

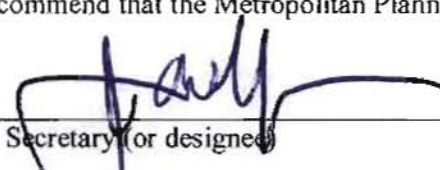
## JOINT CERTIFICATION STATEMENT ON THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

Pursuant to the requirements of 23 U.S.C. 134 (k)(5), 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:

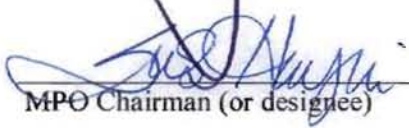
1. 23 U.S.C. 134 and 49 U.S.C. 5303;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 C.F.R. Part 21
3. 49 U.S.C. 5332 prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Section 1101(b) of SAFETEA-LU (Public Law 109-59) 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 30, 2013.

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 Chairman (or designee)

  
Date

**Miami Urbanized Area (UZA)/Transportation Management Area (TMA)  
2013 Joint State/MPO Modified Certification Review**

**Palm Beach Metropolitan Planning Organization (MPO)  
Findings, Recommendations and Noteworthy Practices Report**

**May 21, 2013**

The Florida Department of Transportation (FDOT) District Four has conducted a Modified (the 2<sup>nd</sup> year of 3 years permitted for a modified review) State Certification Review of the Palm Beach MPO. The MPO implemented recommendations from 2012 State Modified Certification Review as well as corrective actions from the 2011 Federal Certification Review.

This report assesses the written and verbal answers to the questions presented to the MPO staff. FDOT staff determined the specific areas for which certain questions were asked based on information from the 2012 Modified Joint State Certification process, 2011 Federal Certification Review, observation of and coordination with MPO staff and attendance at MPO Board and committee meetings. Areas that are not commented on in this report are considered satisfactory by the Department.

**Summary of Key Activities to Support Planning Process**

The MPO has successfully completed the annual coordination and reporting efforts on schedule as follows:

- ✓ Signed 2012 Joint Certification Statement
- ✓ Signed 2012 DBE Verification
- ✓ Adopted 12/13 Transportation Improvement Program
- ✓ Held informal unfunded priorities meeting in 2012 with FDOT and stakeholders
- ✓ Adopted and transmitted official list of unfunded priorities
- ✓ Adopted 2013/2014 to 2017/2018 FDOT Tentative Work Program
- ✓ Held Modified Certification Review meeting with FDOT on January 30, 2013
- ✓ Responded to Certification Review Questions/Issues

**Progress on Implementation of Remaining  
2011 Federal Certification Corrective Actions**

**Agreement(s)** – The MPO staff needs to update, revise and sign its staff services agreement by March 15, 2012.

**Comment:** A new staff services agreement with Palm Beach County was executed on March 12, 2013. All corrective actions from the 2011 Federal Certification Review have been satisfactorily addressed. Confirmation from FHWA is expected before the close of state FY2013.

**SATISFIED**

## **Progress on Implementation of 2012 State Recommendations**

1. **Agreement(s)** - The 2011 Federal Certification Review listed a corrective action that the MPO adopt an updated staff services agreement by March 15, 2012. The 2011 state Certification Review recommended the same. To date, the MPO has not adopted said agreement. The MPO should continue to aggressively pursue the adoption of an updated staff services agreement.

**Comment:** A new staff services agreement with Palm Beach County was executed on March 12, 2013.

### **SATISFIED**

2. **Public Involvement:** The MPO has demonstrated an intent to increase awareness of the transportation planning process and to track and measure its effectiveness at doing so. In the 2040 Long Range Transportation Plan and Regional Long Range Transportation Plan cycles, the MPO should seek innovative ways to increase awareness of the transportation planning process. Special consideration should be given to improving efficiencies, avoiding redundancies and potentially confusing messages by coordinating with Palm Beach and Miami-Dade MPOs.

**Comment:** The scopes for both the Regional Transportation Plan (RTP) and the Palm Beach Long Range Transportation Plan (LRTP) call for coordination with each other. Recent discussions among the project managers for the RTP and the three LRTPs described a process with the RTP consultant providing material to be used by the LRTP consultants for public meetings and presentations. The MPO Public Involvement Officers (PIO) are proposing to use a regional theme with local plan items incorporated for each county. The group will meet with the regional consultant on a regular basis to discuss ongoing activities and ensure the information being disseminated is similar in nature in all three counties.

### **SATISFIED and ONGOING**

3. **Public Involvement** - The Department (in coordination with the district's M/TPOs) is conducting a telephone survey to identify the public's awareness of the transportation planning process. The MPO should use the results of the survey as a baseline against which implementation of its Public Involvement Plan and future project specific public outreach efforts are measured.

**Comment:** The telephone survey was conducted. All of District Four's M/TPOs have accepted the results and will use them as baselines against which subsequent public involvement efforts will be measured. Another telephone survey will be conducted in 2014.

### **SATISFIED**

4. **Census and Apportionment** - The MPO should continue participation in post-2010 U.S. Census activities including but not limited to; revisiting MPO designations, metropolitan planning area boundaries, board memberships and any related submission of documents to the Department.

**Comment:** The MPO has notified FDOT that it will continue to function as an individual MPO and has endorsed the function and continued operation of Southeast Florida Transportation Council (SEFTC) to be a central entity in regional projects.

**SATISFIED and ONGOING**

5. **Transportation Improvement Program (TIP)** - All five M/TPOs in FDOT's District Four are using the Interactive TIP application. The MPO should continue working with the contractor, the District and Central Office to refine and improve the Interactive TIP tool, thus enhancing public outreach.

**Comment:** MPO staff has met with FDOT staff, participated in a training webinars and participated in statewide video conferences regarding creation of the TIP via the interactive TIP application. The MPO Board (and public) saw a presentation on some of the newer features of the interactive TIP application at their May 16<sup>th</sup>, 2013 meeting.

**SATISFIED and ONGOING**

6. **Title VI:** The MPO has satisfactorily responded to all recommendations of the 2011 State Certification Review regarding Title VI. The MPO should continue to adhere to all Title VI requirements and periodically review its standards and procedures to ensure compliance.

**Comment:** The MPO is continuing all of the efforts implemented in response to the most recent State and Federal Certification Reviews.

**SATISFIED and ONGOING**

**2013 FDOT Recommendations to  
Improve Planning Process**

1. **Transportation Improvement Program (TIP) Amendments:** For the purposes of public involvement and ensuring full disclosure of public documents, the MPO should incorporate TIP amendments and related documents in its interactive TIP application within 14 days of amendment being approved.
2. **TIP:** The MPO has successfully partnered to implement and maintain the Interactive TIP tool. The MPO should continue to further develop the tool by investigating features and additives to enhance public use (e.g. graphics, maps and detailed project descriptions).
3. **MPO Website:** Websites and other internet based media have become prevalent public involvement tools. The MPO should consider updating the design of its website to feature more graphics and less text on the main pages similar to popular private sector websites. The website should also have a "search" feature.
4. **Regional Coordination:** Working with FDOT, the MPO should complete efforts to identify and implement enhancements to the regional planning and coordination process for the Miami Urbanized



Area served by the Miami-Dade, Broward, and Palm Beach MPOs. As part of those efforts, continue coordinating to ensure delivery of a complete and complementary set of regional and local plans for the 2040 transportation planning cycle. Complete other remaining steps in the post-2010 U.S. Census consultative process by July 1, 2013, or as extended by FDOT.

5. **Public Outreach:** South Florida Commuter Services is a program of the Department's that helps promote ride sharing options for commuters in Miami-Dade, Broward, Palm Beach, Martin and St. Lucie Counties. This program also helps identify commuter concerns and provides support to relieve said concerns. The MPO should consider using this program to further expand public outreach efforts related to transit and ridesharing, in general.
6. **Disadvantaged Business Enterprise (DBE) Plan:** The MPO has an adopted and FDOT approved DBE Plan. The MPO should post the DBE plan on its website in an effort to make the website an all-inclusive source of information to the public.
7. **Title VI:** In order to ensure all residents of Palm Beach County are receiving adequate consideration to benefit from MPO services, the MPO should collect and analyze demographic data of participants in and beneficiaries of programs and activities of the MPO. At a minimum, census data should be used as a base against which said information should be measured.

#### **2013 Noteworthy Practices**

1. Coordinated a unified Waterways Plan by getting the various waterfront districts to all work together in a coordinated fashion.
2. Conducted charrettes for TOD design at train station.
3. Funded water taxi docks along the Intracoastal Waterway through applying for and receiving grants from the Ferry Boat Discretionary Program (FBDP). Picked North County because there was existing water taxi service and so only dock improvements were needed, not ongoing service funding. The MPO is exploring the concept of one Countywide license rather than by City to facilitate permitting.

## APPENDIX A

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 (6) 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.


## TITLE VI/ NONDISCRIMINATION POLICY STATEMENT

The Palm Beach MPO assures the Florida Department of Transportation 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 and the Florida Civil Rights Act of 1992 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 agrees to the following responsibilities 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 *Appendix A* 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.

By:  6-20-13  
Palm Beach MPO, Chairperson 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, sex, age, handicap/disability, or income status 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.

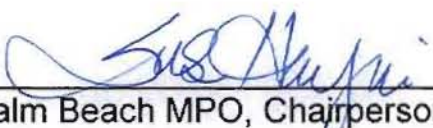
  
\_\_\_\_\_  
Palm Beach MPO, Chairperson

6-20-13  
\_\_\_\_\_  
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 Beach 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.


  
\_\_\_\_\_  
Palm Beach MPO, Chairperson

6-20-13  
\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Palm Beach MPO, Chairperson

6-20-13  
\_\_\_\_\_  
Date