DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Fiscal Year 2015 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the Federal Transportation Administration’s (FTA) Fiscal Year (FY) 2015 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements, which can be found at FTA’s Web site, http://www.fta.dot.gov. This notice provides a condensed list of the various pre-award Certifications and Assurances that may apply to an Applicant for FTA funding and its Project. This notice also describes both FTA’s and the Applicant’s responsibilities with respect to the Certifications and Assurances and highlights the differences between the FY 2015 Certifications and Assurances and those published for FY 2014. In addition, this notice also provides instructions on how and when to submit Certifications and Assurances for FY 2015. Each Applicant for FTA funding must submit the Certifications and Assurances that apply to it and the Project or Projects for which it seeks funding during FY 2015. An Applicant typically acts through its certified or authorized representative, must have the authority to sign the Applicant’s Certifications and Assurances and to bind the Applicant’s compliance with the Certifications and Assurances you select on its behalf.

DATES: Effective Date: These FY 2015 Certifications and Assurances are effective October 1, 2014, the first day of FY 2015.

FOR FURTHER INFORMATION CONTACT: The appropriate Regional or Metropolitan Office listed in this notice. For copies of related documents and information, see our Web site at http://www.fta.dot.gov or contact our Office of Administration at 202–366–4007.
made available for FY 2012 or a previous fiscal year. Therefore, it is critically important that you know the fiscal year in which the funding awarded for your Applicant’s Project was appropriated.

Upon publication in the Federal Register, FTA may not award funding for your Applicant’s Project until it submits sufficient FY 2015 Certifications and Assurances. Your Applicant must comply with any Certifications or Assurances you make on its behalf, irrespective of whether you remain your Applicant’s authorized representative. When you submit its Certifications and Assurances to FTA, both you and your Applicant are agreeing to comply with those terms. For programs that require specific certifications, when the Certifications and Assurances that would apply under MAP–21 differ from the Certifications and Assurances that would apply in FY 2012 or a previous fiscal year, FTA continues to apply both types in the single Group used to facilitate funding your Applicant’s request(s).

2. What is the legal effect of the Certifications and Assurances?

a. Pre-Award Representations.

Certifications and Assurances are pre-award representations typically required by Federal law or regulation that your Applicant must submit before FTA may provide Federal funding for its Project. In general, these FY 2015 Certifications and Assurances are effective October 1, 2014, except as FTA determines otherwise in writing. For FY 2015, however, certain Certifications and Assurances in effect prior to MAP–21 continue to apply to certain Projects and Project activities that are financed with funds appropriated or made available for FY 2012 or a previous fiscal year. Conversely, some Certifications and Assurances apply to both Programs financed with funds appropriated or made available for FY 2012 or a previous fiscal year. Therefore, it is critically important that you know the fiscal year in which the funding awarded for your Applicant’s Project was appropriated.

b. Binding Commitment. Your Applicant must comply with any Certifications or Assurances you make on its behalf, irrespective of whether you remain your Applicant’s authorized representative. When you submit its Certifications and Assurances to FTA, both you and your Applicant are agreeing to comply with those terms. For programs that require specific certifications, when the Certifications and Assurances that would apply under MAP–21 differ from the Certifications and Assurances that would apply in FY 2012 or a previous fiscal year, FTA continues to apply both types in the single Group used to facilitate funding your Applicant’s request(s).

c. Length of Commitment. Your Applicant’s FY 2015 Certifications and Assurances remain in effect until its Project is closed or the useful life of its Project property has expired, whichever is later. If your Applicant provides different Certifications and Assurances in a later fiscal year, the later Certifications and Assurances will apply to Project. Nevertheless, people and entities participating in your Applicant’s Project and its related activities and themselves.

d. Duration. You and your Applicant may use the FY 2015 Certifications and Assurances in Appendix A to support applications for FTA funding until FTA issues its FY 2016 Certifications and Assurances.

e. The FY 2015 Certifications and Assurances Are Not a Complete List of Federal Requirements. FTA cautions that the FY 2015 Certifications and Assurances focus mainly on those representations that your Applicant is required to submit to FTA before FTA may award Federal funds for its Project. Consequently, these Certifications and Assurances do not include many other Federal requirements that will apply to your Applicant and its Project.

f. Federal Requirements. In addition to the information in this notice and FTA’s FY 2015 Apportionments Notice, FTA also strongly encourages you and your Applicant’s staff and prospective and current Third Party Participants to review all Federal legislation, regulations, and guidance that apply to your Applicant’s proposed Project and to them. The FY 2015 Master Agreement identifies many of those requirements and applicable guidance, and may be accessed at http://www.fta.dot.gov.

g. Penalties for False or Fraudulent Statements. If you provide any false or fraudulent statement to the Federal Government on behalf of your Applicant or yourself, you may incur both Federal civil and criminal penalties. See:


(2) U.S. Department of Transportation (U.S. DOT) regulations, “Programs Fraud Civil Remedies,” 49 CFR part 31, and

(3) Section 5323(l)(1) of title 49, United States Code, which provides for Federal criminal penalties and termination of Federal funding should you provide, on behalf of your Applicant or yourself, a false or fraudulent certificate, submission, or statement in connection with the Federal transit program authorized by 49 U.S.C. chapter 53.

3. What are your responsibilities?

a. Make Sure All Involved With Your Applicant’s Project Understand the Federal Requirements That Will Apply to Your Applicant and its Project. FTA strongly advises you, as your Applicant’s authorized representative, to read this notice and the Certifications and Assurances on the FTA Web site before reading the information in this notice and on the FTA Web site, http://www.fta.dot.gov.

FTA also advises you to read the information accompanying the apportionment tables when FTA publishes its FY 2015 Apportionment Notices.

Your Applicant is responsible for compliance with all Federal requirements that apply to itself and its Project. Nevertheless, people and entities participating in your Applicant’s Project, including Subrecipients, Third Party Contractors, and Third Party Sub-contractors (Third Party Participants) can seriously affect its ability to comply with those Federal requirements. Accordingly, all Third Party Participants involved in its Project need to know and should agree to comply with the Federal requirements that affect the Applicant’s Project-related activities and themselves.

b. Subrecipient and Other Third Party Participation. Except in limited circumstances when FTA has determined otherwise, your Applicant is ultimately responsible for compliance with all Certifications and Assurances and applicable guidance, even though much of its Project will be carried out by Subrecipients or other...
Third Party Participants. Therefore, FTA strongly recommends that you take appropriate measures to ensure that Subrecipients and other Third Party Participants in your Applicant’s Project do not take actions that will cause your Applicant to violate the representations made in its Certifications and Assurances.

c. Submit Your Applicant’s Certifications and Assurances. You must submit all Groups of the FY 2015 Certifications and Assurances that apply to your Applicant and the Projects for which it seeks FTA funding in FY 2015. For your convenience, FTA recommends that you submit all twenty-four (24) Groups of Certifications and Assurances. Those provisions of the various Certifications and Assurances that do not apply to your Applicant or its Project will not be enforced.

d. Obtain the Affirmation of Your Applicant’s Attorney. You must obtain an affirmation of your Applicant’s Attorney, signed in FY 2015, stating that your Applicant has sufficient authority under its State and local law to certify its compliance with the FY 2015 Certifications and Assurances that you have selected on its behalf. Your Applicant’s Attorney must sign this affirmation during FY 2015. An Affirmation of its Attorney dated in a previous fiscal year is insufficient, unless FTA expressly determines otherwise in writing.

e. When To Submit.

(1) If your Applicant is applying for funding under any of the discretionary capital programs (e.g., New Starts, Small Starts, or Core Capacity Improvement), FTA expects to receive your Applicant’s FY 2015 Certifications and Assurances within ninety (90) days from the date of this publication or soon after the submittal of your Applicant’s request for FY 2015 funding. Likewise, if your Applicant is a current FTA recipient with an active Project funded with FTA capital or formula funds, FTA expects to receive your Applicant’s FY 2015 Certifications and Assurances within ninety (90) days from the date of this publication or soon after the submittal of your Applicant’s request for FY 2015 funding.

(2) If your Applicant seeks funding from an FTA program other than a formula program or a discretionary capital program, e.g., for a Research, Development, Demonstration, and Deployment Project, FTA expects to receive your Applicant’s FY 2015 Certifications and Assurances with the submission of its Application for FTA funding or soon thereafter.

4. Where are FTA’s FY 2015 Certifications and Assurances?


5. What changes have been made since FY 2014?

a. In the Preface, FTA is clarifying that these Certifications and Assurances apply to an Applicant for a Loan, Loan Guarantee, and Line of Credit as well as to an Applicant for a Grant or Cooperative Agreement.

b. In the Preface, FTA is asking that each member of a team, joint venture, or partnership to identify itself and its role in the Project as a Recipient, Subrecipient, or Third Party Contractor.

c. In the Preface, we have added a reference to the Highway and Transportation Funding Act of 2014, Public Law 113–159, August 8, 2014, the Continuing Appropriations Resolution, 2015, Public Law 113–164, September 19, 2014, and other Appropriations Acts or Continuing Resolutions funding the Department of Transportation during Fiscal Year 2015.

d. In Group 01.A, Section 2, FTA has clarified that “Agreements” means Charter Service Agreement and School Bus Agreement, and

e. In Group 01.A, Section 3, FTA is clarifying that these Certifications and Assurances apply to an Applicant for a Loan, Loan Guarantee, and Line of Credit as well as to an Applicant for a Grant or Cooperative Agreement.

6. How do you submit the Certifications and Assurances?

a. Electronic Submission. Except in rare circumstances and if permitted by FTA, you must submit your Applicant’s FY 2015 Certifications and Assurances in TEAM-Web. To submit the Certifications and Assurances, you must be registered in TEAM-Web.

The TEAM-Web “Recipients” option at the “Cert’s & Assurances” tab of the “View/Modify Recipients” page contains fields for individually selecting among the 24 Groups of Certifications and Assurances that apply to your Applicant and also a designated field for selecting all 24 Groups, of which only the requirements that apply to you or your Applicant will be enforced. The “Cert’s & Assurances” tab has a field for you to enter your personal identification number (PIN), which is your electronic signature. There is also a field for the Attorney’s PIN, affirming your Applicant’s legal authority to make and comply with the Certifications and Assurances you have selected on its behalf. You may enter your PIN in place of the Attorney’s PIN, provided that your Applicant has on file a similar affirmation that has been written, dated, and signed by its Attorney in FY 2015.

b. Paper Submission. You may submit your Applicant’s FY 2015 Certifications and Assurances on paper only if you cannot submit them electronically in TEAM-Web and FTA agrees to accept your Applicant’s Signature Pages in a typewritten hard copy. If you cannot submit your Applicant’s Certifications and Assurances electronically and if FTA so permits, you must submit the Signature Pages at the end of the Certifications and Assurances indicating the Groups of Certifications and Assurances your Applicant is providing. You may place a single mark in the designated space to signify your Applicant’s agreement to comply with all Groups of Certifications and Assurances to the extent that they apply to it, or select the specific Groups of Certifications and Assurances that apply to it and its Projects.

You must enter your signature on the last Signature Page and provide an Affirmation by your Applicant’s Attorney concerning your Applicant’s legal capacity to make and comply with the FY 2015 Certifications and Assurances selected on its behalf. You may enter your signature in place of the Attorney’s signature in the Affirmation by Applicant’s Attorney part of the Signature Page, provided that your Applicant has on file a similar affirmation, written, dated, and signed by its Attorney in FY 2015.

For more information, you may contact the appropriate FTA Regional Metropolitan Office.


Therese W. McMillan, Acting Administrator.

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