

ATTACHMENT 10

FEDERAL TRANSIT ADMINISTRATION CERTIFICATIONS

PRE-AWARD - POST-DELIVERY REQUIREMENTS

For Rolling Stock Acquisitions Paid for by FTA Grant Funds

Pursuant to the use of Federal Transit Administration (FTA) funding for the purchase of Transit Buses under the resultant Contracts, all FTA Certifications hereinafter shall be provided with all bid submissions. The following certifications are necessary for compliance with FTA regulations, and shall also be provided for all appropriate pre-award and post-delivery audits.

Legal Business Name of Bidder/Company: _____

DEBARMENT AND SUSPENSION, DISADVANTAGED BUSINESS ENTERPRISE and EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATIONS

Government-Wide Debarment and Suspension (Nonprocurement)

This contract is a covered transaction for purposes of 49 CFR Part 29 *Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)*. As such, the Bidder is required to verify that none of the Bidder, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945, by any Federal department or agency, and by extension from participation in this FTA-assisted transaction. Absent this certification, properly completed and signed, a bid shall be deemed non-responsive.

By signing below, Bidder certifies that it is not excluded or disqualified as defined in 49 CFR 29.940 and 29.945.

The certification in this clause is a material representation of fact relied upon by OGS. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to OGS, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Transit Vehicle Manufacturer (TVM) Disadvantaged Business Enterprise

Pursuant to the provisions of Section 105(f) of the Surface Transportation Assistance Act of 1982, each Bidder must certify that it has complied with the requirements of 49 CFR Part 26 *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, Subpart C Goals, Good Faith Efforts, and Counting* regarding the participation of disadvantaged business enterprises in FTA-assisted procurements of transit vehicles. TVMs must establish and submit to the FTA Office of Civil Rights for approval an overall percentage goal. In setting the overall goal, manufacturers should be guided, to the extent applicable, by the principles underlying 49 CFR 26.45. Only transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid. See <http://www.fta.dot.gov/civilrights/12891.html>. Absent this certification, properly completed and signed, a bid shall be deemed non-responsive.

By signing below, Bidder certifies that it has complied with the provisions of 49 CFR Part 26.49.

Equal Employment Opportunity

The Bidder, and any and all subcontractors of the Bidder, are required to comply with US Federal Executive Order 11246 *Equal Employment Opportunity*, as amended by US Federal Executive Order 11375 *Amending Executive Order No. 11246, Relating to Equal Employment Opportunity*, and supplemented in U.S. Department of Labor regulation (41 CFR Part 60 *Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor*).

By signing below, Bidder certifies that it has complied with the provisions of Executive Order 11246, as amended by Executive Order 11375, and supplemented in U.S. Dept. of Labor Regulation (41 CFR Part 60).

Legal Business Name of Bidder/Company: _____

CERTIFICATION OF COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS)

The Bidder hereby certifies that Transit Buses to be provided under the resultant Contract comply with all stipulated and relevant Federal Motor Vehicle Safety Standards (FMVSS). **Further, Bidder has included the manufacturer’s FMVSS certification applicable to the Base Item vehicle build for each LOT bid.** In accordance with the Federal Government Required Clauses (FTA) of this contract, the bidder shall ensure that all Transit Buses will be affixed with a Transit Bus “*manufacturer’s FMVSS self-certification sticker information for safety compliance that the vehicle complies with relevant FMVSS.*”

1. **Regulations:** The Bidder understands through this certification that all Transit Buses provided under this contract shall conform to Federal and State regulations in effect at time of delivery. Transit Buses shall also meet the inspection requirements of Chapter VI, Article 3, Part 720 or 721 of the NYS Transportation Regulations.
2. **Notification:** List the name and address below of the Dealers located in New York State where the pre-delivery service will be performed, if other than the Contractor’s shop. Attach a separate sheet if necessary. A letter from each Dealer agreeing to perform the pre-delivery service must accompany the bid.

Dealer Name: _____

Street Address: _____

City, State, ZIP: _____

Contact Name: _____

Phone Number: _____

Dealer Name: _____

Street Address: _____

City, State, ZIP: _____

Contact Name: _____

Phone Number: _____

Dealer Name: _____

Street Address: _____

City, State, ZIP: _____

Contact Name: _____

Phone Number: _____

Dealer Name: _____
 Street Address: _____
 City, State, ZIP: _____
 Contact Name: _____
 Phone Number: _____

Legal Business Name of Bidder/Company: _____

CERTIFICATION TO RESTRICTIONS ON LOBBYING

By signing below, Bidder certifies that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions [as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96. Modifications have been made to the clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section A 3801, *et seq.*, apply to this certification and disclosure, if any.

Legal Business Name of Bidder/Company: _____

FEDERAL TRANSIT ADMINISTRATION (FTA) BUS TESTING (STURAA) CERTIFICATION

By signing below, Bidder certifies that the Transit Buses offered in this bid submission comply with 49 U.S.C. A 5323(c) and FTA’s implementing regulation at CFR Part 665 *Bus Testing Regulations*, to the extent these regulations are consistent with 49 U.S.C. 5318. Bidder further certifies that:

1. _____ A copy of the STURAA Test Report(s) prepared by the Federal Transit Administration’s (FTA) Altoona, Pennsylvania Bus Testing Center is attached to this certification and is a true and correct copy of the test report(s) as prepared by the facility.

STURAA Test Report #(s):

Lot A _____	Lot H _____
Lot B _____	Lot I _____
Lot C _____	Lot J _____
Lot D _____	Lot K _____
Lot E _____	Lot L _____
Lot F _____	Lot M _____
Lot G _____	

OR

2. _____ A copy of a STURAA Test Report prepared by the Federal Transit Administration’s (FTA) Altoona, Pennsylvania Bus Testing Center is not attached for the following Lots, and the undersigned has completed this certification and appropriately initialed with the understanding that such Transit Buses either will fully complete Altoona Testing prior to first Transit Bus orders and that such STURAA Test Report is forwarded to the New York State Department of Transportation, Public Transportation Bureau for verification, or the Transit Buses will be subject to disqualification from bid award for non-compliance. The time frame for compliance or non-compliance, for Transit Buses bid that do not have a STURAA Test Report submitted, will be subject to determination by the New York State Department of Transportation, Public Transportation Bureau.

Lot A _____	Lot H _____
Lot B _____	Lot I _____
Lot C _____	Lot J _____
Lot D _____	Lot K _____
Lot E _____	Lot L _____
Lot F _____	Lot M _____
Lot G _____	

_____ Manufacturer’s Certificate of Anticipated Testing has been submitted with the bid for the Lot(s) indicated above.

The undersigned understands that misrepresenting the testing status of a Transit Bus acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the U.S. Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

By signing below you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this Attachment 10 - *Federal Transit Administration Certifications*, and that all information provided is complete, true and accurate.

Legal Business Name of Company Bidding:	
D/B/A - Doing Business As (if applicable):	
Signature:	Printed or Typed Name:
Title:	Date:

INDIVIDUAL, CORPORATION, PARTNERSHIP, OR LLC ACKNOWLEDGMENT

STATE OF _____ }
: ss:

COUNTY OF _____ }

On the _____ day of _____ in the year 20____ , before me personally appeared _____, known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that _he maintains an office at Town of _____ County of _____, State of _____; and further that:

[Check One]

If an individual): _he executed the foregoing instrument in his/her name and on his/her own behalf.

If a corporation): _he is the _____ of _____, the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, _he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.

If a partnership): _he is the _____ of _____, the partnership described in said instrument; that, by the terms of said partnership, _he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.

If a limited liability company): _he is a duly authorized member of _____, LLC, the limited liability company described in said instrument; that, _he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

Signature and Seal of Notary Public