ECONOMIC DEVELOPMENT
CORPORATION BOARD OF DIRECTORS

Location:
City of Edinburg, City Hall-Council Chambers 415
W. University Drive, Edinburg, Texas
VIA ZOOM

MARCH 30, 2021

REGULAR MEETING AGENDA
4:00 PM

1. **CALL TO ORDER, ESTABLISH A QUORUM**

2. **CERTIFICATION OF PUBLIC NOTICE**

3. **PUBLIC COMMENTS**
   A specific portion of the meeting shall be dedicated to allowing Public Comments which will be limited to three (3) minutes. Because of the state of emergency due to the COVID-19 pandemic, public comment may be provided in-person abiding to the occupancy limits or by telephone. InÂ person requests shall be requested by completing the Public Comment Form available at City Council Chambers. Telephone requests shall be completed by (a) sending an email to publiccomment@cityofedinburg.com or (b) calling 956-388-8204.

   All requests must be received beginning at 9am and end immediately before the start of the meeting. Your request should include your name, address, and telephone number. We ask for everyone's cooperation in following this procedure.

4. **DIRECTOR'S REPORT**

5. **REGULAR AGENDA ITEMS**
   A. Consider approval of minutes for board meetings on February 23, 2021 and March 4, 2021.
   B. Consider approval of financial report for February 2021.
   C. Consider approval of Amendment Five of the Interlocal Agreement between the Lower Rio Grande Valley Development Council, City of Edinburg, and Edinburg Economic Development Corporation for the joint development of the Edinburg Transit Terminal.
   D. Consider approval of sponsorship for the Edinburg Chamber of Commerce 4th of July Texas Cook'em event.

6. **EXECUTIVE SESSION**
   The EEDC will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings be Open. The EEDC May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

A. Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

7. **OPEN SESSION**
The EEDC will convene in Open Session to take necessary action, if any, in accordance with Chapter 551, Open meetings, Subchapter E, Procedures Relating to Closed Meeting, §551.102, Requirement to Vote or Take Final Action in Open Meeting.

8. **ADJOURNMENT**

I hereby certify this Notice of an EEDC Meeting was posted in accordance with the Open Meetings Act, at the City Offices of the City of Edinburg, located at the 415 West University entrance outside bulletin board visible and accessible to the general public during and after regular working hours.

This notice was posted on 3/26/21, *2021 at* 2:32 *am / pm.*

By:

Signature: ______________________
Name: *Ron Garza, City Manager*
City of Edinburg, Texas

City of Edinburg Economic Development
Department Status Report

Board of Directors
Regular Meeting

March 30, 2021

EEDC 2020 Audit

The EEDC 2020 final audit report was presented and approved on the March 4, 2021 special board meeting. The EEDC 2020 audit was approved by the Edinburg City Council on March 16, 2021.

The approved and signed audit report has been uploaded to the City's website.

Economic Development Projects Dashboard

The Economic Development staff and Engineer/GIS Manager have developed an Economic Development Projects Dashboard to include approved incentive projects' business information, agreement, compliance form, and project completion percent.

Total of 7 approved projects:

- 6 in progress
- 1 completed

Dashboard can be found on the City's Economic Development webpage.

Programs

Business Retention & Expansion

The Edinburg Economic Development staff continues to reach out to businesses to provide guidance and assistance to attain expansion. The Business Retention and Expansion (BRE) survey is sent to businesses after every meeting. Responses are confidential.

- 98 businesses have been contacted through emails and phone calls.
- 19 businesses have received the BRE survey. Staff continues to follow-up to secure responses.

Industries include:
- Manufacturing
- Healthcare
- Education
- Information
- Accommodation and Food Service

Staff has kept close communication with the retail business in The Shoppes (TIRZ I) and Arena (TIRZ IV).

Retail Development

Staff is following up on all of the targets identified in the Buxton analysis. Staff has sent introductory letters to the company contacts in Buxton's database and will be reaching out again in the coming weeks.

- Downtown Edinburg: 11 targets
- McColl Rd. & Trenton Rd: 13 targets
- The Shoppes: 16 targets

Health Science Institute at Renaissance (HSIR)

Staff receive monthly attendance records confirming 5 students, residents of Edinburg, TX, continue to participate in the Medical Assistant program.

Marketing Services

Economic Development Department staff and Development Counsellors International (DCI) coordinated and scheduled 5 virtual focus groups with Edinburg businesses and stakeholders to discover perceptions of Edinburg's strengths and weaknesses. The virtual focus groups took place via zoom conference on the following dates:

- Date: March 22, 2021
  Time: 9:00 AM - 10:00 AM

- Date: March 22, 2021
  Time: 10:15 AM - 11:15 AM

- Date: March 22, 2021
  Time: 11:30 AM - 12:30 PM

- Date: March 23, 2021
  Time: 1:00 PM - 2:00 PM

- Date: March 23, 2021
  Time: 2:15 PM - 3:15 PM

Staff is working with DCI to schedule testimonial videos with key employers and large businesses in Edinburg.

Request for Qualification (RFQ) - Real Estate Services

The Real Estate Services RFQ was posted on March 5, 2021 and the bid opening date was March 22, 2021 at 3:00 PM.

A total of 3 statement of qualifications were received including the following (in no particular order):

- Coldwell Banker Commercial - McAllen, TX
- Hanna Solutions - McAllen, TX
- Next Home RGV Realty - McAllen, TX

The 5 member evaluation committee meeting is scheduled for March 31, 2021 at 2:00 PM to rank and score the submittals.

Projects

The City of Edinburg Economic Development has 3 active projects.

424450 Confectionery Merchant Wholesalers
- Expected Jobs: 40
- Capital Investment: $625,000

424480 Fresh Fruit and Vegetable Merchant Wholesalers
- Expected Jobs: 23
- Capital Investment: $900,000

425120 Wholesale Trade Agents and Brokers
- Expected Jobs: 15 retained
- Capital Investment: More than $2,000,000

Prospects

Staff is currently working with 8 prospects in the following business categories:

- Full service restaurant
- Snack and nonalcoholic beverage bars
- Large vehicle service center
- Warehousing and storage
- Food manufacturer
- Lessors of other real estate property
- Other technical and trade schools
- Plumbing, heating and air conditioning contractors

Mid-year Report – Performance Measures

The EDC's bylaws require staff to submit a midyear report to City Council. Staff will present the attached performance measures to City Council on April 6, 2021.

City of Edinburg Economic Development
Mid-Year Outcomes 2020-2021

Covid-19 Response

- $1.12 million in grants awarded to 560 small, locally-owned businesses
- $855,000 in new customer expenditures through gift card program
- 42 business owners trained on Paycheck Protection Program

Small Business Development

- 88 business owners participated in at least one of the *Get Digital Movement* Series Workshops; and received training on digital marketing tools.

Workforce Development

- Three residents completed biomedical equipment maintenance credentials (Festo certification)
- Three residents completed customer service credentials
- Five residents enrolled in medical assistant certification program
- Twelve residents enrolled in cybersecurity credential program

Business Retention and Expansion (BR&E)

- 87 local businesses contacted
- 12 local businesses interviewed, resulting in six active leads on expansion opportunities

Completed Projects

- 822 jobs created or retained (projected)
- $24 million in new earnings[1] (projected)
- $167 million in capital investment (projected)

Active Projects

- 69 jobs created (projected)
- $3.4 million in capital investment (projected)

Buxton Outreach – Edinburg, TX Matches

- Downtown Edinburg: 11
- McColl Rd. & Trenton Rd: 13
- The Shoppes: 16

Total[2] projected economic impacts of active and completed projects:

- 1,276 jobs created or retained
- $38 million in new earnings
- $170 million in capital investment

[1] Wages, salaries, and proprietor income
[2] Direct, indirect, and induced

Business Retention and Expansion Map

Project and Property Activity Map

Edinburg Economic Development Corporation
Meeting Date:March 30, 2021

Consider approval of minutes for board meetings on February 23, 2021 and March 4, 2021.

1. **Agenda Item:**
   Consider approval of minutes for board meetings on February 23, 2021 and March 4, 2021.
2. **Description/Scope:**
   Board meeting minutes are reviewed and approved on a monthly basis.
3. **Estimated Timeline:**
   N/A
4. **Budget:**
   N/A
5. **Procurement/Selection Process:**
   N/A
6. **Staff's Recommendation:**
   Staff recommends approval.
7. **Justification:**
   N/A

____
Blanca Davila
Director of Economic Development

ATTACHMENTS
Attachment A: February 23, 2021 Minutes
Attachment B: March 4, 2021 Minutes

Approved:	_________
Not Approved:	_________
Tabled:	_________
No Action:	

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION:
City of Edinburg, City-Hall Council Chambers
415 W. University Drive. Edinburg, Texas
VIA ZOOM

REGULAR MEETING
FEBRUARY 23, 2021
4:00 PM

PRESENT: Hiren Govind, President
Roland Gomez, Vice President
Daniel "Dan" Diaz, Secretary
Aaron "Ronny" Rivera, Treasurer
Sabrina Walker-Hernandez, Director
Raul Resendez, Director

ABSENT: Veronica Gonzales, Director

STAFF: Ron Garza, City Manager
Brian Kelsey, Assistant City Manager/EDD
Blanca Davila, EDD Director
Nidian Elizondo, EDD Coordinator
Christian Monterrubio, EDD Coordinator
Leticia Pantoja, EDD Administrative Assistant
Omar Ochoa, City Attorney
Cris Villarreal, CPA

PUBLIC: Jesus Moncayo, Luis C. Orozco CPA Firm
Alejandro Monroy, TP UT RGV LLC
Humberto Alanis, TP UT RGV LLC
Javier Peresbarbosa, TP UT RGV LLC
Melo Villarreal, TP UT RGV LLC

1. CALL TO ORDER, ESTABLISH QUORUM

President, Hiren Govind, called the meeting to order at 4:05 PM.

EDD Director, Blanca Davila, proceeded to roll call and established quorum.

Director Veronica Gonzales was absent.

2. CERTIFICATION OF PUBLIC NOTICE

EDD Director, Blanca Davila, confirmed the public notice was posted in accordance with the Texas Open Meetings Act, on February 19, 2021 at 12:53 PM.

3. PUBLIC COMMENTS

A specific portion of the meeting shall be dedicated to allow Public Comments which will be limited to three (3) minutes. Because of the State of Emergency due to the COVID-19 Pandemic, public comments may be provided in-person abiding to the occupancy limits or by telephone. InÂ person requests shall be requested by completing the Public Comment Form available at the City Council Chambers. Telephone requests shall be completed by (a) sending an email to publiccomment@cityofedinburg.com or (b) calling (956) 388-8204.

All requests must be received beginning at 9am and end immediately before the start of the meeting. Your request should include your name, address, and telephone number. We ask for everyone's cooperation in following this procedure.

No public comments were submitted.

4. DIRECTOR'S REPORT

EDD Director, Blanca Davila, presented an update on the EEDC Audit and mentioned a special board meeting is expected March 4, 2021 to present the final audit report.

The second update presented was regarding the four incentive applications received. EDD Director, Blanca Davila, stated staff has scheduled meetings with applicants to review the applications and discuss follow-up questions.

The third update presented was the Request for Qualifications (RFQ) for Real Estate Services. It was mentioned the RFQ will be posted March 5, 2021 on the City's website and newspaper for two weeks. EDD staff will share with the Board to disseminate with their networks. The RFQ bid opening date is scheduled for March 22, 2021 at 3:00 PM.

The fourth update presented was regarding retail recruitment. EDD staff has reached out to the following three restaurants: Chuy's, Panera Bread, and Punch Bowl Social. EDD staff is in the process of following up in efforts to bringing their business to the City of Edinburg.

EDD staff is in constant communication with several prospects from various industries. EDD Director, Blanca Davila, will provide the board with updates as the prospects develop.

5. REGULAR AGENDA ITEMS

A. Consider approval of minutes for board meeting on January 26, 2021.

MOTION TO APPROVE MINUTES FOR BOARD MEETING ON JANUARY 26, 2021 WAS MADE BY DIRECTOR SABRINA WALKER HERNANDEZ AND SECONDED BY TREASURER AARON RIVERA. MOTION CARRIED UNANIMOUSLY.

B. Consider approval of financial reports for January 2021.

Cris Villarreal, CPA, presented the Statement of Cash Receipts, Disbursements, and Cash Balances – Unrestricted Cash for the period ending Fiscal Year 2021. A total of $574,722 was collected in cash receipts and $347,185 of cash disbursements. There was a net increase in unrestricted cash of $227,537. The ending unrestricted cash balance was $ 6,971,764.

Secretary, Dan Diaz, questioned the $40,250 expense in the research, feasibility studies, and reports budget line item. EDD Director, Blanca Davila, clarified the expense included the second year payment for the Buxton Co. agreement and first installment for the UTRGV technical assistance agreement. The board approved both agreements in the beginning of the fiscal year 2021.

A comparative monthly sales tax revenues – accrual basis – supplemental information was presented to compare fiscal year ending 2020 and 2021. It was stated cash is received two months after the performing month. A total of $1,869,180 has been received from October 2021 through December 2021. The fiscal year ending 2021 has outperformed the fiscal year ended 2020 by an average of 8%.

Secretary, Dan Diaz, inquired on the fiscal year ending 2019 comparison to the fiscal year ending 2020 and 202. City Manager, Ron Garza, mentioned quarter one of 2020 and 2021 indicate the City is up 8% in sales tax. The City collected more than three million in sales tax revenue in December 2020. October through December of fiscal year ending 2020 reflect 2019 months.

A Statement of Net Assets – Supplemental Information was presented, which included $41,527,063.96 in total assets and $27,839,097.00 in total liabilities, with a net equity of $13,687,966.96.

The A/R Aging Summary – Supplemental Information as of December 31, 2020 was presented including the receivables from City of Edinburg half cent sales tax, tenant rent, NUCO tool, and Santana Textiles interest accumulation.

MOTION TO APPROVE FINANCIAL REPORTS FOR JANUARY 2021 WAS MADE BY DIRECTOR SABRINA WALKER HERNANDEZ AND SECONDED BY DIRECTOR RAUL RESENDEZ. MOTION CARRIED UNANIMOUSLY.

C. Consider accepting the Fixed Asset Schedule as of 9/30/2020 to include in FY2020 Audit.

City Manager, Ron Garza, presented this action item and mentioned the auditor has recommended proposing to the board an acceptance of a fixed asset schedule. The fixed asset schedule includes assets and equipment that are old/obsolete and have fully depreciated, and should be removed. The fixed asset schedule includes properties that have not been verified whether the EEDC still owns and will be left included as property descriptions are vague and data has not been verified yet.

EDD Director, Blanca Davila, stated the items listed under Equipment Fully Depreciated will be removed. The five items below the Property Previously Disposed include properties the EEDC no longer owns.

MOTION TO ACCEPT THE FIXED ASSET SCHEDULE AS OF 9/30/2020 TO INCLUDE IN FY2020 AUDIT WAS MADE BY SECRETARY DAN DIAZ AND SECONDED BY VICE PRESIDENT ROLAND GOMEZ. MOTION CARRIED UNANIMOUSLY

D. Consider approval of term waiver for incentive payments to TP UT RGV, LLC, due to experienced hardship resulting from the COVID-19 pandemic and declared state of disaster.

EDD Director, Blanca Davila, provided an overview as a summary and mentioned the action item was presented to the board in the January 26, 2021 meeting. TP UT RGV LLC is requesting an incentive waiver on their second anniversary term for their first location, Taco Palenque, located on 1414 W. University Dr. The second location stipulated in the agreement, Palenque Grill, located at the Shoppes at RGV, Lot 11, met their first and second term deliverables.

Discussion

Secretary, Dan Diaz, requested an overall summary regarding the loss of sales. EDD Director, Blanca Davila, mentioned the presentation includes a weekly summary for TP UT RGV sales. On week 9 through 17 of March 2020, there was a loss in sales from $70,000 decreasing to $40,000. In April 2020, TP UT RGV LLC applied for the paycheck protection program (PPP) and utilized funds to rehire employees lost. It was mentioned Taco Palenque lost their third shift, resulting in additional employee loss.

Director, Raul Resendez, referenced the month of December 2020 (week 49-52) and stated Taco Palenque was down 16.12% in sales, and mentioned only 57% of employee hours were utilized in comparison to December 2019 hours. Director, Raul Resendez, mentioned there is more demand during the day and questioned why more employee hours were not utilized.

Mr. Humberto Alanis explained this was due to the City's stay at home orders and Texas Governor mandate to not operate at more than 50% capacity. The reduction of employee hours was also due to Taco Palenque being unable to operate their night shift. Taco Palenque has continued operation with morning and afternoon shifts.

Director, Raul Resendez, inquired on January 2021 sales. Mr. Alejandro Monroy mentioned Taco Palenque was below 6% in January 2021 sales. Mr. Monroy stated it is important to consider individuals received the second stimulus in January, resulting in a higher demand for the month. Mr. Monroy mentioned all sales methods have changed and

Taco Palenque has adapted to the different methods such as curbside. Therefore, demand is not as high in comparison to having the restaurant operate at 100% capacity.

Secretary, Dan Diaz, inquired how far Taco Palenque was from reaching their deliverable. EDD Director, Blanca Davila, stated as per the executed contract, both locations are required to have 50 employees on their first anniversary. Taco Palenque did not meet their term as they had 37 full-time employees. Director, Sabrina Walker Hernandez, mentioned they were 74% toward their goal.

President, Hiren Govind, mentioned Taco Palenque made a good effort in meeting their goal and rehire employees. Treasurer, Aaron Rivera, stated Taco Palenque demonstrate signs of bouncing back, and can possible hire more employees in the future.

Mr. Humberto Alanis mentioned Taco Palenque has not ceased to operate despite the pandemic and asserted the deliverable would have been met if it was not for the pandemic. Prior to the pandemic, Taco Palenque employed 87 employees. However, due to the pandemic, the employee count has decreased to 46 employees. Mr. Alanis reiterated Taco Palenque has respected the City and State mandates, and has adapted their operations to continue serving the community by utilizing the drive thru, order delivery, and curbside pickup.

Director, Raul Resendez, expressed to Mr. Alanis the reasoning behind the boards' questions to ensure transparency and fairness with all Edinburg large and small businesses. Director, Raul Resendez, mentioned small businesses may question why they are not assisted. Mr. Humberto Alanis stated Taco Palenque is assisted due to the incentive agreement for job creation. Mr. Melo Villarreal stated Taco Palenque is designed to open 24 hours, 365 days a year with heavy payrolls to generate job creation.

Secretary, Dan Diaz, mentioned the board fully understands Director Resendez' concerns. The board needs to decide whether the waiver should be provided to Taco Palenque based on the agreement that was approved by a former board.

If had not been for the unprecedented pandemic and ordinances, Taco Palenque would have met their deliverables.

MOTION TO APPROVE TERM WAIVER FOR INCENTIVE PAYMENTS TO TP UT RGV, LLC, DUE TO EXPERIENCED HARDSHIP RESULTING FROM THE COVID-19 PANDEMIC AND DECLARED STATE OF DISASTER WAS MADE BY SECRETARY DAN DIAZ AND SECONDED BY TREASURER AARON RIVERA. MOTION CARRIED UNANIMOUSLY.

6. EXECUTIVE SESSION

The EEDC will convene in Executive Session, in accordance with the Texas Open Meetings Act Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings Be Open. The EEDC May Elect to Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted as An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

A. Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

The EDC Board entered Executive Session at 5:04 PM.

MOTION TO ENTER EXECUTIVE SESSION WAS MADE BY SECRETARY DAN DIAZ AND SECONDED BY TREASURER AARON RIVERA AT 5:04 PM. MOTION CARRIED UNANIMOUSLY.

During further review of the items in Executive Session, any of the items will be brought back into Open Session if necessary, for open discussion.

7. OPEN SESSION

The EEDC will convene in Open Session to take necessary action, if any, in accordance with Chapter 511, Open meetings, Subchapter E, Procedures Relating to Closed Meeting §551.102, Requirement to Vote or Take Final Action in Open Meeting.

The EDC Board reconvened for open session at 5:48 PM.

MOTION TO OPEN SESSION WAS MADE BY VICE PRESIDENT ROLAND GOMEZ AND SECONDED BY DIRECTOR SABRINA WALKER HERNANDEZ AT 5:48 PM. MOTION CARRIED UNANIMOUSLY.

A. Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

President, Hiren Govind, abstained from voting on this action item as he excused himself during executive session discussion.

MOTION TO AUTHORIZE STAFF TO PROCEED TO NEGOTIATE AMENDMENTS TO THE CONTRACT ON PROPERTY LOCATED AT TRENTON ROAD AS DISCUSSED WAS MADE BY VICE PRESIDENT ROLAND GOMEZ AND SECONDED BY TREASURER AARON RIVERA. MOTION CARRIED WITH ONE ABSTENTION.

8. <u>ADJOURNMENT</u>

There being no further business to consider, the meeting was adjourned at 5:50 PM.

MOTION TO ADJOURN MEETING WAS MADE BY VICE PRESIDENT ROLAND GOMEZ AND SECONDED BY TREASURER AARON RIVERA AT 5:50 PM. MOTION CARRIED UNANIMOUSLY.

Leticia Pantoja Digitally signed by Leticia Pantoja
Date: 2021.03.26 16:01:48 -05'00'

Minutes Transcribed by: Leticia Pantoja

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION:
City of Edinburg, City-Hall Council Chambers
415 W. University Drive. Edinburg, Texas
VIA ZOOM

SPECIAL MEETING
MARCH 4, 2021
4:00 PM

PRESENT: Hiren Govind, President
Aaron "Ronny" Rivera, Treasurer
Sabrina Walker-Hernandez, Director
Raul Resendez, Director

ABSENT: Roland Gomez, Vice President
Daniel "Dan" Diaz, Secretary
Veronica Gonzales, Director

STAFF: Ron Garza, City Manager
Brian Kelsey, Assistant City Manager/EDD
Blanca Davila, EDD Director
Omar Ochoa, City Attorney
Nidian Elizondo, EDD Coordinator
Christian Monterrubio, EDD Coordinator
Leticia Pantoja, EDD Administrative Assistant
Cris Villarreal, CPA

PUBLIC: Jesus Moncayo, Luis C. Orozco CPA Firm
Adrian Casas, Luis C. Orozco CPA Firm

1. CALL TO ORDER, ESTABLISH QUORUM

President, Hiren Govind, called the meeting to order at 4:02 PM.

EDD Director, Blanca Davila, proceeded to roll call and established quorum.

Vice President Roland Gomez, Secretary Dan Diaz, and Director Veronica Gonzales were absent.

2. CERTIFICATION OF PUBLIC NOTICE

EDD Director, Blanca Davila, confirmed the public notice was posted in accordance with the Texas Open Meetings Act, on March 1, 2021 at 2:16 PM.

3. PUBLIC COMMENTS

A specific portion of the meeting shall be dedicated to allow Public Comments which will be limited to three (3) minutes. Because of the State of Emergency due to the COVID-19 Pandemic, public comments may be provided in-person abiding to the occupancy limits or by telephone. InÂ person requests shall be requested by completing the Public Comment Form available at the City Council Chambers. Telephone requests shall be completed by (a) sending an email to publiccomment@cityofedinburg.com or (b) calling (956) 388-8204.

All requests must be received beginning at 9am and end immediately before the start of the meeting. Your request should include your name, address, and telephone number. We ask for everyone's cooperation in following this procedure.

No public comments were submitted.

4. DIRECTOR'S REPORT

EDD Director, Blanca Davila, stated there is no director's report.

5. REGULAR AGENDA ITEMS

A. Consider accepting the Edinburg Economic Development Corporation 2020 Audit.

Auditor Assistant, Mr. Jesus Moncayo, presented the audit report and began with the independent auditor's report, which includes the auditor's unmodified opinion. The financial statements were presented fairly and unmodified. The emphasis of the matter included the Santana Textile note receivable, as the EEDC has a pending receivable in the net amount of $13,640,004.

The balance sheet as of September 30, 2020 was presented, which included $33,707,262 in total assets. It was stated most of the assets amount is from cash and cash equivalents, restricted cash, and the Santana Textiles note receivable. The total liabilities are $126,582, which includes management fees and payroll as of September 30, 2020. The total fund balance is $33,580,680.

The statement of revenues, expenditures, and changes in fund balances (governmental funds) for the year includes $8,090,472 in total revenues and $7,908,967 in total expenditures. There were other financial resources from sale of real and personal property in the amount of $1,156, resulting in a total change for the year of $182,661. The beginning fund balance (October 1) was $33,398,019 and the end fund balance (September 30) was $33,580,680.

Regarding the government wide financial statements, the statement of net position was presented which included total assets in the amount of $39,962,946, total deferred outflows of $155,775, total liabilities of $27,765,434, and total deferred inflows of $50,496. The ending net position was $12,302,791.

The statement of activities for the year ended September 30, 2020 includes total expenses of $6,870,773, charges for services of $136,160, total general revenues of $7,954,312, resulting in a positive change in net position of $1,219,699. The beginning net position was $12,026,529, a prior period adjustment for ($943,437), resulting in an ending net position of $12,302,791.

The independent audit report's internal control over financing reporting indicated the auditors do not express an opinion on the effectiveness of the EDC's internal control. The auditors did not identify any items that were significant deficiencies or material weakness during the audit procedures.

Lastly, the schedule of findings was presented which included summary of the auditor's results. The management recommendations were for management and staff to keep the fixed asset up to date on an annual basis and transition EEDC financials into the City's financial software.

City Manager, Ron Garza, stated city staff is working on fully transitioning financials into InCode, the city's financial software.

MOTION TO ACCEPT THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION 2020 AUDIT WAS MADE BY TREASURER AARON RIVERA AND SECONDED BY DIRECTOR RAUL RESENDEZ. MOTION CARRIED UNANIMOUSLY.

B. Discussion and possible action regarding real property Independence Dr. - Lot 9, North Industrial Park Edinburg, Hidalgo, County, Texas.

EDD Director, Blanca Davila, notified the board an offer for the 3.55 acres of real property Independence Dr. - Lot 9 was received from Campos Bros Produce LLC. Campos Bros Produce LLC is proposing to build a 20,000 SF cold storage facility on the property and create 15 full-time jobs. There is a capital investment of $2,477,500.

MOTION TO MOVE ACTION ITEM B INTO EXECUTIVE SESSION FOR FURTHER DISCUSSION WAS MADE BY TREASURER AARON RIVERA AND SECONDED BY DIRECTOR SABRINA WALKER HERNANDEZ. MOTION CARRIED UNANIMOUSLY.

6. EXECUTIVE SESSION

The EEDC will convene in Executive Session, in accordance with the Texas Open Meetings Act Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings Be Open. The EEDC May Elect to Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

A. Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

The EDC Board entered Executive Session at 4:17 PM.

MOTION TO ENTER EXECUTIVE SESSION WAS MADE BY TREASURER AARON RIVERA AND SECONDED BY DIRECTOR SABRINA WALKER HERNANDEZ AT 4:17 PM. MOTION CARRIED UNANIMOUSLY.

During further review of the items in Executive Session, any of the items will be brought back into Open Session if necessary, for open discussion.

7. OPEN SESSION

The EEDC will convene in Open Session to take necessary action, if any, in accordance with Chapter 511, Open meetings, Subchapter E, Procedures Relating to Closed Meeting §551.102, Requirement to Vote or Take Final Action in Open Meeting.

The EDC Board reconvened for open session at 4:42 PM.

MOTION TO OPEN SESSION WAS MADE BY DIRECTOR SABRINA WALKER HERNANDEZ AND SECONDED BY TREASURER AARON RIVERA AT 4:42 PM. MOTION CARRIED UNANIMOUSLY.

A. **Discussion and possible action regarding real property Independence Dr. - Lot 9, North Industrial Park Edinburg, Hidalgo, County, Texas.**

MOTION TO AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO A CONTRACT FOR REAL ESTATE AS DISCUSSED WAS MADE BY DIRECTOR SABRINA WALKER HERNANDEZ AND SECONDED BY TREASURER AARON RIVERA. MOTION CARRIED UNANIMOUSLY.

B. Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

MOTION FOR STAFF TO EXECUTE A CONTRACT FOR REAL PROPERTY WAS MADE BY TREASURER AARON RIVERA AND SECONDED BY DIRECTOR SABRINA WALKER HERNANDEZ. MOTION CARRIED UNANIMOUSLY.

MOTION FOR STAFF TO PROCEED WITH THE ACQUISITION OF REAL PROPERTY WAS MADE BY DIRECTOR SABRINA WALKER HERNANDEZ AND SECONDED BY TREASURER AARON RIVERA. MOTION CARRIED UNANIMOUSLY.

8. ADJOURNMENT

There being no further business to consider, the meeting was adjourned at 4:44 PM.

MOTION TO ADJOURN MEETING WAS MADE BY DIRECTOR SABRINA WALKER HERNANEZ AND SECONDED BY TREASURER AARON RIVERA AT 4:44 PM. MOTION CARRIED UNANIMOUSLY.

Leticia Pantoja Digitally signed by Leticia Pantoja
Date: 2021.03.26 16:02:10 -05'00'

Minutes Transcribed by: Leticia Pantoja

Edinburg Economic Development Corporation
Meeting Date:March 30, 2021

Consider approval of financial report for February 2021.

1. **Agenda Item:**
   Consider approval of financial report for February 2021.
2. **Description/Scope:**
   Cris Villarreal, CPA, will provide a financial report for February 2021.
3. **Estimated Timeline:**
   Monthly.
4. **Budget:**
   N/A
5. **Procurement/Selection Process:**
   N/A
6. **Staff's Recommendation:**
   Staff recommends approval.
7. **Justification:**
   N/A

____
Blanca Davila
Director of Economic Development

ATTACHMENTS
Attachment A: February 2021 Financial Report

Approved:	_________
Not Approved:	_________
Tabled:	_________
No Action:	

Management Report

Edinburg Economic Development Corporation
For the period ended February 28, 2021

Prepared on
March 24, 2021

No assurance is provided on these financial statements.

Table of Contents

Edinburg Economic Development Corporation
Statement of Cash Receipts, Disbursements, and Cash Balances - Unrestricted Cash
For the Period Ending Fiscal Year 2021

	October	November	December	January	February	March	April	May	June	July	August	September	Year-to-Date Actual	Annual Budget	% to Date	Remaining Budget Balance
CASH RECEIPTS:																
1/2 Cent Sales Tax Revenue	$ -	$ 1,178,534	$ 548,456	$ 566,005	$ 754,719	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,047,714	$ 6,500,000	47%	$ (3,452,286)
Lease Payments	5,286	8,609	8,087	8,486	6,686	-	-	-	-	-	-	-	37,154	48,000	77%	(10,846)
Sale of Property and Other Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-
Investment Interest	1,714	1,872	1,573	1,508	505	-	-	-	-	-	-	-	7,172	25,000	0%	(17,828)
Transfer in Restricted Accounts, net	-	-	-	-	1,495,686	-	-	-	-	-	-	-	1,495,686	4,139,638	36%	(2,643,952)
Interest Earned in Restricted Funds	(1,714)	(1,505)	(1,349)	(1,277)	(236)	-	-	-	-	-	-	-	(6,081)	-	0%	(6,081)
TOTAL CASH RECEIPTS	5,286	1,187,510	556,767	574,722	2,257,360	-	-	-	-	-	-	-	4,581,645	10,712,638	43%	(6,130,993)
CASH DISBURSEMENTS																
Personnel Expenses																
Salaries, Benefits & Taxes	-	-	-	250,000	-	-	-	-	-	-	-	-	250,000	300,000	83%	(50,000)
Taxes and Benefits	-	-	-	-	-	-	-	-	-	-	-	-	-	80,000	0%	(80,000)
Vehicle Allowance	-	-	-	-	-	-	-	-	-	-	-	-	-	5,000	0%	(5,000)
Total Personnel Expenses	-	-	-	250,000	-	-	-	-	-	-	-	-	250,000	385,000	65%	(135,000)
Contractual & Maintenance Services																
Professional Services	-	100	5,820	-	-	-	-	-	-	-	-	-	5,920	300,000	2%	294,080
Administrative Services FY20	-	-	126,582	-	-	-	-	-	-	-	-	-	126,582	126,582	100%	-
Printing	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000	0%	25,000
Travel,Training, Conference	500	-	-	-	-	-	-	-	-	-	-	-	500	80,000	0%	79,500
Membership Dues/Subscriptions	-	32	100	-	-	-	-	-	-	-	-	-	132	30,000	0%	29,868
File Storage Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	0%	20,000
Equipment Leasing	(323)	1,355	989	320	320	-	-	-	-	-	-	-	2,661	40,000	7%	37,339
Total Contractual & Maintenance Services	177	1,487	133,491	320	320	-	-	-	-	-	-	-	135,795	621,582	22%	485,787
Supplies																
Office Supplies	-	-	88	-	30	-	-	-	-	-	-	-	118	10,000	1%	9,882
Computer Software Expense	1,559	-	(1,281)	-	-	-	-	-	-	-	-	-	278	15,000	2%	14,722
Continuing Education	-	-	-	-	-	-	-	-	-	-	-	-	-	30,000	0%	30,000
Food	-	-	-	-	-	-	-	-	-	-	-	-	-	15,000	0%	15,000
Ofice Equipment & Furniture	-	-	-	-	-	-	-	-	-	-	-	-	-	30,000	0%	30,000
Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000	0%	20,000
Total Supplies	1,559	-	(1,193)	-	30	-	-	-	-	-	-	-	396	120,000	0%	119,604
Programs																
Workforce Training	-	-	-	5,258	-	-	-	-	-	-	-	-	5,258	200,000	3%	194,742
Marketing	89	178	3,000	178	5,589	-	-	-	-	-	-	-	9,034	200,000	5%	190,966
Sponsorship/Donations	-	1,500	25,000	-	-	-	-	-	-	-	-	-	26,500	75,000	35%	48,500
Legislative	-	-	-	-	-	-	-	-	-	-	-	-	-	90,000	0%	90,000
Research, Feasibility Studies, Reports	-	-	-	40,250	1,000	-	-	-	-	-	-	-	41,250	100,000	41%	58,750
Small Business Grants Program	-	-	-	-	-	-	-	-	-	-	-	-	-	200,000	0%	200,000
Total Programs	89	1,678	28,000	45,686	6,589	-	-	-	-	-	-	-	82,042	865,000	9%	782,958
Properties																
Property Taxes	-	-	70,541	-	-	-	-	-	-	-	-	-	70,541	100,000	71%	29,459
Purchase of Property	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000	0%	50,000
Utilities	(132)	3,150	1,975	1,179	177	-	-	-	-	-	-	-	6,349	25,000	25%	18,651
Existing Buildings - Improvements/Repairs	-	-	-	-	-	-	-	-	-	-	-	-	-	40,000	0%	40,000
Secruity Expense	-	-	-	-	-	-	-	-	-	-	-	-	-	2,000	0%	2,000
Industrial Park & Property Maintenance	722	995	-	-	548	-	-	-	-	-	-	-	2,265	10,000	23%	7,735
Total Properties	590	4,145	72,516	1,179	725	-	-	-	-	-	-	-	79,155	227,000	35%	147,845

Edinburg Economic Development Corporation
Statement of Cash Receipts, Disbursements, and Cash Balances - Unrestricted Cash
For the Period Ending Fiscal Year 2021

	October	November	December	January	February	March	April	May	June	July	August	September	Year-to-Date Actual	Annual Budget	% to Date	Remaining Budget Balance
Projects																
Economic Development Incentives	-	-	-	-	-	-	-	-	-	-	-	-	-	300,000	0%	300,000
Burns Brothers (La Sienna) 2015	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-
Vantage Ventures (DPS Facility) 2016	-	-	-	-	102,000	-	-	-	-	-	-	-	102,000	102,000	100%	-
Fiesta Nissan 2017	-	-	-	-	-	-	-	-	-	-	-	-	-	500,000	0%	500,000
GRH Investments 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000	0%	25,000
Oceangate Investments (Hilton Hotels) 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	250,000	0%	250,000
Haidar Properties (Walk-Ons) 2018	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000	0%	50,000
Auriel Investments (Shops @Tru) 2018	-	-	-	50,000	-	-	-	-	-	-	-	-	50,000	50,000	100%	-
TP UT RGV (Taco Palenque/Palenque Grill) 2019	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000	0%	50,000
Los Pinos Hardware 2019	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000	0%	25,000
First Hartford (The Shoppes at RGV) 2019	200,000	-	-	-	-	-	-	-	-	-	-	-	200,000	200,000	100%	-
Bond Projects																
North Park Project	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-
El Tule Center	-	-	-	-	-	-	-	-	-	-	-	-	-	2,487,155	0%	2,487,155
Resource Center	-	-	-	-	-	-	-	-	-	-	-	-	-	370,966	0%	370,966
Capable Kids	-	-	-	-	-	-	-	-	-	-	-	-	-	1,281,517	0%	1,281,517
Total Projects	200,000	-	-	50,000	102,000	-	-	-	-	-	-	-	352,000	5,691,638	6%	5,339,638
Debt Service																
Ebony Hills/BBVA	-	-	-	-	255,678	-	-	-	-	-	-	-	255,678	267,612	96%	11,934
Parks & Rec Bond/BBVA	-	-	-	-	505,324	-	-	-	-	-	-	-	505,324	528,428	96%	23,104
Santana Refund Bond/NY Mellon	-	-	-	-	391,616	-	-	-	-	-	-	-	391,616	671,264	58%	279,648
Arena Bond Shortage/Wells Fargo	-	-	-	-	964,212	-	-	-	-	-	-	-	964,212	1,000,000	96%	35,788
New Series 2019 Bonds/NY Mellon	-	-	-	-	246,088	-	-	-	-	-	-	-	246,088	757,175	33%	511,087
Total Debt Service	-	-	-	-	2,362,918	-	-	-	-	-	-	-	2,362,918	3,224,479	73%	861,561
TOTAL CASH DISBURSEMENTS	202,415	7,310	232,814	347,185	2,472,582	-	-	-	-	-	-	-	3,262,306	11,134,699	29%	7,737,393
INCREASE (DECREASE) IN UNRESTRICTED CASH	(197,129)	1,180,200	323,953	227,537	(215,222)	-	-	-	-	-	-	-	1,319,339	(422,061)		
Unrestricted Cash, beginning of period	5,437,203	5,240,074	6,420,274	6,744,227	6,971,764	6,756,542	6,756,542	6,756,542	6,756,542	6,756,542	6,756,542	6,756,542	5,437,203			
Unrestricted Cash, end of period	$ 5,240,074	$ 6,420,274	$ 6,744,227	$ 6,971,764	$ 6,756,542	$ 6,756,542	$ 6,756,542	$ 6,756,542	$ 6,756,542	$ 6,756,542	$ 6,756,542	$ 6,756,542	$ 6,756,542			

	October	November	December	January	February	March	April	May	June	July	August	September
SUPPLEMENTARY												
Cash - Unrestricted												
PCB-Operating: Non-Interest Bearing	$ 1,000,000	$ 2,178,534	$ 1,000,000	$ 1,556,997	$ 254,013	$ -	$ -	$ -	$ -	$ -	$ -	$ -
PCB-Sweep: Interest Bearing	4,240,074	4,241,740	5,744,227	5,414,766	6,502,529	-	-	-	-	-	-	-
Est. Annual Yield Rate	0.049%	0.049%	0.051%	0.051%	0.046%	*0.0000%*	*0.0000%*	*0.0000%*	*0.0000%*	*0.0000%*	*0.0000%*	*0.0000%*
Cash - Restricted												
Non Interest Bearing:												
PCB-New Series 19 Bond Debt Svc Fund	184,958	184,958	184,958	184,958	184,958	-	-	-	-	-	-	-
PCB-Debt Service	1,276,473	1,276,473	1,276,473	1,276,473	1,276,473	-	-	-	-	-	-	-
PCB-Revenue Account	549,402	549,402	549,402	549,402	549,402	-	-	-	-	-	-	-
TX National Bank	800,000	800,000	800,000	800,000	800,000	-	-	-	-	-	-	-
Interest Bearing:												
Greater State Bank-Construction	1,493,238	1,494,036	1,494,860	1,495,686	-	-	-	-	-	-	-	-
Est. Annual Yield Rate	*0.65%*	*0.65%*	*0.65%*	*0.65%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*
TexSTAR New Series 2019 Debt Srvc Rsrv Fund	774,877	774,937	774,982	775,020	775,040	-	-	-	-	-	-	-
Est. Annual Yield Rate	*1.3800%*	*1.1328%*	*0.81%*	*0.70%*	*0.40%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*
TexSTAR 19 Construction Fund	8,342,447	8,343,094	8,343,573	8,343,986	8,344,200	-	-	-	-	-	-	-
Est. Annual Yield Rate	*1.3800%*	*1.1328%*	*0.81%*	*0.70%*	*0.40%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*
Total Cash - Restricted & Unrestricted	$ 18,661,469	$ 19,843,174	$ 20,168,475	$ 20,397,288	$ 18,686,615	$ -	$ -	$ -	$ -	$ -	$ -	$ -

COMPARATIVE MONTHLY SALES TAX REVENUES - ACCRUAL BASIS - SUPPLMENTAL INFORMATION

******CASH IS RECEIVED TWO (2) MONTHS AFTER THE PERFORMING MONTH******

Month	Fiscal Year Ending 2021	Fiscal Year Ending 2020	Favorable (Unfavorable)	% Change
OCT.	$ 548,456	$ 539,764	$ 8,692	2%
NOV.	566,005	517,839	48,166	9%
DEC.	754,719	673,924	80,795	12%
JAN.	553,863	475,560	78,303	16%
FEB.		453,935		
MAR.		574,164		
APR.		497,295		
MAY		550,235		
JUN.		591,024		
JUL.		538,033		
AUG.		530,880		
SEP.		647,655		
TOTAL	$ 2,423,043	$ 6,590,308	$ 215,956	10%

Statement of Net Assets-Supplemental Information

As of February 28, 2021

	Total
ASSETS	
Current Assets	
Bank Accounts	
1000 Operating	
1001 4899-PCB-Operating	-500,705.75
1002 8602-PCB-Sweep Account-Int Bearing	6,502,529.05
Total 1000 Operating	**6,001,823.30**
1005 Restricted	
1004 4700-PCB-New Series 2019 Bond Debt Service Fund	184,957.95
1007 2281-PCB-Debt Service Account	1,276,473.28
1008 9056-PCB-Revenue Account	549,402.12
1010 TX National Bank	800,000.05
1019 TexSTAR New Series 2019 Debt Service Reserve Fund	775,040.10
1020 TexSTAR New Series 2019 Construction Fund	8,344,199.51
Total 1005 Restricted	**11,930,073.01**
Total Bank Accounts	**17,931,896.31**
Accounts Receivable	
1200 Accounts Receivable	2,426,832.74
Total Accounts Receivable	**2,426,832.74**
Other Current Assets	
1499 Undeposited Funds	754,718.71
Total Other Current Assets	**754,718.71**
Total Current Assets	**21,113,447.76**
Fixed Assets	
1505 Buildings	2,075,149.06
1525 Furniture & Equipment	41,061.96
1545 Land	4,984,282.56
1595 Accumulated Depreciation	-844,811.49
Total Fixed Assets	**6,255,682.09**
Other Assets	
1610 N/R - Santana $5MM	4,205,592.73
1620 N/R - Santana $10MM	9,434,410.73
1630 Allowance for Uncollectibles	-1,556,581.00
1980 Deferred Outflow with Pension	155,775.00
Total Other Assets	**12,239,197.46**
TOTAL ASSETS	**$39,608,327.31**

	Total
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2113 2014A Ebony Hills Current	245,000.00
2117 2014B Parks & Rec Current	490,000.00
2123 2015 Bonds Current	115,000.00
2135 Series 2019 Bond	265,000.00
2250 Deferred Inflows Related to Pensions	50,496.00
Total Other Current Liabilities	**1,165,496.00**
Total Current Liabilities	**1,165,496.00**
Long-Term Liabilities	
2513 2014A Ebony Hills Long Term	520,000.00
2517 2014B Parks & Rec Long Term	1,030,000.00
2523 2015 Bonds Long Term	13,010,000.00
2530 New Series 2019 Bond	10,445,000.00
2595 Net Pension Liability	584,135.00
2597 Net OPEB Liability	109,717.00
Total Long-Term Liabilities	**25,698,852.00**
Total Liabilities	**26,864,348.00**
Equity	
3005 Net Investment & Capital Assets	4,080,684.00
3100 Fund Balance	-4,245,994.34
3200 Retained Earnings	0.00
3850 Restricted for Capital Acquisition	8,341,632.00
3860 Restricted for Debt Service	3,036,233.00
3890 Restricted for Other Purposes	2,041,816.00
Net Income	-510,391.35
Total Equity	**12,743,979.31**
TOTAL LIABILITIES AND EQUITY	**$39,608,327.31**

A/R Aging Summary-Supplemental Information

As of February 28, 2021

	Current	1 - 30	31 - 60	61 - 90	91 and over	Total
City of Edinburg	553,863.04					553,863.04
Mercurio Semiconductor		900.00	900.00			1,800.00
Nu-Co Tool					127,633.60	127,633.60
Santana Textiles						0.00
Santana 10		37,187.30	37,056.06	36,925.29	991,552.86	1,102,721.51
Santana 5		16,604.42	16,545.82	16,487.43	449,680.36	499,318.03
Santana Late Fees		4,337.43	4,337.43	4,337.43	128,484.27	141,496.56
Total Santana Textiles		**58,129.15**	**57,939.31**	**57,750.15**	**1,569,717.49**	**1,743,536.10**
TOTAL	**$553,863.04**	**$59,029.15**	**$58,839.31**	**$57,750.15**	**$1,697,351.09**	**$2,426,832.74**

Edinburg Economic Development Corporation
Meeting Date:March 30, 2021

Consider approval of Amendment Five of the Interlocal Agreement between the Lower Rio Grande Valley Development Council, City of Edinburg, and Edinburg Economic Development Corporation for the joint development of the Edinburg Transit Terminal.

1. **Agenda Item:**
   Consider approval of Amendment Five of the Interlocal Agreement between the Lower Rio Grande Valley Development Council, City of Edinburg, and Edinburg Economic Development Corporation for the joint development of the Edinburg Transit Terminal.
2. **Description/Scope:**

March 31, 2014:

The LRGVDC and the EEDC entered into an interlocal agreement to construct the Edinburg Multimodal Transit facility (transit station, office space, retail space) on property owned by the EEDC. EEDC property was appraised at $675,000 and served as land match. LRGVDC applied for a Federal Transit Administration (FTA) grant of approximately $2,700,000.

December 2, 2014:

The LRGVDC, EEDC, and City of Edinburg entered into a new interlocal agreement for the joint development and construction of the Edinburg Transit Terminal and parking facility on December 2, 2014. The City of Edinburg was included to procure design and construction services and serve as project management. The agreement was set to expire on May 30, 2016.

June 28, 2016:

Amendment one was approved for additional professional services and construction as additional FTA funds were received in the amount of $1,652,955. EEDC provided a cash match in the amount of $413,239.

May 16, 2017:

Amendment two was approved for the extension of the expiration date of agreement to June 30, 2018.

October 2, 2018:

Amendment three was approved for the extension of the expiration date of agreement to June 30, 2019.

February 4, 2020:

Amendment four was approved for the extension of the expiration date of the agreement to June 30, 2020 as additional FTA funds were received in the amount of $800,000. EEDC provided a cash match of $200,000.

2021:

All parties are requesting amendment five to the interlocal agreement to reflect the expiration date of June 30, 2022 and to include additional funds that have been awarded through the FTA in the amount of $800,000 with a $200,000 local match from the EEDC previously included in amendment four.

3. **Estimated Timeline:**
   Amendment five will extend the interlocal agreement expiration date from June 30, 2020 to June 30, 2022.

4. **Budget:**
   EEDC has provided the total cash match of $613,239 to LRGVDC.

   - Amendment one - $413,239.00 paid on December 23, 2016.
   - Amendment four - $200,000.00 paid on March 27, 2020.

5. **Procurement/Selection Process:**
   Interlocal agreement between LRGVDC, City of Edinburg, and EEDC.

6. **Staff's Recommendation:**
   Staff recommends approval.

7. **Justification:**
   Amendment five will allow for the completion of the interlocal agreement to build a transit terminal and parking facility. This project will increase visibility use of transit services, provide increased mobility and access for the elderly and disabled, improve safety, generate economic activity, and enhance Edinburg's downtown area.

____
Blanca Davila
Director of Economic Development

ATTACHMENTS

Attachment A: Transit Interlocal Agreement
Attachment B: Transit Interlocal Agreement Amendment One
Attachment C: Transit Interlocal Agreement Amendment Five

Approved:	________
Not Approved:	________
Tabled:	________
No Action:	

THE STATE OF TEXAS §
§
THE COUNTY OF HIDALGO §

INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, CITY OF EDINBURG, AND THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION FOR JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL

This agreement is entered into this 2nd day of December, 2014 by and between the **Lower Rio Grande Valley Development Council**, hereinafter called the "**LRGVDC**", the **City of Edinburg**, hereinafter called "**EDINBURG**", and the **Edinburg Economic Development Corporation**, hereinafter called "**EEDC**". All three agencies will be collectively referred to as the "**PARTIES**" created und the Texas Development Corporation Act, Texas Local Government Code Section 501 et seq, as amended (hereinafter the "**Act**").

RECITALS

WHEREAS, the LRGVDC is the designated recipient for Federal Transit Administration (FTA) funds in the McAllen and Harlingen Urbanized Areas; and

WHEREAS, the LRGVDC currently provides public transportation to the City of Edinburg through Valley Metro; and

WHEREAS, the PARTIES desire to cooperate in the joint development and construction of a transit terminal and parking facility in Edinburg, Texas as described in FTA Grant #TX-90-Y057; and

WHEREAS, this project will improve the visibility and use of transit services, provide increased mobility and access for the elderly and disabled, improve safety, generate economic activity, enhance the value of local property, and is the second project of the Downtown Revitalization Streetscape; and

NOW, THEREFORE, In consideration of the premises and of the mutual covenants hereinafter set forth, LRGVDC, EDINBURG, and EEDC hereto agree as follows.

ARTICLE 1. AGREEMENT

1. EDINBURG will procure all services needed to complete the project through the design and construction phases, the value of which shall not exceed the amount of funding available in the grant. LRGVDC must review procurement documents prior to publication.

2. EDINBURG will provide project management of the contractors secured through the procurement process, including but not limited to: ensuring adherence to budget and milestones, compliance with all FTA and other regulations, coordination of payments, adherence to best practices and industry standards, and reporting. EDINBURG will ensure that its employees or contractor employees do not in any way represent themselves as having any employer/employee relationship with the LRGVDC.

3. EDINBURG agrees to hold the LGRVDC harmless against any and all claims, liability, demands, expenses, and causes of action of any kind arising from this project, including any claims arising from termination before the end of the term.

4. LRGVDC agrees to hold EDINBURG harmless against any and all claims, liability, demands, expenses, and causes of action of any kind arising from this project, including any claims arising from termination before the end of the term.

5. EDINBURG agrees to follow all Federal Transit Administration and Texas Department of Transportation policies and guidelines, including adhering to the Davis-Bacon Act. EDINBURG will not undertake any activity that may cause LRGVDC to violate any provision of FTA's certifications and assurances.

6. EDINBURG will submit monthly requests for payment with supporting documentation by the 30th day of the month. Each request will be on letterhead signed by an individual with the authority to request payment, and will contain:

1. A summary table of the total amount requested for payment and a line item description of each activity for which payment is being requested.

2. A narrative and data table describing progress made on the project.

3. Documentation of any expense made. (All expenses must be incurred only after the effective date of this agreement.)

7. EDINBURG will maintain records of all documents and materials related to this project indefinitely. EDINBURG agrees to allow LRGVDC to inspect and evaluate the work performed and any records under this agreement.

8. EDINBURG and LRGVDC will insure that the contractor will be responsible for maintaining, preserving, and protecting all construction funded through this agreement and will maintain insurance coverage for any and all claims of liability.

9. EDINBURG will indicate, both on-site and in any publicity associated with it, that the project was made possible through a partnership between EDINBURG, EEDC, LRGVDC – Valley Metro, and the FTA.

10. EDINBURG must ensure payment for all expenses it incurs prior to requesting reimbursement from the LRGVDC. LRGVDC will request funding reimbursements from FTA for eligible activities under this project only when supporting documentation is provided by EDINBURG showing that the activity has been completed and payment

was made. Reimbursement requests will occur on a monthly basis. EDINBURG will receive payments for its services only after reimbursements are received from FTA. EDINBURG acknowledges that project funds will be paid by FTA to LRGVDC upon successful requests for reimbursement. LRGVDC is in no way responsible for any non-payment of funds.

11. LRGVDC will perform all grant administration activities for this project. It will submit project reports, financial reports, milestones, and other required information to FTA.

12. The LRGVDC and the EEDC agree that the EEDC shall be able to provide for any maintenance cost overruns or any costs that are not reimbursed by the FTA for the Project from the leased payments to be received by both the LRGVDC and the EEDC from the office space they will both lease to third parties at the transit terminal and parking facility.

13. LRGVDC will withhold payments if satisfactory progress in meeting project milestones is not shown. Milestones are described in the FTA grant.

14. The PARTIES will provide formal input and select all architectural, engineering, and construction services procured as part of the project. A selection committee shall be formed for this purpose.

15. The PARTIES will provide input, through a formal and documented process, on all elements of the project, including aesthetics and functional design. The PARTIES must jointly agree, through signatures on plans, layouts, elevations and similar documents, in all decisions made in this regard. The PARTIES will each have one vote in this process.

16. THE PARTIES will, upon project commencement, form a committee of at least two staff members from each organization, and consultant engineer and contractor, that will meet periodically to provide project updates, request information, provide technical assistance, and engage in project oversight.

17. LRGVDC will operate the facility, maintain, all operational cost, and insure satisfactory continuing control as required by FTA guidelines.

ARTICLE 2. CONTRACT AMOUNT

The maximum amount of FTA funds payable to EDINBURG will be **$2,700,000.**

ARTICLE 3. TERM

The term of this Interlocal Agreement begins when signed by both parties and automatically expires on May 30, 2016 or the opening date as agreed to by the PARTIES. This agreement may be amended or extended upon mutual agreement of the PARTIES.

ARTICLE 4. TERMINATION

1. The PARTIES may terminate this agreement by giving notice in writing at least ninety (90) days prior to the effective date of termination to the other PARTIES. The notice will specify the effective date of termination, the reason for the termination, and other termination instructions.

2. In the event of termination for convenience, none of the PARTIES shall be subject to additional liability except as otherwise provided in this agreement.

3. Upon termination of this grant agreement, whether for cause or at the convenience of the parties hereto, title to all property and equipment will be disposed of according to FTA rules and regulations. EDINBURG will be wholly responsible for any reimbursements due to FTA.

ARTICLE 5. NOTICES

Except as otherwise provided in this section, all notices, consents, approvals, demands, requests or other communications provided for or permitted to be given under any of the provisions of this Contract shall be in writing and shall be deemed to have been duly given or served when delivered by hand delivery or when deposited in the U.S. mail by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

If to EDINBURG:
City of Edinburg
ATTN: Ramiro Garza
City Manager
415 W. University Dr.
Edinburg, TX 78541
Phone: (956) 388-8207
Email: rgarza@cityofedinburg.com

If to LRGVDC: LRGVDC
ATTN: Ken Jones
Executive Director
301 W. Railroad St..
Weslaco, TX 78596
Phone: (956) 682-3481
Email: knjones@lrgvdc.org

If to EEDC Edinburg Economic Development Corporation
ATTN: Agustin "Gus" Garcia
Executive Director
101 N. 10th Avenue
Edinburg, TX 78541
Phone: (956) 383-7124
Email: gus@edinburgedc.com

or such other person or address as may be given in writing by either party to the other in accordance with this Section.

THEREFORE, witness our signatures binding EDINBURG, LRGVDC, and EEDC this 2nd day of December, 2014.

CITY OF EDINBURG, TEXAS

BY: ____________________
Ramiro Garza, Jr.
City Manager

EDINBURG EDC

BY: ____________________
Augustin Garcia
Executive Director

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

BY: ____________________
Kenneth N. Jones,
Executive Director

APPROVED AS TO FORM:
PALACIOS, GARZA & THOMPSON P.C.

____
City Attorney

APPROVED AS TO FORM:

____
Cynthia Contreras Gutierrez, EEDC Attorney

ATTEST

By: ______________________________
Mayor Chris Boswell, LRGVDC Board President

THE STATE OF TEXAS	§	AMENDMENT NUMBER 1 TO THE INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, CITY OF EDINBURG, AND THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION FOR JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL
COUNTY OF HIDALGO	§	
SERVICE CONTRACT	§	

AMENDMENT NUMBER 1
TO THE INTERLOCAL AGREEMENT FOR THE JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL

This first Amendment to Agreement is entered into by and between **Lower Rio Grande Valley Development Council**, hereinafter called the "**LRGVDC**", the **City of Edinburg**, hereinafter called "**EDINBURG**", and the **Edinburg Economic Development Corporation**, hereinafter called "**EEDC**".

RECITALS

WHEREAS, on December 02, 2014 the LRGVDC, EDIBNURG, and EEDC approved an Interlocal Agreement for the Joint Development and construction of the Edinburg Transit Terminal (hereinafter referred to as "the Agreement") and is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the LRGVDC, EEDC, and the City determined that additional facilities are needed to complete the function of the Project as a multi-use facility and instructed the consulting Architect to make such provisions. As such, the LRGVDC requested additional professional service and construction funds through the FTA and was awarded additional funds in the amount of $1,652,955 (bringing total funds awarded through FTA in the amount of $4,352,955) with a required local cash match in the amount of $413,239; and

WHEREAS all parties desire to amend the Interlocal Agreement to reflect the additional funding amount by the FTA through the LRGVDC, restate the land match by the EEDC, and provide for the additional local cash match to be paid by the EEDC.

NOW, THEREFORE, the Agreement, is hereby amended by amending the following articles, and will read in their entirety as follows:

ARTICLE 2. CONTRACT AMOUNT

The maximum amount of FTA Funds Payable to EDINBURG will be **$4,766,194** with the local match provided by EEDC in the amounts of **$675,000** (Land Match) and **$413,239** (Cash Match) as stated in "Exhibit "B".

ARTICLE 3. TERM

The term of this Interlocal Agreement begins when signed by both parties and automatically expires on May 30, 2017 as agreed to by the PARTIES. This agreement may be amended or extended upon mutual agreement of the PARTIES.

All other provisions of the Agreement not specifically in conflict with this Amendment Number 1, shall remain the same.

This first Amendment to Agreement is signed below by the duly authorized representative of the parties.

EXECUTED by the parties in triplicate originals on this 28th day of June, 2016.

CITY OF EDINBURG:

BY: ______________________________
Richard M. Hinojosa, City Manager

ATTEST:

BY: ______________________________
Myra L. Ayala Garza, City Secretary

CITY OF EDINBURG, TEXAS

APPROVED AS TO FORM:

PALACIOS, GARZA & THOMPSON P.C.

BY: ______________________________
City Attorney

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

____
Agustin "Gus" Garcia, Executive Director

APPROVED AS TO FORM:
VELA LAW FIRM

Aaron Vela

Aaron N Vela, CPA, JD, EEDC Attorney

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

BY: ______________________
Kenneth N. Jones, Executive Director

ATTEST:

BY: ______________________
Mayor, Tony Martinez, LRGVDC Board President

ATTACHMENTS: Exhibit A: Original Interlocal Agreement
Exhibit B: Additional Funds Approval Letter from LRGVDC
Exhibit C: Federal Transit Administration Certifications and Assurances
Exhibit D: City of Edinburg Title VI

EXHIBIT "A" TO THE INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, CITY OF EDINBURG, AND THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION FOR JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL

EXHIBIT "B" TO THE INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, CITY OF EDINBURG, AND THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION FOR JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL

Exhibit "B"

Lower Rio Grande Valley Development Council

June 6, 2016

Richard M. Hinojosa
City Manager
City of Edinburg
415 W. University
Edinburg, Texas 78540

Re: Edinburg Transit Terminal Project

Dear Mr. Hinojosa,

On behalf of the Lower Rio Grande Valley Development Council (LRGVDC) – Valley Metro, we are glad to inform you that the additional funding for the Edinburg Transit Terminal Project has been approved by the Federal Transit Administration (FTA) in the amount of $1,652,955 and a required local match of $413,239. Listed below is the total project break down amount:

Initial Project Funds

Fiscal Year	FTA Amount	Local Amount	Total Amount
FY 2011 & FY 2012	$2,700,000	$675,000 (Land Match)	$2,700,000

Additional Project Funds

Fiscal Year	FTA Amount	Local Amount	Total Amount
FY 2015	$1,652,955	$413,239 (cash)	$2,066,194

Total Project Amount

Fiscal Year	FTA Amount	Local Amount	Total Amount
FY 2011, 2012, 2015	$4,352,955	$413,239 (cash)	$4,766,194

As per our agreement, the Edinburg Economic Development Corporation will need to pay the local match in order to request reimbursements for this project.

We want to thank the City, Edinburg EDC, and your staff for your partnership and taking the role of program manager for this project and we look forward in working with you on this project.

MAIN OFFICE * 301 W. Railroad St. * Weslaco, TX * 78596 * TEL: (956) 682-3481 * FAX: (956) 631-4670
TTY FOR HEARING IMPAIRED: 1-800-735-2989
WEBSITE: www.lrgvdc.org

Should there be any questions, please do not hesitate to contacting Tom Logan at (956)969-5761 or myself at your convenience.

Sincerely,

Ron Garza
LRGVDC Deputy Executive Director

Cc: *Ponicano N. Longoria, City of Edinburg Director of Public Works*
Tom Reyna, City of Edinburg Assistant Director of Public Works
Agustin Garcia, EEDC Executive Director
Tom Logan, Valley Metro Director
Victor Morales, Procurement Director
Crystal Balboa, Finance Director

EXHIBIT "C" TO THE INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, CITY OF EDINBURG, AND THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION FOR JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL

Exhibit "C"

FTA FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES

PREFACE

Except as the Federal Transit Administration (FTA or We) determines otherwise in writing, before FTA may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, or loan guarantee, certain pre-award Certifications and Assurances are required. The Applicant must authorize a representative (Authorized Representative) to select and sign its Certifications and Assurances and bind the Applicant's compliance. You, as your Applicant's Authorized Representative, must select and sign all Certifications and Assurances that your Applicant must provide to support each application it submits to FTA for federal assistance during federal fiscal year (FY) 2016.

We request that you read each Certification and Assurance and select those that will apply to any application for which your Applicant might seek federal assistance from FTA during FY 2016. As provided by federal laws, regulations, and requirements, only if you select adequate Certifications and Assurances on your Applicant's behalf may FTA award federal assistance.

We have consolidated our Certifications and Assurances into twenty-three (23) Categories. At a minimum, you must select the Assurances in Category 01. If your Applicant requests more than $100,000 in federal assistance, you must select the "Lobbying" Certification in Category 02, except if your Applicant is an Indian tribe, Indian organization, or an Indian tribal organization. Depending on the nature of your Applicant and the Award it seeks, you may also need to select one or more Certifications and Assurances in Categories 03 through 23. Instead of selecting individual Categories of Certifications and Assurances, however, you may make a single selection that will encompass all twenty-three (23) Categories of Certifications and Assurances that apply to our various programs.

FTA, your Applicant, and you, as your Applicant's Authorized Representative, understand and agree that not every provision of these twenty-three (23) Categories of Certifications and Assurances will apply to every Applicant or every Award or Project included in an Award, even if you make a single selection encompassing all twenty-three (23) Categories. Nor will every provision of each Certification or Assurance within a single Category apply if that provision does not apply to your Applicant or the Award it seeks. The type of Applicant and its application will determine which Certifications and Assurances apply.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected that apply to its Award, itself, any Subrecipient, or any other Third Party Participant in its Award, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, *but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant as necessary to assure your Applicant's compliance with the applicable Certifications and Assurances selected on its behalf.*

Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities that each member will perform and the extent to which each member will be responsible for compliance with the Certifications and Assurances selected on its behalf. You also must identify each member's role in the Award, whether as a Recipient, Subrecipient, Third Party Contractor, or other Third Party Participant.

It is important that your Applicant and you also understand that these Certifications and Assurances are pre-award requirements, generally imposed by federal law or regulation, and do not include all federal requirements that may apply to it or its Award. We expect you to submit your Applicant's FY 2016 Certifications and Assurances and its applications for federal assistance in FTA's electronic award and management system, currently the Transit Award Management System (TrAMS). You must be registered in TrAMS to submit to FTA your Applicant's FY 2016 Certifications and Assurances. TrAMS contains fields for selecting among the twenty-three (23) Categories of Certifications and Assurances and a designated field for selecting all twenty-three (23) Categories of Certifications and Assurances. If FTA agrees that you are unable to submit your Applicant's FY 2016 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Categories of Certifications and Assurances that you are submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- *The Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015,*
- *The Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law No. 112-141, July 6, 2012, as amended by the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, Public Law No. 114-41, July 31, 2015 and other authorizing legislation to be enacted,*
- *FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by the FAST Act cross-cutting requirements that apply, and*
- *Appropriations Acts or Continuing Resolutions funding the U.S. Department of Transportation during Fiscal Year 2016.*

FTA FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES

CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

Before FTA may provide federal assistance for your Applicant's Award, you must select the Certifications and Assurances in Category 01 in addition to any other Certifications and Assurances that you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 01 that does not apply will not be enforced.

01.A. Certification and Assurance of Authority of the Applicant and Its Authorized Representative.

You certify and affirm that in signing these Certifications, Assurances, and Agreements, both you, as your Applicant's Authorized Representative, and your Applicant's attorney who is authorized to represent your Applicant in legal matters, may undertake the following activities on your Applicant's behalf, in compliance with applicable state, local, or Indian tribal laws, regulations, and requirements and its by-laws or internal rules:

1. Execute and file its application for federal assistance,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute its Grant Agreement, Cooperative Agreement, Loan, Loan Guarantee, or Line of Credit, for which the Applicant is seeking federal assistance from FTA,
4. Comply with applicable federal laws, regulations, and requirements, and
5. Follow applicable federal guidance.

01.B. Standard Assurances.

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable federal laws, regulations, and requirements in implementing its Award.
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with FTA for each Award, including the FTA Master Agreement and other documents incorporated by reference and made part of its Grant Agreement or Cooperative Agreement, or latest amendment thereto.
3. It recognizes that federal laws, regulations, and requirements may be amended from time to time and those amendments may affect the implementation of its Award.
4. It understands that Presidential executive orders and federal guidance, including federal policies and program guidance, may be issued concerning matters affecting it or its Award.

5. It agrees that the most recent federal laws, regulations, requirements, and guidance will apply to its Award, except as FTA determines otherwise in writing.
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the federal assistance for those programs was appropriated or made available.

01.C. Intergovernmental Review Assurance.

(This assurance in this Category 01.C does not apply to an Indian tribe, an Indian organization, or an Indian tribal organization that applies for federal assistance made available under 49 U.S.C. § 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for federal assistance to the appropriate state and local agencies for intergovernmental review.

01.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. It will comply with the following laws, regulations, and requirements so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in, any U.S. DOT or FTA assisted program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age including:
   a. Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity),
   b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d,
   c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, *et seq.*,
   d. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*,
   e. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
   f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
   g. Any other applicable federal statutes that may be signed into law, federal regulations that may be issued, or federal requirements that may be imposed.
2. It will comply with federal guidance implementing federal nondiscrimination laws, regulations, or requirements, except as FTA determines otherwise in writing.

3. As required by 49 CFR § 21.7:
   a. It will comply with 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 in the manner that:
      (1) It implements its Award,
      (2) It undertakes property acquisitions, and
      (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Award.
   b. This assurance applies to its Award and to all parts of its facilities, as well as its facilities used to implement its Award.
   c. It will promptly take the necessary actions to carry out this assurance, including the following:
      (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
      (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.
   d. If it transfers U.S. DOT or FTA assisted real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
      (1) While the property is used for the purpose that the federal assistance is extended, or
      (2) While the property is used for another purpose involving the provision of similar services or benefits.
   e. The United States has a right to seek judicial enforcement of any matter arising under:
      (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
      (2) U.S. DOT regulations, 49 CFR part 21, or
      (3) This assurance.
   f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
      (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
      (2) U.S. DOT regulations, 49 CFR part 21, and
      (3) Federal transit law, 49 U.S.C. § 5332.
   g. It will comply with applicable federal guidance issued to implement federal nondiscrimination requirements, except as FTA determines otherwise in writing.
   h. It will extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
      (1) Subrecipient,
      (2) Transferee,
      (3) Third Party Contractor or Subcontractor at any tier,
      (4) Successor in Interest,
      (5) Lessee, or

(6) Other Participant in its Award, except FTA and the Applicant (and later, the Recipient).

i. It will include adequate provisions to extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each third party agreement, including each:

(1) Subagreement at any tier,

(2) Property transfer agreement,

(3) Third party contract or subcontract at any tier,

(4) Lease, or

(5) Participation agreement.

j. The assurances you have made on your Applicant's behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:

(1) Federal assistance is provided for its Award,

(2) Its property acquired or improved with federal assistance is used for a purpose for which the federal assistance is extended, or for a purpose involving similar services or benefits,

(3) It retains ownership or possession of its property acquired or improved with federal assistance provided for its Award, or

(4) FTA may otherwise determine in writing.

4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR § 27.9, and consistent with 49 U.S.C. § 5332, you assure that:

a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4.b of this Category 01.D Assurance, of which compliance is a condition of approval or extension of any FTA assistance awarded to:

(1) Construct any facility,

(2) Obtain any rolling stock or other equipment,

(3) Undertake studies,

(4) Conduct research, or

(5) Participate in any benefit or obtain any benefit from any FTA administered program.

b. In any program or activity receiving or benefiting from federal assistance that U.S. DOT administers, no qualified individual with a disability will, because of his or her disability, be:

(1) Excluded from participation,

(2) Denied benefits, or

(3) Otherwise subjected to discrimination.

01.E. Suspension and Debarment Certification.

On behalf of your Applicant, you certify that:

1. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180.
2. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
   a. Are eligible to participate in covered transactions of any federal department or agency and are not presently:
      (1) Debarred,
      (2) Suspended,
      (3) Proposed for debarment,
      (4) Declared ineligible,
      (5) Voluntarily excluded, or
      (6) Disqualified.
   b. Within a three-year period preceding its latest application or proposal, its management has not been convicted of or had a civil judgment rendered against any of them for:
      (1) 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,
      (2) Violation of any federal or state antitrust statute, or
      (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property.
   c. It is 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 the preceding subsection 2.b of this Certification.
   d. It has not had one or more public transactions (federal, state, or local) terminated for cause or default within a three-year period preceding this Certification.
   e. If, at a later time, it receives any information that contradicts the preceding statements of subsections 2.a – 2.d of this Category 01.E Certification, it will promptly provide that information to FTA.
   f. It will treat each lower tier contract or subcontract under its Award as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
      (1) Equals or exceeds $25,000,
      (2) Is for audit services, or
      (3) Requires the consent of a federal official.

g. It will require that each covered lower tier contractor and subcontractor:
   (1) Comply and facilitate compliance with the federal requirements of 2 CFR parts 180 and 1200, and
   (2) Assure that each lower tier participant in its Award is not presently declared by any federal department or agency to be:
      (a) Debarred from participation in any federally assisted Award,
      (b) Suspended from participation in any federally assisted Award,
      (c) Proposed for debarment from participation in any federally assisted Award,
      (d) Declared ineligible to participate in any federally assisted Award,
      (e) Voluntarily excluded from participation in any federally assisted Award, or
      (f) Disqualified from participation in any federally assisted Award.

5. It will provide a written explanation if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Category 01.E Certification.

01.F. U.S. OMB Assurances in SF-424B and SF-424D.

The assurances in this Category 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in federal laws, regulations, and requirements.

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
   a. For any application it submits for federal assistance, it has adequate resources to plan, manage, and complete properly the tasks to implement its Award, including:
      (1) The legal authority to apply for federal assistance,
      (2) The institutional capability,
      (3) The managerial capability, and
      (4) The financial capability (including funds sufficient to pay the non-federal share of the cost of incurred under its Award).
   b. As required, it will give access and the right to examine materials related to its Award to the following entities or individuals, including, but not limited to:
      (1) FTA,
      (2) The Comptroller General of the United States, and
      (3) The State, through an appropriate authorized representative.
   c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.
   d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
      (1) A personal or organizational conflict of interest or personal gain, or

(2) An appearance of a personal or organizational conflict of interest or personal gain.

2. *Specifics of the Award.* On behalf of your Applicant, you assure that:
   a. It will begin and complete work within the period of performance that applies following receipt of an FTA Award.
   b. For FTA assisted construction Awards:
      (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
      (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms to the approved plans and specifications,
      (3) It will include a covenant to assure nondiscrimination during the useful life of the real property financed under its Award in its title to that real property,
      (4) To the extent FTA requires, it will record the federal interest in the title to FTA assisted real property or interests in real property, and
      (5) It will not alter the site of the FTA assisted construction or facilities without permission or instructions from FTA by:
         (a) Disposing of the underlying real property or other interest in the site and facilities,
         (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
         (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
   c. It will furnish progress reports and other information as FTA or the state may require.
3. *Statutory and Regulatory requirements.* On behalf of your Applicant, you assure that:
   a. It will comply with all federal laws, regulations, and requirements relating to nondiscrimination that apply, including, but not limited to:
      (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. § 2000d.
      (2) The prohibitions against discrimination on the basis of sex, as provided in:
         (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 – 1683, and 1685 – 1687, and
         (b) U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25.
      (3) The prohibitions against discrimination on the basis of age in federally assisted programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 – 6107.
      (4) The prohibitions against discrimination on the basis of disability in federally assisted programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

(5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq*.
(6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. § 3601 *et seq*.
(7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. § 1101 *et seq*.
(8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. § 4541 *et seq*.
(9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. § 290dd – 290dd-2.
(10) The nondiscrimination provisions of any other statute(s) that may apply to its Award.

b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. § 4601 *et seq*., and 49 U.S.C. § 5323(b), regardless of whether federal assistance has been provided for any real property acquired or improved for purposes of its Award:
(1) It will provide for fair and equitable treatment of any displaced persons or any persons whose property is acquired or improved as a result of federally assisted programs.
(2) It has the necessary legal authority under state and local laws, regulations, and requirements to comply with:
  (a) The Uniform Relocation Act. 42 U.S.C. § 4601 *et seq*., as specified by 42 U.S.C. §§ 4630 and 4655, and
  (b) U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, specifically 49 CFR § 24.4.
(3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
  (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24.
  (b) As provided by 42 U.S.C. §§ 4622, 4623, and 4624, and 49 CFR part 24, if its Award results in displacement, it will provide fair and reasonable relocation payments and assistance to:
    1 Displaced families or individuals, and
    2 Displaced corporations, associations, or partnerships.

(c) As provided by 42 U.S.C. § 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
   1 Displaced families and individuals, and
   2 Displaced corporations, associations, or partnerships.
(d) As provided by 42 U.S.C. § 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals.
(e) It will:
   1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
   2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin.
(f) It will be guided by the real property acquisition policies of 42 U.S.C. §§ 4651 and 4652.
(g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. §§ 4653 and 4654, understanding that FTA will provide federal assistance for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. § 4631.
(h) It will execute the necessary implementing amendments to FTA assisted third party contracts and subagreements.
(i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances.
(j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, related to its Award that involves relocation or land acquisition.
(k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions.

c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. § 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures.
d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by federal assistance of:
   (1) The National Research Act, as amended, 42 U.S.C. § 289 *et seq.*, and
   (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11.
e. It will, to the extent applicable, comply with the labor standards and protections for federally assisted Awards of:
   (1) The Davis-Bacon Act, as amended, 40 U.S.C. §§ 3141 – 3144, 3146, and 3147,

(2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. § 874, and 40 U.S.C. § 3145, respectively, and
(3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. § 3701 *et seq.*

f. It will comply with any applicable environmental standards prescribed to implement federal laws and executive orders, including, but not limited to:
   (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. § 4321 note.
   (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. § 7606 note.
   (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. § 4321 note.
   (4) Following the evaluation of flood hazards in the floodplains provisions of Executive Order No. 11988, May 24, 1977, 42 U.S.C. § 4321 note, and Executive Order No. 13690 "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, January 30, 2015.
   (5) Complying with the assurance of consistency with the approved state management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 – 1465.
   (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1970, as amended, 42 U.S.C. §§ 7401 – 7671q.
   (7) Complying with protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. § 300f – 300j-6.
   (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 – 1544.
   (9) Complying with the environmental protections for federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, state, or local significance or any land from a historic site of national, state, or local significance to be used in a transportation Award, as required by 49 U.S.C. § 303 (also known as "Section 4f").
   (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. §§ 1271 – 1287.
   (11) Complying with and facilitating compliance with:
      (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 300108,

(b) The Archaeological and Historic Preservation Act of 1974, as amended, 54 U.S.C. § 312501 *et seq.*, and

(c) Executive Order No. 11593 (identification and protection of historic properties), 54 U.S.C. § 300101.

g. To the extent applicable, it will comply with the following federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported with federal assistance:
   (1) The Animal Welfare Act, as amended, 7 U.S.C. § 2131 *et seq.*, and
   (2) U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4.

h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, "Seismic Safety," 49 CFR part 41, specifically 49 CFR § 41.117(d), before accepting delivery of any FTA assisted buildings.

i. It will comply with and assure that each of its Subrecipients located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. § 4012a(a), by:
   (1) Participating in the federal flood insurance program, and
   (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

j. It will comply with:
   (1) The Hatch Act, 5 U.S.C. §§ 1501 – 1508, 7324 – 7326, which limits the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with federal assistance, including a federal loan, grant agreement, or cooperative agreement, and
   (2) 49 U.S.C. § 5323(l)(2) and 23 U.S.C. § 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving federal assistance appropriated or made available under 49 U.S.C. chapter 53 and 23 U.S.C. § 142(a)(2) to whom the Hatch Act does not otherwise apply.

k. It will perform the financial and compliance audits as required by the:
   (1) Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*,
   (2) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, and
   (3) Most recent applicable U.S. OMB Compliance Supplement, 2 CFR part 200, appendix XI (previously known as the U.S. OMB Circular A-133 Compliance Supplement).

l. It will comply with all other federal laws, regulations, and requirements that apply.
m. It will follow federal guidance governing it and its Award, except as FTA has expressly approved otherwise in writing.

CATEGORY 02. LOBBYING.

Before FTA may provide federal assistance for a grant or cooperative agreement exceeding $100,000 or a loan, line of credit, loan guarantee, or loan insurance exceeding $150,000, unless your Applicant is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 31 U.S.C. § 1352, you must select the Lobbying Certifications in Category 02 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 02 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. As required by 31 U.S.C. § 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:
   a. The lobbying restrictions of this Certification apply to its requests:
      (1) For $100,000 or more in federal assistance for a grant or cooperative agreement, and
      (2) For $150,000 or more in federal assistance for a loan, line of credit, loan guarantee, or loan insurance, and
   b. Your Certification on its behalf applies to the lobbying activities of:
      (1) It,
      (2) Its Principals, and
      (3) Its Subrecipients at the first tier.
2. To the best of your knowledge and belief:
   a. No federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:
      (1) An officer or employee of any federal agency regarding the award of a:
         (a) Federal grant or cooperative agreement, or
         (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
      (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
         (a) Federal grant or cooperative agreement, or
         (b) Federal loan, line of credit, loan guarantee, or loan insurance.
   b. It will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with the instructions on that form, if any funds

other than federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
(1) An officer or employee of any federal agency regarding the award of a:
(a) Federal grant or cooperative agreement, or
(b) Federal loan, line of credit, loan guarantee, or loan insurance, or
(2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
(a) Federal grant or cooperative agreement, or
(b) Federal loan, line of credit, loan guarantee, or loan insurance.
c. It will include the language of this Certification in its Award documents under a federal grant, cooperative agreement, loan, line of credit, or loan insurance including, but not limited to:
(1) Each third party contract,
(2) Each third party subcontract,
(3) Each subagreement, and
(4) Each third party agreement.
3. It understands that:
a. This Certification is a material representation of fact that the Federal Government relies on, and
b. It must submit this Certification before the Federal Government may award federal assistance for a transaction covered by 31 U.S.C. § 1352, including a:
(1) Federal grant or cooperative agreement, or
(2) Federal loan, line of credit, loan guarantee, or loan insurance.
4. It understands that any person who does not file a required Certification will incur a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

CATEGORY 03. PROCUREMENT AND PROCUREMENT SYSTEMS.

We request that you select the Procurement and Procurement Systems Certification in Category 03 on behalf of your Applicant, especially if your Applicant is a state, local, or Indian tribal government with a certified procurement system, as provided in 2 CFR § 200.324(c)(2), incorporated by reference in 2 CFR part 1201 or former 49 CFR 18.36(g)(3)(ii).

Any provision of the Certification in Category 03 that does not apply will not be enforced.

On behalf of your Applicant, you certify that its procurements and its procurement system will comply with all federal laws, regulations, and requirements in accordance with applicable federal guidance, except as FTA has approved otherwise in writing.

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CATEGORY 04. PRIVATE SECTOR PROTECTIONS.

Before FTA may provide federal assistance for an Award that involves the acquisition of public transportation property or the operation of public transportation facilities or equipment, you must select the Private Property Protections Assurances in Category 04.A and enter into the Agreements in Category 04.B and Category 04.C on behalf of your Applicant in addition to other Certifications you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Assurances and Agreements in Category 04 that does not apply will not be enforced.

04.A. Private Property Protections.

If your Applicant is a state, local government, or Indian tribal government and seeks federal assistance from FTA to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Category 04.A apply to your Applicant, except as FTA determines otherwise in writing.

To facilitate FTA's ability to make the findings required by 49 U.S.C. § 5323(a)(1), on behalf of your Applicant, you assure that:

1. It has or will have:
   a. Determined that the federal assistance it has requested is essential to carrying out its Program of Projects as required by 49 U.S.C. §§ 5303, 5304, and 5306,
   b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
   c. Paid just compensation under state or local laws to the company for any franchise or property acquired.
2. It has completed the actions described in the preceding section 1 of this Category 04.A Certification before:
   a. It acquires the property or an interest in the property of a private provider of public transportation, or
   b. It operates public transportation equipment or facilities:
      (1) In competition with transportation service provided by an existing public transportation operator, or
      (2) In addition to transportation service provided by an existing public transportation operator.

04.B. Charter Service Agreement.

If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the Charter Service Agreement in Category 04.B applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. § 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR § 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA's "Charter Service" regulations apply as follows:
   a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired or improved under its Award from FTA financed with federal assistance derived from:
      (1) Federal transit laws, 49 U.S.C. chapter 53,
      (2) 23 U.S.C. §§ 133 or 142, or
      (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
   b. FTA's charter service restrictions extend to:
      (1) Your Applicant, when it becomes a Recipient of federal assistance appropriated or made available for:
         (a) Federal transit laws, 49 U.S.C. chapter 53,
         (b) 23 U.S.C. §§ 133 or 142, or
         (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
      (2) Any Third Party Participant that receives federal assistance derived from:
         (a) Federal transit laws, 49 U.S.C. chapter 53,
         (b) 23 U.S.C. §§ 133 or 142, or
         (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
   c. A Third Party Participant includes any:
      (1) Subrecipient at any tier,
      (2) Lessee,
      (3) Third Party Contractor or Subcontractor at any tier, and
      (4) Other Third Party Participant in its Award.
   d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives federal public transportation assistance appropriated or made available for its Award will engage in charter service operations, except as permitted under:
      (1) Federal transit laws, specifically 49 U.S.C. § 5323(d) and (g),
      (2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. § 5323(d) and (g),
      (3) Any other federal Charter Service regulations, or

(4) Federal guidance, except as FTA determines otherwise in writing.

e. You and your Applicant agree that the latest Charter Service Agreement selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the Underlying Agreement accompanying its Award of federal assistance from FTA.

f. You and your Applicant agree that:
   (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives federal assistance from FTA appropriated or made available for its Award that has engaged in a pattern of violations of FTA's Charter Service regulations by:
      (a) Conducting charter operations prohibited by federal transit laws and FTA's Charter Service regulations, or
      (b) Otherwise violating its Charter Service Agreement selected in its latest annual Certifications and Assurances, and
   (2) These corrective measures and remedies may include:
      (a) Barring it or any Third Party Participant operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA,
      (b) Withholding an amount of federal assistance as provided by Appendix D to FTA's Charter Service regulations, or
      (c) Any other appropriate remedy that may apply.

2. In addition to the exceptions to the restrictions in FTA's Charter Service regulations, FTA has established the following additional exceptions to those restrictions:
   a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. §§ 5307 or 5311 to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under former 49 U.S.C. §§ 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that federal assistance from FTA for those program purposes only.
   b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. § 5310 to be used for New Freedom activities that would have been eligible for assistance under former 49 U.S.C. § 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that federal assistance from FTA for those program purposes only.
   c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally assisted public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. § 5323(r).

04.C. School Bus Agreement.

If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the School Bus Agreement in Category 04.C applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. § 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g), on behalf of your Applicant, you are entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations using facilities and equipment acquired or improved with federal assistance derived from:
   a. Federal transit laws, 49 U.S.C. chapter 53,
   b. 23 U.S.C. §§ 133 or 142, or
   c. Any other Act that provides federal public transportation assistance, unless otherwise excepted.
2. FTA's school bus operations restrictions extend to:
   a. Your Applicant, when it becomes a Recipient of federal assistance appropriated or made available for:
      (1) Federal transit laws, 49 U.S.C. chapter 53,
      (2) 23 U.S.C. §§ 133 or 142, or
      (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
   b. Any Third Party Participant that receives federal assistance derived from:
      (1) Federal transit laws, 49 U.S.C. chapter 53,
      (2) 23 U.S.C. §§ 133 or 142, or
      (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
3. A Third Party Participant includes any:
   a. Subrecipient at any tier,
   b. Lessee,
   c. Third Party Contractor or Subcontractor at any tier, and
   d. Other Third Party Participant in its Award.
4. You and your Applicant agree and will obtain the agreement of any Third Party Participant involved in your Applicant's Award that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
   a. Federal transit laws, specifically 49 U.S.C. § 5323(f) and (g),
   b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g),
   c. Any other federal School Bus regulations, or
   d. Federal guidance, except as FTA determines otherwise in writing.

5. You and your Applicant agree that the latest School Bus Agreement selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the Underlying Agreement accompanying its Award of federal assistance.
6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
   a. Bar your Applicant or Third Party Participant from receiving further federal assistance for public transportation, or
   b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

CATEGORY 05. ROLLING STOCK REVIEWS AND BUS TESTING.

Before FTA may provide federal assistance for an Award to acquire rolling stock for use in revenue service or to acquire a new bus model, you must select the Rolling Stock Reviews and Bus Testing Certifications in Category 05 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 05 that does not apply will not be enforced.

05.A. Rolling Stock Reviews.

If your Applicant seeks federal assistance from FTA to acquire rolling stock for use in revenue service, the Rolling Stock Reviews Certifications in Category 05.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that when procuring rolling stock for use in revenue service:
1. It will comply with:
   a. Federal transit laws, specifically 49 U.S.C. § 5323(m), and
   b. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and
2. As provided in 49 CFR § 663.7:
   a. It will conduct or cause to be conducted the required pre-award and post-delivery reviews of that rolling stock, and
   b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

05.B. Bus Testing.

If your Applicant seeks federal assistance from FTA to acquire a new bus model, the Bus Testing Certifications in Category 05.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. FTA's bus testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA's Bus Testing regulations, and it will comply with:
   a. 49 U.S.C. § 5318, and
   b. FTA regulations, "Bus Testing," 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. § 5318.
2. As required by 49 CFR § 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
   a. It will not spend any federal assistance appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
      (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
      (2) It has received a copy of the test report prepared for that new bus or new bus model, and
   b. It will not authorize final acceptance of that new bus or new bus model until:
      (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
      (2) It has received a copy of the test report prepared for that new bus or new bus model.
3. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including the:
   a. Performance standards for:
      (1) Maintainability,
      (2) Reliability,
      (3) Performance (including braking performance),
      (4) Structural integrity,
      (5) Fuel economy,
      (6) Emissions, and
      (7) Noise, and
   b. Minimum safety performance standards established under 49 U.S.C. § 5329.
4. After FTA regulations authorized by 49 U.S.C. § 5318(e)(2) are in effect, it will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the "Pass/Fail" standard established by regulation.

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CATEGORY 06. DEMAND RESPONSIVE SERVICE.

Before FTA may provide federal assistance for an Award to a public entity that operates demand responsive service to acquire a non-rail vehicle that is not accessible, you must select the Demand Responsive Service Certifications in Category 06 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 06 that does not apply will not be enforced.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR § 37.77(d), on behalf of your Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
   a. Individuals with disabilities, including individuals who use wheelchairs, and
   b. Individuals without disabilities.
2. Viewed in its entirety, its service for individuals with disabilities is:
   a. Provided in the most integrated setting feasible, and
   b. Equivalent to the service it offers individuals without disabilities with respect to:
      (1) Response time,
      (2) Fares,
      (3) Geographic service area,
      (4) Hours and days of service,
      (5) Restrictions on priorities based on trip purpose,
      (6) Availability of information and reservation capability, and
      (7) Constraints on capacity or service availability.

CATEGORY 07. INTELLIGENT TRANSPORTATION SYSTEMS.

Before FTA may provide federal assistance for an Award in support of an Intelligent Transportation System (ITS), you must select the Intelligent Transportation Systems Assurances in Category 07 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Assurances in Category 07 that does not apply will not be enforced.

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this Assurance, the term Intelligent Transportation System is defined to include technologies or systems of technologies that provide or

significantly contribute to the provision of one or more Intelligent Transportation System (ITS) user services as defined in the "National ITS Architecture."

2. Assure that, as provided in 23 U.S.C. § 517(d), any Award that includes an ITS or related activity financed with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. § 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. § 517(d)(2).

CATEGORY 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.

Before FTA may award federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support the interest, financing, or leasing costs of any Award financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, any program to which the requirements of 49 U.S.C. § 5307 apply, or any other program as FTA may specify, you must select the Certifications in Category 08 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA may determine otherwise in writing.

Any provision of the Certifications and Assurances in Category 08 that does not apply will not be enforced.

08.A. Interest and Financing Costs.

If your Applicant intends to use federal assistance to support the interest or any other financing costs for an Award financed under the Urbanized Area Formula Grants Program, the Fixed Guideway Capital Investment Grants Program, the New Starts, Small Starts, and Core Capacity Programs, any program that must comply with the requirements of 49 U.S.C. § 5307, or any other program as FTA may specify, the Interest and Financing Costs Certifications in Category 08.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or any other financing costs unless:
   a. It is eligible to receive federal assistance for those costs, and
   b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, as FTA may require.
2. It will comply with the same favorable financing cost provisions for Awards financed under:
   a. The Urbanized Area Formula Grants Program,
   b. A Full Funding Grant Agreement,

c. An Early Systems Work Agreement,
d. The Fixed Guideway Capital Investment Program financed by previous FTA enabling legislation,
e. Any program that must comply with the requirements of 49 U.S.C. § 5307, or
f. Any other program as FTA may specify.

08.B. Acquisition of Capital Assets by Lease.

If your Applicant seeks federal assistance from FTA to acquire capital assets (other than rolling stock or related equipment) through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Category 08.B applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, "Capital Leases," 49 CFR part 639, to the extent consistent with the FAST Act, if your Applicant acquires any capital asset (other than rolling stock or related equipment) through a lease financed with federal assistance appropriated or made available under 49 U.S.C. chapter 53, it will not enter into a capital lease for which FTA can provide only incremental federal assistance unless it has adequate financial resources to meet its future lease obligations if federal assistance is not available.

CATEGORY 09. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.

Before FTA may provide federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support an Award, you must select the Certifications in Category 09 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 09 that does not apply will not be enforced.

09.A. Transit Asset Management Plan.

If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Group 09.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it and each of its Subrecipients will:

1. Follow federal guidance that, when issued, will implement the transit asset management system provisions of 49 U.S.C. § 5326, except as FTA determines otherwise in writing, and

2. Comply with the final federal regulations that, when issued, will implement the transit asset management provisions of 49 U.S.C. § 5326.

09.B. Public Transportation Agency Safety Plan.

If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State government, local government, or any other operator of a public transportation system, the Public Transportation Safety Plan Certifications in Group 09.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it will:

1. Follow the Federal guidance, when issued, that will implement the safety plan provisions of 49 U.S.C. § 5329(d), except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

CATEGORY 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. § 5331 and its implementing regulations, before FTA may provide federal assistance for an Award, you must select the Certifications in Category 10 in addition to other Certifications and Assurances you select on your Applicant's behalf, except as FTA may determine otherwise in writing.

Any provision of the Certifications in Category 10 that does not apply will not be enforced.

As required by 49 U.S.C. § 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, subpart I, specifically 49 CFR § 655.83, on behalf of your Applicant, including an Applicant that is a state, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
   a. An alcohol misuse testing program, and
   b. A controlled substance testing program.
2. Your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. § 5331.
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or its Third

Party Contractors to which these testing requirements apply reside in a state that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with the federal controlled substance testing requirements of 49 CFR part 655.

CATEGORY 11. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY IMPROVEMENT).

Before FTA may provide federal assistance for an Award financed under the New Starts, Small Starts, or Core Capacity Improvement Program authorized under 49 U.S.C. § 5309, you must select the Certifications in Category 11 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA may determine otherwise in writing.

Any provision of the Certifications in Category 11 that does not apply will not be enforced.

Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award,
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan,
4. It will comply with:
   a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304, and
5. It will comply with FTA guidance, "Final Interim Policy Guidance, Capital Investment Grant Program," August 2015, 80 *Fed. Reg.* 46514, August 5, 2015,

CATEGORY 12. STATE OF GOOD REPAIR PROGRAM.

Before FTA may provide federal assistance for an Award financed under the State of Good Repair Program authorized under 49 U.S.C. § 5337, you must select the Certifications in Category 12 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Assurance in Category 12 that does not apply will not be enforced.

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On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award,
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan, and
4. It will comply with:
   a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

CATEGORY 13. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS

Before FTA may provide federal assistance for an Award under the Buses and Bus Facilities Program authorized under 49 U.S.C. § 5339, as amended by the FAST Act, which among other things authorizes grants for Low or No Emission buses, you must select the Certifications in Category 13 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 13 that does not apply will not be enforced.

13.A. Grants for Buses and Bus Facilities Program The following Certifications for the Grants for Buses and Bus Facilities Program are required by 49 U.S.C. § 5339, as amended by the FAST Act, which provides that the requirements of 49 U.S.C. § 5307 shall apply to recipients of grants made in urbanized areas and the requirements of 49 U.S.C. § 5311 shall apply to recipients of grants made in rural areas under this 49 U.S.C. §§ 5339(a) and (b). Therefore:

1. If your Applicant is in an urbanized area, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
   a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
   b. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
   c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan,

d. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5339 during non-peak hours for transportation, recipients in an urbanized area will ensure that the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
   (1) Any senior,
   (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
   (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
   (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).

e. When carrying out a procurement under 49 U.S.C. § 5339, it will comply with:
   (1) The applicable general provisions of 49 U.S.C. § 5323, and
   (2) The applicable third party contract provisions of 49 U.S.C. § 5325.

f. It has complied with or will comply with 49 U.S.C. § 5307(b).

g. As required by 49 U.S.C. § 5307(d):
   (1) It has or will have the amount of funds required for the non-federal share,
   (2) It will provide the non-federal share from sources approved by FTA, and
   (3) It will provide the non-federal share when needed.

h. It will comply with:
   (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

i. It has a locally developed process to solicit and consider public comment before:
   (1) Raising a fare, or
   (2) Implementing a major reduction of public transportation service.

j. It will comply with the final federal regulations that, when issued, will implement the safety plan requirements of 49 U.S.C. § 5329(d).

2. If your Applicant is in a rural area, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
   a. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
   b. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

c. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan.
d. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
e. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service with transportation service financed by other federal sources.
f. Its Awards and Subawards in its Formula Grants for Rural Areas Program are included in:
   (1) The statewide transportation improvement program, and
   (2) To the extent applicable, a metropolitan transportation improvement program.
g. With respect to the non-federal share:
   (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5311(g) ,
   (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
   (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
h. It may transfer a facility or equipment acquired or improved under its Award to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
   a. The Recipient possessing the facility or equipment consents to the transfer, and
   b. The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.

13.B. Low or No Emission Vehicle Deployment.

If your Applicant seeks federal assistance from FTA for an Award financed under the Low or No Emission Vehicle Development Program authorized under former 49 U.S.C. § 5312(d)(5), the Certifications and Assurances in Category 13.B apply to your Applicant, except as FTA determines otherwise in writing.

Former section 5312(d)(5)(C)(i) of title 49, United States Code, requires the following Certifications for Low or No Emission Vehicle Deployment Program before awarding federal assistance appropriated or made available under MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

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1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award.
4. When using or involving a facility or equipment acquired or improved with federal assistance under former 49 U.S.C. § 5312(d)(5) during non-peak hours for transportation, it will ensure that the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour:
   a. Any senior,
   b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability) and is unable to use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
   c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
   d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
5. When carrying out a procurement under this Program, it will comply with:
   a. The applicable general provisions of 49 U.S.C. § 5323, and
   b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
   a. It has informed or will inform the public of the amounts of its federal assistance available under this Program,
   b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities to be financed,
   c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
   d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
   e. It has assured or will assure that its proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. § 5336, as amended by the FAST Act, with federally assisted transportation services supported by other federal sources,
   f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
   g. It has made or will make the final list of Projects for which an Award is sought available to the public.

7. With respect to the non-federal share:
   a. It has or will have the amount of funds required for the non-federal share,
   b. It will provide the non-federal share from sources approved by FTA, and
   c. It will provide the non-federal share when needed.
8. It will comply with:
   a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   b. The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
9. It has a locally developed process to solicit and consider public comment before:
   a. Raising a fare, or
   b. Implementing a major reduction of public transportation service.
10. It will comply with the final federal regulations that, when issued, will implement the safety plan requirements of 49 U.S.C. § 5329(d).

CATEGORY 14. URBANIZED AREA FORMULA GRANTS PROGRAMS AND PASSENGER FERRY GRANT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, which among other things, authorizes federal assistance for Job Access and Reverse Commute (JARC) activities, and the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), you must select the Certifications in Category 14 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 14 that does not apply will not be enforced.

14.A. Urbanized Area Formula Grants Program under the FAST Act.

If your Applicant seeks federal assistance from FTA for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, the Certifications in Category 14.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Urbanized Area Formula Grants Program under 49 U.S.C. § 5307, as amended by the FAST Act are required by 49 U.S.C. § 5307(c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

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3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan,
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307 during non-peak hours for transportation, it will ensure that the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
   a. Any senior,
   b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
   c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
   d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
5. When carrying out a procurement under 49 U.S.C. § 5307, it will comply with:
   a. The applicable general provisions of 49 U.S.C. § 5323, and
   b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
   a. It has made or will make available to the public information on the amounts of federal assistance available to it under 49 U.S.C. § 5307,
   b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities for which federal assistance is sought,
   c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on its proposed Program of Projects and its performance as an Applicant or Recipient,
   d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
   e. It has ensured or will ensure that its proposed Program of Projects provides for coordination of transportation services financed by FTA under 49 U.S.C. § 5336, as amended by the FAST Act, with transportation services supported by other Federal Government sources,
   f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
   g. It has made or will make its final Program of Projects available to the public.
7. As required by 49 U.S.C. § 5307(d):
   a. It has or will have the amount of funds required for the non-federal share,
   b. It will provide the non-federal share from sources approved by FTA, and

c. It will provide the non-federal share when needed.

8. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
   a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
9. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
   a. Raising a fare, or
   b. Implementing a major reduction of public transportation.
10. Each fiscal year:
    a. It will assure that at least one (1) percent of the amount of federal assistance under 49 U.S.C. § 5307 apportioned to its urbanized area must be expended for Public Transportation Security activities as described in 49 U.S.C. § 5307(c)(1)(J)(i) including:
       (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
       (2) Increased camera surveillance of an area in or adjacent to that system,
       (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
       (4) Any other activity intended to increase the security and safety of an existing or planned public transportation system, or
    b. The Designated Recipients in its urbanized area certify that such expenditures for Public Transportation Security activities are not necessary.
11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
    a. It will provide a report by the end of the fourth quarter of the preceding federal fiscal year that lists projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in 49 U.S.C. § 5302, and
    b. The report of its Associated Transit Improvements or related activities is or will be incorporated by reference and made part of its Certifications and Assurances.
12. It will comply with the final federal regulations that, when issued, will implement the safety requirements of 49 U.S.C. § 5329(d).

14.B. Passenger Ferry Grant Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), the Certifications in Category 14.B apply to your Applicant, except as FTA determines otherwise in writing.

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The following Certifications for the Passenger Ferry Grant Program are required by 49 U.S.C. § 5307(c)(1) or (h). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan.
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307(h) during non-peak hours for transportation, it will ensure that the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
   a. Any senior,
   b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
   c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
   d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
5. When carrying out a procurement under 49 U.S.C. § 5307(h), it will comply with:
   a. The applicable general provisions of 49 U.S.C. § 5323, and
   b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. As required by 49 U.S.C. § 5307(d):
   a. It has or will have the amount of funds required for the non-federal share,
   b. It will provide the non-federal share from sources approved by FTA, and
   c. It will provide the non-federal share when needed.
7. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
   a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
8. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
   a. Raising a fare, or
   b. Implementing a major reduction of public transportation service.
9. It will comply with the final federal regulations that, when issued, will implement the safety plan requirements of 49 U.S.C. § 5329(d).

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CATEGORY 15. SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

Before FTA may provide federal assistance for an Award financed under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized under 49 U.S.C. § 5310, as amended by the FAST Act, you must select the Certifications in Category 15 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 15 that does not apply will not be enforced.

1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. § 5310. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
   a. Each Subrecipient is:
      (1) A private nonprofit organization, or
      (2) A state or local governmental authority that:
         (a) Is approved by a state to coordinate services for seniors and individuals with disabilities, or
         (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.
   b. It will comply with the following selection and planning requirements:
      (1) The Projects it has selected or will select for an Award or Subaward of federal assistance appropriated or made available under 49 U.S.C. § 5310 are included in a public transit-human services transportation plan that has been:
         (a) Locally developed, and
         (b) Coordinated.
      (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
         (a) Seniors,
         (b) Individuals with disabilities,
         (c) Representatives of public, private, and nonprofit transportation providers,
         (d) Representatives of public, private, and nonprofit human services providers, and
         (e) Other members of the public.
      (3) Within its Award, the Projects selected to receive federal assistance will assist in providing transportation services for seniors and individuals with

disabilities are included in its Program of Projects, that is or will be submitted to FTA annually.
(4) To the maximum extent feasible, the services financed by 49 U.S.C. § 5310 will be coordinated with transportation services financed by other federal departments and agencies, including any transportation activities carried out by a recipient of federal assistance from the Department of Health and Human Services.

c. As required by 49 U.S.C. § 5310(e)(2)(B), it certifies that if it allocates to any Subrecipient federal assistance received under 49 U.S.C. § 5310, it will have allocated that federal assistance on a fair and equitable basis.
d. It will not transfer a facility or equipment acquired or improved with federal assistance appropriated or made available for a grant under 49 U.S.C. § 5310 to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, unless:
   (1) The recipient possessing the facility or equipment consents to the transfer, and
   (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5310.
e. As required by 49 U.S.C. § 5310(b)(2), it will use at least fifty-five (55) percent of the federal assistance it receives for Capital Projects to meet the special needs of seniors and individuals with disabilities.
f. The requirements of 49 U.S.C. § 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. § 5310.

2. FTA has determined that certain requirements of 49 U.S.C. § 5307 are appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, some of which require Certifications. Therefore, as specified under 49 U.S.C. § 5307(c)(1), it certifies that:
   a. It has or will have and will require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
   b. It has or will have and will require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award or Subaward.
   c. It will maintain and will require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award or Subaward, in accordance with the recipient's transit asset management plan.
   d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will require each Subrecipient to comply with:
      (1) The applicable general provisions of 49 U.S.C. § 5323, and
      (2) The applicable third party contract provisions of 49 U.S.C. § 5325.

e. With respect to the non-federal share:
   (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5310,
   (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
   (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.

f. It has complied or will comply and will require each Subrecipient to comply with:
   (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

g. To the extent applicable, it will comply and require its Subrecipients to comply with the final federal regulations that, when issued, will implement the safety plan requirements of 49 U.S.C. § 5329(d).

CATEGORY 16. RURAL AREAS AND APPALACHIAN DEVELOPMENT PROGRAMS.

Before FTA may provide federal assistance for an Award financed under the Formula Grants for Rural Areas Program authorized under 49 U.S.C. § 5311(b), as amended by FAST Act, and the Appalachian Development Public Transportation Assistance Program authorized under 49 U.S.C. § 5311(c)(2), as amended by FAST, you must select the Certifications in Category 16 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 16 that does not apply will not be enforced.

16.A. Formula Grants for Rural Areas Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Formula Grants for Rural Areas Program authorized under 49 U.S.C. § 5311, as amended by FAST Act, the Certifications in Category 16.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each state or state organization serving as your Applicant for federal assistance appropriated or made available for the Rural Areas Formula Program financed under 49 U.S.C. § 5311(b), as amended by FAST Act. On its behalf, you certify and assure that:

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1. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan.
4. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
5. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service authorized by 49 U.S.C. § 5311(b) with transportation service financed by other federal sources.
6. Its Awards and Subawards in its Formula Grants for Rural Areas Program are included in:
   a. The statewide transportation improvement program, and
   b. To the extent applicable, a metropolitan transportation improvement program.
7. With respect to the non-federal share:
   a. It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by former 49 U.S.C. § 5311(g),
   b. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
   c. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
8. It may transfer a facility or equipment acquired or improved under its Award to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
   a. The Recipient possessing the facility or equipment consents to the transfer, and
   b. The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.
9. Each fiscal year:
   a. It will spend at least fifteen (15) percent of its federal assistance authorized under 49 U.S.C. § 5311 and available that fiscal year for eligible activities to develop and support intercity bus transportation within the state including:
      (1) Planning and marketing for intercity bus transportation,
      (2) Capital grants for intercity bus facilities,
      (3) Joint-use facilities,
      (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects, and

(5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or

b. It will provide to FTA a Certification from the governor of the state that:
   (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the state, and
   (2) The state's intercity bus service needs are being met adequately.

16.B. Appalachian Development Public Transportation Assistance Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Appalachian Development Public Transportation Assistance Program authorized under 49 U.S.C. § 5311(c)(2), the Certification in Category 16.C applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, in addition to other Certifications and Assurances it must provide, if it is unable to use its federal assistance made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. § 5311(c)(2)(D), it may use the federal assistance for a Highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

CATEGORY 17. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).

Before FTA may provide federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), you must select the Certifications in Category 17 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 17 that does not apply will not be enforced.

FTA has established terms and conditions for Tribal Transit Program grants financed with federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.

2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan.
4. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
5. With respect to its procurement system:
   a. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, for Awards made on or after December 26, 2014,
   b. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
   c. It will inform FTA promptly that its procurement system does not comply with either of those U.S. DOT regulations.
6. It will comply with the Buy America requirements under 49 U.S.C. § 5323(j), as amended by FAST Act, and FTA regulations, "Buy America Requirements," 49 CFR part 661.
7. It will comply with the Certifications, Assurances, and Agreements in:
   a. Category 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
   b. Category 05.B (Bus Testing),
   c. Category 06 (Demand Responsive Service),
   d. Category 07 (Intelligent Transportation Systems), and
   e. Category 10 (Alcohol and Controlled Substances Testing).

CATEGORY 18. STATE SAFETY OVERSIGHT GRANT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the State Safety Oversight Grant Program authorized under 49 U.S.C. § 5329(e)(6), you must select the Certifications in Category 18 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 18 that does not apply will not be enforced.

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On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award.
4. When carrying out a procurement under its Award, it will comply with:
   a. The applicable general provisions of 49 U.S.C. § 5323, and
   b. The applicable third party contract provisions of 49 U.S.C. § 5325.
5. As required by 49 U.S.C. § 5329(e)(6)(C):
   a. It has or will have the amount of funds required for the non-federal share,
   b. It will provide the non-federal share only from sources approved by FTA, and will not be met by:
      (1) Any federal assistance,
      (2) Any funds received from a public transportation agency, or
      (3) Any revenues earned by a public transportation agency, and
   c. Will provide the non-federal share when needed.
6. It meets the applicable requirements of FTA regulations, "Rail Fixed Guideway Systems: State Safety Oversight," 49 CFR part 659.
7. It has received or will receive an FTA certification upon a determination that its State Safety Oversight Program meets the requirements of 49 U.S.C. § 5329(e) and is adequate to promote the purposes of 49 U.S.C. § 5329.

CATEGORY 19. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Public Transportation Emergency Relief Program authorized under 49 U.S.C. § 5324, you must select the Certifications in Category 19 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Assurance in Category 19 that does not apply will not be enforced.

As required by 49 U.S.C. § 5324(d), on behalf of your Applicant, you assure that it will:

1. Comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for federal assistance appropriated or made available for the Public Transportation Emergency Relief Program, and
2. Comply with FTA regulations, "Emergency Relief," 49 C.F.R. part 602.

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CATEGORY 20. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Expedited Project Delivery Pilot Program authorized under section 3005(b) of the FAST Act, you must select the Certifications in Category 20 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

To the extent that any Certification in Category 20 does not apply, it will not be enforced.

As required by section 3005(b)(3)(B) of the FAST Act, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with the recipient's transit asset management plan.
4. It will comply with:
   a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
   b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

CATEGORY 21. INFRASTRUCTURE FINANCE PROGRAMS.

Before FTA may provide credit assistance for an Award financed under the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program authorized under 23 U.S.C. §§ 601 – 609, or the State Infrastructure Banks (SIB) Program authorized under 23 U.S.C. § 610, you must select the Certifications in Category 23 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 21 that does not apply will not be enforced.

21.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the TIFIA Program authorized under 23 U.S.C. §§ 601 – 609 the Certifications and Assurances in Category 23.A applies to your Applicant, except as FTA determines *otherwise in writing. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.*

On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. § 5323(o), that federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. §§ 601 – 609.

1. To comply with 49 U.S.C. § 5307, specifically 49 U.S.C. § 5307(c)(1), on its behalf, you certify that:
   a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
   b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
   c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan.
   d. For transportation during non-peak hours and using or involving a facility or equipment of an Award financed using 49 U.S.C. § 5307 funds, it will ensure that the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
      (1) Any senior,
      (2) Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
      (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
      (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
   e. When carrying out a TIFIA-financed procurement, it will comply with:
      (1) The applicable provisions of 49 U.S.C. § 5323, and
      (2) The applicable provisions of 49 U.S.C. § 5325.
   f. It has complied with or will comply with 49 U.S.C. § 5307(b).
   g. (1) It has or will have no more than 80 percent of the Total Award Budget as the sum of all federal grants and any TIFIA-financed awards,
      (2) It will provide the non-federal share from sources approved by FTA, and
      (3) It will provide the non-federal share when needed.
   h. It will comply with:
      (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
      (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.

i. It has a locally developed process to solicit and consider public comment before:
    (1) Raising a fare, or
    (2) Implementing a major reduction of public transportation.
j. It will comply with the final federal regulations that, when issued, will implement the safety plan requirements of 49 U.S.C. § 5329(d).

2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award that must be in compliance with those requirements unless:
    a. It is eligible to receive federal assistance for those expenses, and
    b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*.).
4. Pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 5321 *et seq*., it will receive an environmental categorical exclusion, a finding of no significant impact, or a record of decision under NEPA for its Award before obligating federal assistance.
5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. § 5326(d), when required.

21.B. State Infrastructure Banks (SIB) Program.

If your Applicant is a state and seeks federal assistance from FTA financed under the SIB Program authorized under 23 U.S.C. § 610, the Certifications and Assurances in Category 23.B applies to your state and its Award, except as FTA determines otherwise in writing. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.

On behalf of the state organization serving as your Applicant for federal assistance for its SIB Program, you certify and assure that:

1. It will comply with the following applicable federal laws establishing the various SIB Programs since 1995:
    a. 23 U.S.C. § 610, as amended by the FAST Act,
    b. 23 U.S.C. § 610 or its predecessor before the FAST Act was signed into law,
    c. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or
    d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181.
2. It will comply with or follow the Cooperative Agreement establishing the state's SIB Program between:
    a. It and FHWA, FRA, and FTA, or
    b. It and FHWA and FTA.

3. It will comply with or follow the Grant Agreement that provides federal assistance from FTA for the SIB and is between it and FTA, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
   a. 23 U.S.C. § 610, as amended by the FAST Act,
   b. 23 U.S.C. § 610 or its predecessor before the FAST Act was signed into law,
   c. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181 note,
   d. Federal guidance pertaining to the SIB Program,
   e. The Cooperative Agreement establishing the state's SIB Program, or
   f. The Grant Agreement with FTA.
4. As required by 49 U.S.C. § 5323(o), federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, as amended by the FAST Act, apply to any Award under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. § 610 (or any support from 23 U.S.C. §§ 601 – 609).
5. As required by 49 U.S.C. § 5323(o) and 49 U.S.C. § 5307(c)(1):
   a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
   b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
   c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan.
   d. When using or involving a facility or equipment acquired or improved with federal assistance under a SIB-financed Award during non-peak hours for transportation, it will ensure that the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
      (1) Any senior,
      (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
      (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
      (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
   e. When carrying out a procurement under a SIB-financed Award, it will comply with:
      (1) The applicable general provisions of 49 U.S.C. § 5323, and
      (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
   f. It has complied with or will comply with 49 U.S.C. § 5307(b).

g. (1) It has or will have the amount of funds required for the non-federal share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
(2) It will provide the non-federal share from sources approved by FTA, and
(3) It will provide the non-federal share when needed.

h. It will comply with:
(1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
(2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.

i. It has a locally developed process to solicit and consider public comment before:
(1) Raising a fare, or
(2) Implementing a major reduction of public transportation.

j. It will comply with the final federal regulations that, when issued, will implement the safety plan requirements of 49 U.S.C. § 5329(d).

6. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award unless:
   a. It is eligible to receive federal assistance for those expenses, and
   b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, as FTA may require.
7. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. § 5326(d).

GROUP CATEGORY 22. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

Before FTA may provide federal assistance for an Award financed under the Paul S. Sarbanes Transit in Parks Program authorized under former 49 U.S.C. § 5320, in effect in FY 2012 or a previous fiscal year, except as superseded by FAST Act requirements that apply you must select the Certifications in Category 22 in addition to other Certifications and Assurances you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 22 that does not apply will not be enforced.

1. Except as superseded by the FAST Act cross-cutting requirements that apply, the following Certifications and Assurances for the Paul S. Sarbanes Transit in Parks Program (Parks Program) are required by former 49 U.S.C. § 5320, in effect in FY 2012 or a previous fiscal year. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

   a. It will consult with the appropriate federal land management agency during the planning process, and
   b. The requirements of former 49 U.S.C. § 5307, as determined by FTA, will apply to the Parks Program authorized by former 49 U.S.C. § 5320.
2. FTA has determined certain requirements of former 49 U.S.C. § 5307 to be appropriate for the Parks Program, of which some require Certifications. Therefore, as specified under former 49 U.S.C. § 5307(d)(1), except as superseded by the FAST Act cross-cutting requirements that apply, you certify that:
   a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
   b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
   c. It will maintain its equipment and facilities acquired or improved under its Award.
   d. When carrying out a procurement under former 49 U.S.C. § 5320, it will comply and will require each Subrecipient to comply with the following provisions:
      (1) Competitive procurement (as defined or approved by FTA) requirements of 49 U.S.C. § 5325(a),
      (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. § 5323(h),
      (3) "Buy America" requirements under 49 U.S.C. § 5323(j), as amended by the FAST Act, and FTA regulations, "Buy America Requirements," 49 CFR part 661,
      (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. § 5323(m),
      (5) Applicable railcar option restrictions of 49 U.S.C. § 5325(e), and
      (6) "Veterans Preference/Employment" requirements under 49 U.S.C. § 5325(k).
   e. It will comply with other applicable requirements under 49 U.S.C. § 5323 and § 5325.
   f. It has complied or will comply with the requirements of former 49 U.S.C. § 5307(c), and specifically:
      (1) It has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. § 5320, and the Projects it proposes to implement under its Award,
      (2) It has developed or will develop, in consultation with interested parties including private transportation providers, Projects to be financed under its Award,
      (3) It has published or will publish a list of proposed Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed Projects and submit comments on the proposed Projects and its performance,

(4) It has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed Projects,
(5) It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
(6) It has made or will make the final list of Projects for which an Award is sought available to the public.

g. With respect to the non-federal share:
(1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5320,
(2) It will provide the non-federal share from sources approved by FTA, and
(3) It will provide the non-federal share when needed.

h. It has complied or will comply with and will require each Subrecipient to comply with:
(1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
(2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.

i. It has a locally developed process to solicit and consider public comment before:
(1) Raising a fare, or
(2) Implementing a major reduction of public transportation.

CATEGORY 23. CONSTRUCTION HIRING PREFERENCES.

Before FTA may provide federal assistance for a third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C. using a geographic, economic, or any other hiring preference not otherwise authorized by federal law or regulation, you must select the Certifications in Category 23 on behalf of your Applicant in addition to other Certifications you must select on your Applicant's behalf, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 23 that does not apply will not be enforced.

As provided by section 192 of division L, title I of the Consolidated Appropriations Act, 2016, Pub. L. 114-113, on behalf of your Applicant, you certify that if, in connection with any third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C., it uses a geographic, economic, or any other hiring preference not otherwise authorized by law or prohibited under 2 CFR § 200.319(b):

1. Except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the

work that the third party contract requires resides in the jurisdiction where the work will be performed;

2. It will include appropriate provisions in its bid document ensuring that its third party contractor(s) do not displace any of its existing employees in order to satisfy such hiring preference; and
3. That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

Selection and Signature Page(s) follow.

FTA FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature pages alternative to providing Certifications and Assurances in TrAMS)

Name of Applicant: ______________________________

The Applicant agrees to comply with applicable provisions of Categories 01 – 23. ______

OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

Category	Description	
01.	Required Certifications and Assurances for Each Applicant.	______
02.	Lobbying.	______
03.	Procurement and Procurement Systems.	______
04.	Private Sector Protections.	______
05.	Rolling Stock Reviews and Bus Testing.	______
06.	Demand Responsive Service.	______
07.	Intelligent Transportation Systems.	______
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	______
09.	Transit Asset Management Plan and Public Transportation Agency Safety Plan.	______
10.	Alcohol and Controlled Substances Testing.	______
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement).	______
12.	State of Good Repair Program.	______
13.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.	______
14.	Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program.	______
15.	Seniors and Individuals with Disabilities Programs.	______
16.	Rural Areas and Appalachian Development Programs.	______
17.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	______
18.	State Safety Oversight Grant Program.	______
19.	Public Transportation Emergency Relief Program.	______
20.	Expedited Project Delivery Pilot Program.	______
21.	Infrastructure Finance Programs.	______
22.	Paul S. Sarbanes Transit in Parks Program.	______
23.	Hiring Preferences	______

FTA FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2016 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for federal assistance to be awarded by FTA and all FTA Grantees with an active Capital or Formula Award)

AFFIRMATION OF APPLICANT

Name of the Applicant: ______________________________

Name and Relationship of the Authorized Representative: ______________________________

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 2016, 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 by FTA during federal fiscal year 2016.

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.

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______________________________
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): ______________________________

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature______________________________ Date: ______________

Name______________________________
Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA and each FTA Recipient with an active Capital or Formula Project or Award must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within FTA's electronic award and management system, provided the Applicant has on file and uploaded to FTA's electronic award and management system this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

EXHIBIT "D" TO THE INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, CITY OF EDINBURG, AND THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION FOR JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL

Exhibit "D"

EQUAL EMPLOYMENT OPPORTUNITY

The City of Edinburg is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment or personnel management because of age, race, religion, sex, color, national origin, citizenship, political affiliation, disability, veteran's status, or other unlawful basis, is prohibited.

Equal Employment Opportunity is

THE LAW

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the following Federal authorities:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

VIETNAM ERA, SPECIAL DISABLED, RECENTLY SEPARATED, AND OTHER PROTECTED VETERANS

38 U.S.C. 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans, qualified special disabled veterans, recently separated veterans, and other protected veterans.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or call (202) 693-0101, or an OFCCP regional or district office, listed in most tele[illegible] Government, Department of Labor.

Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

DISABILITY

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you should contact immediately:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 669-6820.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX

In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

INDIVIDUALS WITH DISABILITIES

Sections 501, 504 and 505 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance in the federal government. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately the Federal agency providing such assistance.

THE STATE OF TEXAS §

COUNTY OF HIDALGO §

AMENDMENT NUMBER 5 TO THE INTERLOCAL AGREEEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL, CITY OF EDINBURG, AND THE EDINBURG ECONOMIC DEVELOPMENT CORPORATION FOR JOINT DEVELOPMENT OF THE EDINBURG TRANSIT TERMINAL

AMENDMENT NUMBER 5
TO THE INTERLOCAL AGREEMENT FOR THE JOINT DEVELOPMENT
OF THE EDINBURG TRANSIT TERMINAL

This Amendment is entered into by and between the Lower Rio Grande Valley Development Council, hereinafter referred to as "**LRGVDC**", the City of Edinburg, hereinafter referred to as "**EDINBURG**", and the Edinburg Economic Development Corporation, hereinafter referred to as "**EEDC**".

RECITALS

WHEREAS, on December 02, 2014, the LRGVDC, EDINBURG, and EEDC approved an Interlocal Agreement for the Joint Development and construction of the Edinburg Transit Terminal (hereinafter referred to as "the Agreement").

WHEREAS, the PARTIES desire to cooperate in the joint development and construction of a transit terminal and parking facility in Edinburg, Texas as described in FTA Grant #TX-90-Y057; and

WHEREAS, this project will improve the visibility and use of transit services, provide increased mobility and access for the elderly and disabled, improve safety, generate economic activity, enhance the value of local property, and is the second project of the Downtown Revitalization Streetscape; and

WHEREAS, on June 28, 2016, the Edinburg City Council approved Amendment Number 1 for additional professional services and construction funds through the FTA and was awarded additional funds in the amount of $1,652,955.00. The Agreement and Amendment Number 1 are attached as Exhibit A; and,

WHEREAS, all parties approved Amendment Number 2 of the Interlocal Agreement to extend the expiration date of the Agreement to June 30, 2018; and,

WHEREAS, all parties approved Amendment Number 3 of the Interlocal Agreement to extend the expiration date of the Agreement to June 30, 2019; and,

WHEREAS, all parties approved Amendment Number 4 of the Interlocal Agreement to extend the expiration date of the Agreement to June 30, 2020; and,

WHEREAS, all parties desire to amend the Interlocal Agreement to reflect the expiration date of June 30, 2022 and to include additional funds that have been awarded through the FTA in the amount of $800,000 with a $200,000 local match from the EEDC.

NOW, THEREFORE, the Agreement, is hereby amended by amending the following articles in the entirety as follows:

ARTICLE 3. TERM

The term of this Interlocal Agreement begins when signed by both parties and automatically expires on June 30, 2022, as agreed to by the PARTIES. This Agreement may be amended or extended upon mutual agreement of the PARTIES.

All other provisions of the Agreement, not specifically in conflict with this Amendment Number 5, shall remain the same.

This fifth Amendment to Agreement is signed below by the duly authorized representative of the PARTIES.

EXECUTED by the PARTIES in triplicate originals on this _____ day of ________________, 2021

CITY OF EDINBURG	**LOWER RIO GRANDE VALLEY DEVELOPMENT COUCNIL**
______________________________	______________________________
Ron Garza, City Manager	Manuel Cruz, Executive Director
ATTEST:	**ATTEST:**
___________________________	___________________________
Myra L. Ayala, City Secretary	Crystal Balboa, Finance Director

APPROVED TO FORM:
The Omar Ochoa Law Firm

____
Omar Ochoa, City Attorney

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

____
Blanca Davila, Director

Edinburg Economic Development Corporation
Meeting Date:March 30, 2021

Consider approval of sponsorship for the Edinburg Chamber of Commerce 4th of July Texas Cook'Em event.

1. **Agenda Item:**
   Consider Sponsorship of the Edinburg Chamber of Commerce 4th of July Texas Cook'Em event.
2. **Description/Scope:**
   The Edinburg Convention and Visitors Bureau and Edinburg Chamber of Commerce proudly presents the 15th Annual Texas Cook'Em: High Steaks in Edinburg.

   The event day is Sunday, July 4, 2021.

   The Texas Cook'Em was not hosted in 2020 due to the COVID-19 pandemic.

   The EDC has previously sponsored the Texas Cook'Em event.

3. **Estimated Timeline:**
   July 4, 2021.

4. **Budget:**
   The EDC budget includes a sponsorship line item.

   Texas Cook'Em Sponsorship: $15,000.

5. **Procurement/Selection Process:**
   N/A

6. **Staff's Recommendation:**
   Staff recommends approval.

7. **Justification:**
   Texas Cook'Em is a community event and a quality of life experience that will benefit the citizens of Edinburg and the Rio Grande Valley.

____
Blanca Davila
Director of Economic Development

ATTACHMENTS

Attachment A: Texas Cook'Em Sponsorship Packet 2021

Approved:	________
Not Approved:	________
Tabled:	________
No Action:	

Dear Cook'Em Supporter:

The Edinburg Convention and Visitors Bureau and Edinburg Chamber of Commerce proudly presents the 15th Annual Texas Cook'Em: High Steaks in Edinburg. On Sunday, July 4th, in Edinburg, competitors will battle it out on the grill to cook the best chicken, ribs, brisket, pork and rib-eye steak for money and a year's worth of bragging rights. Texas Cook'Em is one of Texas's biggest BBQ purse, awarding $15,000 to the winners. In 2019, Texas Cook'Em drew more than 100 cooking teams from across the state, and over 3,000 citizens attended this CBA and SCA State Championship event. Texas Cook'Em will also feature live music, a full day of fantastic entertainment, vendors, a children's FUN area, FIREWORKS to kick off an evening concert, and of course, delicious award-winning barbeque!

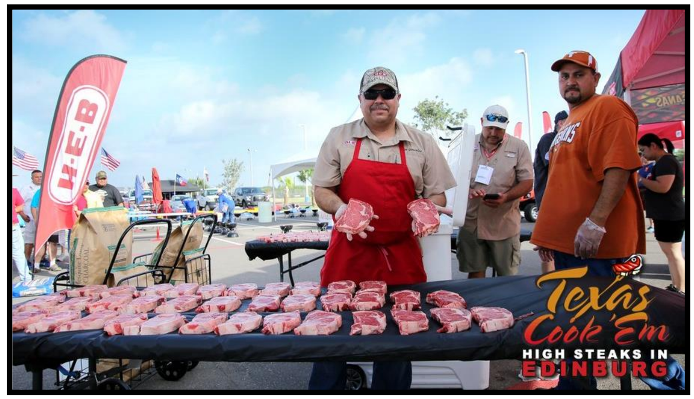
The Chamber respectfully requests your consideration in support of our upcoming Texas Cook'Em: High Steaks in Edinburg in order to continue creating wonderful family memories to the citizens of the RGV. Texas Cook'Em is a community event and a quality of life experience that will benefit the citizens of Edinburg and the Rio Grande Valley. We hope that you see the benefits in associating your company with this great community event. In return for your generous donation, the Chamber will gratefully acknowledge your business in publicity associated with the 15th Annual Texas Cook'Em throughout the duration of event promotion, and of course, during the day of the event.

We would like to thank you in advance for your cooperation. If you should require additional information or are interested in sponsorship opportunities, please feel free to contact me at (956) 383-4974.

Best Regards,

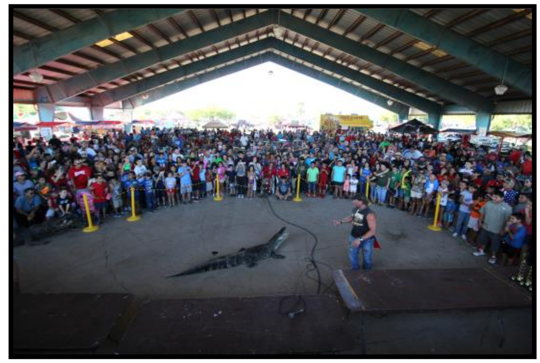
Ronnie Larralde, Executive Director
Edinburg Chamber of Commerce

<u>Sponsorship Levels</u>



HIGH STEAKS Sponsorship ($15,000 Minimum)

- Event Title
- Industry Exclusivity
- Complimentary Team Entry
- Complimentary Vendor Booth Space (if desired)
- Prominent placement of company banner day of the event (provided by sponsor)
- Big Check Presentation plus mention in all press releases
- Logo placed on event poster, flyers, and shirts
- Print media Ad Recognition (local and regional)
- Radio and TV Recognition (local and regional)
- Recognition in Chamber E-Newsletter, Facebook Page, and website (with logo)
- (20) Event t-shirts
- MC Acknowledgement as Title Sponsor

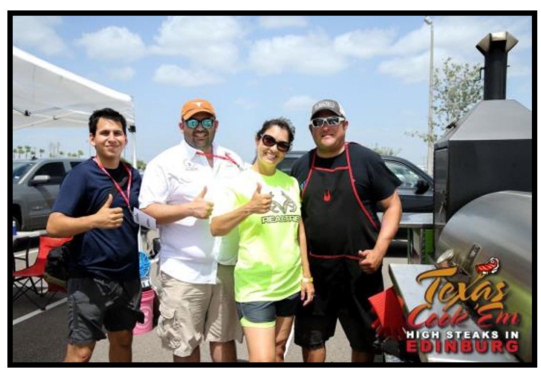


SIZZLIN' Sponsorship ($5,000 Minimum)

- Complimentary Team Entry
- Placement of company banner day of the event (5 x 8 provided by sponsor)
- Check Presentation plus mention in all press releases
- Print media Ad Recognition (local and regional)
- Radio Recognition (regional)
- Company Logo placed on event poster or flyers
- Recognition in Chamber E-Newsletter, Face book Page, and website (with logo)
- (10) Event t-shirts
- MC Acknowledgement day of event

SMOKIN' Sponsorship ($2,500 Minimum)

- Complimentary Team Entry
- Placement of company banner day of the event (provided by sponsor 3 x 5)
- Check Presentation plus mention in all press releases
- Print Media Ad recognition (local and regional)
- Company Logo placed on event poster or flyers
- Recognition in Chamber E-Newsletter, Face book Page, and website (with logo)
- (5) Event t-shirts
- MC Acknowledgement day of event



SEASONED Sponsorship ($1,000 Minimum)

- Complimentary Vendor Booth Space
- Placement of company banner day of event (provided by sponsor 2 x 3)
- Company name mentioned in all press releases
- Company name placed on event poster or flyers
- Recognition in Chamber E-Newsletter, Face book Page, and website (with logo)
- (3) Event t-shirts
- MC Acknowledgement day of event

LIGHTER STARTER Sponsorship ($500 Minimum)

- Mention in Press Releases
- Recognition in Chamber E-Newsletter following the event
- MC Acknowledgement day of event

2021 Partnership Commitment Form

Please complete Sponsorship Commitment Form and return to:

Ronnie Larralde ~ Edinburg Chamber of Commerce ~ Director of Special Events
Edinburg Chamber Office, 602 W. University Dr., Edinburg, TX 78539
Ph: (956) 383-4974 ~Fax: (956) 383-6942 ~Email: marketing@edinburg.com

As a partner at the 2021 Texas Cook'Em: High Steaks in Edinburg, you have an array of opportunities to choose from guaranteeing full recognition for your company. Your partnership creates a unique platform while enhancing corporate identification in this region. To maximize your investment in Texas Cook'Em 2021, reserve one of the following sponsorship opportunities by completing this form and returning it to the Edinburg Chamber of Commerce office.

Company Name____

Address____

City_____________________________________**State**________________________**Zip**____________

Phone____________________________________**Fax**_______________________________________

Submitted by______________________________**Email**______________________________________

□ $ 15,000 **HIGH STEAKS** Sponsor
□ $ 5,000 **SIZZLIN'** Sponsor
□ $ 2,500 **SMOKIN'** Sponsor
□ $ 1,000 **SEASONED** Sponsor
□ $ 500 **LIGHTER STARTER** Sponsor

This agreement, signed by an authorized representative of the company, must be received by the Edinburg Chamber of Commerce no later than Friday, April 23, 2021 and will constitute a binding contract for the sponsorship amount indicated. Full payment is due to the Edinburg Chamber of Commerce office by Friday, May 28, 2021. This agreement will become effective upon acceptance by the Edinburg Chamber of Commerce. Signed and dated this ____day of_______________, 2021. **Sponsorship Amount $__________.**

____

*****Please email all of your organizations marketing material to our Marketing Director, nayeli@edinburg.com .*****

______________________________   ____

Print Name   **Signature of Authorized Company Representative**

Edinburg Economic Development Corporation
Meeting Date:March 30, 2021

Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

1. **Agenda Item:**
   Discussion and possible action regarding the purchase, exchange, lease, or value of real property. (Â§551.072. Deliberation Regarding Real Property; Closed Meeting)
2. **Description/Scope:**
   Closed Meeting.
3. **Estimated Timeline:**
   Closed Meeting.
4. **Budget:**
   N/A
5. **Procurement/Selection Process:**
   N/A
6. **Staff's Recommendation:**
   Closed Meeting.
7. **Justification:**
   Closed Meeting.

____
Blanca Davila
Director of Economic Development

ATTACHMENTS

Approved:	________
Not Approved:	________
Tabled:	________
No Action:	