List of Federal Requirements for FTA Section 5310 Funded Projects

All applicants to FTA Section 5310 projects must certify that they are capable of meeting the requirements of the following federal legislation:

**Civil Rights**
- Title VI of the Civil Rights Act
  - “...the Contractor agrees that 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 Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.”
  - Title VI guidance:
    - MODOT
    - KDOT

- Equal Employment Opportunity
  - The following equal employment opportunity requirements apply to the underlying contract:
    - *Title VII of the Civil Rights Act*: “...the Contractor 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...”
    - *Age Discrimination in Employment Act*: “...the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age...”
    - *Americans with Disabilities Act*: “...the Contractor 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...”

- **Disadvantage Business Enterprise** (DBE)
  - “The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. KCATA’s overall goal is 8.5%. A separate contract goal has not been established for this procurement.”
  - DBE databases:
    - Missouri
    - Kansas

**Environmental Rights**
- **Environmental Justice**
  - “The guiding EJ principles followed by DOT and FTA are briefly summarized as follows:
    - To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations
    - To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- **Clean Air Act**
  - “Clean Air - (1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.
    (2) The Contractor also agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with Federal assistance provided by FTA.”

- **Clean Water Act**
  - “Clean Water - (1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.
    (2) The Contractor also agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with Federal assistance provided by FTA.”

In addition, some applicants should demonstrate compliance with the following federal requirements when applicable and relevant to the contents of their funding request:

**Procurement Compliance (refer to FTA’s 4220.1E Third Party Contracting Requirements)**

**FTA Pre-award and Post-Delivery Reviews** for vehicle procurement
- **Pre-Award Review:**
  - “The pre-award review is required before a recipient may enter into a formal contract with a supplier. The review period begins after the recipient issues the solicitation and ends before the recipient signs a formal contract with the selected manufacturer.
    The review requires the recipient to complete three certifications—the Buy America certification, the purchaser’s requirements certification, and the Federal Motor Vehicle Safety Standards (FMVSS) certification. All three certifications must be kept in the recipient’s files for future FTA reviews.”

- **Post-Delivery Review:**
  - “A post-delivery review must be completed before a bus title is transferred to the recipient, or before a bus is placed into revenue service, whichever is first. The review period begins when the recipient signs a formal contract with the selected manufacturer and ends before title transfer or use in service.
    As with the pre-award review, the recipient must complete three certifications—the Buy America certification, the purchaser’s requirements certification, and the FMVSS certification. Again, all three certifications must be kept in the recipient’s files for future FTA reviews.”

**Lobbying** (for Federal assistance exceeding $100,000)
appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.”

**Charter & School Bus Requirements**

- “Charter Service Operations - The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides 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.”
- “School Bus Operations - Pursuant to 69 U.S.C. 5323(f) and 49 CFR Part 605, recipients and subrecipients of FTA assistance 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, recipients and subrecipients may not use federally funded equipment, vehicles, or facilities.”

**Energy Conservation Requirements**

- “No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA:

  ‘Energy Conservation - The contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.’”

**Debarment or Suspension**

- “This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

  The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.”

**Certification of Equivalent Service** [Sec. 37.171, Pp 450]

- “A private entity not primarily engaged in the business of transporting people which operates a demand responsive system shall ensure that its system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, as it does to individuals without disabilities. The standards of Sec. 37.105 shall be used to determine if the entity is providing equivalent service.”

Additional information regarding the Federal requirements can be found in the FTA Master Agreement at: [http://www.fta.dot.gov/documents/20-Master.pdf](http://www.fta.dot.gov/documents/20-Master.pdf)