



Palm Beach TPA

Joint Certification – CY 2020

February 26, 2021

Part 1 – Metropolitan Planning Organization

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FDOT Joint Certification

Purpose

Each year, the District and the Metropolitan Planning Organization (MPO) must jointly certify the metropolitan transportation planning process as described in [23 C.F.R. §450.336](#). The joint certification begins in January. This allows time to incorporate recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions.

The certification package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than June 1.

FDOT Joint Certification

Certification Process

Please read and answer each question using the checkboxes to provide a “yes” or “no.” Below each set of checkboxes is a box where an explanation for each answer is to be inserted. The explanation given must be in adequate detail to explain the question.

FDOT's [MPO Joint Certification Statement](#) document must accompany the completed Certification report. Please use the electronic form fields to fill out the document. Once all the appropriate parties sign the MPO Joint Certification Statement, scan it and email it with this completed Certification Document to your District MPO Liaison.

Please note that the District shall report the identification of, and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

FDOT Joint Certification

Part 1

Part 1 of the Joint Certification is to be completed by the MPO.

Part 1 Section 1: MPO Overview

1. Does the MPO have up-to-date agreements such as the interlocal agreement that creates the MPO, the intergovernmental coordination and review (ICAR) agreement; and any other applicable agreements? Please list all agreements and dates that they need to be readopted. The ICAR Agreement should be reviewed every five years and updated as necessary. Please note that the ICAR Agreement template was updated in 2020.

Please Check: Yes No

The Palm Beach MPO, doing business as the Palm Beach Transportation Planning Agency (TPA), is created by an Interlocal Agreement between FDOT and all member local governments. The Agreement was executed on October 9, 2015. This document does not require re Adoption.

The TPA has an Intergovernmental Coordination and Review and Public Transportation Agreement with FDOT, the Treasure Coast Regional Planning Council (TCRPC), the South Florida Regional Transportation Authority (SFRTA), the Port of Palm Beach and Palm Beach County. The Agreement was executed on April 21, 2008 and is reviewed every five years and updated as necessary. This document does not require re Adoption. However, if FDOT shares the updated ICAR Agreement template it will be reviewed by TPA staff for potential action in 2021.

The TPA's current MPO Agreement with FDOT for FHWA planning funds is dated June 23, 2020 and expires June 30, 2022.

The TPA's current Public Transportation Grant Agreement with FDOT for FTA federal fiscal year 2018 and 2019 planning funds is dated April 1, 2019 and expires December 31, 2023 following FDOT approval of a time extension request on December 22, 2020. This agreement was amended on November 7, 2019 to add federal fiscal year 2019 funds and modified on March 8, 2020 to update the TPA's Federal Employer Identification Number. FDOT also provided a second amendment to the TPA to add federal fiscal year 2020 funds and extend the term to December 31, 2022; this amendment was executed by the TPA on August 26, 2020 but was never executed by FDOT nor did FDOT inform the TPA of its decision not to execute this amendment.

The TPA's current Transportation Disadvantaged Planning Grant Agreement with the Commission for the Transportation Disadvantaged (CTD) for FY 21 planning funds is dated July 1, 2020 and expires June 30, 2021.

The Interlocal Agreement creating the Southeast Florida Transportation Council (SEFTC) is dated January 9, 2006, has been amended twice, and automatically renews every five years.

The Memorandum of Understanding (MOU) between Broward MPO, Miami-Dade TPO, Palm Beach TPA, and FDOT Districts 4 & 6 for Coordination of Southeast Regional Planning Model related activities is dated October 4, 2019 and expires December 31, 2024. A second MOU for acquisition of regional travel data is dated September 1, 2020 and expires December 31, 2024.

2. Does the MPO coordinate the planning of projects that cross MPO boundaries with the other MPO(s)?

Please Check: Yes No

The TPA coordinates the planning of projects that cross the southern county boundary with the Broward MPO and the Miami-Dade TPO through the South Florida Transportation Council (SEFTC). The SEFTC Interlocal Agreement was executed on January 9, 2006 and amended on April 30, 2009 and July 14, 2011. Additionally, the TPA coordinates with the Martin County MPO, St. Lucie TPO and the Indian River MPO on transportation projects that cross the northern county boundary and with the Heartland Regional TPO on projects that cross the western county boundary.

The TPA is a funding partner for the maintenance of version 8 of the Southeast Regional Planning Model (SERPM8) that is being administered by FDOT, the creation of SERPM 9 that is being administered by the Miami Dade TPO, and the acquisition of regional travel data that is being administered by the Broward MPO. TPA staff actively participates in the development and coordination of these efforts.

3. How does the MPOs planning process consider the 10 Federal Planning Factors ([23 CFR § 450.306](#))?

Please Check: Yes No

As outlined in the TPA's UPWP, the 10 planning factors are considered in the planning process. These factors are to:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; UPWP Task 1-B Present information

- and seek input from local governments, chambers of commerce, civic organizations, neighborhood associations, etc. to ascertain infrastructure and service needs to support economic development, promote community health, enhance safety and grow travel and tourism.
2. Increase the safety of the transportation system for motorized and non-motorized users; UPWP Task 2-D Plan the non-motorized transportation system, including evaluating TPA's pedestrian and bicycle priority networks, upcoming resurfacing projects, and high crash locations to identify pedestrian and bicycle infrastructure improvements and collect pedestrian and bicycle count and safety data; Task 2-F Conduct and assist local governments with multimodal plans and corridor studies to improve safety for users of all ages, abilities and transportation modes.
 3. Increase the security of the transportation system for motorized and non-motorized users; UPWP Task 2-B Plan the fixed route transit system, including multimodal corridor studies to improve access to transit service, amenities, transit-supportive land uses, and health impact assessments; TDP updates; and analysis of rail crossing safety and quiet zone eligibility.
 4. Increase the accessibility and mobility of people and for freight; Task 2-B Plan the fixed route transit system, including multimodal corridor studies to improve access to transit service, amenities, transit-supportive land uses, and health impact assessments; TDP updates; and analysis of rail crossing safety and quiet zone eligibility; Task 2-C Plan the Transportation Disadvantaged (TD) system...; Task 2-D Plan the non-motorized transportation system, including evaluating TPA's pedestrian and bicycle priority networks, upcoming resurfacing projects, and high crash locations to identify pedestrian and bicycle infrastructure improvements and collect pedestrian and bicycle count and safety data; Task 2-G Update the freight system plan...
 5. Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns; UPWP Task 4-C mandates creation of a performance measure dashboard (inclusive of a Congestion Management Process) to evaluate LRTP goals and objectives, track progress toward selected targets, and identify potential projects for funding in the TIP.
 6. Enhance the integration and connectivity of the transportation system, across and between modes for people and freight; UPWP Task 2-B Plan the fixed route transit

- system, including multimodal corridor studies to improve access to transit service, amenities, transit-supportive land uses, and health impact assessments; TDP updates; and analysis of rail crossing safety and quiet zone eligibility; Task 2-C Plan the Transportation Disadvantaged (TD) system...; Task 2-D Plan the non-motorized transportation system, including evaluating TPA's pedestrian and bicycle priority networks, upcoming resurfacing projects, and high crash locations to identify pedestrian and bicycle infrastructure improvements and collect pedestrian and bicycle count and safety data; Task 2-G Update the freight system plan...
7. Promote efficient system management and operation; UPWP Task 2-B Plan the fixed route transit system, including multimodal corridor studies to improve access to transit service, amenities, transit-supportive land uses, and health impact assessments; TDP updates; and analysis of rail crossing safety and quiet zone eligibility; Task 2-C Plan the Transportation Disadvantaged (TD) system...; Task 2-D Plan the non-motorized transportation system, including evaluating TPA's pedestrian and bicycle priority networks, upcoming resurfacing projects, and high crash locations to identify pedestrian and bicycle infrastructure improvements and collect pedestrian and bicycle count and safety data; Task 2-G Update the freight system plan...
 8. Emphasize the preservation of the existing transportation system; UPWP Task 3-A Develop an annual List of Priority Projects...; Task 3-C Review FDOT Draft Work Program for consistency with the LRTP and adopted priorities of the TPA Governing Board; Task 3-D Prepare the TIP...
 9. Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation; In February 2020, the TPA Board considered an amendment to its Long-Range Transportation Plan to add the widening and extension of SR 7 into the plan. Under discussion of that item, the TPA Board directed FDOT to modify the design of the roadway to more thoroughly mitigate storm water impacts associated with its construction and ongoing usage.
 10. Enhance travel and tourism; UPWP Task 1-B Present information and seek input from local governments, chambers of commerce, civic organizations, neighborhood associations, etc. to ascertain infrastructure and service needs to support economic development, promote community health, enhance safety and grow travel and tourism.

4. How are the transportation plans and programs of the MPO based on a continuing, comprehensive, and cooperative process?

Please Check: Yes No

The TPA routinely:

- Cooperates with our neighboring MPOs, transportation and regional agencies and the public on a continuous basis.
- Monitors land use and zoning activities by local governments within the planning area, provides input and comments upon request, and responds to changes by routinely updating the planned transportation facilities and services necessary to support the evolving transportation demands created by these actions.
- Comments on project scoping for FDOT, County and City projects to ensure advancement of the TPA's vision.
- Reaches out to airport, seaport, railway and road-based shipping partners to ensure that its plans are comprehensive of all modes of travel.
- Conducts coordination meetings with Palm Tran and SFRTA on key projects and initiatives.
- Presents to area local governments to solicit feedback and ensure collaboration.

5. When was the MPOs Congestion Management Process last updated?

Please Check: Yes No N/A

The TPA reports periodically on the performance of its transportation system through the maintenance of a performance measure dashboard available at www.palmbeachtpa.org/pm. This dashboard includes the Congestion Management Process (CMP) but provides enhanced focus on the monitoring of selected targets for federally mandated and locally identified performance measures based on the Goals and Objectives of the LRTP. The most recent update of this dashboard was published in January 2021 but the dashboard is built to provide dynamic updates going forward.

The CMP mirrors the Goals and Objectives identified in the 2045 LRTP and incorporates the adopted goals, performance measures and targets required by the FAST Act and included in the adopted LRTP to ensure greater focus on performance-based planning.

6. Has the MPO recently reviewed and/or updated its Public Participation Plan? If so, when?

Please Check: Yes No

The TPA's Public Participation Plan (PPP) was most recently revised on September 17, 2020 via adoption of TPA Resolution 2020-12. The revision included a stronger emphasis on the TPA website as official form of public notice; a policy to require approval or rejection of major updates to the Long Range Transportation Plan (LRTP) and annual updates to the Transportation Improvement Program (TIP) in their entirety, with a provision for project additions or deletions to be considered as amendments at a future meeting; a reference to recently adopted TPA Operating Procedures, including emergency powers and virtual meetings when legally permitted, and removal of outreach goals and objectives in the PPP due to their inclusion and reporting within the TPA's Strategic Plan and Annual Report Card

The revised PPP can be viewed at www.PalmBeachTPA.org/PPP.

7. Was the Public Participation Plan made available for public review for at least 45 days before adoption?

Please Check: Yes No

The PPP amendment public period began on August 3, 2020 and ended with the adoption of the revised PPP on September 17, 2020.

8. Does the MPO utilize one of the methods of procurement identified in [2 C.F.R. 200.320 \(a-f\)](#)?

Please Check: Yes No

The TPA adopted a Procurement Policy on December 14, 2017 that utilizes the methods of procurement in 2 CFR 200.320. It addresses the handling of micro-purchases, small purchases, competitive bidding and non-competitive bidding procurements in compliance with 2 C.F.R. 200. The TPA's adopted Procurement Policy is posted at www.PalmBeachTPA.org/business.

9. Does the MPO maintain sufficient records to detail the history of procurement? These records will include, but are not limited to: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Note: this documentation is required by 2 C.F.R. 200.324 (a) to be available upon request by the Federal awarding agency, or pass-through entity when deemed necessary.

Please Check: Yes No

Detailed records are maintained as required by the procurement type and defined within the TPA Procurement Policy.

10. Does the MPO have any intergovernmental or inter-agency agreements in place for procurement or use of goods or services?

Please Check: Yes No

The TPA has an agreement with the Broward MPO for health insurance services and an agreement with the Florida League of Cities to participate in the Florida Municipal Trust Fund's 457b Deferred Compensation Plan.

11. What methods or systems does the MPO have in place to maintain oversight to ensure that consultants or contractors are performing work in accordance with the terms, conditions and specifications of their contracts or work orders?

Please Check: Yes No

The TPA employs a deliverable based task order system wherein the terms, conditions, specifications and deliverables are all identified during the task order generation phase. TPA staff reviews completion of the deliverables for compliance with the terms, conditions and specifications prior to authorization of payment for any work completed.

Part 1 Section 2: Finances and Invoicing

1. How does the MPO ensure that Federal-aid funds are expended in conformity with applicable Federal and State laws, the regulations in 23 C.F.R. and 49 C.F.R., and policies and procedures prescribed by FDOT and the Division Administrator of FHWA?

The TPA ensures that all expenditures submitted for reimbursement are allowable under 2 C.F.R. §200. Additionally, the TPA periodically reviews its procurement policy and purchasing procedures for conformity.

2. How often does the MPO submit invoices to the District for review and reimbursement?

The TPA routinely invoices on a monthly basis. Occasionally, the TPA will invoice less frequently than monthly in order to consolidate staff costs, consultant invoices, and direct expenses into a single quarterly reporting period. However, pursuant to the TPA's agreements with FDOT, invoices are submitted no less frequently than quarterly.

3. Is the MPO, as a standalone entity, a direct recipient of federal funds and in turn, subject to an annual single audit?

As an independent agency designated as a subrecipient of federal funds, the TPA is currently conducting its first single audit of fiscal year 2020 activities.

4. How does the MPO ensure their financial management system complies with the requirements set forth in [2 C.F.R. §200.302](#)?

The TPA has established a financial management system that complies with requirements of 2 CFR 200.302.

Financial transactions are conducted within Quickbooks Premier Desktop using a chart of accounts based upon the Florida Uniform Accounting System Manual.

Payroll is processed with ADP and timesheet records are kept and maintained in compliance with Defence Contract Audit Agency (DCAA) standards.

In compliance with 2 C.F.R. §200, the TPA has retained an external auditor to audit the TPA's annual financial statements and financial processes.

5. How does the MPO ensure records of costs incurred under the terms of the MPO Agreement maintained and readily available upon request by FDOT at all times during the period of the MPO Agreement, and for five years after final payment is made?

All records are maintained as required by state statute and federal regulation.

6. Is supporting documentation submitted, when required, by the MPO to FDOT in detail sufficient for proper monitoring?

The TPA submits all required documentation to FDOT with each invoice. Thorough supporting documentation is maintained by the TPA to facilitate auditing and monitoring.

7. How does the MPO comply with, and require its consultants and contractors to comply with applicable Federal law pertaining to the use of Federal-aid funds?

All contracts for services and/or goods include required language for federal grant reimbursement eligibility.

Part 1 Section 3: Title VI and ADA

1. Has the MPO signed an FDOT Title VI/Nondiscrimination Assurance, identified a person responsible for the Title VI/ADA Program, and posted for public view a nondiscrimination policy and complaint filing procedure?"

Please Check: Yes No

The FDOT Title VI/Nondiscrimination Assurance was signed by the TPA Executive Director on May 21, 2020 as included in the TPA's Unified Planning Work Program.

The TPA's Public Relations Manager, Malissa Booth, served as the Title VI and ADA Officer through the end of December 2020.

The TPA's Title VI and ADA Nondiscrimination Policy and Plan, the official complaint form and filing procedure, and the Title VI/Nondiscrimination Assurance can be viewed on the TPA website at www.PalmBeachTPA.org/nondiscrimination.

2. Do the MPO's contracts and bids include the appropriate language, as shown in the appendices of the [Nondiscrimination Agreement](#) with the State?

Please Check: Yes No

All TPA agreements and contracts include the following wording:

"Civil Rights. The following requirements apply to this Agreement:

- A. Compliance with REGULATIONS: CONSULTANT 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 contract.
- B. Nondiscrimination. In accordance with Title VI of the Civil Rights Act, as amended, 42 USC §2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 USC §6102, section 202 of the Americans with Disabilities Act of 1990, as amended, 42 USC §12132, and Federal transit law at 49 USC §5332, as each may be amended from time to time, CONSULTANT agrees, with regard to the work performed by it during the contract, that it shall basis of race, color, creed, national origin, sex, age, or disability in the selection and retention of sub-contractors, 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. In addition, CONSULTANT agrees to comply with all applicable federal implementing regulations and any other implementing requirements FTA and or FHWA may issue.

C. Solicitations for Sub-contractors, including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the CONSULTANT of the CONSULTANT'S obligations under this contract and the REGULATIONS relative to nondiscrimination on the basis of race, color, national origin, or sex.

D. Equal Employment Opportunity:

(1) Race, Color, Creed, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended, 42 USC §2000e, and Federal transit laws at 49 USC §5332, CONSULTANT agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Agreement Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 CFR Parts 60, *et seq.*, (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 USC §2000e note), and with any other applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the project. CONSULTANT agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age.

Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

In addition, CONSULTANT agrees to comply with any implementing requirements FTA may issue.

(2) Age. In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 USC §623 and federal transit law at 49 USC §5332, CONSULTANT agrees to refrain from discrimination against present

and prospective employees for reason of age. In addition, CONSULTANT agrees to comply with any implementing requirements FTA may issue.

(3) Disabilities. In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 USC §12112, CONSULTANT agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 CFR Part 1630, pertaining to employment of persons with disabilities. In addition, CONSULTANT agrees to comply with any implementing requirements FTA may issue.

E. CONSULTANT also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only to identify the affected parties.

F. Information and Reports. CONSULTANT 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 or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and Federal Motor Carrier Safety Administration to be pertinent to ascertain compliance with such REGULATIONS, orders and instructions. Where any information required of a CONSULTANT 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, or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

G. Sanctions for Noncompliance. In the event of the CONSULTANTS'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, or Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

(1) withholding of payments to the contractor under the contract until the contractor complies, and/or

(2) cancellation, termination or suspension of the contract, in whole or in part.

H. Incorporation of Provisions: CONSULTANT shall include the provisions of paragraphs (1) through (8) in every sub-contract, 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 sub-contract or procurement as the Florida Department of

Transportation or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, or Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, 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.

I. 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).”

3. Does the MPO have a procedure in place for the prompt processing and disposition of Title VI and Title VIII complaints, and does this procedure comply with FDOT’s procedure?

Please Check: Yes No

The TPA’s Title VI and ADA Nondiscrimination Policy and Plan includes the complaint procedure and a complaint form in both English and Spanish, which can be viewed on the TPA website at www.PalmBeachTPA.org/nondiscrimination.

4. Does the MPO collect demographic data to document nondiscrimination and equity in its plans, programs, services, and activities?

Please Check: Yes No

The TPA monitors countywide statistical data for nondiscrimination and equity based on five-year average values in tables S0101, S0601, S1810 that can be obtained from factfinder.census.gov

5. Has the MPO participated in any recent Title VI training, either offered by the State, organized by the MPO, or some other form of training, in the past three years?

Please Check: Yes No

TPA staff conducted an ADA transition plan training workshop in November 2018 in coordination with FHWA and maintains a video of the workshop on its website as a resource to local partner agencies.

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6. Does the MPO keep on file for five years all complaints of ADA noncompliance received, and for five years a record of all complaints in summary form?

Please Check: Yes No

Yes, although there have been no documented ADA complaints in the past five years.

Part 1 Section 4: Disadvantaged Business Enterprises

1. Does the MPO have a FDOT-approved Disadvantaged Business Enterprise (DBE) plan?

Please Check: Yes No

The TPA has adopted the FDOT's DBE Program, including but not limited to FDOT's Methodology for Determining DBE Goals and FDOT's Annual Goal for DBE participation in solicitations and award of contracts. The DBE Utilization policy is posted at www.PalmBeachTPA.org/business.

2. Does the MPO use the Equal Opportunity Compliance (EOC) system or another FDOT process to ensure that consultants are entering bidders opportunity list information, as well as accurately and regularly entering DBE commitments and payments?"

Please Check: Yes No

The TPA tracks DBE participation with each contract and work order to determine compliance with the FDOT DBE goal. Additionally, there is an ongoing effort by FDOT to allow the MPOs to report payments via the EOC system.

3. Does the MPO include the DBE policy statement in its contract language for consultants and subconsultants?

Please Check: Yes No

The following statement is included in contract language:

- A. "This Agreement is subject to the requirements of 49 CFR Part 26. As required by 49 CFR 26.13, the CONSULTANT will not discriminate on the basis of race, color, national origin, or sex in the performance of any U.S. DOT- assisted contract or the requirements of 49 CFR Part 26. The CONSULTANT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the performance of this Agreement. The TPA's DBE Program, as required by 49 CFR Part 26 and approved by DOT is incorporated by reference into this Agreement. Implementation of this program is a legal obligation and the failure to carry out its terms shall be treated as a violation of this Agreement.
- B. Neither the CONSULTANT nor any subcontractor it may use in the performance of this Agreement shall discriminate on the basis of race, color, national origin, or sex in the award of or the performance of this Agreement. The CONSULTANT shall

carry out the applicable requirements of 49 CFR Part 26 in the award and administration of this Agreement and the Work associated with this U.S. Department of Transportation (U.S. DOT) assisted contract. Failure by the CONSULTANT to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy or action as the TPA deems appropriate which may include but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages, and/or
4. Disqualifying CONSULTANT from future contracts as non-responsible.

- C. CONSULTANT shall include the statements set forth in paragraphs A. and B. above in each subcontract or sub-consultant contract it lets.
- D. The CONSULTANT is encouraged to seek disadvantaged business enterprises (DBEs) for participation in subcontracting opportunities. A contract goal of 10.65% has been established for this Agreement. The CONSULTANT will comply with the tasks and proportionate dollar amounts throughout the term of this Agreement as it relates to the use of DBEs so that it maintains and meets this goal throughout the term of the Agreement. The provisions of this section apply to the CONSULTANT's selection and use of subcontractors, including DBE subcontractors, to perform any part of this Agreement.
- E. The TPA has adopted the Florida Department of Transportation's (FDOT) DBE Program, including but not limited to FDOT's Methodology for Determining DBE Goals and FDOT's Annual Goal of 10.65% for DBE participation in solicitations and award of contracts. This DBE Program, as adopted by TPA, is incorporated into and made a part of this Agreement. The CONSULTANT acknowledges that it has reviewed and is familiar with the terms of the DBE Program. DBE participation towards overall and contract specific goals will be counted as provided in 49 CFR 26.55 and TPA's adopted DBE Program.
- F. The CONSULTANT shall abide by the provisions of the TPA's adopted DBE Program, as it may be amended from time to time, and acknowledges that its failure to comply with said Program is a material breach which may result in the termination of this Agreement or such other sanctions or action deemed appropriate by the TPA under the circumstances, including but not limited to the sanctions identified in paragraph B. above.
- G. The CONSULTANT understands that each DBE firm utilized in the performance

of this Agreement must be certified by FDOT or other participant(s) in Florida's United Certification Program in order to be counted toward the DBE participation goal.

- H. The TPA reserves the right to accept the use of a subcontractor or to reject the selection of a particular subcontractor and to inspect all facilities of any subcontractors in order to make a determination as to the capability of the subcontractor to perform properly under this Agreement.
- I. The CONSULTANT will only be permitted to replace a certified DBE subcontractor who is unwilling or unable to perform. If a subcontractor fails to perform or make progress as required by this Agreement and it is necessary to replace the subcontractor to complete the work in a timely fashion, the CONSULTANT shall promptly do so, subject to acceptance of the new subcontractor by TPA. If a goal or preference points has been assigned to this Agreement, the CONSULTANT shall make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on this Agreement with another certified DBE, to the extent needed to meet the contract goal. The CONSULTANT shall notify the TPA immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation of such. The CONSULTANT must obtain the TPA's representative's prior approval to substitute a DBE. The CONSULTANT shall provide copies of new or amended subcontracts, or documentation of good faith efforts, as required by the TPA. If the CONSULTANT fails or refuses to comply in the time specified, the TPA may issue an order stopping all or part of the work and payments therefor until satisfactory action has been undertaken, terminate this Agreement for noncompliance/default, impose sanctions, or take other action deemed appropriate by the TPA under the circumstances.
- J. Prior to approval of a subcontractor by the TPA, the CONSULTANT shall provide the TPA with a copy of the CONSULTANT's proposed contract with any subcontractor and any other related documentation requested by TPA's representative.
- K. The CONSULTANT agrees to maintain in Palm Beach County, Florida or such other location in Florida approved by the TPA's representative, all relevant records, documents of payments and information necessary to document payments to DBEs for at least five (5) years following the termination of this Agreement. In the event litigation is commenced involving or relating to a DBE, the CONSULTANT agrees to maintain such records until the conclusion of all litigation and the expiration of any appeal periods. All such records and

information shall be immediately made available for reproduction, examination or inspection upon the request of TPA's representative or any authorized representative of FDOT or the U.S. DOT or any agency thereof. The CONSULTANT agrees to require all of its DBE subcontractors to comply with the same records and information maintenance and availability requirements that it is subject to in this Agreement.

- L. The CONSULTANT shall, on a monthly basis or such other period required by the TPA's representative, submit payment certification(s) for all payments it is seeking and certifications from all subcontractors indicating who has been paid and how much. Such certifications shall be made in the manner required and/or on a form(s) furnished by the TPA's representative. Said form(s) shall be signed by the CONSULTANT, affirmed as true and accurate, and shall be subject to all statutory and legal requirements applicable to the submission of false statements. The CONSULTANT will fully participate and cooperate with TPA, FDOT, U.S. DOT or its agencies, and their authorized representatives, regarding any monitoring process it establishes pertaining to the use and review of all subcontractors, including all interim and final audits of payments to subcontractors. Audits may be conducted to review payments to DBE subcontractors to ensure that the actual amount paid to DBEs equals or exceeds the dollar amounts of the Work the CONSULTANT represented would be subcontracted to or performed by DBEs, or for which DBEs would be utilized.

- M. Prior to receiving any progress payment due under this Agreement, the CONSULTANT shall certify in writing in a form acceptable to the TPA that it has disbursed to all subcontractors and suppliers, having an interest in the Agreement or performing work or providing materials or supplies used by the CONSULTANT in its performance of the Work, their pro-rata share(s) of the payment received by the CONSULTANT from previous progress payments for all work completed and materials furnished in the previous period, less any retainage withheld by the CONSULTANT pursuant to an agreement with a subcontractor for payment, as approved by the TPA and FDOT, and as deemed appropriate by TPA. The CONSULTANT shall return all retainage payments withheld by the CONSULTANT within thirty (30) days after each subcontractor's work has been satisfactorily completed. The CONSULTANT shall not be entitled to any progress payment before certification, unless the CONSULTANT demonstrates good cause for not making any such required payment and furnishes written notification of such good cause, acceptable to the TPA, to both the TPA and the affected subcontractors and suppliers.

- N. Within thirty (30) days of the CONSULTANT's receipt of any payment(s) received under this Agreement and any final progress payment received thereafter, the CONSULTANT shall pay all subcontractors and suppliers having an interest in the Agreement or performing work or providing materials or supplies used by the CONSULTANT in its performance of the Work, their *pro-rata* share(s) of the payment(s), unless the CONSULTANT demonstrates good cause, acceptable to the TPA, for not making any required payment(s) and furnishes written notification to the TPA and the affected subcontractors and suppliers within said thirty (30) day period.
- O. The provisions of this section shall be construed in conformity with any requirement of state or federal law. In the event of any conflict, state or federal law will control the resolution of the conflict.”

Part 1 Section 5: Noteworthy Practices & Achievements

One purpose of the certification process is to identify improvements in the metropolitan transportation planning process through recognition and sharing of noteworthy practices. Please provide a list of the MPOs noteworthy practices and achievements below.

1. Engage the Public

- Created online comment map monitorized by staff for the public and partner agencies to submit ideas/concerns regarding the transportation system.
- Effectively hosted hybrid committee meetings with live streaming on YouTube
- Hosted an Open House event with partner agencies and members of the public to learn more about the TPA in January 2020
- Organized a regional Safe Streets Summit with the Broward MPO and Miami-Dade TPO in Fort Lauderdale in February 2020
- Held a Transportation Disadvantaged Public Workshop in March 2020
- Organized a South Florida Regional Transportation Summit with Broward MPO, Miami-Dade TPO, ULI, and Chambers of Commerce in December 2020

2. Plan the System

- Conducted walking audits to identify safety improvements
- Worked on developing Smart Palm Beach website to improve existing data, add new data and share data related to the transportation system
- Performed transit supportive land use opportunities analysis and began transit and roadway alternatives analysis for Multimodal Corridor Study along Okeechobee Blvd. / SR-7

3. Prioritize Funding

- Notified partners of funding opportunities and supported applications for discretionary grants
- Identified safety projects to prioritize funding on the state roadway system
- Worked with transit agencies to prioritize TRIP funding for transit capital

4. Implement Projects

- Provided streamlined FDOT Scheduling Report at each committee meeting

- Reviewed FDOT, County and City project designs to recommend inclusion of pedestrian and bicycle safety improvements
- Published annual system report card in May 2020
- Monitored the collection and use of SCETs tax revenue, managed lane revenue, and MCOREs project impacts on TPA Priority Projects

5. Collaborate with Partners

- Hosted a Transit Peer Exchange in January 2020, a Form Based Code Seminar in March 2020, and a virtual FHWA Lane Repurposing Workshop in November 2020
- Worked with Palm Beach County and Boca Raton on pilot project to install ped/bike detection at 12 intersections
- Assisted the Town of Loxahatchee and the Village of Palm Springs with the development of local Complete Streets and Mobility Plans
- Assisted the Village of Royal Palm Beach with a Crestwood Blvd. speed study
- Assisted the City of Boynton Beach with the creation and adoption of Vision Zero and Complete Streets & Mobility Policies
- Developed renderings of proposed pedestrian and bicycle safety roadway modifications along Lake Worth Beach Rd to raise awareness and support
- Worked with local municipalities and Palm Tran to advance pedestrian, bicycle and transit service improvements proposed in the TPA's US-1 Multimodal Corridor Study, including assisting the City of Boca Raton, City of Lake Worth Beach, and Village of North Palm Beach with lane repurposing studies and working with Palm Tran to refine station locations
- Provided the TPA committees and Board a summary report and presentation on the status of FEC and Brightline station agreements and proposed service in Southeast Florida

6. Administer the Agency

- Adapted to the COVID-19 pandemic by modifying conduct of public meetings. The TPA began utilizing the Zoom webinar platform because it did not require the public to purchase or download any additional software or equipment to attend meetings virtually
- Received a Silver Level Bicycle Friendly Business designation from the League of American Bicyclists

Part 1 Section 6: MPO Comments

The MPO may use this space to make any additional comments or ask any questions, if they desire. This section is not mandatory, and its use is at the discretion of the MPO.

FTA Planning Grant Funds

The TPA was significantly and adversely affected by FDOT's handling of the federal fiscal year 20 FTA planning grant funds. While it is understandable that FDOT would seek to reduce expenditures by replacing a cash match with a soft match to offset COVID-related revenue reductions, this policy decision was not implemented well. First, the timing of the change was adverse. These federal planning funds were available to MPOs in July of 2020 but the FDOT policy shift caused them to be withheld well into 2021. Second, the communication of the change was adverse. FDOT district staff provided an amendment to add the FFY 20 funds to the existing grant agreement in August, the agreement was executed by the TPA, and FDOT did not inform the TPA of its intention not to sign the agreement until December. Third, the implementation of the change was adverse. FDOT district staff provided a substitute amendment in December to add the FFY 20 funds but subsequently withdrew that; FDOT provided a second substitute amendment in January 2021 but subsequently withdrew that as well. In February 2021, FDOT finally provided a process for an MPO to access these funds but the process is unnecessarily cumbersome and delays access to these funds by at least another month. Finally, the financial benefits of implementing this change were offset by the clumsy and time-consuming bureaucratic process of execution. Because of the delays and confusion, any savings realized was lost in staff time expended to implement the change.

TIP Amendments & Modifications

The TPA has received multiple TIP amendments with a lack of clear explanations in the requesting letter. To ensure a transparent and more streamlined process, the TPA requests all amendments provide the reasoning for the amendment or modification clearly stated within the letter.

Additionally, FDOT has requested amendments and modifications to only show the specific phase and costs being changed, omitting important contextual information. The TPA is committed to providing all project information as it will be displayed in the TIP to provide transparency on the full cost of the project, to facilitate committee and Board review, and to streamline staff time to process these requests.

NEPA Evaluation Assurance Letters

FDOT Central Office has requested assurance letters from MPOs during the NEPA Evaluation process for projects advanced into the TIP/STIP by FDOT that are not included in the TPA's adopted LRTP, essentially asking the TPA to state that the necessary amendment(s) will be approved soon. TPA staff cannot make assumptions on future Board amendment actions. The TPA's staff opinion is that the letters are unnecessary. Instead, FDOT could choose to constrain TIP/STIP project selection to those projects that are included in the TPA's adopted LRTP.

Federal Safety Funds

In December 2020, FDOT requested a TIP amendment for two new projects on the state highway system to be funded with federal safety funds. In January 2021, the draft FDOT work program included an additional five new projects on the state highway system to be funded with federal safety funds. The TPA supports these projects and the advancement of projects to improve safety on the state highway system in Palm Beach County. However, as indicated in TPA Resolution 2020-16, the TPA requests the creation of a collaborative process with FDOT that will allow county and city projects to be considered for funding with federal safety funds.

Available Planning Funds

The TPA continues to recommend that FDOT provide a monthly accounting of planning funds available to each MPO along with FDOT's available planning budget to accommodate UPWP amendments. These documents should be provided to the MPOAC Executive Director by the tenth day of each month for distribution to the MPOs and should include an itemized list of those actions within the preceding month that have increased or decreased the available budget.



Palm Beach TPA

Joint Certification – CY 2020

February 26, 2021

Part 2 – FDOT District

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*FDOT Joint Certification
Part 2 – FDOT District*

Purpose

Each year, the District and the Metropolitan Planning Organization (MPO) must jointly certify the metropolitan transportation planning process as described in [23 C.F.R. §450.336](#). The joint certification begins in January. This allows time to incorporate recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions.

The Certification Package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than June 1.

FDOT Joint Certification
Part 2 – FDOT District

Certification Process

Please read and answer each question within this document.

Since all of Florida's MPOs adopt a new Transportation Improvement Program (TIP) annually, many of the questions related to the TIP adoption process have been removed from this certification, as these questions have been addressed during review of the draft TIP and after adoption of the final TIP.

As with the TIP, many of the questions related to the Unified Planning Work Program (UPWP) and Long-Range Transportation Plan (LRTP) have been removed from this certification document, as these questions are included in the process of reviewing and adopting the UPWP and LRTP.

Note: This certification has been designed as an entirely electronic document and includes interactive form fields. Part 2 Section 9: Attachments allows you to embed any attachments to the certification, including the [MPO Joint Certification Statement](#) document that must accompany the completed certification report. Once all the appropriate parties sign the MPO Joint Certification Statement, scan it and attach it to the completed certification in Part 2 Section 9: Attachments.

Please note that the District shall report the identification of and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

The final Certification Package should include Part 1, Part 2, and any required attachments and be transmitted to Central Office no later than June 1 of each year.

Risk Assessment Process

Part 2 Section 1: Risk Assessment evaluates the requirements described in [2 CFR §200.331 \(b\)-\(e\)](#), also expressed below. It is important to note that FDOT is the recipient and the MPOs are the subrecipient, meaning that FDOT, as the recipient of Federal-aid funds for the State, is responsible for ensuring that Federal-aid funds are expended in accordance with applicable laws and regulations.

(b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:

- (1) The subrecipient's prior experience with the same or similar subawards;*
- (2) The results of previous audits including whether the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this part, and the extent to which the same or similar subaward has been audited as a major program;*
- (3) Whether the subrecipient has new personnel or new or substantially changed systems; and*
- (4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).*

(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.207 Specific conditions.

(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:

- (1) Reviewing financial and performance reports required by the pass-through entity.*
- (2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.*

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Part 2 – FDOT District*

(3) Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by §200.521 Management decision.

(e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:

(1) Providing subrecipients with training and technical assistance on program-related matters; and

(2) Performing on-site reviews of the subrecipient's program operations;

(3) Arranging for agreed-upon-procedures engagements as described in §200.425 Audit services.

If an MPO receives a Management Decision as a result of the Single Audit, the MPO may be assigned the high-risk level.

After coordination with the Office of Policy Planning, any of the considerations in 2 CFR §200.331 (b) may result in an MPO being assigned the high-risk level.

The questions in Part 2 Section 1: Risk Assessment are quantified and scored to assign a level of risk for each MPO, which will be updated annually during the joint certification process. The results of the Risk Assessment determine the minimum frequency by which the MPO's supporting documentation for their invoices is reviewed by FDOT MPO Liaisons for the upcoming year. The frequency of review is based on the level of risk in **Table 1**.

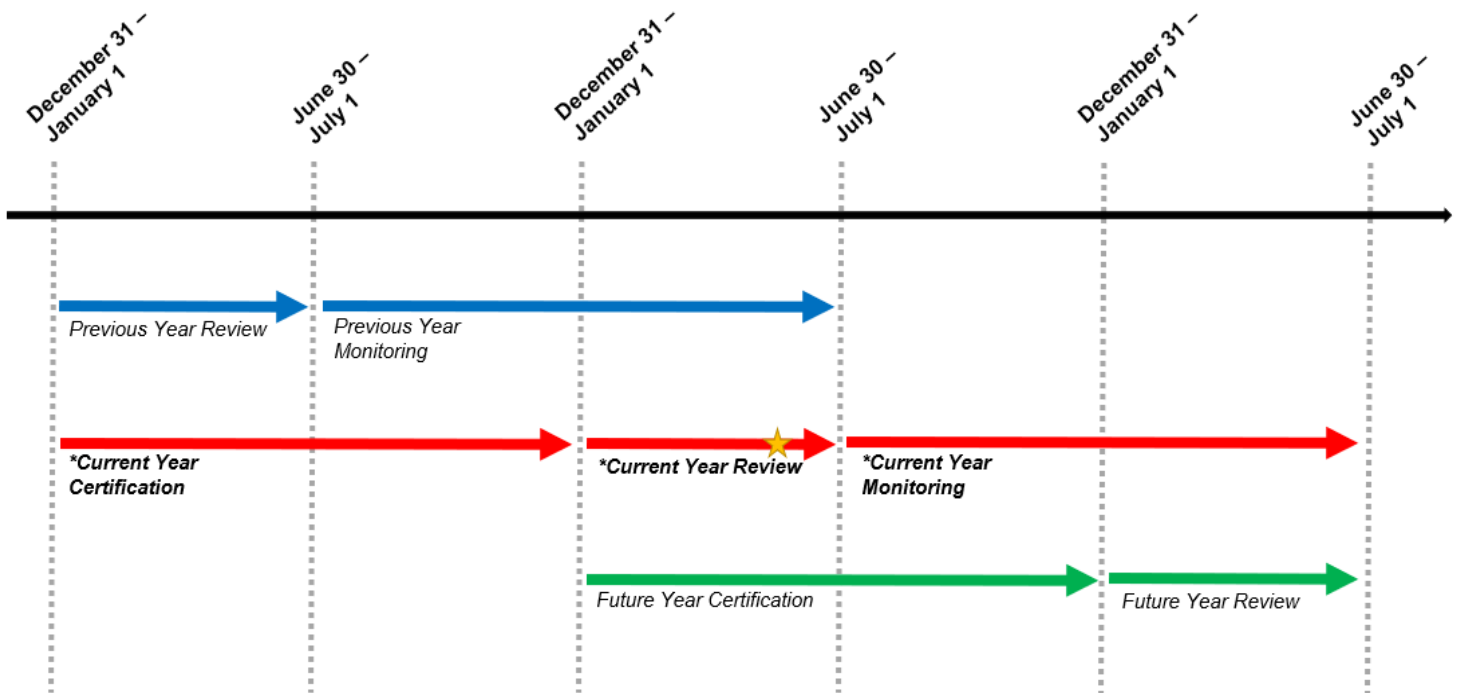
Table 1. Risk Assessment Scoring

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

FDOT Joint Certification Part 2 – FDOT District

The Risk Assessment that is part of this joint certification has two main components – the Certification phase and the Monitoring phase – and involves regular reviewing, checking, and surveillance. The first step is to complete this Risk Assessment during the joint certification for the current year (*The red line in **Figure 1***). The current year runs for a 12-month period from January 1 to December 31 of the same year (**Example: January 1, 2018 through December 31, 2018**). There is a 6-month period when the joint certification for the current year is reviewed before the Risk Assessment enters the Monitoring phase. The joint certification review runs from January 1 to June 30 (**Example: January 1, 2019 through June 30, 2019**). After the review has been completed, the Risk Assessment enters the Monitoring phase, where the MPO is monitored for a 12-month period (**Example: July 1, 2019 to June 30, 2020**). The entire Risk Assessment runs for a total of 30-months. However, there will always be an overlapping of previous year, current year, and future year Risk Assessments. **Figure 1** shows the timeline of Risk Assessment phases and how Risk Assessments can overlap from year to year.

Figure 1. Risk Assessment: Certification Year vs. Monitoring



★ June 1st - Joint Certifications are due to FDOT

FDOT Joint Certification
Part 2 – FDOT District

Part 2

Part 2 of the Joint Certification is to be completed by the District MPO Liaison.

*FDOT Joint Certification
Part 2 – FDOT District*

Part 2 Section 1: Risk Assessment

MPO Invoice Submittal

List all invoices and the dates that the invoices were submitted for reimbursement during the certification period in **Table 2** below.

Table 2. MPO Invoice Submittal Summary

Invoice #	Invoice Period	Date the Invoice was Forwarded to FDOT for Payment	Was the Invoice Submitted More than 90 days After the End of the Invoice Period? (Yes or No)
G0Y84-11	09/01/2019 – 01/31/2020	04/29/2020	NO (89 days)
G0Y84-12	10/01/2019 – 02/29/2020	05/21/2020	NO (82 days)
G0Y84-13	08/20/2019 – 03/31/2020	05/21/2020	NO (51 days)
G0Y84-14	03/13/2020 – 04/30/2020	06/26/2020	NO (57 days)
G0Y84-15	04/01/2020 – 05/31/2020	07/16/2020	NO (46 days)
G0Y84-16	10/01/2019 – 06/30/2020	09/30/2020	YES (92 days)
G1O32-1	07/01/2020 – 09/30/2020	12/04/2020	NO (82 days)
MPO Invoice Submittal Total			
Total Number of Invoices that were Submitted on Time			6 (+1 excused)
Total Number of Invoices Submitted			7

Clarification/Confirmation provided by TPA via email on April 1, 2021, following discussion at Annual Certification Review Meeting on March 24, 2021:

“The processing of a final amendment impacted the completion and delayed submission of invoice 16.”

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FDOT District 4 Responses to TPA Invoice Notes:

Invoice # 16 – Excused. Delays with regards to closing out projects and processing final UPWP Revisions statewide had impacted the processing of the final invoice # 16. This was a process related delay not attributed to the TPA related to de-obligation of SU funds which was further complicated by COVID-19 instructions.

MPO Invoice Review Checklist

List all MPO Invoice Review Checklists that were completed in the certification period in **Table 3** and attach the checklists to this risk assessment. Identify the total number of materially significant finding questions that were correct on each MPO Invoice Review Checklist (i.e. checked yes). The MPO Invoice Review Checklist identifies questions that are considered materially significant with a red asterisk. Examples of materially significant findings include:

- Submitting unallowable, unreasonable or unnecessary expenses or corrections that affect the total amounts for paying out.
- Exceeding allocation or task budget.
- Submitting an invoice that is not reflected in the UPWP.
- Submitting an invoice that is out of the project scope.
- Submitting an invoice that is outside of the agreement period.
- Documenting budget status incorrectly.

Corrections or findings that are not considered materially significant do not warrant elevation of MPO risk. Examples of corrections or findings that are not considered materially significant include:

- Typos.
- Incorrect budgeted amount because an amendment was not recorded.
- Incorrect invoice number.

Table 3. MPO Invoice Review Checklist Summary

MPO Invoice Review Checklist	Number of Correct Materially Significant Finding Questions
G0Y84-11	7/7

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Part 2 – FDOT District*

G0Y84-12	7/7
G0Y84-13	7/7
G0Y84-14	7/7
G0Y84-15	7/7
G0Y84-16	7/7
G1O32-1	7/7
MPO Invoice Review Checklist Total	
Total Number of Materially Significant Finding Questions that were Correct	49/49

**Note: There are 7 materially significant questions per MPO Invoice Review Checklist.*

MPO Supporting Documentation Review Checklist

List all MPO Supporting Documentation Review Checklists that were completed in the certification period in **Table 4** and attach the checklists and supporting documentation to this risk assessment. Identify the total number of materially significant finding questions that were correct on each MPO Supporting Documentation Review Checklist (i.e. checked yes). The MPO Supporting Documentation Review Checklist identifies questions that are considered materially significant with a red asterisk. Examples of materially significant findings include:

- Submitting an invoice with charges that are not on the Itemized Expenditure Detail Report.
- Submitting an invoice with an expense that is not allowable.
- Failing to submit supporting documentation, such as documentation that shows the invoice was paid.
- Submitting travel charges that do not comply with the MPO's travel policy.

Table 4. MPO Supporting Documentation Review Checklist Summary

MPO Supporting Documentation Review Checklist	Number of Correct Materially Significant Finding Questions
---	--

G0Y84-16	25/25
G1O32-1	25/25
MPO Supporting Documentation Review Checklist Total	
Total Number of Materially Significant Finding Questions that were Correct	50/50

**Note: There are 25 materially significant questions per MPO Supporting Documentation Review Checklist.*

Technical Memorandum 19-04: Incurred Cost and Invoicing Practices

Were incurred costs billed appropriately at the end of the contract period?

Please Check: Yes No N/A

Risk Assessment Score

Please use the Risk Assessment worksheet to calculate the MPO's risk score. Use **Table 5** as a guide for the selecting the MPO's risk level.

Table 5. Risk Assessment Scoring

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

Risk Assessment Percentage: 100%

Level of Risk: Low

Part 2 Section 2: Long-Range Transportation Plan (LRTP)

Did the MPO adopt a new LRTP in the year that this certification is addressing?

Please Check: Yes No

If yes, please ensure any correspondence or comments related to the draft and final LRTP and the LRTP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

N/A

Part 2 Section 3: Transportation Improvement Program (TIP)

Did the MPO update their TIP in the year that this certification is addressing?

Please Check: Yes **No**

If yes, please ensure any correspondence or comments related to the draft and final TIP and the TIP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

TIP – TPA Resolution 2020-08 Exhibit A FY 21-25.pdf – July 15, 2020

Part 2 Section 4: Unified Planning Work Program (UPWP)

Did the MPO adopt a new UPWP in the year that this certification is addressing?

Please Check: Yes **No**

If yes, please ensure any correspondence or comments related to the draft and final UPWP and the UPWP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

PBTPA 20200522 (ATT 1 of 1) Final UPWP.pdf - June 24, 2020

Part 2 Section 5: Clean Air Act

The requirements of [Sections 174](#) and [176 \(c\) and \(d\)](#) of the Clean Air Act.

The Clean Air Act requirements affecting transportation only applies to areas designated nonattainment and maintenance for the National Ambient Air Quality Standards (NAAQS). Florida currently is attaining all NAAQS. No certification questions are required at this time. In the event the Environmental Protection Agency issues revised NAAQS, this section may require revision.

Title(s) of Attachment(s)

N/A

Part 2 Section 6: Technical Memorandum 19-03REV: Documentation of FHWA PL and Non-PL Funding

Did the MPO identify all FHWA Planning Funds (PL and non-PL) in the TIP?

Please Check: Yes **No** **N/A**

Part 2 Section 7: District Questions

The District may ask up to five questions at their own discretion based on experience interacting with the MPO that were not included in the sections above. Please fill in the question, and the response in the blanks below. This section is optional and may cover any topic area of which the District would like more information.

1. Briefly discuss how each of the previous years' recommendations have been addressed?

The TPA is drafting a timeline of LRTP process and milestones with specific deadlines for submittal of external project requests so that the projects have more time to be reviewed collaboratively.

The TPA staff is also beginning to work with partners on the creation of methodology and process for finalized socioeconomic and financial projections by the time the 2050 LRTP kicks off.

The TPA is reviewing the 2045 Cost Feasible List in comparison to local comprehensive plans.

2. Calendar year (CY) 2020 has been a challenging year for all agencies in many ways. How has the MPO adapted during changing conditions to maintain a Continuing, Comprehensive, and Collaborative (3C) program during the COVID-19 pandemic? How was public input collected during and after COVID-19 office closures? What delays, if any, were encountered in your operations or functions? Has your agency implemented any new protocols that you plan to continue after COVID? Discuss any new best practices adopted during CY 2020 and discuss if the TPA sees additional opportunities to improve efforts in engaging with partners in the 3C process.

The TPA adapted to the COVID-19 pandemic in the following ways:

- Amended its Continuity of Operations Plan (COOP) to be more inclusive of events with/without warning, such as a pandemic. Additionally, the COOP became a more concise, readable, and implementable document.
- Amended its Personnel Handbook to address remote work procedures.
- Adopted TPA Resolution 2020-05 approving the TPA Operating Procedures, which established certain Emergency Powers to be utilized in times of such emergencies to include the use of Communications Media Technology to facilitate meetings. The Resolution also recognized a process for the future amendment of its Operating Procedures, as well as repealed by-laws for the TPA Governing Board and its advisory committees.
- Issued an internal memo regarding COVID-19 Workplace Policy and Procedures, which outlines a 3-phase plan. The TPA is currently operating in Phase 3.

- Implemented local, state, and federal regulations and best practices regarding COVID-19 pandemic procedures. This included, but is not limited to, purchasing personal protective equipment (PPE) for staff, adjusting the TPA common spaces to accommodate social distancing, and daily office sanitization.
- Began utilizing the Zoom webinar platform because it did not require the public to purchase or download any additional software or equipment to attend meetings virtually. It also allowed for the TPA to provide live closed captioning services and an additional public comment venue aside from the existing in-person, TPA website, and e-mailed or mailed public comment options.
- Implemented meeting space audio enhancements to allow for better quality in the Zoom webinar platform and meeting records.
- Purchased tablets with video cameras to be utilized by TPA Board and advisory committee members attending in-person to provide the virtual meeting attendees with a more personalized experience.

The TPA collected and continues to collect public input in the following ways:

- Written comments may be submitted online at the website provided in the agenda or by mail to the TPA office address.
- Verbal comments may be made by a virtual attendee using the raise hand feature in the Zoom webinar platform.
- Verbal and written comments may be provided by an in-person attendee submitting a comment card available at the welcome table.

The TPA encountered the following delays in operations or functions:

- Extensions to Florida Governor Executive Order No. 20-69, which suspended the requirement for a quorum to be present in-person or that a meeting be conducted at a specific place and establishing authorization to utilize communications media technology as provided in section 120.54(5)(b)(2), Florida Statutes.

Otherwise, TPA staff was able to adapt and make the necessary changes and purchases to allow staff to work remotely and to allow for Board and advisory committee meetings to move forward in a hybrid in-person and virtual experience.

The TPA implemented the following new protocols:

- Daily sanitization of high touch areas, use of PPE, and other best practices as noted by local, state, and federal agencies. *Note: These protocols will not continue following the pandemic.*
- Provide single-use condiments and refreshments during TPA Board and advisory committee meetings. *Note: These practices will be amended following the pandemic as the TPA strives to be a sustainable agency by producing less waste as well as supporting local businesses by purchasing refreshments from them.*
- Daily use of Microsoft Teams as a means of open communication with staff
- Utilization of Microsoft Teams, Zoom or other virtual meeting software to collaborate with partner agencies.

- Remote work allowance. *Note: Although the TPA has amended its Personnel Handbook to allow for remote work, it will on a contingency basis as described in the Handbook, which may be amended from time to time.*
- Hosting TPA Board and advisory committee meetings in a hybrid in-person and virtual format
- Virtual comment allowance through the Zoom webinar platform. *Note: If the TPA identifies a new communications media technology system, it will continue to allow virtual public comments to the extent allowable by the system.*

The TPA adopted the following best practices:

- Daily use of Microsoft Teams as a means of open communication with staff
- Utilization of Microsoft Teams, Zoom or other virtual meeting software to collaborate with partner agencies
- The TPA Board identified an increased desire for public participation at meetings and directed staff in the FY21 Strategic Plan to provide continuing live online access to Board meetings (Action 1.E.).
- Continue live streaming TPA Board meetings on YouTube and www.PalmBeachTPA.org/LIVE for increased public participation. The TPA will also continue uploading and making available prior month advisory committee and TPA Board virtual meetings on their YouTube channel.
- Utilizing closed captioning services for all advisory committee and Board meetings.
- Allowing for public comments virtually utilizing the Zoom webinar platform, in addition to the previous options as noted above.
- The TPA will continue to utilize its Strategic Plan and Unified Planning Work Program (UPWP) to identify additional opportunities to improve efforts in engaging with partners in the 3C process. The TPA established and annually updates its Strategic Plan as a measurable guide toward executing its mission and achieving its long-term vision. The Strategic Plan defines specific, incremental steps that will be initiated, monitored for timely progress, and annually reported to the TPA Board and the public. The FY21 Strategic Plan can be viewed at www.PalmBeachTPA.org/StrategicPlan.

*FDOT Joint Certification
Part 2 – FDOT District*

3. The Florida Transportation Plan (FTP) embraces a vision of how our transportation system meets the changing needs of our state. It also focuses on how we can work together to accomplish these seven goals: 1) safety for all modes of transportation; 2) maintaining infrastructure; 3) enhance mobility; 4) expand transportation choices; 5) invest in the economy; 6) support quality places and communities; all while 7) minimizing impacts on the environment. In CY 2020, explain how and where the following were addressed and incorporated:

- Safety
- Resiliency and sustainability
- Autonomous, Connected, Electric, and Shared (ACES) mobility options and impacts

The TPA addresses safety by:

- Providing points for improving safety in the scoring of TPA priority projects.
- Accomplishing actions identified in the TPA's Vision Zero Action Plan.
- Reviewing FDOT and local projects to incorporate greater safety treatments for vulnerable non-motorized users.

The TPA addresses Resiliency and sustainability by:

- Including SLR goals in the LRTP. The TPA is monitoring the progress of the Broward MPO SLR corridor studies to see how the TPA can implement similar studies.

The TPA addresses ACES options and impacts by:

- Creating a 100% Palm Tran electric vehicle fleet goal by 2030
Program TPA funding for Palm Tran electric vehicles and charging stations.

4. Describe the TPA's relationship between FDOT and other partner agencies (i.e.: SFRTA, Palm Tran, Local Municipalities, etc.) over the past year. What is working well? What areas can be improved? What ideas could be identified to enhance the relationships?

SFRTA

The TPA continues to work closely with SFRTA and Palm Tran on transit planning and coordination efforts. The TPA holds quarterly leadership coordination meeting with SFRTA and monthly coordination meetings with Palm Tran to touchbase on transit planning initiatives and status of TPA funded projects. TPA staff also serves on SFRTA's Planning Technical Advisory Committee and ADA Advisory Committee. In addition, TPA staff works with SFRTA and Palm Tran on updates to their agency Transit Development Plan (TDP) and coordinates to include agency safety targets in the TPA's TIP.

Most recently the TPA has developed an online interactive data dashboard and coordinated with Palm Tran and SFRTA to include local transit ridership and route information.

Palm Tran

The TPA continues to work closely with Palm Tran on multimodal corridor planning studies and advancing funding and implementation for the transit and first last mile connections identified in these studies. Currently the TPA is working with Palm Tran to advance transit improvements proposed in the US-1 Multimodal Corridor Study and is working on a full Multimodal Corridor Planning study for Okeechobee Blvd and SR-7, including transit supportive land use analysis, roadway and transit alternatives as well as health impact assessment. To date, the TPA has worked with Palm Tran on preliminary analysis and plans to kick off the full study with stakeholders and public engagement in spring 2021. Both the US-1 and Okeechobee Blvd/SR-7 corridors are identified as enhanced transit corridors in the TPA's 2045 LRTP as the "561 Plan" that was developed in coordination with Palm Tran.

The TPA also works closely with Palm Tran Connection to administer the Palm Beach Transportation Disadvantaged Local Coordinating Board meetings and planning grant activities per the Florida Commission for Transportation Disadvantaged (CTD) requirements, including developing and annually updating the Transportation Disadvantaged Service Plan (TDSP), performing an annual evaluation of Palm Tran Connection's service, and reviewing and approving the Annual Operating Report (AOR) and Annual Expenditures Report (AER).

Challenges with local partners and advancing transit projects have included turn over in staff / continuation of knowledge, change in leadership, lack of local funding for operations, and buy-in / competing interests from the County leadership level for roadway expansion projects (vehicle throughput) vs. (people throughput and safety first). TPA staff have scheduled bi-weekly meetings with new planning manager at Palm Tran to coordinate more closely on local planning studies and transit initiatives.

For the 561 Plan Multimodal Corridor studies, the TPA will involve local municipalities, health partners, transit agencies, FDOT, County, Chambers of Commerce, major land owners and local colleges to participate as key stakeholders in advancing a locally preferred alternative for each corridor.

Moving forward, the TPA plans to work more closely with municipalities and transit agencies to tie in land use in the evaluation of corridor studies to support transit and first-last mile connections.

Local Government

The TPA works closely with Palm Beach County and its municipalities to provide planning support, resources, and coordinate on projects that advance the TPA's vision of a safe, efficient and connected multimodal transportation system. The TPA has assisted local municipalities in creating local mobility plans, evaluating upcoming roadway projects for Complete Streets improvements, and developing Complete Streets and Vision Zero policies. In addition, the TPA organizes educational and encouragement events throughout the year to engage local municipalities, including SE FL Transportation Summit, Safe Streets Summit, Vision Zero workshops, Bicycle Safety Education

Webinars, and Transit Peer Exchanges. The TPA also participates in events held by local municipalities to promote safety, walking and bicycling.

Challenges to advance Vision Zero and Complete Streets projects have been turn over in staff, lack of staff time to devote to initiatives, and getting local buy-in for these types of projects and initiatives. The TPA is working on providing additional educational and encouragement opportunities, including virtual webinars and events, as well as creating a Complete Streets video to highlight successful local Complete Streets projects to generate more buy-in. The TPA is also working with its consultants to develop visuals and renderings of proposed roadway modifications to help locals gain a better understanding of what is proposed and generate local buy-in for projects.

FDOT

The TPA's relationship with FDOT continues to evolve with a goal of a collaborative partnership. In order to assist with the collaborative goal, the TPA would find it useful to have one point of contact for coordinating FDOT presentations to the TPA Board and advisory committees. The TPA suggests utilizing MPO Liaison Taylor to help coordinate any FDOT and TPA meeting logistics. This would alleviate multiple phone calls and emails to schedule presenters with various FDOT staff members. Note that this suggestion is only inclusive of regularly presented items and not project specific presentations.

The TPA continues to encourage FDOT to provide adequate time for the agency to complete their annual certification review responses as each year seems to have a tight deadline. This would assist the TPA in avoiding any extension requests.

The TPA continues to have concerns regarding FDOT's Draft Tentative Work Program (DTWP) timeline as it is delayed each year. In 2020, the TPA had to schedule January 2021 meetings (January is normally a break month) in order to accommodate FDOT's DTWP. FDOT provided the DTWP information in a delayed manner that resulted in TPA staff having a compressed timeline for reviewing, providing questions and comments to FDOT, and preparing meeting agenda backup materials. The delay also caused the TPA to cancel its Bicycle Trailways Pedestrian Advisory Committee (BTPAC) meeting due to lack of backup material. Finally, the delay compressed the timeline between the other advisory committees and the TPA Governing Board meeting. The TPA encourages FDOT to have their DTWP ready for presentation to the MPOs in a timely manner to allow adequate time for TPA staff and committee review and to avoid FDOT requests for additional unscheduled meetings.

The TPA encourages a more transparent, timely, and collaborative process in developing grant agreements and funding structures that impact the MPO's operations.

Part 2 Section 8: Recommendations and Corrective Actions

Please note that the District shall report the identification of and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board. The District may identify recommendations and corrective actions based on the information in this review, any critical comments, or to ensure compliance with federal regulation. The corrective action should include a date by which the problem must be corrected by the MPO.

Status of Recommendations and/or Corrective Actions from Prior Certifications

N/A

Recommendations

None

Corrective Actions

None

Part 2 Section 9: Attachments

Please attach any documents required from the sections above or other certification related documents here or through the [MPO Document Portal](#). Please also sign and attached the [MPO Joint Certification Statement](#).

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

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FLORIDA DEPARTMENT OF TRANSPORTATION
MPO JOINT CERTIFICATION STATEMENT

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 TPA 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 2/26/2021.

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

DocuSigned by:

Gerry O'Reilly

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Name: Gerry O'Reilly

Title: District Secretary (or designee)

DocuSigned by:

Nick Uhren

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Name: Nick Uhren

Title: TPA Director

6/3/2021 | 9:58 AM EDT

Date

5/26/2021 | 5:14 PM EDT

Date