



**Palm Beach TPA**  
**Joint Certification 2021**  
**1/14/2022**

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## 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.

## 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.

## **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.

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 22 planning funds is dated July 1, 2021 and expires June 30, 2022.

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 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-E Implement and monitor actions identified in the TPA's Vision Zero Action Plan.
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 the Long Range Transportation Plan (LRTP) goals and objectives, track progress toward selected targets, and identify potential projects for funding in the Transportation Improvement Program (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 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 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; the TPA continues to monitor sea level rise and storm surge as part of the performance measures. FDOT provided an update on Sea Level Rise implementation to the Citizen Advisory Committee in March of 2021. TPA staff participated in the Palm Beach County climate compact resiliency survey.
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 [PalmBeachTPA.org/PM](http://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 dashboard is updated throughout the year as new data becomes available. Presentation and selection of new performance targets by the Governing Board occurs annually in February.

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 (PPPs)? If so, when? For guidance on PPPs, see the Federal Highway Administration (FHWA) checklist in the [Partner Library](#) on the MPO Partner Site.

**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 LRTP and annual updates to the 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](http://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.

## 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. TPA finance staff reviews all new expenditures against 2 C.F.R. §200 and FDOT Technical Memo 20-01. 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 monthly. Occasionally, the TPA will invoice less frequently than monthly 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?

The TPA is an independent, standalone entity and receives funding through sub-recipient agreements through FDOT. The TPA has contracted an external auditor to perform the single audit and is currently in the process of completing its single audit for FY 2021.

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

As an independent agency, the TPA has established a financial management system that complies with requirements of 2 CFR 200.302.

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 and applicable State laws?

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

8. Does the MPO have an existing negotiated indirect cost rate from the Federal government or use the de minimis rate (currently set at 10% of modified total direct costs which may be used indefinitely ([2 C.F.R. 200.414\(f\)](#))?)

*In general, only those MPOs that are hosted by agencies that receive direct Federal funding in some form (not necessarily transportation) will have available a Federally approved indirect*

*cost rate. If the MPO has a staffing services agreement or the host agency requires the MPO to pay a monthly fee, the MPO may be reimbursed for indirect costs.*

Please Check: Indirect Rate  De Minimis Rate  N/A

- a. If the MPO has an existing negotiated indirect cost rate, did the MPO submit a cost allocation plan?

The check boxes above are not operational.

The TPA does not have or use an Indirect Rate at this time.

## 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 Director, Melissa Murray, serves as the Title VI and ADA Officer.

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 [PalmBeachTPA.org/nondiscrimination](http://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:

1. 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 that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, CONSULTANT agrees to comply with all applicable federal implementing regulations and any other implementing requirements FTA may issue.

2. Equal Employment Opportunity:

- (a) 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 Contract 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.

(b) 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.

(c) 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.

3. 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.”

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 [PalmBeachTPA.org/nondiscrimination](http://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 American Community Survey (ACS) five-year estimates. The TPA recently updated its Traditionally Underserved Index that is used for planning and prioritization. Metrics include race, ethnicity, poverty, limited English proficiency, disability status, elderly, youth, zero vehicle households, and education attainment.

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 attended the 2021 Southern Transportation Civil Rights Executive Council (STCREC) biennial Training Symposium on May 4, 2021 and May 5, 2021. The TPA’s Public Relations Director/Title VI and ADA Officer also participated in the FHWA ADA Webinar on the role of MPOs in Transition Plan Implementation on June 30, 2021. Additionally, the PR Director attended the SWS – ADA session of the 2021 FDOT Transportation Symposium Webinar Series on July 8, 2021. TPA staff attended Title VI training during the Florida Planning Conference on September 1, 2021 and September 2,

2021. Lastly, staff attended virtual sessions of the PRSA: ICON 2021 Conference through October 2021.

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: MPO Procurement and Contract Review and Disadvantaged Business Enterprises

1. Is the MPO using a qualifications based selection process that is consistent with [2 C.F.R. 200.320 \(a-c\)](#), [Appendix II to Part 200 - Contract Provision](#), and [23 C.F.R. 172](#), and Florida statute as applicable?

**Please Check:** Yes  No

The TPA prescribes the procurement method and necessary requirements within the TPA Procurement Policy. In addition, procurement and finance staff review the procurements individually to determine appropriate competitive processes. Procurements are separated by purchase amount into three classes. (1) Procurements less than \$5,000 require multiple vendor quotes when applicable, (2) Procurements \$5,000 or greater and less than \$25,000 are accomplished through a Request for Services (RFS) or Request for Quotes (RFQ). Procurements in excess of \$25,000 are accomplished through Request for Proposals (RFP), Invitation of Bids (IFB), or CCNA procurement. Procurements of \$5,000 and above have clear evaluation criteria, selection criteria, and public notification procedures.

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

Note: this documentation is required by [2 C.F.R. 200.325](#) to be available upon request by the Federal awarding agency, or pass-through entity when deemed necessary.

**Please Check:** Yes  No

The TPA maintains a complete record of rationale, submissions, evaluations, selections, public notices, and meeting recordings for procurements in excess \$5,000 and above.

Smaller scale procurements contain cost comparisons in the associated files.

Exempt procurements are contained within a file with all procurement notes, evaluations, justifications, and contracts.

3. 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.

4. 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 maintains Vendor Contract Summaries to track work orders and manage payments. In addition, the TPA uses Work Orders with associated agreements and maintains a record of all deliverable work provided as part of the agreement/work order.  
  
The TPA has routine communications with vendors to review contract status.

5. Does the MPO's contracts include all required federal and state language from the MPO Agreement?

**Please Check:** Yes  No

All contracts include the MPO agreement language.

6. Does the MPO follow the FDOT-approved Disadvantaged Business Enterprise (DBE) plan?

**Please Check:** Yes  No

Please see answer to question 9. The TPA also includes the use of a DBE as an evaluation criteria for procurements.

7. Does the MPO use the Equal Opportunity Compliance (EOC) system to ensure that consultants are entering bidders opportunity list information, as well as accurately and regularly accept 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. When that system is available for the TPA, and training has been provided, the TPA will utilize the EOC system.

8. The MPO must be prepared to use the Grant Application Process (GAP) to record their professional services contract information starting on July 1, 2022. Has the MPO staff been trained on the GAP system? If yes, please provide the date of training. If no, please provide the date by when training will be complete (Recordings are available on the FDOT Local Programs [webpage](#)).

**Please Check:** Yes  No

The TPA planning staff received training on the use of GAP as it relates to submittal and monitoring of competitive project applications on August 19, 2021.

The TPA is unaware of the use of the GAP system for other professional services contracts. The actions by the MPO are not yet clear therefore this response is blank until further clarity is provided.

9. 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. The CONSULTANT shall provide the TPA with a copy of the CONSULTANT's contract with any subcontractor and any other related documentation requested by TPA's representative. A copy of the Sub-Consultant Qualification Questionnaire Form and Prime Consultant Qualification Questionnaire Form submitted by the CONSULTANT with its proposal, and documentation evidencing the certification of DBEs to be used in the performance of this Agreement, are attached to this Agreement as Exhibit "D" and incorporated into and made a part hereof.

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 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."

10. Are the MPO procurement packages (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contracts free from geographical preferences or bidding restrictions based on the physical location of the bidding firm or where it is domiciled?

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

11. Are the MPO procurement packages (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contracts free of points or award preferences for using DBEs, MBEs, WBEs, SBEs, VBEs or any other business program not approved for use by FHWA or FDOT?

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

12. Please identify all locally required preference programs applied to contract awards by local ordinance or rule that will need to be removed from Federal-Aid solicitations and contract.

- a)  Minority business
- b)  Local business
- c)  Disadvantaged business
- d)  Small business
- e)  Location (physical location in proximity to the jurisdiction)
- f)  Materials purchasing (physical location or supplier)
- g)  Locally adopted wage rates
- h)  Other: \_\_\_\_\_

13. Do the MPO contracts only permit the use of the approved FDOT race-neutral program?

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

14. Do the MPO contracts specify the race neutral or 'aspirational' goal of 10.65%?

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

15. Are the MPO contracts free of sanctions or other compliance remedies for failing to achieve the race-neutral DBE goal?

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

16. Do the MPO contracts contain required civil rights clauses, including:

- a. Nondiscrimination in contracting statement (49 CFR 26.13)
- b. Title VI nondiscrimination clauses Appendices A and E (DBE Nondiscrimination Assurance & 49 CFR 21)
- c. FDOT DBE specifications

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

## 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.

### Engage the Public

- Hosted several educational webinars on topics including Women in Bicycling, The Future of Public Transportation and Cycling for Sustainable Cities.
- Updated the TPA's bi-weekly newsletter to increase our open rate by 5% and our click rate by 1%, both 5% above the industry average.
- Increased public awareness of the TPA by securing media placements in dozens of television, radio and print stories and establishing new relationships with local reporters to continue coverage in the future.
- Expanded TPA social media presence by increasing followers and impressions across all platforms, with a goal of reaching 4,000 total followers and 25,000 monthly impressions by June 30, 2022.
- Presented to various partner agencies and groups about the TPA's work, mission and vision including local HOAs, municipalities, Palm Beach County League of Cities, Safe Kids Palm Beach County, South Florida Business Council and County/City Managers Association.
- Hosted an in-person and two virtual workshops for the Okeechobee Boulevard & SR 7 Multimodal Corridor Study and completed various other in-person and virtual outreach efforts.
- Completed an "About Us" video to inform the public about the work of the TPA, as well as videos about the Benefits of Complete Streets, FL Senate Bill 950 and profiles on Governing Board members.

### Plan the System

- The TPA began evaluating all pedestrian & bicycle fatal crashes quarterly for distribution to the TPA committees & Governing Board. Although the implementation and coordination of the reports is still being refined, the reports create the sense of urgency and reminder of the significance of safety in all the TPA's decisions.
- Conducted pedestrian and bicycle safety field reviews and created an interactive map to showcase the findings. Available at: [PalmBeachTPA.org/WalkBikeAudits](https://PalmBeachTPA.org/WalkBikeAudits)

- Implemented an ArcGIS online open data hub to provide easy access to TPA data. Available at: <https://opendata-palmbeachtpa.hub.arcgis.com/>.
- Commenced multimodal transportation studies on the Okeechobee Boulevard & SR 7 transit plan corridors.
- Analyzed impacts of the COVID-19 pandemic on current and future travel patterns within Palm Beach County.
- Collected pedestrian and bicycle count data at 12 intersections in collaboration with Palm Beach County Traffic Operations and Iteris VantageLive.
- Identified 2 new locations for FDOT temporary counters and collected pedestrian and bicycle counts for a 2-week period in November 2021.
- Identified 1 new location for FDOT to install a continuous pedestrian and bicycle count station.
- Assisted the Village of Palm Springs with a Transportation Mobility Plan that was adopted in September 2021.
- Assisted the Indian Trail Improvement District with a Mobility Plan.
- Conducted an evaluation of existing SUN Trail corridors and their current conditions, as well as recommended new alignments based on existing facilities.
- Analyzed existing pedestrian and bicycle conditions along A1A throughout Palm Beach County, and recommended improvements where right of way allowed.

### **Prioritize Funding**

- Established a new application process for small-scale state roadway projects called State Road Modifications (SRM), which allocates a portion of District Dedicated Revenue (DDR) funds to enhance state roadways in Palm Beach County through Complete Streets, traffic calming and intersection improvement projects. The program encourages the submittal of projects that align with upcoming FDOT maintenance projects.
- Developed a performance measures interactive dashboard through the MySidewalk platform, similar to the Broward MPO. The TPA included additional information on the dashboard on how the TPA is achieving the measures.
- Updated Local Initiatives (LI), Transportation Alternatives (TA) and introduced SRM scoring system to ensure projects advance TPA priorities.
- Supported TPA Board Member, Boca Raton Council Member Andy Thomson, during his attendance in the 2021 Champions Institute.

- Provided letter of support to TCRPC for their application to the US Economic Development Administration for funding to add pedestrian and bicycle amenities along the East Coast Greenway.

### **Implement Projects**

- Worked with FDOT to provide scheduling milestone report, which the TPA re-organizes based on TPA priorities and provides monthly in agenda packets for all advisory committee and Governing Board meetings. An example is available at: [https://www.palmbeachtpa.org/static/sitefiles/meeting/2021\\_DEC\\_16\\_TPA\\_Agenda-Backup.pdf#page=192](https://www.palmbeachtpa.org/static/sitefiles/meeting/2021_DEC_16_TPA_Agenda-Backup.pdf#page=192)
- Led Vision Zero initiatives in Palm Beach County, including adopting an updated Vision Zero Action Plan, while encouraging local agencies to adopt policies.
- Participated in the FDOT's Pedestrian Bicycle Safety Coalition as a member of the Vision Zero emphasis area.

### **Collaborate with Partners**

- Organized and hosted a regional Safe Streets Summit that was held virtually with the Broward MPO and Miami-Dade TPO in January 2021.
- Hosted walk and bicycle safety audits with community and government partners on Indiantown Road in Jupiter, at Palm Beach Gardens Elementary School, Banyan Creek Elementary School in Delray Beach, and at the intersection of Donald Ross Road and U.S. 1 in Juno Beach to identify pedestrian and bicycle safety concerns by experiencing the built environment and recording findings through an internet-browser based tool created in-house.
- Held a South Florida Transportation Surtax Roundtable with the Broward MPO, Broward County Transit, Broward County, Miami-Dade County and members of the TPA Governing Board on December 6, 2021.
- Hosted a Mobility Week Bike Ride with Tri-Rail, Palm Tran, FDOT and South Florida Commuter Services on November 4, 2021.
- Participated in the U.S. DOT's Office of Small and Disadvantaged Business virtual Legacy Masterclass Series.
- Coordinated a Florida Bicycle Month ride in March 2021, inviting elected officials, municipal staff, partner agencies and the public.
- Encouraged local agencies to adopt Florida Bicycle Month Proclamations, resulting in 10 municipal adoptions, Palm Beach County's Board of County Commissioners and the TPA Governing Board.

- Participated in the Florida Love to Ride Challenge in May 2021 and the National Bike Challenge in November 2021 to compete with partner agencies for most miles logged on a bicycle.
- Created Pedestrian and Bicycle Fatal Crash Summary reports and collaborated with stakeholders on improvements to mitigate future crashes.

### **Administer the Agency**

- Awarded a Bicycle Friendly Business and Commuter Friendly Workplace.
- Continued to offer hybrid meeting options for TPA Board and advisory committee members as well as easy access for the public to participate and provide public comment. All virtual meetings utilized the Zoom webinar platform with live closed captioning for greater accessibility.
- Adopted the FY 22 Strategic Plan with updated actions and outcomes based on TPA Board and advisory committee feedback.
- Amended the TPA Holidays to include Juneteenth, in line with it becoming a federal holiday.
- Hired and onboarded a Public Relations Director, Public Relations Specialist, Executive Secretary, Long Range Transportation Plan Coordinator, and an Interim Executive Director.
- Executed contracts for external auditing services, building cleaning and maintenance services, copier services, a learning management system and with training vendors for ongoing staff learning opportunities, and with a recruitment firm to hire a permanent Executive Director.
- Completed the TPA's first Single Audit as an independent agency.
- Procured promotional items and supplies for increased public engagement.
- Navigated the local, state, and federal changes to rules and laws related to the COVID-19 pandemic.
- Established a fitness reimbursement program to be implemented in CY 22.
- Established a TPA Governing Board Executive Committee that will meet annually to review the TPA's Strategic Plan, review and recommend content related to other TPA initiatives, facilitate the hiring process for a new Executive Director, and undertake other tasks as may be assigned by the Governing Board.

## 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.

### GAP Program

Although the TPA supports making the LAP process more efficient, the GAP tool does not allow for flexibility to provide administering of the application process by TPA staff for TPA prioritized projects. The tool is also FDOT branded. The TPA has reservations about using an outside tool that limits the administration of the planning and prioritization process for MPO-funded projects.

### Draft Tentative Work Program (DTWP)

TPA staff is not supportive of requesting Board action on the DTWP without review by TPA committees. Hopefully we can work on timing this coming year to better align.

We are excited and appreciative to see that the Work Program office is able to provide the data in a full excel and with mapping at <https://fdotewp1.dot.state.fl.us/FMSupportApps/WorkProgram/>. This will go a long way in assisting our staff in cutting down on review and preparation time.

### DBE Participation

The questions about the use of DBE, restrictions to use DBE, and introduction of the term “race-neutral” in place of DBE aspirational goals has created a lot of confusion. This needs to be clarified so that the TPA and all MPO’s understand the requirements and necessary actions. Question 11 in Section 4 is unanswered pending further information and clarification.



**Palm Beach TPA**  
**Joint Certification 2021**  
**2/28/2022**

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## **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.

## 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 §200.332 \(b\)-\(e\)](#), 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 §200.208.*

*(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 written confirmation from the*

*subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.*

*(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.*

*(4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section §200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.*

*(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.*

**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.**

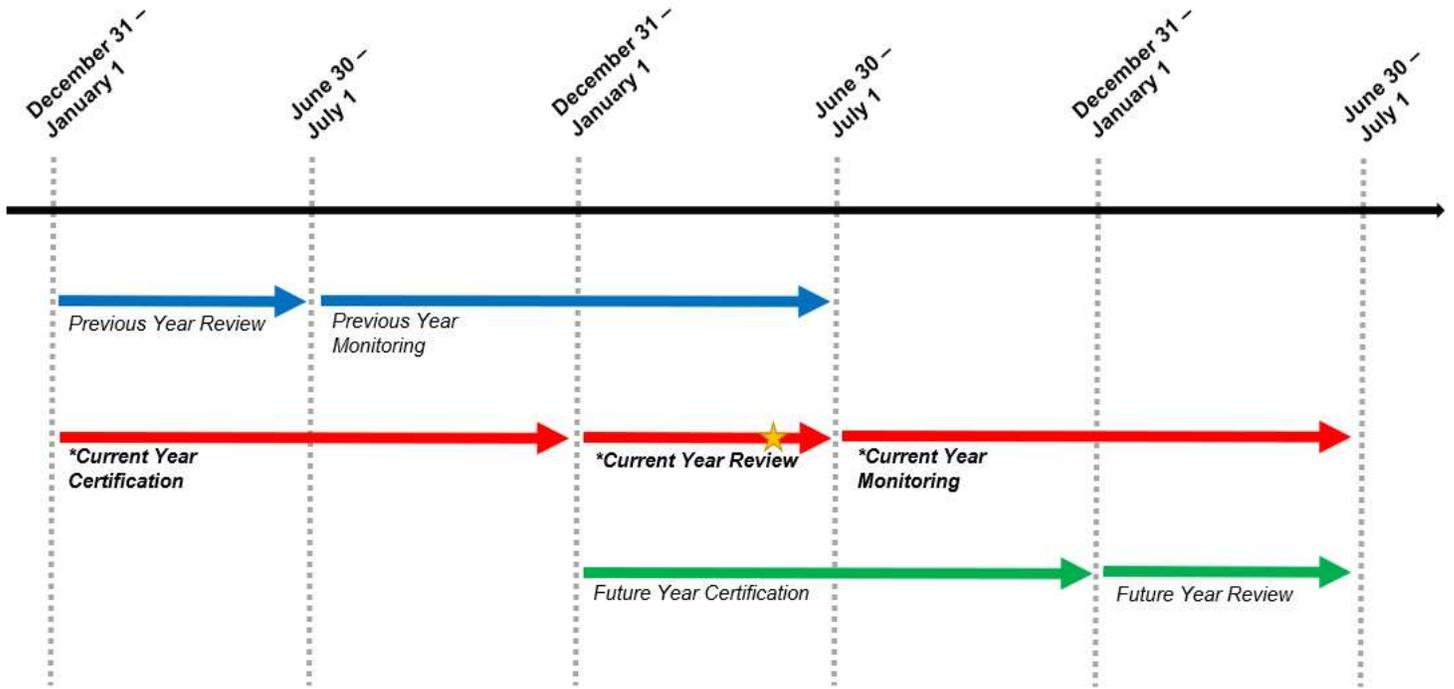
The questions in Part 2 Section 1: Risk Assessment are quantified and scored to assign a level of risk for each MPO, which will be updated annually during the joint certification process. The results of the Risk Assessment determine the minimum frequency by which the MPO’s supporting documentation for 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

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 1<sup>st</sup> - Joint Certifications are due to FDOT

## **Part 2**

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

## 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)
G1032-02	09/01/2020 – 10/31/2020	01/25/2021	NO
G1032-03	10/01/2020 – 01/31/2021	03/29/2021	NO
G1032-04	12/01/2020 – 02/28/2021	04/20/2021	NO
G1032-05	08/04/2021 – 03/31/2021	07/06/2021	YES
G1032-06	08/11/2020 – 04/30/2021	08/26/2021	YES
G1032-07	01/25/2021 – 05/31/2021	09/02/2021	YES
G1032-08	07/01/2020 – 06/30/2021	09/17/2021	NO
G1032-09	07/01/2021 – 07/31/2021	11/02/2021	YES

<b>G1032-10</b>	08/01/2021 – 08/31/2021	11/23/2021	NO
<b>G1032-11</b>	10/01/2020 – 09/30/2021	12/16/2021	NO
<b>MPO Invoice Submittal Total</b>			
<b>Total Number of Invoices that were Submitted on Time</b>			<b>6</b>
<b>Total Number of Invoices Submitted</b>			<b>10</b>

### 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 UPWP revision number.
- Incorrect invoice number.

**Table 3. MPO Invoice Review Checklist Summary**

MPO Invoice Review Checklist	Number of Correct Materially Significant Finding Questions
G1032-02	7
G1032-03	7
G1032-04	7
G1032-05	7
G1032-06	7
G1032-07	7
G1032-08	7
G1032-09	7
G1032-10	7
G1032-11	7
<b>MPO Invoice Review Checklist Total</b>	
<b>Total Number of Materially Significant Finding Questions that were Correct</b>	<b>70</b>

*\*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
<b>G1032-7</b>	25
<b>MPO Supporting Documentation Review Checklist Total</b>	
<b>Total Number of Materially Significant Finding Questions that were Correct</b>	<b>25</b>

*\*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: 88%**

**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

[Draft TIP Palm Beach FY 22-26.pdf](#), 6/9/2021

[FY22-26 Final TIP.pdf](#), 7/30/2021

[Palm Beach TPA Draft TIP Review Checklist \\_7.15.21.pdf](#), 7/30/2021

## 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

N/A
-----

## 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: MPO Procurement and Contract Review

To evaluate existing DBE reporting requirements, choose one professional services procurement package and contract between the MPO and a third party to answer the following questions. If the answer to any of the questions is no, there is no penalty to the MPO. FDOT is using this information to determine technical support and training for the MPOs. Any new procurements after July 1, 2022 must be compliant with the existing DBE reporting requirements.

1. Are the procurement package (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contract free from geographical preferences or bidding restrictions based on the physical location of the bidding firm or where it is domiciled?

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

2. Are the procurement package (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contract free of points or award preferences for using DBEs, MBEs, WBEs, SBEs, VBEs or any other business program not approved for use by FHWA or FDOT?

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

3. Does the contract only permit the use of the approved FDOT race-neutral program?

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

4. Does the contract specify the race neutral or 'aspirational' goal of 10.65%?

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

5. Is the contract free of sanctions or other compliance remedies for failing to achieve the race-neutral DBE goal?

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

6. Does the contract contain required civil rights clauses, including:
- a. Nondiscrimination in contracting statement (49 CFR 26.13)
  - b. Title VI nondiscrimination clauses Appendices A and E (DBE Nondiscrimination Assurance & 49 CFR 21)
  - c. FDOT DBE specifications

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

## Part 2 Section 8: 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. Calendar year (CY) 2021 continued to be a challenging year for all agencies in many ways. This year, how has the MPO continued to adapt during the ever-changing conditions to maintain a Continuing, Comprehensive, and Collaborative (3C) program as the COVID-19 pandemic continued to ebb and flow? How was public input collected as the COVID-19 protocols continued to change? What delays, if any, were encountered in your operations or functions this year? Has your agency implemented any new outreach/collaboration efforts this year that you plan to continue, moving forward? Discuss any new best practices adopted during CY 2021 and discuss where the MPO sees additional opportunities to improve engaging with partners in the 3C process.

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

- Issued TPA Emergency Order No. 2021-01, which authorized the TPA to conduct meetings with a virtual quorum and established rules for virtual public meetings. This was based on direction given by the TPA Board during its January 21, 2021 meeting, where members expressed concerns that the advisory committees were not able to regularly establish quorum due to in-person attendance restrictions under the County's state of emergency and rising COVID-19 cases.
- Continued to update an internal memo regarding COVID-19 Workplace Policy and Procedures, which outlines a 3-phase plan. The TPA is still operating in Phase 3.
- Continued to implement local, state, and federal regulations and best practices regarding COVID-19 pandemic procedures.
- Continued utilizing the Zoom webinar platform because it does 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.
- Hosted workshops, conferences, webinars and other events virtually and/or in a hybrid fashion to allow more individuals to attend remotely.

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 did not encounter any delays in operations or functions during this calendar year. TPA staff continued to adapt and make the necessary changes and purchases to allow staff to work remotely, as needed, 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 outreach/collaboration efforts:

- Hosted several webinars on topics including Women in Bicycling, The Future of Public Transportation and Cycling for Sustainable Cities.
- Updated the TPA's bi-weekly newsletter to include more engaging information and be more visually appealing.
- Increased public awareness of the TPA by securing media placements in dozens of television, radio and print stories and established new relationships with local reporters to continue coverage of the TPA's work.
- Expanded TPA social media presence by increasing followers and impressions across all platforms.
- Completed several videos about the TPA's work, Complete Streets, the impacts of Senate Bill 950 and other timely topics.
- Hosted walk and bicycle safety audits with community and government partners to identify pedestrian and bicycle safety concerns by experiencing the built environment and record findings through an in-house internet-based tool.
- Organized and hosted the Safe Streets Summit in a virtual format, collaborating with the Broward MPO and Miami-Dade TPO.
- Held a South Florida Transportation Surtax Roundtable with the Broward MPO, Broward County Transit, Broward County, Miami-Dade County, and members of the TPA Governing Board.
- Hosted a Mobility Week Bike Ride with Tri-Rail, Palm Tran, FDOT and South Florida Commuter Services.
- Participated in the U.S. Department of Transportation's Office of Small and Disadvantaged Business virtual Legacy Masterclass Series.
- Held both in-person and virtual workshops for the Okeechobee Boulevard & SR 7 Multimodal Corridor Study.

The TPA adopted the following best practices:

- Utilization of Microsoft Teams, Zoom or other virtual meeting software to collaborate with partner agencies
- Continued live streaming TPA Board meetings on YouTube and [PalmBeachTPA.org/LIVE](https://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.
- Continued utilizing live closed captioning services for all advisory committee and Board meetings.
- Continued 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 FY22 Strategic Plan can be viewed at [PalmBeachTPA.org/StrategicPlan](http://PalmBeachTPA.org/StrategicPlan).

2. 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 2021, explain how and where the following were address and incorporated: Safety, Enhanced Mobility, Resiliency and Sustainability, Autonomous, Connected, Electric, and Shared (ACES) mobility opportunities and impacts. How did the MPO work with their partners to address/incorporate the four (4) above goals?

#### Safety

- Updated the TPA's Vision Zero Action Plan and began working towards the implementation of the actions.
- Created a new state road prioritization process with an emphasis on safety.
- Reviewed FDOT and local projects to incorporate greater safety treatments for vulnerable non-motorized users.
- The TPA continues to have discussions with all partners regarding the appropriate type of bicycle facility that is safe and encourages bike use.

#### Enhanced Mobility

- Palm Tran implemented their fare interoperability system with portions from the TPA's SU funding. The fare service increases usability across platforms and improves reliability.
- Assisted in mobility studies for the Village of Palm Springs and Indian Trail Improvement District.
- Continue to focus on providing safe and convenient transportation options to shift to other modes of transportation outside of cars.

#### Resiliency and sustainability:

- Including SLR goals in the Long Range Transportation Plan (LRTP). The TPA continues to monitor the progress of the Broward MPO SLR corridor studies to see how the TPA can implement similar studies.
- Completed a COVID-19 study that recommends opportunities during transportation disruptions.

#### ACES opportunities and impacts:

Programmed TPA funding for Palm Tran electric vehicles and charging stations. Funding is set for FY 2024 and FY 2026.

3. Describe the MPO's relationship between FDOT and other partner agencies (i.e.: SFRTA, Indian River County, Palm Tran, Local Municipalities, etc.) over the past year (2021). What is working well? What areas can be improved? What ideas/coordination 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 weekly coordination meetings with Palm Tran to touch base 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 Transportation Improvement Program (TIP).

#### **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 on a full multimodal corridor planning study for Okeechobee Boulevard and SR 7, including transit supportive land use analysis, roadway and transit alternatives as well as health impact assessment. The TPA kicked off the full study with stakeholders and public engagement in August 2021, and the Okeechobee Boulevard and 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, the County, Chambers of Commerce, major landowners, 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 coordination 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 Southeast Florida 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. Several of these were held in 2021, including topics such as Women in Bicycling, The Future of Public Transportation and Cycling for Sustainable Communities. A Complete Streets video was created in August 2021 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. The TPA found it helpful having MPO Liaison Taylor as the main point of contact to coordinate FDOT presentations to the TPA Board and advisory committees. It was also helpful to have the main FDOT Project Manager coordinate presentation efforts and internal meetings to achieve the TPA Board and committee’s desired outcomes.

The TPA continues to have concerns regarding FDOT’s Draft Tentative Work Program (DTWP) timeline as it is delayed each year. In 2021, the TPA received the draft Turnpike work program on September 29, and the draft district work program on October 11, which did not allow for review by TPA staff, TPA advisory committees, or members of the public in order to properly inform and advise the TPA Governing Board during its October 20 meeting. As established in the TPA’s Operating Procedure, agenda packets are distributed a week prior to each meeting to allow adequate review time by its members and the general public. TPA staff were requested to move the October meeting dates to accommodate FDOT but declined due to the adverse effects it would have on other agenda items and partner agency meetings. The TPA adopts its schedule a year in advance to allow its members to properly prepare for meetings and avoid conflicts with other municipal and county meetings. 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 FDOT to continue holding quarterly meetings within the districts to allow for a collaborative process in sharing best practices, discussing areas of concern, and for additional training as needed. TPA staff found these meetings useful and looks forward to them continuing in CY 22.

The TPA requests improved communication regarding the DBE, EOC, and GAP system requirements. The initial communication was made through the certification form and then

the DBE discussion happened through the FMPP webinar. The discussion did not have details on the system, the requirements for use, nor provide access until after the certification meetings.

## Part 2 Section 9: 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

Based on a recent audit from the Office of Inspector General (OIG), it is evident that a more systematic (and sequential) submittal of invoices and UPWP modifications is necessary in order to maintain consistency among the invoices, the amount expended from each task and the balances available for each task – as opposed to submitting multiple documents (invoices/modifications) for review and approval at the same time. Moving forward, the Department will only accept a single invoice or UPWP modification for review/approval. Once approved the related document or subsequent document can be submitted for review, approval, and processing. This will ensure accuracy of the information and eliminate future delays due to subsequent submittals.

### Corrective Actions

N/A

## Part 2 Section 10: 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

N/A
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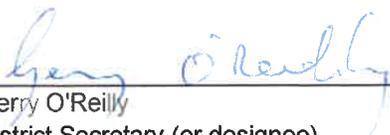
**JOINT CERTIFICATION STATEMENT ON THE METROPOLITAN  
TRANSPORTATION PLANNING PROCESS**

Pursuant to the requirements of 23 U.S.C. 134(k)(5) and 23 CFR 450.334(a), the Department and the MPO have performed a review of the certification status of the metropolitan transportation planning process for the Palm Beach 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 01/26/22.

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

  
Name: Gerry O'Reilly  
Title: District Secretary (or designee)

5/4/2022  
Date

  
Name: Valerie Neilson  
Title: Palm Beach TPA Executive Director (Interim)

04/15/2022  
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 TPA 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 TPA 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.



Name: Valerie Neilson  
Title: MPO Chairman (or designee)

04/15/2022  
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 TPA that:

- (1) No Federal or state appropriated funds have been paid or will be paid by or on behalf of the Palm Beach TPA, 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 TPA 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.



Name: Valerie Neilson

Title: Palm Beach TPA Executive Director (Interim)

04/15/2022

Date

## **DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION**

It is the policy of the Palm Beach TPA 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 TPA, 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 TPA, in a non-discriminatory environment.

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



\_\_\_\_\_  
Name: Valerie Neilson  
Title: Palm Beach TPA Executive Director (Interim)

04/15/2022

\_\_\_\_\_  
Date

## TITLE VI/ NONDISCRIMINATION ASSURANCE

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

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

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



Name:

Title: Palm Beach TPA Executive Director (Interim)

04/15/2022

Date

## APPENDICES A and E

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

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

Contractor shall take such action with respect to any subcontract or procurement as the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the Florida Department of Transportation to enter into such litigation to protect the interests of the Florida Department of Transportation, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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