 5310 subrecipient agrees to comply with applicable standards, orders or regulations issued pursuant to the Clean Air Act, 42 U.S.C. 7401 et seq., as amended, if this agreement exceeds \$150,000.
13. **Resource Conservation and Recovery Act (RCRA).** The 5310 subrecipient agrees to comply with all the requirement of Section 6002 of the Resource Conservation and Recovery Act (RCRA), 49 U.S.C. 6962, as amended, including but not limited to the regulatory provisions of 40 CFR 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR 247.
14. **Davis-Bacon and Copeland Anti-kickback.** The 5310 subrecipient agrees to comply with the Davis-Bacon and Copeland Anti-kickback Acts as codified at 40 U.S.C. 3141 et seq. and 18 U.S.C. 874 for any agreement exceeding \$2,000.
15. **Contract Work Hours and Safety Standards.** For any contract over \$2,000 the 5310 subrecipient agrees to comply with the Contract Work Hours and Safety Standards Act, codified at 40 U.S.C. 3701 et seq.
16. **Transit Employee Protective Agreements.** The 5310 subrecipient agrees to comply with the Transit Employee Protective Agreements, as codified in 49 U.S.C. 5310 and 29 CFR 215.
17. **Compliance with FTA Terms and Conditions** The 5310 subrecipient shall not perform any act, fail to perform any act, or refuse to comply with any FDOT requests which would cause the 5310 subrecipient to be in violation of the FTA terms and conditions.
18. **Public Body Non-CTC Recipients.** An Agency may receive 5310 funds when the Community Transportation Coordinator in the county is a private-for-profit entity. When the Agency accepts the 5310 funding, enters into a contract/PTGA with the Department, and contracts with the Community Transportation Coordinator to provide rural general public transportation in the same service area in which the Community Transportation Coordinator is providing non-sponsored trips for the Commission for the Transportation Disadvantaged, then the non-sponsored human service transportation grant funds will be considered as eligible match for the 5310 funds. The Agency will be responsible for ensuring that the Community Transportation Coordinator meets all the requirements associated with the federal funds. The Agency will be responsible for ensuring that all dollars provided as match were for public transportation eligible trips. The public body must keep financial records that substantiate the eligibility of the match being provided and make that documentation available to the Department on request.
19. **Required Audit.** The Agency shall require the independent auditor, retained to perform the audit as required by the *Office of Management (OMB) Circular A-133 and/or the Florida Single Audit Act, 215.97 F.S.*, to specifically test and certify that services funded by the program were provided in non-urbanized areas, that there was no restriction on public use, and that the State and Federal share of eligible costs did not exceed amounts specified in the approved project budget (**Exhibit B**).
20. **Annual Performance Measures Report.** The Agency will submit an Annual Performance Measures Report. The Annual Performance Measures Report is due by January 31 of each year. The annual report will include both quantitative and qualitative information as available on each of the following measures:
 - a) Gaps in Service Filled: Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities, measured in numbers of seniors and individuals with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.

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- b) Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on Section 5310 supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

21. Transit Vehicle Inventory Management. The Agency will follow the Department's Transit Vehicle Inventory Management Procedure (725-030-025), which outlines the requirements for continuing management control, inventory transfer and disposal actions. This procedure pertains ONLY to capital procurements of rolling stock using the FTA Section 5310, Section 5311, Section 5316 or Section 5317 programs as the funding source, or where the Department participates in 50% or more of the public transit vehicle's purchase price. This may include vehicles purchased under the State Transit Block Grant Program, State Transit Corridor Program, State Transit Service Development Program, or other applicable Departmental programs.

-- End of Exhibit E --