



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

3400 West Commercial Boulevard
Ft. Lauderdale, FL 33309

**MIKE DEW
SECRETARY**

August 4, 2017

The Honorable Susan Haynie, Chairperson
Palm Beach Metropolitan Planning Organization
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411

Dear Ms. Haynie:

**RE: Palm Beach Metropolitan Planning Organization (MPO)
2017 Modified Joint State/MPO Certification Review Package**

Enclosed please find a fully executed 2017 Joint State/MPO Certification Review Package for the Palm Beach MPO, including the joint certification report, signed joint certification statement, and statement and assurances.

The District looks forward to working with the MPO on implementation of the recommendations listed in this report and those included in the federal quadrennial review to further enhance the transportation planning process in the coming year.

Please contact Lisa Dykstra, P.E., Transportation Planning Manager by email at Lisa.dykstra@dot.state.fl.us or by phone at 954-777-4360 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mayur Patel", is written over a horizontal line.

Mayur Patel, P.E.
District Planning & Environmental Engineer
District Four

MP:ms

CC: Stacie Blizzard, FHWA
Alex Gramovot, Central Office
Yvette Taylor, FTA
Nick Uhren, Palm Beach MPO

Miami Urbanized Area (UZA) Transportation Management Area (TMA)

Joint State/MPO Certification Review

Palm Beach Metropolitan Planning Organization (MPO)

2017



June 26, 2017

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Appendices

- A) 2015 Federal Certification Review
- B) 2017 Joint Certification Statement
- C) Statements and Assurances



As required per 23 CFR 450.336, the Florida Department of Transportation (FDOT) District Four conducted a modified Joint State/MPO Certification Review of the Palm Beach Metropolitan Planning Organization. The 2017 Joint State/MPO Certification Review considered the 2015 Federal Certification Review "Corrective Actions" and "Recommendations", as well as the status of recommendations from the 2016 Joint State/MPO Certification Review.

Additionally, this report assesses the written and verbal responses to questions presented via email to MPO staff by FDOT in February 2017. The questions were asked based on the 2016 Joint State/MPO Certification Review process, regular coordination with MPO staff and attendance at MPO Board and committee meetings. Areas that are not commented on in this report are considered to have met or exceeded requirements.

June 26, 2017

2015 Federal Certification Review Status Update

A Federal Certification Review was conducted by FHWA and FTA of the Palm Beach MPO in 2015. The Federal Certification Review Report issued in September 2015 found three Corrective Actions and six Recommendations for the Palm Beach MPO to address. The MPO has addressed all three Corrective Actions and has provided responses indicating they have begun to address the six Recommendations. These Federal Certification Review recommendations that appear to be outstanding, along with MPO responses, are attached in Appendix A.

Joint State/MPO Certification Review Findings

This Joint State/MPO Certification Review for the Palm Beach MPO contains both the status of the 2016 Certification Review Recommendations and Responses, as well as new 2017 recommendations on pages 8 and 9 to be addressed.

2016 FDOT Certification Review Recommendations and Responses

FDOT Recommendations	MPO Response	FDOT Response
1.Public Participation The MPO should continue to investigate and implement proactive methods to engage traditionally underserved members of the population.	<p>In early 2016, the PB-MPO issued its first electronic newsletter, Transportation Matters, which is distributed via email and posted to the MPO website. Through the website, the newsletter can be viewed in many languages using the Google Translate feature. Seventeen issues were distributed in 2016 and may be viewed at the following link: http://www.palmbeachmpo.org/transportation-matters.</p> <p>Newspaper display ads are translated into Spanish and published in a free weekly Spanish paper seeking public review, comment and participation for major documents and amendments, and to promote participation in all quarterly Transportation Disadvantaged Local Coordinating Board meetings.</p> <p>The PB-MPO website includes the Google language translate feature, as well as font size adjustments for the visually impaired. Newspaper ads are placed in the Palm Beach Post, the primary newspaper for the county, to seek public review, comment and participation for major documents and amendments, and to promote participation in all quarterly Transportation Disadvantaged Local Coordinating Board meetings. The vast majority of these ads are display ads, prominently placed in the main sections of the newspaper. Classified ads are only used for routine amendments such as the roll-forward where public impact and input is of minor significance.</p> <p>The PB-MPO works closely with local media for routine reporting on the transportation system and opportunities for the public to become involved. The PB-MPO has expanded its social media presence in an attempt to educate and engage residents with computer or smart phone access.</p>	<p>The MPO should implement more proactive public participation strategies targeting the traditionally underserved population segments of Palm Beach County. Much of the MPO's existing strategies require internet accessibility, to which approximately 20% of Palm Beach County residents do not have.</p>

2016 FDOT Certification Review Recommendations and Responses (cont'd)

FDOT Recommendations	MPO Response	FDOT Response
2. Public Participation The MPO should document compliance with the FDOT Public Involvement Handbook (Statewide Involvement Plan) in addition to its well defined regional efforts.	Regarding a new/revised draft chapter for the FDOT Public Involvement Handbook: <ul style="list-style-type: none">• PB-MPO responded to survey and made several suggestions and requests for clarification• Two PB-MPO staff members participated in a conference call on 12/22/2016 to review and comment on survey findings• The PB-MPO is in the process of a major update to its Public Participation Plan, including a scheduled FDOT and agency review before Governing Board adoption. It is being written in accordance with the FDOT Public Involvement Handbook.	Satisfied & Ongoing
3. Public Involvement The MPO should transmit its annual assessment of its public involvement activities to the Department once completed. Performance measures, and related goals and objectives should be established prior to initiating each public involvement effort in order to manage expectations.	The 2016 Public Involvement Plan Summary is provided as a separate document which consists of a table extracted from the adopted PIP titled, "Public Outreach Strategies, Plans, Objectives and Goals" with sections for both "Local" and "Regional" applications. An additional column has been added to the table that summaries 2016 activities for each item. Also included is a 2016 Year-in-Review graphical representation of major public outreach activities and adopted documents and products.	Satisfied
4. Significant Public Comments in Final TIP and LRTP The MPO should work with FDOT to jointly agree on methods to most effectively incorporate a summary of significant public comments in the final TIP and LRTP. These agreed upon methods should be added to the MPO's PIP/PPP.	<p>The PB-MPO conducted a survey in multiple languages during development of its 2040 LRTP, with open-ended questions seeking feedback. All responses and comments were categorized and included in the document. Appendix A, p. 216 of the Directions 2040 LRTP Main Document includes a page of public comments that were received in response to the Draft Executive Summary.</p> <p>Public comments in response to the TIP historically have been addressed in the meeting minutes of the MPO Governing Board and its advisory committees where the TIP has been considered for recommendation or adoption.</p>	FDOT acknowledges that the MPO seeks public comments in response to the draft/proposed TIPs. Additionally, the MPO must provide a summary, analysis, and report on the comments received on the TIP if there were a significant number of comments received. For consistency purposes, said method(s) to do so should be documented in the MPO's PPP/PIP.

2016 FDOT Certification Review Recommendations and Responses (cont'd)

FDOT Recommendations

MPO Response

FDOT Response

5. Tribal Coordination

As future uses of Tribal lands adjacent to the MPO boundaries could impact the MPO's decision making process, the MPO should formulate policy that addresses coordination with said tribe's governing body(ies).

There are no inhabited tribal lands in Palm Beach County.

Satisfied

6. Title VI

The MPO is applauded for taking steps that should make access to the metropolitan planning process more inclusive. The MPO should test the effectiveness of its efforts via an annual review of its Title VI Program. The MPO should provide its policy that defines the steps to take to determine if a complaint should be treated as a Title VI related issue or not.

MPO staff annually reviews its Title VI and ADA Nondiscrimination Policy and Plan. The document remains current and the effectiveness of the MPO public participation programs increases annually and remain in compliance with the Policy and Plan. As a result of a successfully implemented plan, the MPO has never received any complaints of discrimination.

The 2015 Federal Certification identified at least one member of the public specifically implying discrimination as to when and how transit routes were scheduled.

FDOT acknowledges the effective Title VI process the MPO shared with the Department per the 2016 Joint MPO-State Certification Review. Members of the general public might not be aware that their particular complaint is related to Title VI and might not use said complaint procedure. The MPO's policies to address general complaints should also include a step to determine if a general complaint should also receive Title VI treatment.

7. UPWP

MPO must ensure that the final invoice to close out the current UPWP is submitted to the Department no later than 8/30/2016 as no time extensions will be considered this cycle.

The PB-MPO is committed to completing the invoicing process to close out the current UPWP per the defined schedule.

Satisfied

2016 FDOT Certification Review Recommendations and Responses (cont'd)

FDOT Recommendations

MPO Response

FDOT Response

8. Board and Committee Meeting Dates

The MPO Board should take into consideration deliverables and deadlines when scheduling the annual board and committee meeting dates.

MPO staff members maintain a spreadsheet throughout the year to schedule presentations, draft documents, etc. for review by the Governing Board and advisory committees as applicable in order to provide deliverables and meet all deadlines. The Palm Beach MPO Governing Board meeting schedule was adjusted from a July recess to an August recess so that the Priority List of Projects will be delivered to FDOT by the August 1, 2017 deadline. Future meetings will be adjusted accordingly.

Satisfied

2017 FDOT Certification Review Recommendations

#1 Public Participation

The MPO has demonstrated a commitment to effective public involvement, which should lead to increased public awareness and interest in the metropolitan planning process. Accordingly, and in consideration of the critical role the public plays in the planning process, the MPO should consider making the necessary arrangements to facilitate larger audiences at its regular board meetings.

#2 Performance Measures

The MPO should continue to provide updates to FDOT on its progress in implementing performance measures (i.e. developing and sharing performance data with planning partners and transportation providers, setting performance targets, tracking and reporting of targets) and incorporating them in its planning products per the FAST Act in the following modes/areas:

- a. Freight
- b. Non-motorized
- c. Vehicular
- d. Transit

#3 Regional Transit

The MPO should update FDOT on its current and/or planned effort(s) to support the advancement of regional transit via seamless regional, interoperable transit fare collection.

#4 Efficient Transportation Decision Making

With the exception of Strategic Intermodal System (SIS) and bridge replacement projects, the MPO should ensure that it screens all capacity projects on its List of Priority Projects (LOPP) using the Efficient Transportation Decision Making (ETDM) process (programming screen) prior to the LOPP being transmitted.

#5 TIP

The MPO should apply and address the following comments on its 2016 Transportation Improvement Program (TIP) to its 2017 and subsequent TIPs:

- a. The MPO should discuss the Joint State Certification Review process in the TIP's narrative.
- b. The MPO should discuss the Federal Certification Review process in the TIP's narrative.
- c. The TIP should include a discussion on the MPO's congestion management process.
- d. The MPO should mention if/how Efficient Transportation Decision Making (ETDM) is used in project/phase programming in the narrative of the TIP.

2017 Joint State/MPO Certification Review Findings - Recommendations (cont'd)

#6
Title VI and
Related
Requirements -
ADA Accessibility

Under 28 CFR 35.105, all public entities, including MPOs are required to conduct a self-evaluation of programs and services for accessibility and where deficiencies are discovered, make necessary modifications for compliance. MPO's share a common minimum obligation; to ensure that all planning products include accessibility considerations and to involve the community with disabilities on their service representatives in the planning process. More specific guidance on ADA/504 requirements for planning agencies from FHWA should be available soon. In the meantime, the Review Team recommends that the Palm Beach MPO consider taking strong practice steps to assist its local governments with identifying partners in need of training.

Noteworthy Practices

MPO Board Rolling Retreat

In January 2016, the Palm Beach MPO participated in a bus/walking tour of the following:

- US 1 corridor through northern Palm Beach to evaluate multimodal alternatives for the corridor.
- City of Palm Beach Gardens use of the city's public art impact fees to create attractive bus shelters and review the city's participation in the design of the PGA Boulevard bridge over Alternate A1A to create a community landmark.
- Northwood Crossover to facilitate the planned Tri-Rail service extension to northern Palm Beach County and potential PGA Boulevard station locations.
- Jupiter Riverwalk in the Town of Jupiter, and reviewed the master plan and how using MPO programs as a fundings resources has advanced implementation of the plan.

Commuter Challenge

In March 2016 the MPO encouraged participation in a countywide competition for most miles commuted on foot, by bike, on transit, or via carpool.

Photo Contest

The MPO held a photo contest to receive transportation related photographs of Palm Beach county facilities. The winning photographers were recognized at an MPO Governing Board meeting. These photos are now used in public engagement activities.

Multimodal Reviews

The Palm Beach MPO began reviewing all FDOT projects against a multimodal checklist to ensure that all modes of transportation and local plans and conditions are considered in the design.

Bike Month Proclamation and Culmination Event

The MPO hosted a Florida Bicycle Month culmination on April 2, 2016 in collaboration with the City of West Palm Beach to educate the public about bicycle, pedestrian, and transit safety skills, services, and studies as well as collect feedback on the transportation system.

South Florida Public Transit Day

In December 2016, the Palm Beach MPO joined Miami-Dade and Broward partners to coordinate and promote participation in the first ever South Florida Public Transit Day. This effort encouraged elected officials as well as residents to ride transit and share their experiences.

Bicycle/Pedestrian Count Pilot Program

The MPO deployed pedestrian and bicycle counters throughout the county and collected counts. This data is now being used to evaluate future projects and effectiveness of recently implemented projects. The MPO has allowed FDOT as well as local communities to use the counters on an as-needed basis.

Sidewalk Inventory and School Hazardous Walking Conditions

The MPO has developed a geospatial file that details the existence of sidewalks throughout Palm Beach County. The MPO will use this inventory to create hazardous walking conditions analysis profiles for all elementary schools in Palm Beach County.

Complete Streets Policy and Design Guidelines

The MPO's adopted a Complete Streets Policy and began holding quarterly Complete Streets ad hoc working group meetings to share local Complete Streets updates and to work on the development of local design guidelines that will be completed in Spring of 2017.

Noteworthy Practices (cont'd)

Local Initiatives/Transportation Alternatives Programs

The Palm Beach MPO updated the on-line submittal process to include FDOT requirements to ensure submittals are consistent with FDOT/FHWA guidelines. The scoring systems for both programs were refined to be consistent with the MPO's Complete Streets policy and the Long-Range Transportation Plan.

Multimodal Agency Collaboration

The MPO meets monthly with its local transit agency, Palm Tran, and quarterly with its regional transit agency, South Florida Regional Transportation Authority, to share updates on projects and collaborate on initiatives. MPO staff also participates in transportation agency and municipal multimodal committees and safety studies.



Florida Department of Transportation

District 4

3400 W Commercial Blvd

Fort Lauderdale, FL 33309

(954) 777-4100

APPENDIX A

2015 Federal Certification Review Status Update Recommendations

2015 Federal Certification Review Status Update - Recommendations

Federal Recommendations

MPO Comments

1. Bicycle and Pedestrian Planning

The Federal Review Team encourages the MPO to continue its efforts to enlist a member of the disabled community to the BGPAC and to continue its efforts developing a strong partnership with disability service groups. This representation and partnering are critical to ensure this community has a comprehensive voice in the MPO's programs and planning process.

The MPO has solicited the assistance of the Coalition for Independent Living Options, Inc. Pathways to Independence and the local AARP office for their involvement with the BGPAC, and is awaiting their response.

2. Public Participation Plan

The MPO should examine its Public Involvement performance measures to ensure they are sufficient to adequately guide the process. After several years of using the measures in place, the MPO should have a good sense of which measures provide useful data and those that are of little or no value. While having measures of effectiveness is a regulatory requirement, they are essentially tools for the MPO to make data-driven decisions and decide which methods are useful.

The complete recommendation states, "The MPO Should examine its Public Involvement performance measures to ensure they are sufficient to adequately guide the process. After several years of using the measures in place, the MPO should have good sense of which measures provide useful data and those that are of little or no value. While having measures of effectiveness is a regulator requirement, they are essentially tools for the MPO to make data-driven decisions and decide which methods are useful." With assistance from one of the MPO's planning consulting teams contracted in Dec. 2015, the MPO intends to perform a major update of its Public Involvement Plan the MPO intends to perform a major update of its Public Involvement Plan (PIP) in including provision of a limited number of measures of effectiveness that can be adequately measured to product useful data to inform future outreach decisions.

2015 Federal Certification Review Status Update - Recommendations (cont'd)

Federal Recommendations

MPO Comments

3. Title VI and Related Requirements

As with other Florida MPOs, the Palm Beach MPO is beginning to appreciate that environmental justice considerations are required in all federally funded programs, services and activities, including the LRTP and TIP. While the Outreach Planner is an excellent source of data and good start, the Team recommends that demographics and other data be used to screen plans and/pr projects for potentially high and adverse impacts to minority and low income communities. The Team understands that EJ in planning is a far broader approach than during Project Development and Environmental (PD&E). Nevertheless policies, projects activities advanced to benefit or to avoid, minimize or mitigate adverse impacts on minority and other communities should be described in MPO plans. FHWA is currently releasing an EJ Reference Guide and corresponding training that should provide some practical strategies.

The MPO recently partnered with Palm Tran to purchase the TransitMix software to analyze existing and potential transit routes. The software shows the demographic information of the population in the service area including low income, elderly, disabled, no car households, etc.

4. Title VI and Related Requirements

Under 28 CFR 35.105, all public entities, including MPOs are required to conduct a self-evaluation of programs and services for accessibility and where deficiencies are discovered, make necessary modifications for compliance. MPO's share a common minimum obligation; to ensure that all planning products include accessibility considerations and to involve the community with disabilities on their service representatives in the planning process. More specific guidance on ADA/505 requirements for planning agencies from FHWA should be available soon. In the meantime, the Review Team recommends that the Palm Beach MPO consider taking strong practice steps to assist its local governments with identifying partners in need of training or assistance, a; and reporting to FDOT or FHWA innovative programs or cost effective tools that might assist public agencies with meeting accessibility requirements.

The MPO is working with a team of consultants to create a geospatial file that details the existence of sidewalks throughout Palm Beach County. Additionally, the MPO has undertaken a pedestrian and bicycle count program that monitors usage of various facilities to help gauge how pedestrians and cyclists are traveling. The results of both efforts can and will be shared with local jurisdictions to help improve the allocation of resources and share best practices.

2015 Federal Certification Review Status Update - Recommendations (cont'd)

Federal Recommendations

MPO Comments

5. Title VI and Related Requirements

The Certification concluded with a public meeting and presentation from FHWA/FTA on the planning process. Though largely complimentary of the MPO and its staff, there were a number of scathing public comments about quality and equity of transit services. At least one member of the public specifically implied discrimination as to when and how transit routes were scheduled. The Review Team referred the comment to FTA's Office of Investigations and Adjudications for review. However, the Team recommends that the MPO work with the transit provider(s) to address public concerns over service equity.

The MPO works closely with the transit providers in Palm Beach County, Palm Tran and SFRTA, and regularly participates in their public board and committee meetings where public concerns over service are expressed and addressed.

In addition, the MPO administers the Transportation Disadvantaged Local Coordinating Board meetings where public concerns over paratransit services are also expressed and discussed with Palm Tran Connection on how to address. The MPO also organizes an annual public hearing held separately from the local coordinating board meeting to provide residents an opportunity to comment on Palm Tran's paratransit service.

Representatives from both local transit providers are members of the MPO's advisory committees and MPO Board. These meetings are also open to public comment where any issues can be voiced and followed up on afterwards.

6. Congestion Management Plan

The Federal Review Team recommends that the MPO update and formalize their CMP. It was very clear in the Directions 2040 LFTP that the CMP was fully integrated into the plan, but the strategies and information were from a 5 year old CMP. With the importance and emphasis being placed on performance measures, an updated CMP becomes even more imperative for the MPO to use in its transportation planning.

A new CMP is currently under development and scheduled to go before the MPO Board for approval in June 2016.


JOINT CERTIFICATION STATEMENT ON THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

Pursuant to the requirements of 23 U.S.C. 134(k)(5) and 23 CFR 450.334(a), the Department and the MPO have performed a review of the certification status of the metropolitan transportation planning process for the Palm Beach MPO with respect to the requirements of:


1. 23 U.S.C. 134 and 49 U.S.C. 5303;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 C.F.R. Part 21
3. 49 U.S.C. 5332 prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Section 1101(b) of the FAST Act and 49 C.F.R. Part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
5. 23 C.F.R. Part 230 regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the regulations found in 49 C.F.R. Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C. 6101) prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of 23 U.S.C. regarding the prohibition of discrimination on the basis of gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 C.F.R. Part 27 regarding discrimination against individuals with disabilities.

Included in this certification package is a summary of noteworthy achievements by the MPO, attachments associated with these achievements, and (if applicable) a list of any recommendations and/or corrective actions. The contents of this Joint Certification Package have been reviewed by the MPO and accurately reflect the results of the joint certification review meeting held on January 6, 2017.

Based on a joint review and evaluation, the Florida Department of Transportation and the Palm Beach MPO recommend that the Metropolitan Planning Process for the **Palm Beach MPO** be certified.



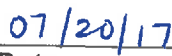
District Secretary (or designee)



Date



MPO Chair (or designee)



Date

DEBARMENT and SUSPENSION CERTIFICATION

As required by the USDOT regulation on Government wide Debarment and Suspension at 49 CFR 29.510

- (1) The **Palm Beach MPO** hereby certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - (b) Have not, within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for 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, violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are 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 paragraph (b) of this certification; and
 - (d) Have not, within a three-year period preceding this certification, had one or more public transactions (federal, state or local) terminated for cause or default.
- (2) The **Palm Beach MPO** also hereby certifies that if, later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above, it will promptly provide that information to the U.S.D.O.T.


MPO Chair

07/20/17
Date

LOBBYING CERTIFICATION for GRANTS, LOANS and COOPERATIVE AGREEMENTS

In accordance with Section 1352 of Title 31, United States Code, it is the policy of the **Palm Beach MPO** that:

- (1) No Federal or state appropriated funds have been paid or will be paid by or on behalf of the **Palm Bech MPO**, to any person for influencing or attempting to influence an officer or employee of any Federal or state agency, or a member of Congress or the state legislature in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, extension, continuation, renewal, amendment, or modification of any Federal or state 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 for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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.
- (3) The **Palm Beach MPO** shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants and contracts and subcontracts under grants, subgrants, loans, and cooperative agreement), which exceeds \$100,000, and that all such subrecipients shall certify and disclose accordingly.
- (4) 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 Section 1352, Title 31, U.S. Code. 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 failure.


Chair

Palm Beach MPO
Name of MPO

07/20/17
Date

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION

It is the policy of the **Palm Beach MPO** that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of MPO contracts in a nondiscriminatory environment. The objectives of the Disadvantaged Business Enterprise Program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The **Palm Beach MPO**, and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the contract work of the **Palm Beach MPO** in a non-discriminatory environment.

The **Palm Beach MPO** shall require its consultants to not discriminate on the basis of race, color, national origin and sex in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.


Chair

Palm Beach MPO
Name of MPO

07/20/17
Date

TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the **Palm Beach MPO** assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The **Palm Beach MPO** further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.

Dated 07/20/17

by , Chief Executive Officer

APPENDICES A and E

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1.) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.
- (6.) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to

enter into such litigation to protect the interests of the Florida Department of Transportation, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).